

WEDNESDAY: HILLS HAVE EYES

*Hills have eyes, the hills have eyes
Who are you to judge, who are you to
judge?
Hide your lies, girl, hide your lies
Only you to trust, only you*

– excerpt, The Hills by The Weeknd

That tune's NSFW, by the way, as is much of The Weeknd's oeuvre.

Today's theme is stuff to watch – things that aren't quite done, may have long-term impact, or don't make sense just yet.

U.S. Senate gun control filibuster

Right now I'm keeping an eye on the filibuster under way, now 13-plus hours in progress on the Senate floor, begun by Sen. Chris Murphy (D-CT) to support legislation for universal background checks and barring firearms sales to suspected terrorists. As of 11:15 p.m. EDT, 40 Senators had already spoken in participation; there were only two Republicans (Pat Toomey of Pennsylvania and Ben Sasse of Nebraska) and one Independent (Angus King of Maine) who joined Democrats so far. The Brady Campaign has been taking calls from constituents in support of the filibuster at (855) 331-8593 and redirecting calls to senators' voicemail so that the Senate can hear the public's demand for gun control.

If you want to watch the filibuster, you can catch it on cable at CSPAN-2 or [this link](#).

I'm also keeping an eye on these issues:

Next on Net Neutrality

A rare bright spot over the last week is the FCC's win over ISPs in US Court of Appeals for the District of Columbia Circuit; you can bet this fight isn't over, though the court found the FCC could regulate ISPs as it does common

carriers. Worth brushing up on net neutrality, given Comcast's support of candidate Trump by way of NBC coverage both as candidate and reality TV personality. Comcast could well parlay its support into demands for an end to net neutrality should Trump win the White House.

Brexit bonking bankers

Polling flipped over the last two weeks from Remain to Leave. Bankers are beginning to worry and are scheduling a very long night when polls close next week.

Microsoft and LinkedIn merger

Technology folks can't make any sense out of this prospective marriage, which must yet be approved by the feds. I can't make any sense out of it, either, given the losses several of LinkedIn's largest investors must eat – they're also Microsoft investors, which means the money merely changes pockets without actually increasing. The deal is massive in terms of cost, dwarfing previous acquisitions by Microsoft.

So why do this deal, apart from the obvious access to technology decisionmakers with high levels of discretionary income? Wouldn't it simply be cheaper to buy ad space on LinkedIn or even invest a smaller amount rather than acquire the entire business?

Or has Microsoft changed its overall business model – does it intend to sell something other than software once it has closed the LinkedIn deal?

All I know is that I'm leaving LinkedIn as soon as the feds approve the deal. I don't want Microsoft to have any more of my time and money than they have right now, and I'm sick of their highly intrusive habits. Imagine the persistent nagging of Microsoft combined with the icky annoyance of LinkedIn reminders, like ones I still get about long-deceased acquaintances. Clippy the Undead, nagging me about software updates...Gah.

Volatile Venezuela

Clearly candidate Trump is watching Venezuela closely, though I wonder if he would have noticed without being included in security briefings. With the latest El Nino now ended, the weather may change bringing relief from drought if not from political insecurity and volatility due to the collapse of oil prices over the last several years. Interesting op-ed on the violence in Venezuela suggests a new perspective must be considered: the violence suggests the end of the state apparatus.

Mongolia's addresses

The country is migrating physical addresses to a three-word phrase to accommodate a spread-out nomadic population in country with few roads and little infrastructure. In some ways, this mirrors virtual addresses used in networked environments. Is this a model for other countries in the near future?

Zika virus and blood supply safety

Hadn't even thought of this – if Zika can be transmitted by sex, it's certainly transmitted by other bodily fluids like blood. We need to think about blood supply safety, especially once the virus is spread by domestic mosquitoes. Pregnant women, and persons intending to become parents within months of receiving a transfusion should not receive Zika-contaminated blood.

What are you watching?

TUESDAY: GOING ALONE

I've been so damned angry I've had difficulty wrapping words around what I want to say. It's still Tuesday somewhere, so I'll grit this out.

Assault weapons should be banned for sale to civilians.

Spare me the crap about hunters and taking their guns. My freezer contains 25 to 100 pounds of

venison at any time. This household lives off the results of hunting and respects the power of firearms. None of this meat required an assault weapon.

If an assault weapon had been used, it would have been a waste of a deer tag. There'd be no meat left.

The embedded video above shows the damage hunting ammo does at close range – approximately 15-20 feet – on meat. The next video shows the damage #4 and #8 birdshot can do at short range, even through multiple layers of denim and drywall. Imagine what an assault weapon would do to flesh at similar range.

Better yet, listen to what a combat vet says about assault weapons.

There's nothing in the Second Amendment to suggest a prohibition on certain weapons is wrong; if anything, the framing of a 'well regulated militia' suggests limitations are in order.

