

## Wallace Reborn

by **Alfredo Martin Bravo de Rueda Espejo**

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This entry has five parts. The first is inspired in the opposite cases of Wallace and Long and aims to promote the debate among those who think that easy slogans, fashionable formats and cool 30" TV adds can replace research and debate as a necessary condition to make of the Obama presidency a transformative one. The second part develops some ideas about the Iranian crisis that leads us to another example of how lazy positions have put us in defensive positions, as recent polls show we are on Guantanamo and torture. In the third part I answer the hate mail and posts originated in my entries about Dr. Tiller and Numbers USA. In the fourth part I develop even more my position in favor of the SPLC suing O'Reilly and Terry in terms similar to those of the Seraw case. Finally, in the fifth part, I want to share with you some videos and images you can't miss.

I want to dedicate this entry to Slowbutsure and Nightprowlkitty for their support.

### Alfredo Martin Bravo de Rueda Espejo's diary :: ::

"An individual who breaks a law that conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for the law."

Martin Luther King Jr.

"History will have to record that the greatest tragedy of this period of social transition was not the strident clamor of the bad people, but the appalling silence of the good people."

Martin Luther King Jr.

### 1. Wallace reborn

Wallace lost the Alabama gubernatorial Democratic Primary of 1958 to John Patterson. Wallace had spoken against the then powerful Klux Klan and the Klan supported Patterson. After the defeat, Wallace said to his aide Seymore Tramell "Seymore, you know why I lost that governor's race? I was outniggered by John Patterson. And I'll tell you here and now, I will never be outniggered again". Later, Wallace tried to justify his change of position saying "You know, I tried to talk about good roads and good schools and all these things that have been part of my career, and nobody listened. And then I began talking about niggers, and they stomped the floor". These were the reasons why Wallace sold his soul and adopted a hard-line segregationist position with which he won in 1962. The infamous words "segregation now, segregation tomorrow, segregation forever" are his. In the late 70s, Wallace apologized for his bigotry and appointed a record number of blacks to government positions in his 1983-1987 term but the lives he had already destroyed remained destroyed.

Three decades before, Huey Long suffered a similar defeat in Louisiana as he refused to cave in to the Ku Klux Klan, also powerful in that state. Nevertheless, later Long surged to power and, to the outrage of the Klan, his programs on public education, healthcare, and tax poll exemption relieved the poor regardless of race so he even received the blessing of black ministers. (<http://www.hueylong.com/...>).

Nevertheless, his well-intentioned but radical positions on wealth-redistribution put him at odds with Roosevelt, who in 1934 even sent the IRS after him. Paradoxically, while his repeal of the poll tax in 1935 increased voter registration by 76 percent in one year, his authoritarian style made of him a polemic political figure.

Instead of securing a basis of his own to make his ideas possible, Wallace took the easy way of adapting to the bigotry of the time. Both appealed to blue-collar workers but Long didn't have to reach them at the expense of a minority.

While part of Long's legacy is an unprecedented public works program, roads, bridges, hospitals, and investment in education (both in infrastructure and in the students), part of Wallace's is his infamous TV ad showing a white girl surrounded by seven black boys, with the slogan "Wake Up Alabama! Blacks vow to take over Alabama".

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When I wrote 'It was time!' (<http://www.dailykos.com/...>), I had the hope that Obama and the Democratic party had finally understood that bipartisanship with a radicalized Republican party is a very naïve position to take; that Obama had understood that the only way you can prevent campaign contributors from sabotaging his reforms even inside the Democratic party was twisting arms JBL-style. Bill Maher reminded me how naïve I was then (<http://www.youtube.com/...>). When I wrote my first entry in Daily Kos, my hope was to engage in a debate with other liberals from which all of us could get enriched, at least on the issues on which I have something to say. Nevertheless, in too many cases what I found is criticism about the length of my entries, labels from those who embrace conservative positions, corrections about marginal points and even about things I hadn't said, and even about how my entries didn't fit with what was on fashion on internet publishing.

