

THE ROGER GOODELL FRAUD AND STUPIDITY IN SEATTLE'S END ZONES

Most
all
who
read
this
blog
already
know
the
patent
bogosity
that



is #Deflategate. But, Roger Goodell, on behalf of the entire National Football League, relentlessly and petulantly screams that not only is the ginned up horse manure worthy of occupying the NFL's time, he and the NFL have seen fit to copiously waste the time of two different levels of the federal court system.

Even worse, they have either sought, or by their unyielding craven attitude, caused stipulations to be entered that the federal court system accelerate their cases while far more important criminal and civil cases wait. It is the epitome of arrogance and corporate hubris and personal narcissism.

Roger Goodell has consistently lectured all the rest of us, who do not make \$44 million a year for being an incompetent jerk, that the whole ginned up, factually unsupported, steer manure that is #Deflategate is all "to protect the integrity of the league".

What a load of horse manure. Has Roger Goodell seen what happened in the end zone at the end to the game in Seattle last night?? If the

"integrity of the league" is not at issue with this type of blatant misapplication of the clear rules, and ... what confirmation (or not!) by the NFL's vaunted replay system (which is curiously not applied in many situations when it is dispositive), then what is?

Well, okay, THAT was really stupid and in complete contradiction of the crystal clear NFL rules. But hey, it is not like the referees could have looked at tape and done the honest thing to not hand the game on a platter to the Seahawks and skew the league for the entire year. Well, of course, they actually COULD HAVE done the right thing, but just did not. But beyond screwing the pooch, then the NFL's stenographers at ESPN put up some former NFL referee expert™ to explain and cover for the patently obvious wrongful cow dung. Because that is what toadies do I guess.

Not exactly the first time, however, the NFL has willingly sanctioned and ratified stupidity in a Seattle Seahawks end zone that ended up screwing, and altering, the lives and seasons of teams and players across the league. No, of course, there was this intellectually insulting crap that occurred because Roger Goodell was too cheap to pay the referees and umpires in his league a few extra bucks (maybe if NFL paid more, they could get better, and full time, officials). Watch Goodell's inglorious work in the 2012 game between Seattle and Green Bay:

So, the "integrity of the game" didn't matter when Roger Goodell was trying to bust the game officials' union for a cheap last couple of dollars. The "integrity of the game" apparently doesn't matter to the NFL, or their apologists, over the sham that clearly occurred in Seattle last night. And Goodell and the NFL's precious "integrity of the game" seems, to them, to be worth more than all other civil litigants in SDNY and the 2nd Circuit, even if there are serious civil rights and criminal cases that get shoved aside for their arrogance.

But Roger Goodell struts out like the \$44 million a year arrogant peacock that he is and claims obsessively that a ginned up sting job the league ran on Tom Brady and the Patriots, that has absolutely no credible evidence to support it, was “necessary” for the “integrity of the game”.

The millions of dollars for an inherently biased, not to mention intellectually and legally incoherent, Ted Wells report, the waste of time, and acceleration before all other pending cases and controversies, including criminal cases with lives in the balance, of a federal judge in the Southern District of New York (SDNY)...that was in Roger Goodell’s “Integrity of the game”. They now waste time in the 2nd Circuit Court of Appeals, and on an accelerated basis – all on affirmative initial filings by Goodell and the NFL – that, too, is in the precious “integrity of the game” for Roger Goodell.

The only thing that does not seem to be within the “integrity of the game” for Roger Goodell and the NFL is actual integrity and sense of place for the game. What a clownshow Roger Goodell is, and is running for the vaunted NFL shield.

BEYOND DEFLATEGATE: THE NFL SEASON BEGINS

Hi there! How ya doing! Because I have been oppressed with this Tom Brady porn bullshit from blog partner and sister, that Wheel person. Very ugly and unnecessary. But I am going to let it stand for all of posterity, not to mention both of our posteriors. Still, you have to wonder when enough is enough (like when she hijacked my

last post).

I used to love her, but....

So, enough about yer local riff raff, and about #Deflategate (which was bullshit from the inception) let's get on to the game at hand. That would be the Patriots versus the Steelers.

Yes, Brady has a giant chip on his shoulder. Yes the Pats are defending Superbowl champs and Big Ben and the Steelers are not. Nevertheless, this is one hell of a season opening game. In fact, it is pretty hard to imagine a better one under the circumstances. Say what you will about how any got there, there are only a precious few at the top of all time winners in the Super Bowl era. They include the Steelers and Pats. And, yes, the Steelers, for all the Pats glory in the last 15 years, are still winning that overall matchup. The 49ers, Packers, Cowboys and Gents are totally in there, but the more recent elite are pretty clear.

