

THE END OF ROE V. WADE

What happens when states like Texas/their citizen plaintiffs start trying to enforce their craven law as to conduct occurring in other states?

ON HELMETS AND VACCINATIONS

Helmets save lives. So do vaccines. Don't be stupid.

VAN HALEN

Not by any choice, we revert to being a music blog.

They were originally four, and they came out of Pasadena/Hollywood. A friend went to high school with them. David Lee Roth may have been the lead singer, but Eddie Van Halen was always the founder and glue.

First saw them at a local radio station (KDKB) sponsored concert. Their designator was 93.3. So they did, back in the day, a series of "93" concerts. Honestly cannot remember whether it was \$1.93, \$2.93 or whatever. But I heard it on the car radio coming back from class, and I, and three roommates, went to see them at the Celebrity Theater. Their only radio play was a cover of the Kinks "You Really Got Me". It was a pretty kick ass cover though, so off we went. It was wildly good.

There are a lot, and different, transcendental guitar players. Eddie Van Halen was one. It was apparent immediately. He was that good.

Now gone. RIP.

19 YEARS ON

Next
year
it
will
be
twenty
years
on. A
few



minutes ago it was exactly 19 years to the minute. The first plane hit the North Tower at 8:46 am EST. We now suffer a 9/11 every couple of days in the US thanks to Trump's bungling of the Coronavirus response.

Fires are decimating some of the most beautiful parts of the country on the west coast. Corona is almost certainly set to rage again with the great "re-opening".

But let's take a minute to remember what happened 19 years ago, and how the nation came together and responded then. Imperfectly, and sometimes tragically, from the Bush/Cheney regime. It has all been covered here on these pages. The moment could have created a lasting unity and, instead, was exploited to the opposite. But for a couple of days, it felt different. Let us remember why.

IMPOVERISHED TEACHERS OR THE RICH BITCHES OF PROFESSIONAL SPORTS?

Which
side
are
you
on? I
have
been
an
avid,
if not
rabid,
sports



fan since I was a little kid. Still am. It would be great to have sports back on a full scale.

But at what cost? How important is it really?

The NFL, MLB, NBA and NHL are all demanding daily testing, even when they are, as Amy Trask has coined it, "enbubbled".

Not all the athletes are millionaires, many are not paid near that and are just trying to hang on and make a living for themselves and their families. That is a good thing. But even the common professional athlete makes many times more than a teacher.

Who is more important to society in the long run? The league personnel and athletes are getting tested and traced relentlessly in their bubbles and training camps because billionaire owners, TV platforms and gambling lobbyists demand it. They are tired of their gravy train being interrupted. An understandable thing if in their shoes. But 99.9% of the citizenry is not in their shoes.

Teachers and their schools are being ordered to open with nothing in place for their, or their

students', safety. How many teachers in Florida could be tested in Florida if the insane capacity being expended in the Magic Kingdom on the NBA were reallocated to a better benefit? How will that play out with that which is allocated to the NFL, MLB and NHL were reallocated across the country?

Where are the real priorities in a time of pandemic this country, and this world, has not seen in the last 100 years?

I want to reemphasize, would love for all the sports to be back. That would be wonderful. Especially when we all are sequestered unnaturally in our own homes.

But maybe teachers and their students...our children...and the future of all are more important than the current demand for sports.

The Covid danger is real, it is not a joke. It is not partisan politics. Here is a heartbreaking story. This man ran through my neighborhood to a win. The young and strong are in danger, not just the old and infirm.

Maybe, at least temporarily, our priorities ought change. Maybe LeBron James and Tom Brady should give their daily test to a teacher.

THE GOOD TROUBLE OF JOHN LEWIS

Another lion has left the earth. John Lewis. And that damn bridge in Selma



needs to be immediately renamed for him, as has been discussed for years. Do it now. But finally abolishing the name and specter of the Edmund Pettus Bridge will not be enough. Structurally, the Pettus is not very large, it only has four piers, but it spans the arc of civil rights. The very civil rights still at issue today. John Lewis is the epitome of that arc.

From the New York Times:

Representative John Lewis, a son of sharecroppers and an apostle of nonviolence who was bloodied at Selma and across the Jim Crow South in the historic struggle for racial equality and who then carried a mantle of moral authority into Congress, died on Friday. He was 80.

