

# **JIM JORDAN DRAGGED MARTIN ESTRADA AWAY FROM FIGHTING FENTANYL TO CHASE HUNTER BIDEN'S DICK PICS**

Republicans claim to care about the fentanyl crisis. But in reality, they keep dragging top law enforcement officials away from fighting the fentanyl crisis to ask why they don't care more about Hunter Biden's dick pics.

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# **BIG CRIMINAL JUSTICE NEWS — AND NOT SO BIG CRIMINAL JUSTICE NOT NEWS**

Joe Biden just pardoned everyone convicted of simple possession of marijuana.

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# **SALVADOR CIENFUEGOS ZEPEDA: BILLY BARR GOES SOFT ON CRIME**

Even if the release of former Mexican Minister of Defense Salvador Cienfuegos Zepeda is what DOJ claims it is – a willingness to bow to the sovereign demands of Mexico – it marks a

departure from the long history of big-footing  
by DOJ.

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## **ELECTION DAY COUNTDOWN: THERE'S GOT TO BE AN AFTERNOON AFTER [UPDATE-1]**

We need to snap the fuck out of our funk, stop  
the self-flagellation. We have a lot to  
celebrate. Let's get at it!

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## **THE FATHER OF THE DEA DRAGNET SICS IT ON FREE SPEECH**

Bill Barr thinks it is totally inappropriate to  
do network mapping when it involves the  
sensitive political activities of Donald Trump.  
He just rolled out far more invasive  
surveillance against the sensitive First  
Amendment activities of George Floyd.

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## **THUG, MOB, ROGUE:**

# **TRUMP ORGANIZATION'S OWN DESCRIPTION OF ITS PANAMA HOTEL**

The fight over the Trump Panama hotel seems to be as much about the fight over records that may show whether Ivanka knew she was involved in money laundering with Russian mobsters and Colombia narcotics traffickers as it is over who gets to run the mostly empty hotel.

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## **WHICH CAME FIRST, THE FAILED IDEOLOGY OR THE SPIKING MORTALITY RATES?**

One of the things that drives me nuts about the obsessive focus on Russia right now is the claim that Vladimir Putin is the biggest risk to America, to the EU, to western civilization. That claim ignores that – to the extent Putin is engaged in policies to maximize his advantage vis a vis American hegemony right now – the opportunity to do so has been created by the failure of American hegemony. The biggest threats to the EU, for example, stem from the idiotic policies “technocrats” enacted after America crashed the global economy and a refugee crisis caused, in part, by the chaos America has sown in the Middle East over the last 15 years (and to some degree manipulated by “allies” like Turkey). Sure, Putin is making the most of the American failures, but the underlying causes that make right wing populists popular, here and in Europe, can be significantly blamed on America. Significantly, that’s about a failure of the policies dictated by American ideology to

deliver on what it promises – peace, democracy, prosperity.

Which brings me to this passage from a WSJ article on the latest installment of Anne Case and Angus Deaton's documentation of a big spike in mortality among white people in America.

"For many Americans, America is starting to fail as a country," said James Smith, chair in labor markets and demographic research at the Rand Corp., who wasn't involved in the paper and said he was struck that mortality rates are rising for young working-class adults. "The bad things that are going on in America do not appear to be going on in Western European countries, and that's a big deal."

The spike in mortality, Case argues, is not about existing life conditions, but rather about "accumulating despair."

The increase in mortality rate for working-class whites can't be explained by declining income prospects alone. Blacks and Hispanics face many of the same income struggles but have experienced declines in mortality over the same period, the two economists argued, though their findings reveal more recent troubles for blacks, with gains stagnating the past couple of years amid an increase in drug overdoses and stalling progress against heart disease.

"This doesn't seem to be about current income," Ms. Case said in a call with reporters. "It seems to be about accumulating despair."

The rising mortality of working-class white adults appears to be rooted both in worse job opportunities and increasing social dysfunction, following generations of relatively stable lives

that involved job advancement and an expectation of living better than one's parents, the researchers said.