Meanwhile, the general debate remains fixed in the parameters set by the Republican Right. Thus, the economic debate is still centered on taxes, the counterinsurgency debate remains centered in the number of troops, our foreign policy is still hostage of the military industrial complex and our immigration debate is still centered in the several stereotypes sowed by the xenophobic Right, whether the 'impossible-to-assimilate Mexican hordes coming to kill the elderly with machetes', favorite brand for the Right, or NumbersUSA, the brand for the Left that disguises its racism in half-truths and open lies used to exclude Third World immigrants from a fair chance to access the American dream (<http://www.dailykos.com/...>). Like Wallace, these people, who like to call themselves liberals, but who would gladly accept the present status quo if they were in the winning end and a minority were in the losing end instead, have let themselves to be seduced by easy slogans that promise to save you from sacrifices (researching, debating, proposing alternatives, breaking stereotypes) only if you can sacrifice a minority or a Third World country instead. Like Wallace, these people like to label their opponents instead of debating on issues. Thus, these people labeled me "a troll from the Right" for my positions on immigration. It happens that these people, consciously or not, side with Tom Tancredo, Mark Krikorian, speaker on immigration in CPAC 2010 (<http://www.cpac.org/...>) and Roy Beck, whose personal and ideological links to white supremacists I have helped to denounce in my previous entry, while I side with Markos Moulitsas (<http://www.dailykos.com/...>), John F. Kennedy, Ted Kennedy and Keith Olbermann (<http://www.dailykos.com/...>) but the "troll of the Right" is me.

Thus, on counterinsurgency these Wallaces like to say that they support the troops and human rights but don't find pleasant to engage in the debate that could help design the strategy that can make that possible. They have learnt to denounce and to like at the same time the notion that all men are equal unless they come from the Third World; the cheap that keeps our cars warm in winter and the heavy weaponry that supposedly saves us from watching coffins coming from the Middle East. When somebody reminds these people that the debate requires research, that alternatives require sacrifices, they attack and mock that somebody's style, fundraise for the next Survivor cool ad, and go to sleep amazed of how easy and fun is to be a liberal.

Like Wallace, late apologies will be worthless. Like Wallace, these people will have to live with a shameful legacy, a legacy immensely dwarfed when compared to Long's, despite his many weaknesses. By then the chances of having a transformative presidency will have been lost, these Wallaces will have the chance of make a third episode of a cool Survival Democratic 30" TV ad as the staffer to the opposition to another George W. Bush and another little girl will die in the Middle East to repay contributions made by oil interests and the apathy of those who could have helped to prevent such a result. For these people, I post the IV part of Robert Greenwald documentary 'Rethink Afghanistan' (<http://rethinkafghanistan.com/...>). It's just 12 minutes. Stay to the end, to the little girl's happy ending, and then tell me again how fun is to blog in Daily Kos.

## 2. A note on the, we hope, new Iranian revolution

We all have followed the evolution of the Iranian crisis. We have also heard the absurd demands from conservatives and neoconservatives. The idea of this note is to contribute to this debate putting the Iranian crisis in the right context.

a) Has the Iranian crisis developed into a new Iranian revolution?

Musavi, like the Iranian revolution of 1979, has the support of the younger population. Musavi has also been able to prevent the identification with the United States, what leaves Ahmadinejad and Supreme Leader Ali Khamenei with pretty much the Basij militia (The Islamic Revolutionary Guards Corps) and the armed forces to suffocate the crisis.

Another important factor is the division among Iranian clerics. Although these divisions are not new, this time their identification with the demonstrators gives them a special dimension:

(i) Ayatollah Hossein: "No one in their right mind can believe" the official results from Friday's contest, Grand Ayatollah Hossein Ali Montazeri said of the landslide victory Ahmadinejad claims for himself. Montazeri accused the regime of handling Mousavi's charges of fraud and the massive protests staged by his supporters "in the worst way possible." (<http://www.kansascity.com/...>)

### Classifieds

#### American-Iranian relations

"The book on Iran – and Iranian-American relations – we all should be reading." – Firoozeh Khofidian, columnist for the Tehran Times "Let's not be fooled by the scene in Iran today.

The Khomeini Revolution is waning. The Khomeinists need a little action to reinvigorate their movement. What we're seeing today is no different than what we saw 30 years ago." – Bill James, Middle East scholar "Let America be irritated by us. Let it be so irritated, it dies." – Ayatollah Mohammad Beheshti

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(ii) Cleric Rafsanjani: Three days before Iranians go to the polls to elect a president, one of the country's most powerful clerics, Ali Akbar Hashemi Rafsanjani, issued an open letter on Tuesday complaining that the country's supreme leader has remained silent in the face of "insults, lies and false allegations" by incumbent President Mahmoud Ahmadinejad. ([http://www.washingtonpost.com/...](http://www.washingtonpost.com/)).