There's also nothing in the Second Amendment to suggest that gun manufacturers have an absolute right to an unrestrained business model, or to profits at the expense of the public's general welfare.

Nor does the Second Amendment say a damned thing about catering to 'gun enthusiasts' who want guns for 'pleasure'. A 'well regulated militia' doesn't possess guns but as necessary for the 'security of a free state', not personal enjoyment.

And both embedded videos embedded make a bloody good case that arguments about assault weapons being necessary to stop a home invasion are trash. Birdshot at close range can do one hell of a lot of damage, as do 00 buckshot and a 1-oz slug.

Congress – more specifically, the GOP – needs to strap on its spine and draw the line on assault weapons. How many more dead Americans is it

going to take before Congress clues in the terrorist threat is already here? It's domestic, and it's better armed than the police because GOP-led Congress is as weak as the GOP is against Trump.

Spare the empty moments of silence and prayers which might as well be to Moloch after another human sacrifice. Such fail at protecting the American public.

Speaking of which...

Information Security Fail

- USAF database with records on ~100,000 investigations 'lost' (Defense One) – This is such bullshit, I can't even...why is a CONTRACTOR, which may be the subject of any one of the 100K investigations, hosting and managing a database like this? What a massive conflict of interest. The database included constituent and congressional inquiries. Don't even get me started on the fact this system relied on Microsoft Internet Explorer. Where have we seen this kind of massive loss of data including failed backups before? Hardly a surprise the data covers the period including most of the Iraq and Afghanistan wars as well as the construction of the F-35. Somebody better

lose their job for this crap, and there'd better be a respectable investigation instead of the usual fluffery hiding billions of lost dollars.

- DNC database infiltrated by the Russians (WaPo) – DNC Chair Debbie Wasserman-Schultz needs to be walked out the door for this bullshit, along with responsible IT management. As if anyone able to sit up and take nourishment couldn't see the DNC computer systems would be a target for cybercrime and cyberwarfare. No excuses for this during the run-up to a general election season, especially when her favorite candidate is already floundering because of information security failures during her tenure as Secretary of State. This bit:

The depth of the penetration reflects the skill and determination of the United States' top cyber adversary as Russia goes after strategic targets, from the White House and State Department to political campaign organizations.

Total blowjob for access. If the

hackers got in by spearphishing as suggested in the article, there's no finesse required. Just poorly trained/educated users and no firewall between email and database. The only thing that surprises me about this is that ransomware wasn't deployed. Imagine it: a major U.S. political party ground to a halt by spearphish-delivered ransomware.

- University of Calgary paid CDN\$20K after ransomware attack (Calgary Herald) – First heard about this attack the end of May. Looks like the school had no choice but to offer the bitcoin equivalent of \$20K to release their systems, which says a lot about backup systems and rebuild cost. Considering the broad range of users at universities and widely different levels of experience and training, I'm surprised we haven't seen more ransomware attacks on schools. Though monetarily they're less appetizing than other targets, and may have more resources to deal with the threat if they have a strong IS/IS program.
- Chinese IBM employee arrested for trade secret theft (Reuters) – The indictment (pdf) says the

now-former IBM employee stole proprietary software related to hyperscale storage clusters, or what most consumers would know as 'cloud storage'. This is a technology segment in which the U.S. still has considerable clout in terms of marketshare, and in terms of global economic impact based on its use. Reporting on this indictment has been vague, referring to the technology at the heart of this case as 'networking software'. It's more complex than that; the proprietary software underpins storage and retrieval of data across networked large storage devices. (*Hi blueba. Just checking to see if you missed me. Can't let the Russians have all the fun.*)

Basta. Enough. Let's hope Wednesday is kinder than the last handful of days have been.

LORETTA LYNCH'S HOT AND COLD RUNNING

DATA-SHARING

[See update below: Lynch says she didn't mean how these statements came out.]

It's bad enough that Attorney General Loretta Lynch refuses to force police to keep records on how many people they kill.

In a conversation with NBC journalist Chuck Todd on a range of criminal justice issues, Lynch said on Thursday that she does not support a federal mandate to report people killed by police.

"One of the things we are focusing on at the Department of Justice is not trying to reach down from Washington and dictate to every local department how they should handle the minutia of record keeping, but we are stressing to them that these records must be kept," she said at the Washington Ideas Forum, hosted by AtlanticLIVE and the Aspen Institute.

It's her reasoning I find really troubling.

Lynch said the Justice Department does "encourage" local departments to maintain records on police shootings but that improving police-community relations is more important. She noted that the small size of the average police department could make record-keeping difficult.

"The statistics are important, but the real issues are: 'what steps are we all taking to connect communities ... with police and back with government?'" she said.

It's all well and good to say communities and their cops just need to get along.

But cops are claiming a Ferguson Effect that statistically doesn't exist and the NYT is reprinting the claim only because the cops say so.