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Mr. Lewis's personal history paralleled that of the civil rights movement. He was among the original 13 Freedom Riders, the Black and white activists who challenged segregated interstate travel in the South in 1961. He was a founder and early leader of the Student Nonviolent Coordinating Committee, which coordinated lunch-counter sit-ins. He helped organize the March on Washington, where Dr. King was the main speaker, on the steps of the Lincoln Memorial.

Mr. Lewis led demonstrations against racially segregated restrooms, hotels, restaurants, public parks and swimming pools, and he rose up against other indignities of second-class citizenship. At nearly every turn he was beaten, spat upon or burned with cigarettes. He was tormented by white mobs and absorbed body blows from law enforcement.

This day was clearly coming, it was widely known Lewis was not well and in the throes of cancer. The death also comes as the racist cancer in

society he fought so hard as a youth is center stage yet again. Not just in the abuse in the streets by police, not just in the Black Lives Matter movement, but in the despair of the poor and downtrodden. And, importantly, in favor of all citizens voting.

As Barack Obama said:

“Generations from now,” Obama said when awarding him a Medal of Freedom in 2011, “when parents teach their children what is meant by courage, the story of John Lewis will come to mind – an American who knew that change could not wait for some other person or some other time; whose life is a lesson in the fierce urgency of now.”

The fierce urgency of now is every bit as critical as at any time in history.

THE CHICKS ARE OWED AN APOLOGY

Once upon a time, back when the United States was under the leadership of another fairly incompetent Republican President (yes yes, Bush and Cheney look a little better now compared to Trump and Pence, but only because they were actually semi-competent in their evil, but they were still very evil), there was was sensationally good crossover country/pop group known as the Dixie Chicks.

They were country, but never of the “stars and bars” Dixie kind. It was simply an appellation. In fact, they were all pretty forward and progressive thinking and talking. And man did they get in trouble for it. I guess the new term of the day is “cancelled”, which is kind of an idiotic term, but the howlers really did try to

obliterate Natalie Maines, Emily Strayer and Martie Maguire. From Wiki:

On March 10, 2003, nine days before the invasion of Iraq, the Dixie Chicks performed at the Shepherd's Bush Empire theater in London, England. It was the first concert of their Top of the World tour in support of their sixth album, Home. Introducing their song "Travelin' Soldier", Maines told the audience the band they did not support the upcoming Allied invasion of Iraq and were "ashamed" that President George W. Bush was from Texas. Many American country music listeners supported the war, and Maines's remark triggered a backlash in the United States. The Dixie Chicks were blacklisted by thousands of country radio stations, and the band members received death threats. Maines issued an apology, saying her remark had been disrespectful; in 2006 she rescinded the apology, saying she felt Bush deserved no respect. The backlash damaged sales of their music and sales of their next album and tour.

In a September 2003 interview, Maguire told the German magazine Der Spiegel: "We don't feel a part of the country scene any longer, it can't be our home anymore." She noted a lack of support from country stars, and being shunned at the 2003 ACM Awards. "Instead, we won three Grammys against much stronger competition. So we now consider ourselves part of the big rock 'n' roll family." Some fans were dismayed, but the group made no clear response.

If you have forgotten, which is awfully easy to do in these pandemic days of Trump, this was a huge deal at the time. The United States government under the Bush/Cheney regime, and the entire country music scene hated on them and ostracized them. It was one of those kind of

fulcrum moments. It was not just the Iraq war, it was torture, the unitary executive, free speech, protest...everything was wrapped up, in a cultural way, in the actions of the Dixie Chicks. It was symbolic of the divide.

But Natalie Maines, Emily Strayer and Martie Maguire were bad ass and stuck to their morals and thoughts. They got hammered at the time, but they hung in and are still here bigger and badder ass than ever. They are now just The Chicks, having dumped the Dixie part of their original name. The Chicks are owed a debt of gratitude and an apology for the idiocy and bigotry they faced from the howlers during the Bush/Cheney years, and they are here to let you know they are still on the good side of the cutting edge.

The Chicks have a new song and video out. "March March", and it is truly awesome. A song for this time. I saw it last night at Atrios' joint, and it is really superb. Take a look. Expand it and watch it full screen, it is worth it. This is the music of protest, and in the best way. Music was key in the 60's and it is key now. It spreads far and wide what people feel, whether they are in the streets or at home. The "at home" part seems even more pertinent now in the time of unabated pandemic at the hands of yet another evil Administration. And that is our trash talk for this weekend, get on it!