As a number of people have noted, both today and after earlier releases of Case and Deaton's data, one of the few precedents for such a spike is the rise in mortality in Russia leading up to and after the fall of the Soviet Union. Addiction and other despair-related health problems were significant in both.

Which got me wondering: to the extent this is driven by a failure in ideology – by the failure of the American dream – which comes first, the failed ideology or the rising mortality rates? That is, are people dying of despair in response to the recognition the American dream doesn't deliver for people like them anymore (which, it should be said, has always involved white Americans benefitting from the unequal treatment of brown people both in the US and around the globe)? Or did a worsening lifestyle lead to a spike in mortality that has contributed to despair and the collapse of ideology?

I don't know the answer – and admit it might be more closely tied to policy outcomes than ideology. But as we try to figure it out, we ought to be focusing at least as much on how to roll out life and meaning that can sustain Americans again as we are on blaming Putin for our recent failures to do that.

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## **AMERICA'S WAR AGAINST ~~TERROR~~ ~~DRUGS~~ JUSTICE**

This line appears somewhere in the middle of a substantial story on the impunity the US gave right wing Colombian paramilitaries for

cooperation in drug prosecutions:

On Sept. 10, 2001, a day before his attention turned elsewhere, Secretary of State Colin L. Powell designated the United Self-Defense Forces of Colombia, known as the AUC, a foreign terrorist organization, just like the FARC.

It's a reminder that doesn't get much attention elsewhere in the massive article that the US brought a bunch of (right wing) terrorists to the United States and effectively gave them shelter from justice in their own country.

One reason the terrorists were spirited away to the US – and thereby hidden from the Peace and Justice process in Colombia – is because they had ties to former President Álvaro Uribe, as well as the CIA. In the one war where the US declared *both* sides terrorists, it managed to find a way to avoid treating “our” terrorists like we do all others.

Compared to either the sentences your average low level drug dealer gets or your average young Muslim kid set up by the FBI, the sentences these key players in the drug and terror industry are remarkably light: 7.5 years on average for the paramilitaries and 10 for the drug lords, according to the NYT's calculation.

As such, I think this is one of the most important articles for you to read today, on Never Forget day. It reveals a dramatically different model for a war on drugs and terror than the Foreverwar we're marking today, one in which America's favored terrorists get impunity and the victims of terrorism get shafted.

Meanwhile, Uribe's successor has brought about a peace deal (one Uribe attacks) that, if it works, might finally bring peace to Colombia.

I don't think the US protection for Uribe's thugs had an effect on peace. Indeed, our ambassador claims in the story that agreeing not

to extradite Colombian drug criminals to the US is our contribution to the peace process.

President Santos has said he hopes that one dividend of the peace accord will be a reduction in the drug trafficking that financed the internal armed conflict. Coca cultivation has been soaring in Colombia, with a significant increase over the last couple of years in acreage dedicated to drug crops.

Extradition as a panacea has fallen out of favor. Colombia extraditions to the United States were half as frequent in 2015 – 109 – as the year the paramilitary leaders were sent away. And the new accord, if approved by voters, would guarantee the guerrilla leaders protection against extradition for their drug smuggling – with the blessing of the Americans.

“If you want to see that as the U.S.’s contribution to the peace process, you’re welcome to do so,” Kevin Whitaker, the American ambassador to Colombia, told Radio Caracol.

What is certain, however, is that by sheltering these thugs, the US has short-circuited justice in Colombia.

The article focuses on the case of Julio Henríquez Santamaría, who was assassinated because he was trying to help farmers move away from farming coca. His family has successfully fought to testify at his sentencing, for the first time demanding that the US consider the impact on victims outside the US in crimes the US has bigfooted jurisdiction on as if the US is the primary or even only victim of them.