Here's what the crime story said: "Among some experts and rank-and-file officers, the notion that less aggressive policing has emboldened criminals – known as the "Ferguson effect" in some circles – is a popular theory for the uptick in violence." A paragraph later, the story continues: "Others doubt the theory or say data has not emerged to prove it." Two experts are quoted, and the story moves on from there.

Bill Michtom of Portland, Ore., wrote to me about it, calling it a "classic example of false equivalence." Ta-Nehisi Coates called the suggestion of a Ferguson effect "utterly baseless" in a piece for The Atlantic, noting that one of the experts quoted said that the rise in violent crime in St. Louis had begun before the large protests last year over a white police officer's fatal shooting of an unarmed black teenager.

One of the story's reporters, Monica Davey, and the national editor, Alison Mitchell, strongly disagree that this is false equivalence or that it was misleading to readers. In fact, they told me, it would be wrong of The Times not to report something that some police officers are identifying as part of their mind-set.

Ms. Davey, who agrees that false balance is infuriating and must be avoided, said in an email that this example simply doesn't fit the description. For one thing, she said, there is no established truth here: "The question about the validity of this theory simply has not been definitively answered in the way that the earth's shape has." And, she

said, “police officers must be given some credence in assessing whether they themselves feel that they are behaving differently now – the essence of what some of them have called the ‘Ferguson effect.’ ”

Or, as Ms. Mitchell puts it: “We have the police suggesting that police are pulling back – should we not report that?”

My view is that the introduction of this explosive idea didn’t serve readers well because, in this context, it was mentioned briefly, sourced vaguely, and then countered by disagreement. If police officers are indeed pulling back from their duties, and are willing to be identified and quoted, and if there’s evidence to back it up, that would be worth a full exploration in a separate article. But this glancing treatment could easily have left readers baffled, at the very least.

Things aren’t going to improve so long as cops can just make shit up, in spite of data to the contrary.

Just as importantly, since 9/11, the mandate throughout the Federal government – and especially for FBI – has been to share information promiscuously, including down to local police departments. Some of that information includes untested leads; some of it includes cyber and terrorist threat assessments.

If Lynch is telling us these local police departments don’t have the ability to handle reporting back and forth from the federal government, than the rest of the info sharing should stop too, because it could violate Americans’ privacy and/or expose intelligence streams.

But we all know that’s not going to happen.

Which means Lynch is supporting an asymmetrical reporting system that can't be used for oversight of the larger system.

Update: Lynch says her statements last week weren't what she was trying to say.

The point I was trying to make at that conference related to our overall view of how we deal with police departments as part of our practice of enforcing consent decrees, or working with them and I was trying to make the point that we also have to focus on building community trust which is a very individual – very local – practice.

Unfortunately, my comments gave the misperception that we were changing our view in some way about the importance of this data – nothing could be further from the truth. This data is not only vital – we are working closely with law enforcement to develop national consistent standards for collecting this kind of information.

More from her statement:

“The department’s position and the administration’s position has consistently been that we need to have national, consistent data,” said Attorney General Lynch. “This information is useful because it helps us see trends, it helps us promote accountability and transparency,” said Attorney General Lynch. “We’re also going further in developing standards for publishing information about deaths in custody as well, because transparency and accountability are helped by this kind of national data.”

DID SHERIFF HANLIN KNOW OF CHRISTOPHER HARPER MERCER BEFORE HIS MASSACRE?

I read this passage – from the Sheriff in charge of the investigation into the mass killing by Christopher Harper Mercer the other day – several times.

Douglas County Sheriff John Hanlin told reporters it wouldn't be strange for someone in the state to have so many weapons.

"In Oregon, this is a hunting state and firearms are possible in most households," he said.

Investigators said it was too soon to identify a motive, although Hanlin earlier told NBC's TODAY he wasn't aware of any "specific red flags" for the shooter.

"He is a local resident and I know personally I haven't heard of any warning signs coming from this person," Hanlin said.

Because Hanlin said, "I personally," I initially believed he meant he personally *knew of* Harper Mercer. But after re-reading it, I believe, though am not certain, that Hanlin meant only that in the time Harper Mercer has been living in town (about four years, according to reports) he has never come up on the sheriff department's radar (or more specifically, Hanlin's personal radar). In a town of 20,000 people, there'd be no reason for Hanlin to know everyone.

Still, I wonder, given Hanlin's refusal to utter Harper Mercer's name. Given that both are big gun enthusiasts (though as Hanlin noted, that's fairly common in the area), it's possible

they've met. There'd be no fault in that, nor would Hanlin be at fault for not noticing the guy, because nothing we know of in his history should have tipped anyone but the people who were egging him on on 4Chan. But I bet a guy like Hanlin has a certain idea of who engages in senseless killing and it's not a guy like Harper Mercer, no matter how much of a loner.