EMPTYWHEEL BLOG LIVE MUSIC II: ELECTRIC BUGALOO

So, last weekend we did a live music discussion that turned out to be unexpectedly wildly popular. So, this weekend, we will do a related followup as to the concerts we have all been to.

This was suggested by our Roving Reporter Rosalind and, trust me, she has some heavy experience with concerts.

So, here we go. What was your:

First concert you attended:

Stadium:

Arena:

Club:

When:

Favorite Concert:

Stadium:

Arena:

Club:

When:

Last concert you attended pre quarantine:

Stadium:

Arena:

Club:

When:

Bonus Question!

Concert/Artist you most want to see once quarantine is lifted:

Post music today is the Monkees with I'm Not Your Stepping Stone. And, yeah, that is one of my answers. Specifically the first concert I ever attended. It was on January 21, 1967, at the Veterans Memorial Coliseum in Phoenix. It was fine, but you could barely hear the music because of the crowd screaming (a problem with the Beatles first forays into the US too). I was a little kid, but the senior in high school across the street from us agreed to take me. It was pretty fun. But there is a sad turn here too. My mother promised me a concert for my birthday. I really wanted to see The Doors, but they were not scheduled for Phoenix yet. The Monkees were, and I figured there would be time later to see the Doors, so I went to the Monkees. The Doors came the next year, I didn't get to go, and then Morrison died a couple of years later. I finally caught the Doors in college, but was just not the same without Morrison. Ah well, regrets I have a few.

Okay, you mopes know exactly what to do. Let's rip this joint.

THE LOCKED DOWN, LOCKED UP, QUARANTINE GOTTA GET DOWN TO IT EMPTYWHEEL LIVE MUSIC TRASH TALK

Live music is the real test. A lot of people with studio musicians, tone benders and professional mixing can make a decent sounding studio album. The real ones do it even better live. This is a discussion about those bands and people.

CHRISTMAS EVE REMEMBRANCES

Yeargh, I bollixed this up. Meant to post this several hours ago, and told Marcy I was going to, but instead had a giant nap on the couch with an overly large puppy right beside.

We deal with a lot of hard subjects here on this blog, and do so daily, if not sometimes hourly. The people, you, are what makes it worth it. Thank you. Every year we are separated from some. Sometimes we know, sometimes we only know because they are conspicuously no longer around.

This year, one we know is gone is John Casper (early on known as Boo

Radley). Another soul we knew from not just Emptywheel, but even before. There are undoubtedly others that we are not so aware of, but who have filled our comments with intellect and passion over time.

So, on this Christmas Eve, thank you to all here, from not just me, but Marcy, Jim White, Rayne, Ed Walker, Roving Reporter Rosalind and Quinn Norton. And thank you to those that have been here and left us. There are too many of the latter. This time of remembrance started in 2011 with our fellow contributor, Mary Beth Perdue, who literally passed on a long ago Christmas Eve. It has kind of been a tradition to go back to that as an honorarium to all friends gone, and so here we go:

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all are. Things often get a tad scarce this time of year, but we would like to say Hi, Happy Holidays, Merry Christmas, Happy Hanukkah, Mele Kalikimaka and any other greeting applicable. Thank you for being here with us.

It has been a couple of years...I think...since we have done the remembrance section at this time of year. Many of you are old-timers going back to when we were at TNH, even before the FDL years, but so many are new and really do not know the history. We have been at this a good

long while now. The years float by, but the people are what stick.

In that regard, I want to return to thanking those that contributed much, but are now gone. If you are new here, you never would have known the names of Mary, Bob Schacht, Mad Dog, Free Patriot, Skdadl and a host of others that were not only our blog friends, but that we often met and knew in real life too.

They are gone, but not forgotten heading into this Christmas Eve. But this always, at least for me, Marcy too, comes back into focus on this date because of our friend and beloved colleague, Mary Perdue. Mary passed away on Christmas Eve 2011. She, like all the others, was the best of what this blog had, and has, to offer. So, in memory of all who are gone, but never forgotten, here is the original *in memorium* for Mary.

You all, each and every one, rock. Thank you for being here and supporting us. Happy Holidays everyone:

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The internet is a strange and wonderful thing. Just about everyone and everything in the world is on it, even though it is nothing but data in the form of binary computer code traversing by random electrons. Yet thought is crystalized, and friendships born and nurtured, through commonality of interest and purpose. And so it is here at Emptywheel, where many of us have been together since the days at The Next Hurrah, through years at Firedoglake, and now at our new home. Just because it germinates via the net does nothing to detract from the sense of community, friendship and admiration for each other gained over time.