Former President Hashemi Rafsanjani heads the Assembly of Experts, a cleric-run body that is empowered to choose or dismiss Iran's supreme leader. Khamenei is Ayatollah Ruhollah Khomeini's successor, and the assembly has never used its power to remove Iran's highest authority ([http://www.google.com/...](http://www.google.com/)).

(iii) Cleric Karroubi: He is another reform-minded politician and former parliament speaker who also ran for the presidency.

Although not a cleric, the scholar Khatami is another reformist who took part in the last elections. ([http://www.eurasianet.org/...](http://www.eurasianet.org/)).

Whether the final outcome will be another Tian An Men or another Orange Revolution depends ultimately on how much punishment are Musavi's followers willing to take to achieve their goal.

b) So far the Iranian crisis has remained in a wise nonviolent path.

The nonviolent revolution was first used by Gandhi in the 1920s until his death in 1948, which came before India's independence of 1950. Other cases quoted as nonviolent revolutions are the South African anti-Apartheid revolution before 1956, the overthrow of Ferdinand Marcos in Philippines in 1986, and Solidarity's victory in the legislative elections of 1989 in Poland. We can also count among the nonviolent revolutions the ousting of Slobodan Milošević in Serbia in 2000, the Rose Revolution that displaced Eduard Shevardnadze of the Georgian presidency in 2004, and the Orange Revolution of 2004 (which, like the Iranian crisis, originated in an electoral fraud in Ukraine against Viktor Yushchenko).

In Iran, Musavi has fortunately complemented the nonviolent parts of the Iranian revolution of 1979 (using icons of the Islamic faith, mourning as a motivation to continue convoking his supporters, and his appeal to the younger generation), of which he was part, with the use of new technologies like Twitter to keep communications and coordination alive. Musavi has also kept a safe distance from the United States to avoid being affected by the labels thrown to him by Ahmadinejad, who tries to play the nationalist card once more with the voluntary or involuntary help of the American Right.

Of course, the possibility of a violent revolution like the one that overthrew Nicolae Ceaușescu in the Romania of 1989 is not absent and, at the end, like in any fight, the final outcome will depend on who wants it more. Worse, if a violent crackdown disorganizes Musavi's followers, a coalition of other conservatives against Ahmadinejad can always eliminate Musavi's momentum: Last December, two influential conservatives, Aliakbar Nategh-Nouri and Mohsen Rezaii, publicly called for the creation of a coalition government, one that would encompass all the known factions save the radical reformists. More recently, Mohammad Reza Bahrar, the influential vice speaker of parliament, openly warned Ahmadinejad, saying that failure to change his ways would force conservatives to look for another candidate ([http://www.eurasianet.org/...](http://www.eurasianet.org/)).

c) Foreign policy and nuclear program

Unless the Iranian crisis ends up in a revolution, Iran's foreign policy and his nuclear program are not likely to change too much. In Iran the president's power on foreign policy is limited by the guidelines set by the Supreme Leader and the clerics overpower elected representatives at every important level. Even the head of the Ministry of Intelligence and Security must be a cleric ([http://www.pbs.org/...](http://www.pbs.org/)).

In any case, Iran's military spending is 3.3% of its GDP and, beyond supporting Hezbollah, Iran has invaded no country in two centuries. Magnifying the 'Iranian menace' could play well to conservative interests but Iran is not the former Soviet Union. Even the Iranian Supreme leader knows what would happen if they dared to launch a missile against us or Israel.

d) Our conservatives and neoconservatives

The most convenient outcome for the Right would be a crackdown on Musavi's followers that consolidates Ahmadinejad. The reason: Iran holds 10% of the world's oil reserves and ranks second; Iraq, the country to which those conservatives pledged for liberating of its oil, ranks fourth. Oil reserves information is always unreliable but it can give you an idea on where the neocon's message of freedom goes.