In any case, this passage, from a local editorial, got me wondering about that statement from Hanlin again.

The investigation, led by Hanlin's office, has only just begun. In press conferences, Hanlin has been urging anyone who might have tips relating to the shootings to call 1-800-CALL-FBI. But as a practical matter, how are people who may have valuable information about Harper-Mercer supposed to call if they never know that he was the shooter?

They're right: Hanlin's dictate no one should name Harper Mercer makes it somewhat less likely locals would call in tips of any warning signs.

Add in Hanlin's fierce belief that guns are under threat – extending even to Newtown trutherism – and I wonder whether he wants to suppress how much like Harper Mercer looks like any other gun enthusiast.

In general, I'm sympathetic to the idea that we ought to celebrate the guy who who tried to save innocents – Chris Mintz – rather than focus on the guy who did the massacre. I very much believe the entire country needs to look at how much it obsesses on these massacres, which encourages fly-by panic and may inspire copy-cats, but which has never led to policy changes.

But I also believe that this country needs to come to grips with the fact that a gun rampage is as likely – statistically more likely – to be committed by a guy like Harper Mercer or Dylann Roof or James Holmes and, especially, Adam Lanza as it is to be committed by a Muslim guy. Only

then will we understand the problem is not terrorism, it's that some young men channel their resentment and loneliness into guns in this country, regardless of what faith or color they are. And coming to that realization takes some details (details Hanlin may find uncomfortable) and a name.

FROM GEORGE ZIMMERMAN TO DYLANN ROOF TO BRYCE WILLIAMS

In a manifesto sent to ABC today, Bryce Williams – who shot several people on camera this morning before escaping then killing himself just before he was apprehended – explained that the Charleston Church shooting had been his last straw.

In the 23-page document faxed to ABC News, the writer says “MY NAME IS BRYCE WILLIAMS” and his legal name is Vester Lee Flanagan II.” He writes what triggered today’s carnage was his reaction to the racism of the Charleston church shooting:

“Why did I do it? I put down a deposit for a gun on 6/19/15. The Church shooting in Charleston happened on 6/17/15...”

“What sent me over the top was the church shooting. And my hollow point bullets have the victims’ initials on them.”

It is unclear whose initials he is referring to. He continues, “As for Dylann Roof? You (deleted)! You want a

race war (deleted)? BRING IT THEN YOU WHITE ...(deleted)!!!” He said Jehovah spoke to him, telling him to act.

In his own manifesto, Dylann Roof attributed his own radicalization to white supremacists’ reframing of the Trayvon Martin killing.

The event that truly awakened me was the Trayvon Martin case. I kept hearing and seeing his name, and eventually I decided to look him up. I read the Wikipedia article and right away I was unable to understand what the big deal was. It was obvious that Zimmerman was in the right. But more importantly this prompted me to type in the words “black on White crime” into Google, and I have never been the same since that day. The first website I came to was the Council of Conservative Citizens. There were pages upon pages of these brutal black on White murders. I was in disbelief. At this moment I realized that something was very wrong. How could the news be blowing up the Trayvon Martin case while hundreds of these black on White murders got ignored?

Meanwhile, George Zimmerman is selling Confederate Flags to help protect what he sees as the First and Second Amendment rights of a gun shop owner who has declared his shop Muslim-free.

Update: And now Zimmerman has weighed in:



White woman & man get murdered by a Black P.O.S. 8 hours later B. Hussein Obama the divider still says NOTHING.



ANGRY WHITE MALE TERROR IN US MORE DEADLY THAN JIHAD SINCE 9/11

Remember back in 2009 when the Department of Homeland Security warned (pdf) against the growth of homegrown terror arising from right-wing extremism? Remember how the howls of protest from the same right-wing politicians who dog-whistle the right-wing extremists into action were so loud that DHS took the report off its website and even disbanded the research unit that produced the report? Here's Daryl Johnson, who headed the group at DHS that produced the report, talking in 2011:

When the right-wing report was leaked and people politicized it, my management got scared and thought DHS would be scaled back. It created an environment where my analysts and I couldn't get our work done. DHS stopped all of our work and instituted restrictive policies. Eventually, they ended up gutting my unit. All of this happened within six to nine months after the furor over the report. Analysts then began leaving DHS. One analyst went to ICE [U.S. Immigration and Customs Enforcement], another to the FBI, a third went to the U.S. Marshals, and so on. There is just one person there today who is still a "domestic terrorism" analyst.

Since our report was leaked, DHS has not released a single report of its own on this topic. Not anything dealing with non-Islamic domestic extremism—whether it's anti-abortion extremists, white supremacists, "sovereign citizens," eco-

terrorists, the whole gamut.

Finally, in February of this year, DHS finally got around to mentioning the right-wing terror threat again:

A new intelligence assessment, circulated by the Department of Homeland Security this month and reviewed by CNN, focuses on the domestic terror threat from right-wing sovereign citizen extremists and comes as the Obama administration holds a White House conference to focus efforts to fight violent extremism.