So, here we are. Steelers have Big Ben and....what? Ben Roethlisberger and Antonio Brown are as good a duo as you can get. But without Bell, who is suspended, in the backfield, that is going to place some extra pressure on the Steelers offense. A face Bill Belichick undoubtedly knows. By the same token, the Pats pass defense rests on a backfield without either Darrell Revis or Brandon Browner. Pretty easy to see Malcomb Butler continuing to become a stud above and beyond his one play Super Bowl XLIX heroics, but similarly hard to see there not being some early hiccups in that road. Would not want to be Butler on Antonio Brown tonight.

But will DeAngelo Williams, who will sub for Bell and Cody Wallace, who is subbing for center Maurkice Pouncey, be able to pick up the slack? Yes, I think so, but not nearly enough.

That said, the Patriots are without LeGarrette Blount, due to a one game suspension. I think that Dion Lewis (who is potentially breakout star) and Travaris Cadet will come out of nowhere to semi-carry the load. So, both sides

have some issue at running back, but, hopefully, capable backups. I'd give a slight edge to the Pats, but by a VERY slight margin.

We all know the QB's on these two respective teams. They are both great. Hard to see an edge here other than the psychological harden that Brady may have. But I am not putting that much in that, Ben will come to play too.

Comes down to defense. Call me crazy, and probably you should for this, but I think the Pats have the edge on the new, dick LeBeau-less, and untested, Steeler's defense. Troy Polamalu and Ryan Clark ain't walking through that tunnel. Especially so with the questions in the Pittsburgh offensive line. If there is a win here, that, and a pissed off Brady, are where I see it. And that is where I see it, the Steelers are good, but the Brady's come out roaring and winning tonight. don't make me regret this Deflators!

So, there you have it. #Deflategate is still a legal pile of dubious garbage manufactured, as is now even more clear, by an arbitrary and capricious, if not arrogantly craven, Roger Goddell and the NFL. We shall deal with that more later. For now, trash it up and let loose the dogs of football war.

And that is that. On top is an incredible Taiwanese animation on the latest ESPN slanted bunk trying to give cover to the NFL for #Deflategate. It's really awesome. Lower is one of my newest favorite bands, this one from down under, specifically Perth, Boom! Bap! Pow! Yeah, that is their name, and they are killer.

The real football season is upon us folks, rip this joint.

THE DEFLATEGATE DECISION: BRADY HAS BEEN FREED!

Commissioner Goodell contends that "[t]he conduct at issue here is also very different from the incident involving the [Jets](#) equipment staff member who 'attempted to use' unapproved equipment in plain view of the officials to prepare kicking balls prior to a 2009 game against the Patriots. There was no evidence of any player involvement. However, it bears mention that the Jets' employee was suspended from his regular game-day duties for a period longer than the suspension under review here." Award at 15. The Players Association counters that "the Jets' kicker – the player who could have benefitted from the alleged 'attempt to gain a competitive advantage' – was not investigated, let alone disciplined. This was perfectly consistent with the

31

Competitive Policy's application to Clubs [and Club personnel], not players." Def.'s Countercl. ¶ 116 (emphasis in original).

emptywheel sez:
We interrupt this in depth legal discussion to point out that the WOLVEREENIES ARE BACK!!

Better still, they've got unbeatable juju going into tonight's game against Utah. That's because (unreported among all the other less important Deflategate legalisms) the Wolverineenies have ALREADY worked together to score today.

That's right.

You see, Jay Feely and Tommy Brady combined to score a point in Judge Berman's decision today. On Monday, former UM kicker Jay Feely '99 testified on behalf of former UM QB Tom Brady '00 (just like me!!!). Feely explained about how when the Jets got busted for fucking with their balls in 2009 – in a game against Division rivals the Pats, against Tom Brady – he, the kicker who allegedly benefitted from the improperly doctored balls, faced no punishment.

If you're not going to punish Jay Feely, Judge Berman suggested, you can't punish Tommy Brady. At least, you can't expect Tommy to think he'll

get punished, because his college buddy didn't in the equivalent situation.

Anyway this is surely a great omen for the Wolverines and their new savior Jim Harbaugh.

So go Blue!

Well,
at
long
last
love,
the
#Deflategate
decision
on
from
Judge



Richard Berman in SDNY is in, and the big winner is Tom Brady.

The 40 page full decision is here

One key line in the decision on the general right of the court to set aside an arbitration is:

“The deference due an arbitrator does not extend so far as to require a district court to countenance, much less confirm, an award obtained without the requisites of fairness or due process” (citing *Kaplan v. Alfred Dunhill of London, Inc.*)

Boom.