With profound sadness, I report we have lost a true friend, and one of our longest tenured

contributors, Mary. Mary Beth Perdue left us on Christmas Eve, December 24, 2011.

Mary Beth Perdue, 52, of Robards, KY, formally of Newburgh, passed away at her home.

She graduated Order of Coif from University of Kentucky Law School and from University of Evansville with an accounting degree. She was a member of the Indiana Bar Association. She was in house counsel at Mid-Central Land Services, Inc. and served as an attorney for firms in Indiana and Kentucky. She owned and operated the Horse and Hound (a pet supply store) in Newburgh. Mary was a lover of all animals with a special place in her heart for horses, dogs and cats. She was involved in numerous equestrian sports and organizations.

Here at Emptywheel, she was just Mary; and she was so much more than a simple obituary can convey. She was funny, kind, and, most of all, razor sharp in analysis of extremely complex issues surrounding torture, indefinite detention, international human rights, illegal wiretapping and executive branch overreach. Mary had a steel trap index in her mind for even obscure torture and rendition cases and facts. To the day she died, Mary was one of the very few people commenting in America that remembered, and would never miss a chance to point out, how the children and extended families of Khalid Sheikh Mohammed and Aafia Siddiqui were used and/or disappeared by the US as pawns in our immoral torture in the name of the so called "war on terror". Mary's dissection of Jack Goldsmith terrorist detention policy, complete with with a comparison to the Ox Bow Incident, was a thing of passion and beauty.

One of Mary's favorite, and most important, hobby horses was the seminal case of *Ex Parte Milligan*, on which she beat the drum loudly long

before the critical 2008 decision in *Boumediene v. Bush* and the 2009 release of the torture memos. She was, as usual, right. Here she is taking John Yoo apart at the seams over his intellectual duplicity regarding *Ex Parte Milligan*. And then there was Mary's three part opus on the history and meaning of *Ex Parte Milligan* (Parts One, Two and Three), which is one of the best primers anywhere on the case that has finally come back into renewed significance in the critical issues of the war on terror. Mary played a part in keeping that significance alive, and in the discussion mix, until it took hold again.

Mary did not talk much about her real life family and work, and as another still practicing attorney, I can fully understand the maintenance of that separation. It is quite likely, like me, that her friends and family had little idea of the true depth and importance of her knowledge and dedication to the interests she expressed here, both in front page posts authored, and in her consistent critical contribution in the discussion comments. But, make no mistake, Mary was not just an invaluable contributor, and affected not just me and Marcy, but key players in the larger discussion. I know for a fact, because I talk to the different people and discussed it with them; Mary's posts and comments were seen and known by actors from the ACLU, to EFF, to other think tanks and attorneys in the field. She left a mark.

As I said at the start of this post, the internet is a curious, if compelling and wonderful place; in all the furiously teeming milieu of people and issues, it is easy for one voice to not be missed for a brief time. All of us take time away every now and then, and Mary was no exception; often being scarce for a period due to pressing duties with work and her beloved horses and land.

I had not talked to Mary since a few days before Christmas. With the rush of the holidays, and a busy work schedule for me in January I have been

a tad scarce myself and I had not particularly noticed Mary's absence. A little over a week ago, I emailed her some irresistibly cute pictures of the one of a kind racehorse Rachel Alexandra and her new foal. Mary loved Rachel Alexandra. Realizing she had not responded to that catnip, I checked yesterday and found the terrible news. There are a lot of things Mary might be too busy with real life to respond to, but not that. And so life became a little less full and enjoyable. Mary's family has indicated:

In lieu of flowers, memorial contributions may be made to a local humane society or other animal rescue.

And that would indeed be Mary, and fit her, to a tee. Here is a secure link to do so for the national Humane Society; but by all means, if so inclined, give to your local chapter and let them know it is for Mary.

Emptywheel will not be the same without Mary Beth Perdue, but her work and memory will live in our hearts, minds and archives as a testament to who and what she was and stood for. We shall close with the picture Mary never got the opportunity to see, but would have been the epitome of the horses, animals and children which she truly loved, Rachel Alexandra and foal.

Vaya con dios Mary, you will be missed.



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Cheers to all, and to all a good night and
wonderful Christmas Day.