Some federal and local law enforcement groups view the domestic terror threat from sovereign citizen groups as equal to – and in some cases greater than – the threat from foreign Islamic terror groups, such as ISIS, that garner more public attention.□

The Homeland Security report, produced in coordination with the FBI, counts 24 violent sovereign citizen-related attacks across the U.S. since 2010.

In a jaw-dropping revelation, the CNN article on the report goes on to note that there may be as many as 300,000 adherents to the sovereign citizen extremist movement.

But it's the white supremacists who now are in the spotlight thanks to the racist terrorism in Charleston last week. And the New York Times is driving that point home by citing a New America analysis of terror attacks in the US since 9/11:

In the 14 years since Al Qaeda carried out attacks on New York and the Pentagon, extremists have regularly executed smaller lethal assaults in the United States, explaining their motives in online manifestoes or social media rants.

But the breakdown of extremist ideologies behind those attacks may come as a surprise. Since Sept. 11, 2001, nearly twice as many people have been killed by white supremacists, antigovernment fanatics and other non-Muslim extremists than by radical Muslims: 48 have been killed by extremists who are not Muslim, compared with 26 by self-proclaimed jihadists, according to a count by New America, a Washington research center.

The slaying of nine African-Americans in a Charleston, S.C., church last week, with an avowed white supremacist charged with their murders, was a particularly savage case. But it is only the latest in a string of lethal attacks by people espousing racial hatred, hostility to government and theories such as those of the "sovereign citizen" movement, which denies the legitimacy of most statutory law. The assaults have taken the lives of police officers, members of racial or religious minorities and random civilians.

When we go to the New America analysis, we see that half of the deaths from attacks termed jihadist came in a single attack, the one at Fort Hood. There are only seven entries on the list of jihadist attacks since 9/11. On the other hand, there are 19 entries on the right-wing attack list (and the biggest of those, the Oklahoma City bombing, was pre-9/11 and so is excluded from the list).

Despite the trillions spent and lives lost in fighting jihadists "over there" so that we won't have to fight them here, the homegrown threat from angry white males is still stronger than the threat from jihadists inside the country. Just imagine the howls, though, should an extra 300,000 names of sovereign citizen adherents get added to the the Terrorist Screening Database. Meanwhile, panic buying of Confederate flags and

guns continues. Angry white males are getting even angrier as they squirm under the spotlight.

NO, THERE IS NO RELATIVE HUMAN VALUE STATUS IN TRAGIC SHOOTINGS

The BREAKING NEWS tonight is nine people being shot to death in Charleston South Carolina. From ABC News:

Nine people were killed when a gunman opened fire in a historic Charleston, South Carolina church Wednesday evening and police were searching for the suspect.

Police said that eight people were found dead inside the church. Two other people were rushed to the hospital and one died.

"We're still gathering information so it's not the time yet for details," Mayor Joe Riley told local newspaper The Post and Courier. "I will say that this is an unspeakable and heartbreaking tragedy in this most historic church, an evil and hateful person took the lives of citizens who had come to worship and pray together."

CNN further reported that the knee jerk mayor of Charleston told reporters that it is all obviously a "hate crime" because people in a church were shot.

Is this, yet another, mass murder with all too easy to bring to bear and fire guns in the US tragic? Yes, obviously. Tragic is being too kind

and semantically vague. It is horrid.

But, please, it is NOT worse because the victims were church goers, as their lives are not worth more than agnostics, atheists or other humans. Black children are worth no less than white suburbians. One faith is worth no more than the next or none at all. Just stop with that blithering idiocy.

Human life is precious, and we are all entitled to live. You are not privileged more than me, no matter how pious you may be, or pretend to be.

So, grieve mightily the gross and unnecessary loss of life in Charleston South Carolina tonight. But those lives are worth nothing more than Eric Garner, Walter Scott, Michael Brown or other human senselessly slain in the ridiculous gun fetish culture of the United States. And, no, Mr. Mayor, the locus of the shooting in a church does not *de facto* make it a "hate crime". Stop with that bogus over claim too. Hyperbole is the antithesis of informed viewpoints.

HOLDER'S AGENCY IN FERGUSON

Eric Holder just published an op-ed in the St. Louis Post Dispatch, apparently aiming to generate confidence in DOJ's investigation into Darren Wilson's killing of Mike Brown.

It starts with 3 sentences describing Brown's killing – with no mention of Wilson, or even that a cop killed Brown.

Since the Aug. 9 shooting death of Michael Brown, the nation and the world have witnessed the unrest that has gripped Ferguson, Mo. At the core of these demonstrations is a demand for answers about the circumstances of this

young man's death and a broader concern about the state of our criminal justice system.