I previously did a very partial background on the case, and how it germinated from blatantly false information (still uncorrected and/or withdrawn) from Chris Mortenson and ESPN. The bottom line is the NFL's position was that the Commissioner, Goodell, simply has the power to do whatever he wants under Article 46 of the NFL/NFLPA collective Bargaining Agreement (CBA).

The Players Association, on behalf of Tom Brady, makes four core arguments in seeking to vacate Goodell's arbitration decision:

- 1) There was not actual notice to Brady of prohibited conduct and that he could be suspended for it (See [here](#) for a further description)
- 2) That there were not adequate and reliable standards for testing game balls, and therefore punishment based on the same is unreasonable
- 3) That Goodell was a blatantly partial arbitrator, and
- 4) That the arbitration process lacked fundamental fairness in that key witness testimony and evidence was unreasonably denied to Brady and the NFLPA (See [here](#) for a further explanation).

Frankly, Brady is arguably entitled to a decision in his favor on all four. What Berman did is, primarily, rely on the first ground, notice with a backup of ground four, lack of fairness from denial of the Pash testimony and investigative notes.

The
critic
al
langua
ge
from
the
decisi
on is:



The Award is premised upon several significant legal deficiencies, including (A) inadequate notice to Brady of both his potential discipline (four-game suspension) and his alleged misconduct; (B) denial of the opportunity for Brady to examine one of two lead investigators, namely NFL

Executive Vice President and General Counsel Jeff Pash; and (C) denial of equal access to investigative files, including witness interview notes.

So, there you have it, please feel free to unpack this further in comments. This is a momentous decision, not just for Brady and the NFL, but, as I explained in my earlier post, for collectively bargained labor in general. There is a lot of importance here to much more than Tom Brady. Though Brady is certainly the big winner today.

Brady is free! For now anyway, it is nearly a certainty that the NFL will appeal to the 2nd Circuit and we will go through this all again.

ESPN IS GUTLESS, CHRIS MORTENSON HAS TINY DEFLATED BALLS AND OTHER DEFLATEGATE TRASH TALK

Hi there! Been a while, hope this account still works and State Secrets or something has not overcome due process on this here blog.

So, here we are in the waning days of summer. I would have written more about the Formula One Circus but, frankly, it has mostly bored the heck out of me this year. The, still, best driver in F1 is stuck in a crappy underperforming McLaren and has to drive his ass off and hope for attrition to even score a point. That would be Fernando Alonso if you haven't guessed. While lesser drivers, with far better machinery, you know, those like the two insolent crybabies at Mercedes, have such

superior equipment that they wrongfully think they are kings. It is all enough to make an old school fan like me puke. Well, enough about the circus, let's get to the real meat and potatoes of this blog's sports coverage, the NFL.

As you may have heard, there is a little kerfuffle called #Deflategate that has been going on since before the last SuperBowl. On one side, we have an arrogant all powerful giant human jackass (no, not Dick Cheney this time) named Roger Goodell, and on the other, we have the epitome of bright and light, the All American Hero, and lover of supermodels, Tom Brady. If you think this is not a fair fight, and Brady is the clear winner, advance and collect your winnings.

Okay, back to Chris Mortensen's apparently shriveled journalistic balls. Let me be clear, this is just opinion (even if putatively well founded opinion), but what kind of "balls" does a man who is spoon fed lying ass bullshit by "NFL Sources" in the form of a tweet that said:

The NFL found 11 of the Patriots' 12 game balls for Sunday's 45-7 AFC Championship Game win over the Indianapolis Colts were under-inflated by two pounds per square inch each, league sources told ESPN's Chris Mortensen on Tuesday.

Obviously, as the actual testing (not to mention the late great "Wells' Report) confirmed, that was an outright giant flaming LIE. Call it what it is, it was not a minor discrepancy, it was an outright flaming lie. A lie that led directly to the public outcry that begat what we now know as the multi-million dollar boondoggle bullshit "#Deflategate".

Peter King (no, not the militant chickenhawk moron from Long Island, the other one from Sports Illustrated) was fed the same blatant inflammatory lie by what appear to be NFL officials, but King had the balls, and

intellectual integrity, to apologize.

Did Chris Mortensen or THE WORLDWIDE LEADER, ESPN, have the intellectual and moral integrity to apologize? No, of course the craven bastards did not. In fact, Mortensen silently deleted his original tweet. What a gutless and tiny balled coward. And ESPN has proved itself to be an oppressive behemoth that is willing to put itself, and its allegiance to the NFL, above their journalistic ethics. How pathetic.