Skinny but imposing with aviator glasses, a bushy mustache and a toothy smile, Julio Henríquez Santamaría was leading a community meeting in this sylvan hamlet when he was abducted by

paramilitary thugs, thrown into the back of a Toyota pickup and disappeared forever on Feb. 4, 2001.

Ahead of his time, Mr. Henríquez had been organizing farmers to substitute legal crops like cacao for coca, which the current Colombian government, on the verge of ending a civil war fueled by the narcotics trade, is promoting as an antidrug strategy.

But Hernán Giraldo Serna, or his men, didn't like it, or him.

From his early days as a small-time marijuana farmer, Mr. Giraldo had grown into El Patrón, a narcotics kingpin and paramilitary commander whose anti-insurgent mission had devolved into a murderous criminal enterprise controlling much of Colombia's mountain-draped northern coast.

Mr. Henríquez was hardly his only victim; Mr. Giraldo, whose secondary alias was the Drill because of his rapacious appetite for underage girls, had all kinds. But Mr. Henríquez became the emblematic one, with a family tenacious enough to pursue Mr. Giraldo even after he, along with 13 other paramilitary leaders, was whisked out of Colombia and into the United States on May 13, 2008, to face drug charges.

[snip]

Victims' advocates howled that it was like exporting "14 Pinochets." Mr. Henríquez's family, meanwhile, quietly vowed to hold at least one of them accountable for the Colombian blood that stained the cocaine shipped to American shores.

"We hope that the effort we have made over all these years means that things won't end with impunity," said his



daughter Bela Henríquez Chacín, 32, who was 16 when her father was murdered and hopes to speak at Mr. Giraldo's sentencing in Washington next month. The Henríquezes will be the first foreign victims ever given a voice in an international drug smuggling case in the United States, experts believe.

Elsewhere the story talks about two women who were brought as 14 year olds to Giraldo in prison, after he had allegedly foresworn his crimes, in the guise of "conjugal visits." Their testimony may expose Giraldo to a life sentence in Colombia.

This year, two young women cautiously approached the authorities in Santa Marta. They had decided to reveal that they had been victims of Mr. Giraldo's sexual violence even after he surrendered and pledged to stop committing crimes.

When they were under 14, they said, they were taken to Mr. Giraldo for conjugal visits, both in a special detention zone for paramilitary members and later in a jail.

[snip]

If proved, the allegations would be grounds to deny Mr. Giraldo the eight-year alternative sentence he would get under Justice and Peace. He would face spending the rest of his life in a Colombian prison – if the United States sent him back.

Much of the rest of the article suggests Giraldo will avoid that fate here in an American prison, even while holding onto FARC members, like Simon Trinidad, who played a part on the peace process and had been thought might get released.

It's an infuriating article: one that really

underscores how fickle America's opposition to drugs and terror really is.

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## JIM COMEY IMPUGNS POT SMOKERS AGAIN

Reason reports that the American Legion just passed a resolution calling on Congress to reclassify cannabis.

One of the potential medical values of medical marijuana is as a treatment for Post-Traumatic Stress Disorder (PTSD). And in what must certainly at this point make it abundantly clear where the majority of Americans stand on marijuana use, the American Legion has just voted at its national convention to support a resolution calling on Congress to legislatively reclassify cannabis and place it in a category that recognizes its potential value.

The resolution, [readable here at marijuana.com](#), highlights a number of important statistics that have helped push the Legion to support it. Across two years, the Department of Veterans Affairs have diagnosed thousands of Afghanistan and Iraq War veterans as having PTSD or Traumatic Brain Injuries (TBI). More than 1,300 veterans in fiscal year 2009 were hospitalized for brain injuries. And the resolution notes that systems in the brain can respond to 60 different chemicals found in cannabis.

Therefore, the American Legion wants the DEA to license privately-funded medical marijuana and research facilities and to reclassify marijuana away from being

lumped in with drugs like cocaine and meth.