Our relations with Iran have been conflictive. We supported the Shah and overthrew Mossadeq; after the Iranian Revolution of 1979 we sheltered the Shah and we supported Saddam Hussein even with chemical weapons in his war against Iran. Recently, even though Iran helped us invade Afghanistan when we overthrew the Taliban in 2001, we demonized Iran and even supported terrorist movements inside its territory. Of course, the Iranian theocracy is hideous but it was possible pretty much due to our myopia, when we didn't see the consequences of the coup against the secular Mossadeq. Even in the last months of the Bush administration, Cheney constantly tried to create incidents about Iranian interventions in Iraq which were fortunately proved unsubstantiated on time. For the Bush administration, a war with Iran represented no only another country to liberate from its oil but the possibility of disguising the Iraqi disaster

extending the war to a more extended front.

Precisely due to this conflictive history, alive in the memory of the Iranians, any statement or endorsement of Mousavi by our side could only delegitimize Mousavi before his followers and play in favor of the conservative clerics. The Obama administration, seeking to join but not to lead an international pronouncement on the Iranian crisis and even appealing to the Twitter administrator to postpone the maintenance of the system to not interrupt the communications among Musavi's supporters, has made the best it could have done under the historical circumstances of our relations with that country. On this end, Obama has demonstrated much more wisdom than on the detainee-abuse-photo scandal.

### 3. Answering my hate mail

a) After my entry 'The charming racism of Numbers USA' (<http://www.dailykos.com/...>) I found pages in which I was called "verbose and inarticulate". In these pages NumbersUSA claimed that after reading my article "you would think that we are not inclusive of proud Latinos" (<http://www.numbersusa.com/...>). Nevertheless, clicking the link you could not retrieve the promised Roy Beck's answer to the seven points of my entry.

With respect to the "proud Latinos" who feel comfortable with a regime of castes that puts them on the winning end, I have a short entry: "Immigration policy as the personal toy of those who want to import aliens they find cute" (<http://www.dailykos.com/...>).

There is no way around it. If you want to decide the fate of people not as individual characters but as fungible parts of a caste, whether race, family or country of origin, you are not a liberal. When, in the case of immigration, Third World immigrants are overwhelmingly black or brown, deciding their immigration fate under the guidelines set by NumbersUSA is racist.

b) After my entry 'Fox and Hate' (<http://www.dailykos.com/...>) I found several Web pages like "Truth to Power" and "Rebellion" saying: 'Alfredo Martin Bravo de Rueda Espejo, a Daily Kos blogger, advocates a lawsuit against Bill O'Reilly for his "hate speech" against Dr. George Tiller'.

Also 'Reading de Rueda Espejo's past articles, it's evident he equates border security with hate, so before we know it, it'll be a hate crime to speak out against Wall Street's Open Borders agenda.' (<http://www.dixienet.org/...>)

I will make later an additional note to address the First Amendment using the Constitution, document these right wingers don't seem to have read. Here I will answer the following:

(i) Wow! Does Wall Street have an 'Open Borders agenda'? Could somebody give me the link? Is that agenda like the International Jewish Agenda denounced by Hitler during the Republic of Weimar or worse? We have serious think-tanks, conservative like the Cato Institute, and more liberal, like the Pew Hispanic Center, that have advocated for immigration reform. Are they part of that agenda too? That would leave us with the Heritage Institute and the John Birch Society at the side of the common man and if you check their positions on taxes and welfare, well...you may be surprised.

What am I supposed to believe to not be labeled as 'Open Borders' advocate? That, as immigration occupies 99.9% of NumbersUSA's attention, education reform, health care reform, strengthened environmental regulation, sustainable energetic policy, etc, are irrelevant and that, after humanely destroying immigrants, all the solutions will pop up magically by themselves? How could an adult be seduced by such puerile arguments?! Frankly, 'immigrants make Jesus sad' looks a much more compelling argument to me. At least there is not empirical evidence to make it crash that loudly.

I concede that Operation Rescue would deserve to be sued much more than Bill O'Reilly but not instead of him and, please, don't reduce pro-life supporters to your militia craze. I know many Hispanics who are evangelical and, not surprisingly, pro-life. I am pro-choice but I see in them honest people who believe that the Bible actually condemns abortion. I have always teased them saying that I would turn into pro-life if all pro-life people adopt all and every one present and future child who is waiting for adoption. For they that should have to be a win-win situation. They would demonstrate that they are not willing to be charitable with somebody else's purse, they would be able to educate more souls for Christ, and abortion clinics would go into bankruptcy as they would have no clients. Better, that way we could avoid embarrassing searches in the Bible of the word abortion, ancient practice that nevertheless is not mentioned in the Bible with that or any other similar name even once. Even better, that way we could avoid somebody noticing that "I knew you in the womb of your mother" could plausibly have happen after the 28 weeks mentioned in Roe vs. Wade (provided there are not pregnancy-related health problems for the mother after those 28 weeks), in which case Roe vs. Wade would be perfectly compatible with the Bible.