That blatantly false report germinated the entire waste of time that is now #Deflategate. Seriously, without Mortensen's and ESPN's relentlessly trumped up and featured false report, tagged on by King and SI, there would simply never have been #Deflategate. But it was clearly something the NFL wanted pushed, and they got their want, one way or another. Oh, by the way, is there further evidence that ESPN and Chris Mortensen may be dishonest news sources without a shred of credibility? Yes, yes there is. Mortensen reported that the Kraft family and Patriots had apologized to him. Was that true? No, according to the Krafts on behalf of the Patriots, that was blatantly false.

Here is the thing: #Deflategate is a house of cards built on a pile of dung. If you have an iota of concern for fundamental fairness and due process, you ought be offended – even if this is only a civil labor law mess involving millionaires against billionaires. It all matters, and the labor law principles in play here are beyond critical to all union workers and collective bargaining agreements, not just those of rich athletes. So, yeah, don't kid yourself, this matters. A lot. If Tom Freaking Brady cannot get fundamental fairness and due process on a collectively bargained agreement, how the hell do you think a UAW, Teamster, teacher, or any other union member will? If you haven't noticed, labor in this country is under direct attack. Don't be the guy (or girl!) that aids that attack just because this iteration of the conflict involves Tom Brady and/or rich

athletes. This matters, both in general as to all workers under labor agreements, and to *your* hometown sports teams and players too.

So, there you have Chris Mortensen and his tiny disingenuous balls, but what about some overall facts and law on #Deflategate? Got you kind of covered. And this is especially timely since the last big actual live court day is coming up on Monday, August 31st. So, here we go with some various background resources for you. If you are interested, please read them, you will be better informed. If not, that is cool too, but understand there are very good reasons I take the stances I have on #Deflategate. Off we go!

Soooo....where to start? How about a prediction, you want a prediction?? Sorry, don't have one. BUT, I will say this, I have read most of the transcripts and filings, and I do not subscribe to the thought that Judge Richard Berman's clearly antagonistic position to the NFL/Goodell side is all posturing trying to force a settlement. Is there some of that going on? Trust me, almost certainly. By the same token, by my experience, and I have a little, there is simply no way Berman is being as consistently pointed and dubious of one side, the NFL/Goodell, as he has been without being convinced their argument is lame. Yes, judges often play "devil's advocate", but what Berman has engaged in strikes me as well beyond that.

So, while I won't make a prediction, the Brady/NFLPA side must feel pretty positive about how it has gone so far. I am understating that a little.

So, on what grounds do I think Brady and the NFLPA may win on? Two grounds – 1) Notice and 2) Process denial regarding evidence and witnesses by the NFL, to wit, Jeff Pash and related evidence.

First off, the "Notice" argument. A new net friend I have met in this process, but one I greatly respect, Dan Werly, has summarized "Notice" quite well here.

Then there is the “Pash preclusion”. Jeff Pash is the General Counsel to the NFL. He is also its Executive Vice President. Those are not necessarily copascetic if a corporate entity wants to maintain even the reduced semblance of “attorney/client privilege” of having a “corporate counsel”. Seriously, this kind of privilege comes close to vapor when you commingle your attorney with corporate leadership. But that is exactly what the NFL has done here, and much more. And that is peanuts compared to the fact that the NFL made Pash the effective, really *de facto*, co-independent “investigator” (they even stated it in a press release) along with Ted Wells and then gave Pash editorial control over the so called “Independent Wells Report”. then Goodell refused to make Pash available for testimony, stating that he was irrelevant and privileged.

Ooops, did the arrogant Goodell and the NFL bugger their own ruse beyond belief as to Pash? Yes, and it is crystal clear. Even Judge Berman was incredulous.

```
8      THE COURT: Well, Mr. Pash, as I understand, he's a
9      very senior executive in the NFL, also a Harvard-trained
10     lawyer, former partner at Covington & Burling, et cetera, and
11     if I'm not mistaken, instrumental in negotiating the collective
12     bargaining agreement in 2011.
13     MR. KESSLER: Yes.
14     THE COURT: So he would be someone who would be
15     expected to have the kind of information that would have helped
16     you in this.
17     MR. KESSLER: No question. And exactly for the same
```

Then, later...

```
9      THE COURT: How about Mr. Pash? Why didn't you
10     produce Mr. Pash for testimony? You're saying they're trying
11     to knock out the Commissioner as arbitrator, but the Mr. Pash
12     thing is totally different. He's a senior executive, co-author
13     of the Wells Report. What's the problem with having him
14     testify?
```

Yes, arbitration decisions are given “great deference” by courts, and generally are not disturbed. But they can be when they present genuine issues of fairness and partiality. #Deflategate may be a silly case to most of the lay public, but these are serious and critical issues in labor law, and if the exacerbated issues in the Brady case cannot be addressed by a court, then pretty much no labor arbitration can ever be. For a far more detailed explication

of the Pash problem, see this outstanding piece by Ian Gunn.