If veterans suffering from PTSD were able to use cannabis as treatment, we would have to add them to the list of people – like Malia Obama – whom Jim Comey thinks don't have integrity.

For the second time in as many months, Comey last week used the example of people who smoke pot (on their way to an interview, at least) to describe a lack of integrity.

To have a cyber special agent, you need three buckets of attributes. You need integrity, which is non-negotiable. You need physicality. We're going to give you a gun on behalf of the United States of America, you need to be able to run, fight, and shoot. So there's a physicality required. And obviously there's an intelligence we need for any special agent, but to be a cyber special agent, we need a highly sophisticated, specialized technical expertise.

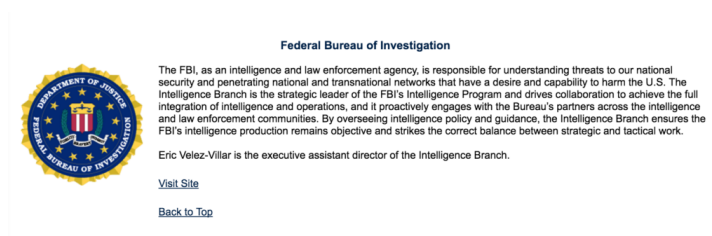
Those three buckets are rare to find in the same human being in nature. We will find people of great integrity, who have technical talent, and can't squeeze out more than two or three push-ups. We may find people of great technical talent who want to smoke weed on the way to the interview. So we're staring at that, asking ourselves, "Are there other ways to find this talent, to equip this talent, to grow this talent?" One of the things we're looking at is, if we find people of integrity and physicality and high intelligence, can we grow our own cyber expertise inside the organization? Or can we change the mix in cyber squads? A cyber squad today is normally eight special agents—gun-carrying people with integrity, physicality, high intelligence, and technical expertise. Ought the mix to be something else? A

smaller group of this, and a group of high-integrity people with technical expertise who are called cyber investigators?

I get that this cute labeling of pot smokers as lacking integrity is part of his script (he used almost the same lines in both speeches), perhaps to avoid thinking about what it means that our nation can't best fight the alleged biggest threat to it because of outdated laws. But either he has given no thought about the words that are falling out of his mouth (indeed, he also seems to have no understanding of the the words "adult" and "mature" mean, which are other words he tends to wield in profoundly troublesome fashion), or the nation's top cop really can't distinguish between law – and that, not even in all states anymore – and ethics.

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## BEN WITTES' DELUSION: FBI IS THE INTELLIGENCE COMMUNITY



Ben Wittes has started a series of posts on how to tyrant-proof the presidency. His first post argues that Jennifer Granick's worries about surveillance and Conor Friedersdorf's worries about drone-killing are misplaced. The real risk, Wittes argues, comes from DOJ.

What would a president need to do to shift the Justice Department to the crimes or civil infractions committed—or suspected—by Trump critics and opponents? He would need to appoint and get confirmed by the Senate the right attorney general. That's very doable. He'd want to keep his communications with that person limited. An unspoken understanding that the Justice Department's new priorities include crimes by the right sort of people would be better than the sort of chortling communications Richard Nixon and John Mitchell used to have. **Want to go after Jeff Bezos** to retaliate for the *Washington Post's* coverage of the campaign? Develop a sudden trust-busting interest in retailers that are "too big"; half the country will be with you. Just make sure you state your non-neutral principles in neutral terms.

[snip]

There are other reasons to expect a politically abusive president to focus on the Justice Department and other domestic, civilian regulatory and law enforcement agencies: one is that the points of contact between these agencies and the American people are many, whereas the population's points of contact with the intelligence community are few. The delusions of many civil libertarians aside, the intelligence community really does focus its activities overseas. To reorient it towards domestic oppression would take a lot of doing. It also has no legal authority to do things like arresting people, threatening them with long prison terms, fining them, or issuing subpoenas to everyone they have ever met. By contrast, the Justice Department has outposts all over the country. Its focus is primarily domestic. It issues

authoritative legal guidance within the executive branch to every other agency that operates within the country. And it has the ability to order people to produce material and testify about whatever it wants to investigate.