At a time when so much may seem uncertain, the people of Ferguson can have confidence that the Justice Department intends to learn – in a fair and thorough manner – exactly what happened.

A disembodied shooting killed Brown in this telling; violence did not.

Holder then spends several paragraphs discussing both the investigation itself, as well as the actions of the Civil Rights Division before he turns – in the course of one paragraph – to the protests. Here, violence is described as violence.

We understand the need for an independent investigation, and we hope that the independence and thoroughness of our investigation will bring some measure of calm to the tensions in Ferguson. In order to begin the healing process, however, we must first see an end to the acts of violence in the streets of Ferguson. Although these acts have been committed by a very small minority – and, in many cases, by individuals from outside Ferguson – they seriously undermine, rather than advance, the cause of justice. And they interrupt the deeper conversation that the legitimate demonstrators are trying to advance.

The implication, of course, is that the violence comes exclusively from that “very small minority,” not the cops shooting rubber bullets from their tanks.

I find the next paragraph truly remarkable.

The Justice Department will defend the

right of protesters to peacefully demonstrate and for the media to cover a story that must be told. But violence cannot be condoned. I urge the citizens of Ferguson who have been peacefully exercising their First Amendment rights to join with law enforcement in condemning the actions of looters, vandals and others seeking to inflame tensions and sow discord.

The Justice Department – the Agency Eric Holder leads, the 40 FBI Agents and Civil Rights prosecutors Holder described – has done nothing visible thus far to defend the First Amendment.

And then, Holder says, “violence cannot be condoned.” A bizarre passive sentence with no agent. By whom? Who cannot condone violence?!?!

And he uses it to urge “the citizens of Ferguson who have been peacefully exercising their First Amendment rights” – many of whom have been arrested, bullied, tear gassed, some of whom have formed chains to protect businesses – to “join with law enforcement,” the same law enforcement that has been bullying them. Holder asks these citizens – who presumably are the ones he says cannot condone violence – to join the cops who have been engaging in violence to condemn others who have also been engaging in violence. Those “others” inflame tensions and sow discord. The cops don’t, according to this telling.

It takes a good paragraph and a half before Holder says the cops must restore trust. Only unlike the “citizens” of Ferguson, Holder does not urge the cops directly to do ... anything. He just describes what should happen, he doesn’t command it to happen.

At the same time, good law enforcement requires forging bonds of trust between the police and the public. This trust is all-important, but it is also fragile. It requires that force be used in

appropriate ways. Enforcement priorities and arrest patterns must not lead to disparate treatment under the law, even if such treatment is unintended. And police forces should reflect the diversity of the communities they serve.

Note what else happens? That violence – unmentioned in Mike Brown’s actual shooting, but explicitly described when “those others” did it – here becomes “force.” Something distinct from the violence of looters.

Darren Wilson’s shooting of Mike Brown? Not described as violence – not even described as the act of a known man. The looters’ looting? They’re engaged in “violence.” And finally, the cops, whom Holder doesn’t dare urge to tone things down? They are exercising “force,” not “violence.”

I get there are legal reasons why he did this – notably, this permits him to endorse findings that Wilson used “force” out of fear for his own safety! But the grammar and vocabulary of this op-ed insists on the state’s monopoly on violence that it has been abusing for 10 days.

THE CARNAGE IN ISLA VISTA, HASHTAG JUSTICE AND ECHIDNE

I have
not
been
there
in a
while,
but I
have
been
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quite
a bit



before, and the Isla Vista/Goleta area surrounding UCSB is everything good and bad that surrounds any major university. It is a melting pot teeming with brilliant young minds, eager to expand and ready to experiment and socialize. It is also cliquish and too easy to separate the in from the out crowd and, sometimes, rich from poor. Above all else, at least from my visits there when I was younger, IV was one wild party that could be anywhere along a couple of key streets, if not indeed out in the streets themselves. It was one hell of a good time.

But not this Memorial Day weekend. Something different and jolting happened, leaving seven souls dead, seven more injured and yet another community, and national audience, grieving and reaching for answers.

I don't know what the answers are, and to a great extent, I do not think the pathology of this incident is yet ripe enough to draw them with any real definition. That has not, of course, stopped the light speed social justice court of Twitter and the internet.

The reaction on Twitter has run the spectrum from sober to hysterical. If you are on Twitter, you have seen it, if you are not, it is not hard to imagine if you are internet savvy enough to be reading the instant post. Speaking only for myself, however, I have been a little disturbed by the alacrity with which valuable social justice movements, and their participants, have glommed on to a tragic spree crime as the

defining vehicle for their arguments, whether it be women's rights, gun control or otherwise.

It strikes me, while certainly all of these things figure into the Rodger situation to some extent, hitching up to a spree murder by a mentally disturbed individual is not exactly a great vehicle for your social justice movement. It is more complex than that, and it is too easy in haste to mistake manifestations for root causes. Post hoc, ergo propter hoc if you will.