I invent the wheel only when I need to (and mostly when clients pay me to); I try to not do so when it has already been done by worthy people before me. Dan Werly, Dan Wallach, Michael McCann, Brian Holland, Alan Milstein, Raffi Melkonian and Ian Gunn are folks that did the hard lifting while I was, mostly, away frolicking at the beach in La Jolla when the most critical filings came out. All fantastic people that I came to know because of Roger Goodell's #Deflategate folly. Hat's off to them, as well as Stephanie Stradley with some fantastic early scene setting. These are all serious people that you should follow, not just for #Deflategate, but for any sports related law and thought. I think all, including me, feel Brady and the Players Association have the far better hand, in both posture and presentation, than Goodell and the NFL. Really, it is not even close, though there is no telling what Berman will do in the end. By this time next week, we will know.

Welp, I may have focused on #Deflategate more than I intended. Or not. This post was meant as an acerbic discussion point, not a full on explication, which would have consumed thousands of additional words. Fl, and sports in general have just been boring lately, as you can tell by how often I have bothered to write about them. But the legal machinations in #Deflategate have been fascinating, at least to me. The All American boy Brady, the Boris Badanov evil Goodell, the flamboyant crusading Player's Association lawyer Jeffrey Kessler, the Snidely Whiplash Ted Wells to the calm but annoyed judge Richard Berman. The characters are all there.

So, that's it. Rock on lug nuts. Trash talk like you are Michael Jordan. Do it up. But, if you don't agree with my #Deflategate thoughts, you can send some Dead Flowers. By the US Mail. And don't forget the roses...

A TALE OF CELEBRITY BON VIVANT CIVIL SERVANTS AND ACCESS JOURNALISM



There
is a
distinct
problem
in
this
country
with
excess

ive inbreeding of politicians, lobbyists and journalists. In a country where so many are now ruled by so few in power, it is becoming, if not already become, the biggest threat to American democracy. I would add in corporations, but, heck, who do you think the politicians, lobbyists and journalists represent at this point?

Now, corporations and their money through their mouthpiece lobbyists have long had a stranglehold on politics, whether through the corps themselves or their wealthy owners. But the one saving mechanism has historically been claimed to be the "Fourth Estate" of the American press who were there on behalf of the people as a check on power. But what if the Fourth Estate becomes, in fact, part of the power? What then?

What if the crucial check on federal and state power is by journalists who are little more than stenographers clamoring for access and/or co-opted social friends and elites with the powers that be? What if the sacrosanct civil servants of this country are nothing but Kardashian like

shills out for a free gilded ride before they leave office to cash in with private sector riches befitting their holiness?

Golly, if only there was an example of this incestuous degradation. Oh, wait, get a load of this just put up by Kate Bennett's KGB File at Politico:

In a generally stay-at-home administration, one member of the Obama Cabinet is proving to be the toast of the town. Jeh Johnson, the oh-so-serious-on-the-outside secretary of Homeland Security, is fast becoming Washington's No. 1 social butterfly, dining out at posh restaurants like CityCenter's DBGB, as he did last week with a small group that included Amy Klobuchar, Steny Hoyer, CNN's Jim Sciutto, the New York Times' Ashley Parker, author Aaron Cooley, and lobbyist Jack Quinn and his wife Susanna.

For a guy who's been running a 24/7 war against terror since 2013, Johnson seems to have a lot of time to trip the light fantastic. He can often be seen enjoying regular catch-up sessions with BFF Wolf Blitzer at Café Milano (back table, naturally); and mingling at black-tie soirées, such as the Kennedy Center Spring Gala, the Opera Ball, or a champagne-fueled VIP garden party at Mount Vernon to toast French-American relations, all of which Johnson attended—and stayed at beyond the requisite cocktail-hour schmooze.

Story Continued Below

"There's rarely an invitation he'll turn down," says an aide to Johnson, who prefers to remain anonymous, of his boss's penchant for spending three-to-four evenings a week at social functions — and actually enjoying them.

I am not going to bother to dissect that, it speaks all too clearly for itself. And it is hard to figure which is more pukeworthy, the bon vivant civil servant or the elitism displayed by the supposed watcher last bastion journalists. It is all of the same cloth.