What's more, when it receives such material, it is subject to *dramatically* laxer rules as to its use than is the intelligence community. Unlike, say, when NSA collects material under Section 702, when the Justice Department gets material under a grand jury subpoena, there aren't a lot of use restrictions (other than Rule 6(e)'s prohibition against leaking it); and there is no mandatory period after which DOJ has to destroy it. It has countless opportunities, in other words, to engage in oppressive activities, and it is largely not law but norms and human and institutional decency that constrain it.

I don't necessarily disagree with the premise. Indeed, I've argued it for years – noting, for example, that a targeted killing in the US would look a lot more like the killing of Imam Luqman Abdullah in 2009 (or the killing of Fred Hampton in 1969) than drone killing of Anwar al-Awlaki in 2011 (given that Abdullah's selling of stolen items got treated as terrorism in part because of his positive statements about Awlaki, it is not inconceivable FBI started infiltrating his mosque because of SIGINT).

My gripe (I have to have gripes because it is Wittes) is on two points. First, Wittes far overestimates how well the protections against abuse currently work. He seems to believe the Levi Guidelines remain in place unchanged, that the 2008 and 2011 and serial secret changes to the Domestic Investigations and Operations Guide since then have not watered down limits on investigations for protected activities. He suggests it was a good thing to use prosecutorial discretion to chase drugs in the

1990s and terrorism in the 2000s, and doesn't consider why the rich donors who've done as much damage as terrorists to the country – the banksters, even those that materially supported terrorists – have gotten away with wrist-slap fines. It was not a good thing to remain obsessed with terrorists while the banksters destroyed our economy through serial global fraud (a point made even by former FBI agents).

We already have a dramatically unequal treatment of homegrown extremists in this country based on religion (compare the treatment of the Malheur occupiers with that of any young Muslim guy tweeting about ISIS who then gets caught in an FBI sting). We *already* treat Muslims (and African Americans and – because we're still chasing drugs more than we should – Latinos) differently in this country, even though the guy running for President on doing so as a campaign plank isn't even in office yet!

The other critical point Wittes missed in his claim that “delusional” civil libertarians don't know that “the intelligence community really does focus its activities overseas” is that DOJ, in the form of FBI and DEA, *is* the Intelligence Community, and *their* intelligence focus is not exclusively overseas (nor is the intelligence focus of other IC members DHS – which has already surveilled Black Lives Matter activists – and Treasury). The first dragnet was not NSA's, but the DEA one set up under Bill Clinton. One big point of Stellar Wind (which is what Wittes mocked Granick for focusing on) was to feed FBI tips of people the Bureau should investigate, based solely on their associations. And while Wittes is correct that “when the Justice Department gets material under a grand jury subpoena, there aren't a lot of use restrictions (other than Rule 6(e)'s prohibition against leaking it); and there is no mandatory period after which DOJ has to destroy it,” it is equally true of when FBI gets raw 702 data collected without grand jury scrutiny.

FBI can conduct an assessment to ID the racial

profile of a community with raw 702 data, it can use it to find and coerce potential informants, and it can use it for non-national security crimes. That's the surveillance Wittes says civil libertarians are delusional to be concerned about, being used with inadequate oversight in the agency Wittes himself says we need to worry about.

Four different times in his post, Wittes contrasts DOJ with the intelligence community, without ever considering what it means that DOJ's components FBI and DEA are actually part of it, that part of it that takes data obtained from NSA's surveillance and uses it (laundered through parallel construction) against Americans. You can't *contrast* the FBI's potential impact with that of the IC as Wittes does, because the FBI is (one of) the means by which IC activities impact Americans directly.

Yes, DOJ is where President Trump (and President Hillary) might abuse their power most directly. But in arguing that, Wittes is arguing that the President can use the intelligence community abusively.