And, while I know the intent was good, I have found the "hashtag advocacy" via such tags as #YesAllWomen, and the reflexively responsive #NotAllMen, to not necessarily do all that much to further the well meaning intention of their adopters. While some of those tweets have seemed germane and helpful, a great many seem

counterproductive. It is unlikely the battle over misogyny will be won by pitting intelligent men and women against each other, even rhetorically. That's just my thought, and I may be wrong in how I am seeing this. But there you have it. I'd rather see this discussion had under more sober terms and not hitched to a psychotic spree homicide.

Which leaves us to the last item in the title to this post. For all the, in too many instances, emotional, aggressive and wrongheaded discussion in the Rodger aftermath, one article has struck me as pretty remarkable for its reflection and view. It is by Echidne and, in discussing how different people read different things into the Rodger scenario, she says:

These are of the expected type and often reflect the writer's position on the political map. That Rodger had access to semi-automatic weapons made him a very efficient killing machine. That he suffered from clear mental problems was also pointed out. That he was a misogynist of rather extreme nature is given at least a nod in most places (though at least one writer disagrees on

that as the cause for the massacre). Whether he indeed was “a madman,” in the sense of an isolated, impossible-to-prevent-but-horrific event or whether something could have been done to prevent the massacre also seems to depend on one’s general slant about such things.

....

This has been a difficult post to write, a difficult post to write in the correct tone, a difficult post even to think about. And I have failed in finding the correct tone, failed in the distance I should have had, perhaps failed on the side of cold and hard anger myself. The victims of the massacre deserve my focus, not its perpetrator, and even though I justify my writing about the perpetrator as a search for greater understanding I’m not sure that I achieved that.

Yes, Rodger was a troubled individual with severe problems. Yes, he managed to slip through the police net, yes, he was able to buy three semi-automatic guns, apparently with no questions asked.

Perhaps all that is the framework, the flow-chart of what happened.

I think the above quotes are spot on, but are merely a taste of the fantastic discussion and analysis in Echidne’s piece. It is required reading in full, and it contains a superb background and synopsis of Rodger’s manifesto. It properly and fully draws in the the glaring issue of misogyny and degradation of women without making it a means unto itself without a nod to the underlying issues that may trigger it.

Rodger’s psychoses look like they go far deeper than just misogyny, though there is obviously an abundance of that. And it strikes me, very much, the real complexity behind this is being lost in

the screaming hashtag rush to peg it as the vehicle for discussion of all things misogyny and mistreatment of women. Such is a huge component to be sure, and ought be discussed, but there seems to be a lot more going on too. Echidne lays a lot of that out quite well, and her struggle in doing so displays why this is such a tough situation to peg in such simplistic terms as I have been witnessing, on twitter and the net, for the last two days.

UNCOMFORTABLE TRUTH: THE STATE OF EVIDENCE IN THE GEORGE ZIMMERMAN PROSECUTION

I have said this from the get go: In the case of *State of Florida v. George Zimmerman*, under the actual facts of the case from the State of Florida's own disclosure, as opposed to hype from Benjamin Crump and his public relations team, who have self interest from representation of family members in a civil damages case, not to mention well meaning, even if uninformed, mass and liberal media, there has *never* been a good factual rebuttal to George Zimmerman's own account of self defense. You know why? Because there *is not* any compelling rebuttal within the facts as adduced in the investigation and entered in the record at trial. And the presumption of innocence and burden of proof in the American criminal justice system still mean something.

Yes, I know what I am saying runs counter to the popular meme and what people emotionally feel and want to hear. But everything I have noted from the start of this case has been borne out

in the trial evidence and resulting posture as the case heads to closing arguments and to the jury for deliberation.

Did you know that powerful local mayoral office politicians involved themselves, by meeting with only the victim's family and their attorneys, in an improper *ex-parte* manner, to go over the most critical evidence during the early stages of the investigation and before said Martin family members' statements were relied on to file charges? I bet you did not, but that has been the testimony in the trial record.

Did any of you see the young female neighborhood homeowner, Olivia Bertalan, that testified Wednesday as to the crime spree that was ongoing in her and Zimmerman's neighborhood, Retreat at Twin Lakes, including the home invasion where she and her child were victims of one or more home invaders, and who was effusive in her praise for the concern of the neighborhood watch program and George Zimmerman? Did you know that, thanks in part to the actions of Zimmerman and his wife, the juvenile suspect was caught and sentenced as an adult by this same judge, Debra Nelson, to five years in prison? Probably not is my guess. But that, too, is the evidence.

Did any of you see the other neighbors, of all races, in Retreat at Twin Lakes who testified on Zimmerman's behalf about the the facts of the case, that Trayvon Martin was the aggressor on top of Zimmerman when the shooting occurred, and the crime afflicting the neighborhood and the need for the neighborhood watch program? My guess is you did not. But that, too, is part of the evidence in the trial record.