What's wrong in Washington DC? Here you go. When the pathology on the boneyard of American democracy is run, this vignette will appear.

Maybe this is why Tom Vilsack could find a spare couple of hours out of one of his days to explain in a deposition why he and the Obama Administration knee jerkily demanded Shirley Sherrod's resignation based upon a crank fraudulent video by a schlock like Andrew Breitbart.

Because "Executive Privilege" now means "Privileged Executives" who can party all night with their elitist journalistic pals and screw the rest of the government, and people it serves, during the day. Just like the Founders envisioned obviously.

**I AM TED WILLIAMS'
HEAD**



Okay, long story short, a couple of months ago my wife set me up with her dermatologist for a head to toe skin exam to insure against skin melanoma. A perfectly reasonable thing, though, to be honest, would not have otherwise

been on my pretty much lunkheaded list of things to do.

Okay, so, today was that appointment. A rather attractive woman doctor searched me from head to toe (no, not "there" you perverts) and found, after five decades of life in the desert sun, that I had zero issues. But then she asked if I had any "concerns", and a friend had, a couple of months ago, pointed out some splotches on my bald ass head.

So, I mentioned that and the pretty doctor explored my cranium and, among randomly asshole and curmudgeonly thoughts, found several "surface areas of concern" on my scalp. She promptly took out a Batman Mr. Freeze like can of torture and nuked my crown with some freaking liquid hell. Cool at first, but then quickly like a blowtorch cutting into your skull. Ow!

Oh well, once over, stung a little, but no big deal. Except I looked at me skull in teh mirror and it looks like a lunar landscape. Jeebus.

THE COMING TRUMP LEGACY ON IMMIGRATION

Here is a
bloody secret
about
blogging: The
best ideas
you express
often come
from others,
even if you
value add on
to them.
Welp, there
will be no
value adding
on here, this



post is 100% the work of our longtime friend at
both Emptywheel and FDL, the one and only
Peterrr:

I had this vision of Donald Trump taking
down the Statue of Liberty, replacing it
with an even larger figure of himself,
with a new poem inscribed on the base
befitting his views on immigrants.

The New New Colossus

Not like the New Colossus,
French-built bile
With calling torch and open arms
so grand;
Now on this isle a Grander One
shall stand:
A mighty huckster with a scam,
whose smile
is a racist, hateful sneer, with
his pile
of ego-sculpted hair. From his
grasping hand
comes a devil's contract; his
beady eyes demand

payment 'ere any travel one more
mile.

"Keep, foreign lands, your
homeless poor," cries he
with flapping lips. "Give me
your greedy, your rich,
Your coddled wealthy yearning to
pay me,
the grasping powers drawn here
by my pitch.
Send these, the makers, ready
with my fee;
I snuff the lamp of Liberty,
that bitch."

I leave it to your imagination to
envision the figure of The Donald
standing astride New York harbor for
yourself.

Okay, Peter is a long time friend, and his take
totally merited publication. But Lady Liberty
takes some attending to. You have to want the
freedom of this country, you have to want it
bad, and you have to be willing to fight for it,
even when that freedom makes your blood curl
(props to Sorkin's American President). But
wanting the American ethos is easy for an
apparently gerbil topped pretender like Donald
Trump. Trump wants the limelight, wants all the
glory, and never wants to answer for the hell of
stupidity, bankruptcy, loss of jobs and
ignorance that he really stands for. Troll on
Donald.

So many have given their lives for the right of
a hollow shill to troll the American electorate.
So many have died for that. So many just to give
a blowhard clownshow jackhole the right to
parade around like he is diddly shit other than
the court jester and a sideshow amusement
huckster.

The American people can propagate and tolerate
an enormous amount of stupid, but not enough to

let a pompous, bankruptcy generated, pompous jackass like Donald Trump through the door. Just an opinion, and a sincere hope.

Nope. George Bush was one thing, Trump is a bridge too far.

MEET ADAM KWASMAN, ARIZONA'S RACIST BIGOT POLITICIAN OF THE MONTH

With the latest furor over minor children and the border already in full swing on top of all the other immigration fear mongering going on in this election year, you would think you had about heard it all when it comes to preening idiotic nonsense from “conservative” politicians.

Think again.

Exhibit A: This somewhat beyond amazing story of Adam Kwasman, a current member of the Arizona State Legislature and a candidate for Congress in Arizona LD-1. Kwasman, in a mad rush to the gun nut bigot fest protest of immigrant children in southern Arizona, inspired by the Murietta hatred, saw a bus load of YMCA campers in a school bus on their way to summer camp. Kwasman, displaying every ounce of his razor sharp Einstein like brilliance, immediately concluded they were evil immigrants.

