

HERMIT HERALD

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QUOTE FOR THE DAY

“It ain’t over til it’s over.” Yogi Berra

DON’T SHOOT THE MESSENGER

First of all- nice feelings of calm and agreement in the wake of Chauvin’s conviction, only to be partially undone by president Biden who, according to columnist David Marcus, “had an opportunity after the guilty verdict in Derek Chauvin’s murder trial to reassure Americans that our legal system works and that justice had been done. Instead, he told the nation that the case, ‘had ripped the blinders off’ revealing ‘for the whole world to see’ that we are a systemically racist society.” To paraphrase, an opportunity for national affirmation lost, replaced by self- flagellation.

In any event, it's all over right? – Wrong! The trial judge Peter Cahill had a strong reaction after Representative Maxine Waters called for protesters to get, “more confrontational” if Chauvin were to be cleared in the death of George Floyd- hard to know what that meant. How much more confrontational can you be, beyond the rioting, pillaging and burning that had already occurred. Judge Cahill turned down a request for a mistrial, but said, “I’ll give you that Congresswoman Waters may have given you something on appeal that may result in this whole trial being overturned.”

The appeal process is really a long shot. Across the U.S., 90% of appeals are denied, but beyond the flap over Rep. Waters comment, there are a number of other factors that will be brought up on appeal. The two major ones are, why did the judge turn down the request for a change of venue, and why didn't he sequester the jury? The judge's reasoning was that it would be harder to empanel a jury because of the necessity for jurors to be sequestered – away from family and news for a month or more. In other words, this being, perhaps one of the major trial of this century, the judge

opted for the easier path to get a jury who was subject to constant outside pressure. What did the real life non-sequestered jury know? Well they knew the city of Minneapolis had already given George Floyd's family \$27 million – sounds like the city thought there was something improper in Mr. Floyd's death. Then, throughout the trial, above and beyond Rep. Waters, there were constant protests on the streets about the expected verdict in the trial. In fact, BLM took credit for pressuring the jury as one of their number bellowed over a megaphone, "The only reason we got this conviction is because we showed up."

Now someone will say, "But, the jurors had no need to feel pressured because none were identified by name." Folks, believe me on this one. In my past, I've been party to Cosa Nostra trials with "unidentified" jury members – no such thing- too many ways to find out.

In summary, the odds are very long on appeal, but the question has to be asked: with the jury in complete awareness of the intense pressure from outside was it possible for Mr. Chauvin to

be judged by an impartial jury? While certainly guilty on one charge, is he guilty on all three?

A FABLE FOR OUR TIMES

Thought provoking article by David Leonhardt. “Guido Calabresi, a federal judge and Yale law professor invented a little fable that he has been using for thirty years. He tells students to imagine a god coming forth to offer society a wondrous invention that would improve every day life in almost every way. It would allow people to spend more time with their friends, see new places and do jobs they would otherwise not be able to do. But, the invention would come with a high cost. In exchange for bestowing this invention on society, the god would choose 1,000 young men and women and strike them dead’.

“Calabresi then asks, ‘Would you take the deal?’ Almost invariably, the students say no.” Calabresi then delivers the fable’s lesson, “What’s the difference between this and the automobile?” Well, actually quite a big difference as 38,000 of our fellow Americans were killed on the roads this past year.

“It’s a classic example of human irrationality about risk. We often underestimate the large chronic dangers like car crashes or chemical pollution and fixate on tiny, but salient risks like plane crashes or shark attacks.”

OK, I’m with Mr. Leonhardt on that one, but he misses what I brought up in issue 110, that is the element of “control.” We essentially say to ourselves, “I can’t be involved in a car crash, I’m driving and I’m a good driver.” A shark attack, however, no control- you are in a lottery. And so it is once again with Covid 19 vaccinations, there is a miniscule risk with J&J and with Astra Medica vaccines, but it’s a lottery that brings out the best in “human irrationality.” Two of our readers wrote in to point out that I didn’t mention that Pfizer and Moderna were reporting no problems – not entirely true as 5,800 fully vaccinated people (all the different vaccines) have come down with the sickness notwithstanding their inoculations. That indicates the odds of a fully vaccinated person contracting Covid is 1 in 11,000, but for those thus affected the illness is no worse than a common cold. Point

being, fear of vaccination is irrational – Roll up your sleeve.

SUPREME COURT AND THE PRESS

But first a note from a prominent federal judge, Laurence Silberman of the U.S. Court of Appeals in a dissent opinion on a libel case. “Two of the three most influential papers, The NY Times and the Washington Post are virtually Democratic Broad sheets...nearly all television, network and cable is a Democratic trumpet... even the government –supported National Public Radio follows along.”

In this column by Adam Liptak of the NY Times he notes a marked uptick in negative depictions of the press by the Supreme Court. In documenting this, the North Carolina Law Review notes that, “A generation ago, the Court actively taught the public that the press was a check on government, a trustworthy source of accurate coverage, an entity to be specifically protected from regulation and an institution with specific constitutional freedoms.”

“Today, in contrast, it almost never speaks of the press, press freedom or press functions, and when it does, it is in an overwhelmingly less positive manner.” Ronnell Jones, a law professor at the University of Utah notes, it’s not just that the current court composition is skewed towards the conservative. “There hasn’t been a single positive reference to the trustworthiness of the press from any justice on the court in more than a decade.” The study of which Jones was a co-author concluded, “After examining 8,000 characterizations of the press over 235 years, there hasn’t been a single indicator that bodes well for the press’s position before the current Supreme Court. The forecast for press treatment at the Supreme Court may be dire.” And that’s all about the press which does so much to form our thoughts and beliefs.

AMERICA, THE TRAGIC: US VS THEM

Nate Cohn, political commentator, has a very negative assessment of America’s direction, pointing out that the threat to democracy has a name, “sectarianism”, better known in religious context like the hostility between the

Sunnis and Shia. More than half of Republicans and more than 40% of Democrats think of the other party as, “enemies” rather than, “political opponents.” (CBS poll). In a paper published last October in “Science”, the authors noted, “The hatred between the two parties exceeds longstanding antipathies around race and religion.”

Going on, the article continues, “Sectarianism has been so powerful among Republicans because they believe they are at risk of becoming a minority power and that demographic changes promise to further erode their support.” (read- immigrants flooding into the United States and the push for D.C. statehood). “Political losses come to seem like existential threats.”

In a January survey, a majority of Republican voters agreed with the statement that, “The traditional way of American life is disappearing so fast that we may have to use force to save it.” – pretty scary stuff, but as Mr. Cohn goes on, “The median voter prefers bipartisanship and a de-escalation of political conflict...Yet, whether Mr. Biden’s presidency

will de-escalate sectarian tensions is an open question.” Yes –very.

I’M A LITTLE SHORT, CAN YOU HELP ME?

A scammed e-mail, supposedly from one of our readers came a couple of years ago. “I’m in a hotel in London. While I slept last night someone came in, stole my wallet, passport and clothes, can you wire me some money?” Instructions followed and, incredibly, eleven former classmates sent him money – small change. In Hong Kong, a Mr. Wong contacted a wealthy 90 year old woman saying he was an investigator from mainland China and that she was the subject of a money laundering investigation. She must have had some concerns as to the origins of her wealth. In August of last year she wired her first \$1 million dollar payment and over the next five months wired an additional \$31.8 million to the scammer’s account. The police don’t know if any recovery can be made and, the poor lady, old and confused, or plagued by a guilty conscience – who knows?

Your faithful scribe,

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