Did any of you see the parade of witnesses that laid the foundation for the fact Trayvon Martin was the aggressor in the actual critical physical encounter between him and Zimmerman, and was on top of Zimmerman, and beating Zimmerman, both moments before, and at the time of, the key gun shot? And supported by both the case detectives and one of the foremost expert pathologists, Dr. Vincent di Maio, in the world?

My guess is you did not. But that, too, is in the trial record as hard evidence.

Yes, all of those facts are exactly what was testified to in open court. Most of the witnesses were literally the state's own witnesses, including the two main case detectives, Detective Chris Serino and Detective Doris Singleton. Did you know that the state's own veteran case detectives, Serino and Singleton, testified they believed George Zimmerman and thought his version of the facts consistent and credible? My guess is you don't know that. Yet all of that is exactly what the sworn testimony has been in open court.



Did you know that the state, by and through Angela Corey, relentlessly engaged in Brady violations with regard to discovery and evidence disclosure and that, as a

result, discovery and depositions thereon have been ongoing even during the trial, all to the detriment to, and prejudice of, Defendant Zimmerman? My guess is you did not, but that too is part of the record.

In spite of all of the above, the political, and cravenly so, prosecution may still tug on enough emotional and falsely racial heartstrings to wrongfully convict Zimmerman. Almost surely there will be no conviction of the always wrongfully charged 2nd degree murder charge; but the possibly of a flawed compromise verdict to a lesser included charge of manslaughter, battery, or other lesser included offense, is very real. If so, it will, despite all the emotions of this case, be a tragedy of justice.

No matter what you think of George Zimmerman personally, the rule of law should militate in

favor of an acquittal. Yes, if the burden of proof in the American criminal justice system is truly “beyond a reasonable doubt”, and if there really exists a common law right to “self defense”, then acquittal is exactly what the verdict should be, and must be.

I have no affinity for George Zimmerman. Frankly he strikes me as a hapless dope. Under no circumstances do I support George Zimmerman, or anybody else, wandering around with concealed carry, locked and loaded, firearms on neighborhood patrol (even though he was not on patrol, but only on his way to Target for family shopping). It is a tragic event waiting to happen and nowhere close to what the founders had in mind with regard to the Second Amendment. But my, and your, beliefs are not the law of the land either in Florida or anywhere else in the United States under *District of Columbia v. Heller*. And that is the law of the land, both for the Zimmerman case at bar, and and all others elsewhere.

We shall see how willing to follow the law the jury will be, and what their verdict is. But this case is not now, and NEVER has been, about what has been pitched and portrayed in the media. Never. It is not about racial prejudice and profiling (and the DOJ Civil Rights Division so found), and it is not about murder. It is about a tragic and unnecessary death, but one that is not a felony crime, despite all the sturm and drang.

State of Florida v. Zimmerman is a straight up traditional self defense case. It has never been pled as a Stand Your Ground defense case, irrespective of all the press coverage, attention and attribution to Stand Your Ground. It's never been Stand Your Ground, and certainly is not now that the evidence is all in on the trial record. It is a straight self defense justification defense, one that would be pretty much the same under the law of any state in the union including that which you are in, and that I am in, now (so don't blame “Florida law”).

There is nothing whatsoever unique in the self defense posture that has been effected in this case. Nothing. And it is, whether it is comfortable or not, a compelling self defense case. Actually, let us be honest: It is *not* comfortable. Not even close. But no matter how uncomfortable it is to say, Zimmerman needs to walk, because the self defense case is strong. The burden of proof in the instructions to the jury will read that not only is there a general presumption of innocence afforded Zimmerman but, moreover, the state must also prove *beyond a reasonable doubt* that Zimmerman did NOT act in self defense. Under the facts as adduced in the trial record that ought be, by all rights, an impossible burden for the jury to get past, whether on the pending count of 2nd degree depraved murder or any possible lesser included charge given to the jury.

The facts, the rule of law, and the constitutional burdens of proof compel an acquittal. Uncomfortable to hear; yes, it is. Necessary for an acquittal to occur; also, yes it is.

[UPDATE: Just a couple of quick notes. First off, the jury instructions: Judge Nelson accepted a lesser included for standard voluntary act manslaughter under FLRS 782.02(1). Nelson, thankfully, denied the wild request by the state to give a third degree murder instruction based on child abuse. It was a ridiculous attempt by the state and would have provided fertile ground for an allegation of reversible error had there been a conviction. So, the jury will deliberate only on the 2nd degree murder and the lesser included manslaughter charges, which is how it should be.

Prosecutor gave a long closing argument this afternoon. Parts of it were pretty good, parts fairly diffuse and rambling. Overall competent though, and he will still have a rebuttal after the defense closing tomorrow by Mark O'Mara.