From Brahm Resnik and the Arizona Republic:

He [Kwasman] had tweeted from the scene, “Bus coming in. This is not compassion. This is the abrogation of the rule of law.” He included a photo of the back of a yellow school bus.

Kwasman later told me he saw the migrant children. "I was actually able to see some of the children in the buses. The fear on their faces.... This is not compassion," he said.

But there was a problem with Kwasman's story: There was no fear on their faces. Those weren't the migrant children in the school bus. Those were children from the Marana school district. They were heading to the YMCA's Triangle Y Camp, not far from the Rite of Passage shelter for the migrants, at the base of Mt. Lemmon.

12 News reporter Will Pitts, who is at the protest scene, says he saw the children laughing and taking pictures of the media.

Watch Brahm Resnik make an idiot of Kwasman at [this link](#). I will not embed the video because I cannot get rid of the auto play command.

OBAMA WHITE HOUSE SPONSORS YOUNG AND RICH NARCISSISTIC 1% FUCKTARDS THAT WILL RUIN THE WORLD

Proving it is never too late to shine your lame duck ass for a new generation of 1% oligarchs, Barack Obama laid open the real constituency of national politicians. And proved certain any inference that such was only the constituency and province of the GOP, Koch Brothers et. al is false.

If this is not stupid and ugly to the common Democratic fanchild, it is hard to imagine what is, or could be. From the New York Times hagiography:

On a crisp morning in late March, an elite group of 100 young philanthropists and heirs to billionaire family fortunes filed into a cozy auditorium at the White House.

Their name tags read like a catalog of the country's wealthiest and most influential clans: Rockefeller, Pritzker, Marriott. They were there for a discreet, invitation-only summit hosted by the Obama administration to find common ground between the public sector and the so-called next-generation philanthropists, many of whom stand to inherit billions in private wealth.

"Moon shots!" one administration official said, kicking off the day on an inspirational note to embrace the White House as a partner and catalyst for putting their personal idealism into practice.

"Moon shots!"

I guess the Obama White House couldn't fathom a better phrase for coming in their pants over big money.

If there is a more sick comment on the perverted state of US national politics, it is hard to imagine what it would be.

We are ruled by a bunch of oligarchs, and political handmaidens that kiss the oligarch's asses and hew their beck and call. If the fact the great once and forever symbol of the common citizen "hope and change", Barack Obama, is such a distant leader, constantly beholden to not only the future of the moneyed class, but the current too, then there is no reality for the American public.

The well-heeled group seemed receptive. "I think it's fantastic," said Patrick Gage, a 19-year-old heir to the multibillion-dollar Carlson hotel and hospitality fortune. "I've never seen anything like this before." Mr. Gage, **physically boyish with naturally swooping Bieber bangs**, wore a conservative pinstripe suit and a white oxford shirt. His family's Carlson company, which owns Radisson hotels, Country Inns and Suites, T.G.I. Friday's and other brands, is an industry leader in enforcing measures to combat trafficking and involuntary prostitution.

Oh my. And holy crap.

The New York Times penned a factual report of this sick instance. Will the New York Times, Washington Post, Wall Street Journal, or any of the other august opinion pages of national press, deign themselves honest enough to write opinion and/or editorial pieces recognizing this political cancer for what it really is?

If you did not view the video, and listen to the lyrics in the video above, do so. Because that is exactly the class of "super citizens" your elected leaders are beholden to. The handful of billionaires count for far more than the actual billions of people on this earth.


Want proof? Look no further than the "liberal", "socialist", "Democratic" Obama White House, who just demonstrated the problem in Technicolor.

And, before you chafe, of course it would be even worse with Republicans in charge. But the question is no longer just which party is in control of the levers of power (though it DOES matter for SCOTUS), but where the values of the country really are.

It is almost impossible to fathom the country's values are with the pimple faced, Bieber banged, teenager scions of billionaires the Obama White

House so calmly and coolly glad-hands.

[Seriously, watch the video from the one, the only, fantastic Tubes:



Young and rich
Everything I desire
Light bulbs with shades
in every room
And work is play—believe me
Nothing must come too hard
It comes in the mail
most everyday

Maybe our leaders should find a more representative, and morally balanced, set of leaders for the future.]

LAVABIT AND THE DEFINITION OF US GOVERNMENT HUBRIS

Well, you know, if you do not WANT the United States Government sniffing in your and your family's underwear, it is YOUR fault. Silly American citizens with your outdated stupid piece of paper you call the Constitution.