Many of these children waiting for adoption are not small and have many psychological scars because they were born from incestuous and violent relations, from mothers who didn't want them or from teenage mothers who were too immature to be mothers. This would surely bring a hell of excitement to their lives.

Nevertheless, they are good people with whom I happen to disagree, who would never use or incite using violence against others, whose First Amendment deserve my utmost respect, who are not murderers

toughs. They are not bullies that describe a doctor, who has been shot previously, as a "baby killer" who would "kill a baby for \$5,000"; they don't suggest what they would want to do to that doctor to an inflamed extremist sector of the population with a history of previous violent attacks and even with connections to survivalist militias like Scott Roeder's Freemen. If you are so irresponsible to point to a person and scream "Witch" before an excited mob and as a result that person is lynched, you should be civilly responsible for your words. [Why do I use the word 'witch' in my analogy? Read John Demos's 'The enemy within. 2,000 years of witch-hunting in the Western world'].

With respect to the sanctity of the immigration law, because according to these right wingers the immigration law, different from FACE (Freedom of Access to Clinical Entrances Act), is sacred, special in nature as far as it lets us keep brown immigrants far, far away, do they think immigration laws are also sacred in North Korea? I just ask because journalists Laura Ling and Euna Lee were each sentenced to 12 years of "reform through labor" for illegally entering the country (<http://www.guardian.co.uk/...>).

The current immigration system, like 'Don't Ask, Don't Tell', determines the lives not of archetypical Mexicans but of real people based on what JFK called "accidents of birth". That, of course, unless somebody can demonstrate to me that your sexual orientation, like your country or family of birth, is actually the result of a great contest that takes place before you are born so if you make more merits, you can chose to be born straight in the United States of America and, if you earn a not so impressive place in the ranking, you have to take the places of birth or sexual orientations left by others more worthy than you. But then I remember Roy Beck's wisdom about skilled immigrants from Third World countries: if you were born in the First World, you are a citizen of the world, the sky is the limit to your potential but if you were born in a Third World country, that's not for you, you should be left to rot and despair in your place of birth. Yeah! Not even they could really believe their own tales.

#### 4. Constitution 101 for militias

I will direct this section to the militias who pictured me as an aggressor of the First Amendment but, of course, you are all invited to read it. I have not addressed militias before and when I engage in a debate I do it with people I respect, whether liberals or conservatives. This put me in the difficult position of choosing the best way to address you (and I guess you will read this because I am putting a link to your pages and I am tagging two of your names) and, as I had to choose one way, I went for the following:

You, clowns:

a) In 'Fox and Hate' (<http://www.dailykos.com/...>) I said:

'In the murder of Dr. George Tiller, of course, there was not a Dave Mazzella and that is why the role of Mazzella is so important. If his role was to channel the Metzgers' hate message, as it seems so if you compare his role with that of a middleman in a murder by contract, then Seraw v. Tom Metzger and others is relevant because Bill O'Reilly did not need a middleman to reach Roeder with his hate message. Maybe you can not prosecute Bill O'Reilly criminally but you can still sue him (like in the precedent mentioned above) and you can sue Fox News as his employer.'

Would I change something? Yes, I'd ask the Southern Poverty Law Center to include Operation Rescue (<http://www.operationrescue.org/>), Jeff White and Randall Terry in the suit I propose.

b) I am proposing a civil suit, like in Seraw v. Tom Metzger, WAR and others. In the civil suit what you have to prove is that you caused the damage in a way you could have foreseen, even if the damage is caused by the abuse of your own right. In this case, O'Reilly and Terry pushed the extremist and inflamed members of a group with a history of violent attacks (even against Tiller himself) to do what they were not able to do due to their public exposition. Let's put examples:

(i) A thief is hurt while getting to the second floor of your house due to your not repairing your stairs. Is there some damage? Yes. Are you civilly liable? No because you could not be asked to foresee somebody getting hurt as a result of breaking illegally in your house.

(ii) A Jehovah Witness is hurt because the bell at your door is connected to your electric wires. Is there some damage? Yes. Are you civilly liable? Yes because you could be asked to foresee somebody getting hurt as a result of calling to your door.

(iii) A Right-wing zealot directs an inflamed and extremist group against a doctor. That group has a history of violence against that same doctor and the reason of the hatred against him happens to be a legal activity he performs. Worse, another Right-wing zealot has recently published a list of people who, according to him, are 'screwing America' and his message, directed to an audience similar to the previous case, has produced fatal results. Worse, there is a public document from the Department of Homeland Security warning about these groups and their motivations (<http://www.wnd.com/...>). Is there some damage? Yes, the doctor was murdered. Are these zealots civilly liable? Yes because they could have foreseen the result.

(iv) Alan M. Dershowitz has an interesting article, "Shouting "Fire!" published in The Atlantic Monthly edition of January 1989 (<http://www.theatlantic.com/...>). In that article, Dershowitz reminds us how

paradoxically Jerry Falwell used the Justice Holmes's figure of "Shouting fire in a crowded theater" when he learned that the Supreme Court had reversed his \$200,000 judgment against Hustler magazine. From that article, in which Dershowitz examines when Justice Holmes's figure constitutes a limitation of Free Speech, I extract the following quote:

"The example of shouting "Fire!" obviously bore little relationship to the facts of the Schenck case. The Schenck pamphlet contained a substantive political message. It urged its draftee readers to think about the message and then—if they so chose—to act on it in a lawful and nonviolent way. The man who shouts "Fire!" in a crowded theater is neither sending a political message nor inviting his listener to think about what he has said and decide what to do in a rational, calculated manner. On the contrary, the message is designed to force action without contemplation. The message "Fire!" is directed not to the mind and the conscience of the listener but, rather, to his adrenaline and his feet. It is a stimulus to immediate action, not thoughtful reflection. It is—as Justice Holmes recognized in his follow-up sentence—the functional equivalent of "uttering words that may have all the effect of force."

Considering the circumstances described in b), you could not appeal to the First Amendment even in the case of criminal prosecution.

c) The First Amendment of our Constitution protects us against the government, not against other residents who are hurt due to our negligence or abusive action or omission. Libels that state false facts or cause emotional distress are not protected by the First Amendment and are an exception to the rule that the First Amendment only applies to prohibit direct government censorship. Nevertheless, it requires they require a civil action.

Let me introduce you to the First Amendment of the Constitution of the United States of America:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

d) Even in the case of a criminal prosecution, the Freedom of Speech is not unlimited:

(i) *Schenck v. United States*, 249 U.S. 47 (1919) [mentioned in b)(iv)], the Supreme Court was first requested to strike down limitations to free speech created by the Sedition Act of 1918. The Court unanimously upheld Schenck's conviction for his filmic portrayal of British soldiers during the American Revolution. Justice Oliver Wendell Holmes, Jr. said that "the question in every case is whether the words used are used in such circumstances and are of such a nature as to create a 'clear and present danger' that they will bring about the substantive evils that Congress has a right to prevent."

On similar grounds, in *Debs v. United States*, 249 U.S. 211 (1919), the Court upheld Debs's conviction for his speech denouncing militarism, and in *Gitlow v. New York*, 268 U.S. 652 (1925), the Court let states punish words that "by their very nature, involve danger to the public peace and to the security of the state." Similar criterion let the Smith Act punish "overthrowing or destroying any government in the United States by force and violence" during the Cold War in *Dennis v. United States* 341 U.S. 494 (1951) until the possibility of prosecution was limited to the advocacy of actions, not ideas in *Yates v. United States*, 354 U.S. 298 (1957).

The prosecution of the advocacy of actions, not ideas, was followed by the Warren court in *United States v. O'Brien*, 391 U.S. 367 (1968) and in *Cohen v. California*, 403 U.S. 15 (1971).

Nevertheless, in *Brandenburg v. Ohio*, 395 U.S. 444 (1969) the Supreme Court referred to the right to speak freely of violent action and revolution in broad terms:

"[Our] decisions have fashioned the principle that the constitutional guarantees of free speech and free press do not permit a State to forbid or proscribe advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action."