Really, get out if you are a citizen, or an American communication provider, that actually respects American citizen's rights. These trivialities the American ethos was founded on are "no longer operative" in the minds of the surveillance officers who claim to live to protect us.

Do not even think about trying to protect your private communications with something so anti-American as privacy enabling encryption like Lavabit which only weakly, at best, even deigned to supply.

Any encryption that is capable of protecting an American citizen's private communication (or even participating in the TOR network) is essentially inherently criminal and cause for potentially being designated a "selector", if not target, of any number of searches, whether domestically controlled by the one sided ex-parte FISA Court, or hidden under Executive Order 12333, or done under foreign collection status and deemed "incidental". Lavabit's Ladar Levinson knows.

Which brings us to where we are today. Let Josh Gerstein set the stage:

A former e-mail provider for National Security Agency leaker Edward Snowden, Lavabit LLC, filed a legal brief Thursday detailing the firm's offers to provide information about what appear to have been Snowden's communications as part of a last-ditch offer that prosecutors rejected as inadequate.

The disagreement detailed in a brief filed Thursday with the U.S. Court of Appeals for the Fourth Circuit resulted in Lavabit turning over its encryption keys to the federal government and then shutting down the firm's secure e-mail service altogether after viewing it as unacceptably tainted by the FBI's possession of the keys.

I have a different take on the key language from Lavabit's argument in their appellate brief though, here is mine:

First, the government is bereft of any statutory authority to command the production of Lavabit's private keys. The Pen Register Statute requires only that a company provide the government with technical assistance in the installation of a pen- trap device; providing encryption keys does not aid in the device's installation at all, but

rather in its use. Moreover, providing private keys is not “unobtrusive,” as the statute requires, and results in interference with Lavabit’s services, which the statute forbids. Nor does the Stored Communications Act authorize the government to seize a company’s private keys. It permits seizure of the contents of an electronic communication (which private keys are not), or information pertaining to a subscriber (which private keys are also, by definition, not). And at any rate it does not authorize the government to impose undue burdens on the innocent target business, which the government’s course of conduct here surely did.

Second, the Fourth Amendment independently prohibited what the government did here. The Fourth Amendment requires a warrant to be founded on probable cause that a search will uncover fruits, instrumentalities, or evidence of a crime. But Lavabit’s private keys are none of those things: they are lawful to possess and use, they were known only to Lavabit and never used by the company to commit a crime, and they do not prove that any crime occurred. In addition, the government’s proposal to examine the correspondence of all of Lavabit’s customers as it searched for information about its target was both beyond the scope of the probable cause it demonstrated and inconsistent with the Fourth Amendment’s particularity requirement, and it completely undermines Lavabit’s lawful business model. General rummaging through all of an innocent business’ communications with all of its customers is at the very core of what the Fourth Amendment prohibits.

The legal niceties of Lavabit’s arguments are

thus:

The Pen Register Statute does not come close. An anodyne mandate to provide information needed merely for the “unobtrusive installation” of a device will not do. If there is any doubt, this Court should construe the statute in light of the serious constitutional concerns discussed below, to give effect to the “principle of constitutional avoidance” that requires this Court to avoid constructions of statutes that raise colorable constitutional difficulties. *Norfolk S. Ry. Co. v. City of Alexandria*, 608 F.3d 150, 156–57 (4th Cir. 2010).

And, later in the pleading:

By those lights, this is a very easy case. Lavabit’s private keys are not connected with criminal activity in the slightest—the government has never accused Lavabit of being a co-conspirator, for example. The target of the government’s investigation never had access to those private keys. Nor did anyone, in fact, other than Lavabit. Given that Lavabit is not suspected or accused of any crime, it is quite impossible for information known only to Lavabit to be evidence that a crime has occurred. The government will not introduce Lavabit’s private keys in its case against its target, and it will not use Lavabit’s private keys to impeach its target at trial. Lavabit’s private keys are not the fruit of any crime, and no one has ever used them to commit any crime. Under those circumstances, absent any connection between the private keys and a crime, the “conclusion[] necessary to the issuance of the warrant” was totally absent. *Zurcher*, 436 U.S., at 557 n.6 (quoting, with approval, Comment, 28 U. Chi. L. Rev. 664, 687

 (1961)).

What this boils down to is, essentially, the government thinks the keys to Lavabit's encryption for their customers belong not just to Lavabit, and their respective customers, but to the United States government itself.

Your private information cannot be private in the face of the United States Government. Not just Edward Snowden, but anybody, and everybody, is theirs if they want it. That is the definition of bullshit.

[Okay, big thanks to Darth, who generously agreed to let us use the killer Strangelovian graphic above. Please follow Darth on Twitter]