Then we have *Seraw v. Metzger*, WAR and others, which was appealed but not seen by the Supreme Court, which gives us a clear interpretation of advocacy "inciting or (...) likely to incite or produce such action".

The violent precedents of the groups addressed by O'Reilly and Terry, even against Tiller himself, and Fox News and Operation Rescue playing the role of Mazzella in the Seraw decision let us think that they are civilly liable for the murder of Doctor Tiller.

e) The Court has also limited the protection of obscenity to local standards of morality and has simply prohibited child pornography. For the case of our interest, the civil suit, the U.S. Supreme Court has never interpreted the First Amendment as having the same power to alter private property rights, or provide any other protection against purely private action.

f) Under the juridical tradition described in d), imprecatory prayer is not protected by the First Amendment. Thus, the First Amendment does not protect Southern Baptist Wiley Drake publicly praying for Obama to die on Fox radio (<http://tpmcafe.talkingpointsmemo.com...>). I quote:

Later in the interview, Colmes returned to Drake's answer to make sure he heard him right.

"Are you praying for his death?" Colmes asked.

"Yes," Drake replied.

"So you're praying for the death of the president of the United States?"

"Yes."

Guess for whose death had been Drake praying before? Yes, Doctor Tiller's, what makes him a good candidate to the suit as far a connection between him and Scott can be established in the terms I could establish it between Scott and O'Reilly's and Terry's hate speech, which in a veiled way invited people like Roeder Scott to do what they could not do personally due to their public exposition.

g) Other limitations to Free Speech considered legitimate in our system are tobacco advertising, especially if directed to children and even under the standard of reasonable consumer of commercial free speech (<http://www.springerlink.com/...>); misleading statements oriented to affect a security's price [The Securities & Exchange Commission's (SEC) Rule 10b-5 prohibits the employment of "any device, scheme, or artifice to defraud," or the making of "any untrue statement of a material fact or ... omit[ing] to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, or [engaging] in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person, in connection with the purchase or sale of any security." 17 C.F.R. § 240.10b-5.]; and even certain cases of short selling made by plaintiffs (On this, see an interesting debate between Moin Yahya and Larry Ribstein in <http://www.pointoflaw.com/...>).

#### 4. A brilliant add

Before finishing this entry, let me recommend you a brilliant add. It suggests me, for those who sing the National Anthem, love the Declaration of Independence assertion that all men are created equal, but find acceptable a system of castes for immigrants while seek for themselves a system in which they are judged for their character, what would happen if their opportunities and dreams in life would be determined by their family or state of origin?

<https://secure.couragecampaign.org/...>

Let me also ask you once more to contribute with ASPCA (<http://www.asPCA.org/>) if you can. Their work protecting defenseless animals has been severely affected by the recession. From their calendar, corresponding to March, I bring you Nina and Shunka.

Finally, let me post again the link to the IV part of the Greenwald documentary 'Rethink Afghanistan', in case you missed it in this long entry. It's just 12 minutes:

<http://rethinkafghanistan.com/...>

Maybe one day the little girl in Greenwald documentary will play forever with Nina and Shunka in some place where the apathy and greed of others cannot hurt her anymore.



## Poll

**NumbersUSA states that saving the environment for the whole 100 percent of the population requires persecuting illegal immigrants, even though they are just 5 percent of the population. Likewise**

- a) The fiscal problems of the nation could be solved eliminating earmarks, which are less than 2 percent of the public budget.
- b) The health care problems of the nation could be traced to the ingestion of tacos, even though they represent less than 2 percent of our diet.
- c) The problems of the Republican Party could be traced to the fact that only 2 percent of its supporters are willing to support Tina Fey instead of Sarah Palin as candidate.
- d) The problems of Fox News can be traced to the fact that only 2 percent of its viewers realize that the WWE dramas are not real.
- e) The problems of Newt Gingrich can be traced to the fact that only 2 percent of non Republicans know how to use Google.
- f) The problem of NumbersUSA is that only 2 percent believe that immigrants will cause the end of the world in 2012.
- g) The credibility problem of George W. Bush can be traced to the fact that only 2 percent think that only he can save us from Gog and Magog in the Middle East.
- h) The problem with suing Captain Crunch is that about 2 percent could end up suing other fictional characters like Glenn Beck.
- i) The problem of the RSNC is that only 2 percent of non-Republicans believe that its new sex-scandals not involving children are a sign of progress.



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