



The Boy Scouts of America May File Bankruptcy to “Stave Off” Sexual Misconduct Lawsuits

The Boy Scouts of America (BSA) have recently changed their policies to allow gay leaders into the organization and to allow girls to join, which is now hurting the organization financially. BSA hired a legal team to explore options as the institution is facing financial hardship due to at least 140 sexual misconduct lawsuits, some dating all the way back to the 1960s. Declaring bankruptcy could stop litigation and allow negotiation. Boy Scouts CEO Michael B. Surbaugh released a statement saying, “We are working with experts to explore all options available to ensure that the local and national programming of the Boy Scouts of America continues uninterrupted.” [Membership](#) has declined from over four million boys at its peak to 2.3 million members.

The Boy Scouts of America are considering filing for bankruptcy, according to a report released Wednesday.

The *Wall Street Journal* states leadership of the youth organization, mired in sexual misconduct litigation, hired the law firm Sidley Austin LLP to explore a wide range of options, including petitioning for relief under Chapter 11.

On Wednesday, Boy Scouts CEO Michael B. Surbaugh released a statement in response to the *Journal's* report, [saying](#), "We are working with experts to explore all options available to ensure that the local and national programming of the Boy Scout of America continues uninterrupted."

"As you all know, we have always taken care of victims we believe them, we believe in fairly compensating them and we have paid for unlimited counseling, by a provider of their choice, regardless of the amount of time that has passed since an instance of abuse," Surbaugh added.

Legal experts [note](#) filing for bankruptcy would "stave off" at least 140 lawsuits filed against the organization alleging misconduct by scoutmasters.

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“Hate Speech” Prosecution in New York

State of New York Purchase College student, Gunnar Hassard, was arrested and charged with ‘Aggravated Harassment’ for hanging posters with Nazi symbolism. The problem with laws that prohibit freedom of speech for those you detest is that

they can be used by those you detest to prohibit your free speech. The reversal always is only an election away. -GEG

In New York, Aggravated Harassment is a hate crime when anyone “Etches, paints, draws upon or otherwise places a swastika, commonly exhibited as the emblem of Nazi Germany, on any building or other real property.”

The law is unconstitutional because the government is not empowered to single out attitude or political opinion as a violation of the law. It can protect property from damage or defacement, but to claim that the damage or defacement is related to the message of the poster or flyer is not allowed – no matter what we may think of the message. Otherwise, the door will be open for those who hold political power to outlaw public expression of any opinion they choose – including ours.

[SUNY] Purchase College student Gunnar Hassard was arraigned in Harrison Town Court for Aggravated Harassment in the First Degree, a class E felony, for hanging posters with Nazi symbolism in areas of the campus...

On Sunday evening Dec. 8, 2018, during the Jewish celebration of Hanukkah, the felony complaint alleges that 18-year-old Gunnar Hassard of Oneonta, NY, and a student at SUNY Purchase, hung multiple posters, which incorporated a swastika and symbols of Nazi Germany, on and near the Humanities Building.

The complaint states that the defendant posted multiple flyers on the campus “frequented and utilized by members of the Jewish community ... causing alarm, fear and annoyance to the members of the campus community during the Jewish holiday of Hanukkah.”

New York State University Police arrested Hassard and charged him with Aggravated Harassment, a hate crime which specifically states a person is guilty of this crime when one “Etches, paints, draws upon or otherwise places a swastika,

commonly exhibited as the emblem of Nazi Germany, on any building or other real property.”

As readers might gather, I have only contempt for neo-Nazis. But the statutory provision to which the D.A.’s office is referring, [N.Y. Penal Law 240.31](#), is unconstitutional. The relevant part of the statute reads,

A person is guilty of aggravated harassment in the first degree when with intent to harass, annoy, threaten or alarm another person, because of a belief or perception regarding such person’s race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct, he or she:

Etches, paints, draws upon or otherwise places a swastika, commonly exhibited as the emblem of Nazi Germany, on any building or other real property, public or private, owned by any person, firm or corporation or any public agency or instrumentality, without express permission of the owner or operator of such building or real property.

And that impermissibly singles out a particular message based on its content and even its viewpoint, which is unconstitutional under [R.A.V. v. City of St. Paul \(1992\)](#) (and *Virginia v. Black* (2003)).

Now the government can generally criminalize the posting of *all* signs on private property without the owner’s permission. It could likewise criminalize the posting of all such signs on government property; and the government as landlord can even set up rules that impose content-based but viewpoint-neutral constraints on what is posted on its property. (SUNY, for instance, can probably bar the posting of signs that contain vulgarities, even though the government can’t generally criminalize vulgar speech.) But it can’t target for special

criminal punishment racist signs, or anti-government signs, or signs critical of various religious, sexual orientations, or what have you. Just as *R.A.V.* held that a ban on racist “fighting words” is unconstitutional even if a ban on “fighting words” generally is constitutional, so a ban on unauthorized signs that display a swastika is unconstitutional even if a ban on unauthorized signs generally is not.

Nor does the requirement that the speech be intended to “harass, annoy ... or alarm” change the analysis. I don’t think that general bans on publicly posted speech intended to harass, annoy, or alarm are constitutional, see [People v. Golb \(N.Y. 2014\)](#) and [People v. Marquan M. \(2014\)](#); but even if they were, they again can’t single out swastikas.

A ban that is limited to “true threats” of violence would be constitutional, and it’s possible that a ban on true threats that use swastikas would be constitutional, too, by analogy to the ban on true threats consisting of cross-burning that was upheld in [Virginia v. Black \(2003\)](#); the theory would be that swastikas are especially threatening, so a law banning threatening swastikas just focused on the most dangerous subset of the forbidden category. But this statute is not limited to true threats (“intent to ... threaten” is only a part of it), and there seems to be nothing in the press release or the news stories I’ve read that suggests that the swastikas were indeed true threats of violence. (Of course, seeing a swastika displayed can create some degree of generalized menace, but that’s not enough to allow its prohibition, as *Black* held for cross-burning as well, where there’s no specific threat.)

Swastikas are constitutionally protected, just as are hammers and sickles or burning crosses or images of Chairman Mao or other symbols of murderous regimes and ideologies. Public speech intended to “harass, annoy ... or alarm” groups of people (whether Jews or conservative Christians or blacks or whites) is constitutionally protected. Posting things on other

people's buildings isn't protected, but the law can't single out the posting of particular viewpoints for special punishment. And true threats of violence are unprotected, but the statute isn't limited to them, and I've seen no evidence of a specific true threat here.

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Texas: Federal Judge Rules That Obamacare Is Unconstitutional

Judge Reed O'Connor, a US District Judge in Texas, appointed by former President George W. Bush, ruled that Obamacare violates the Constitution. The case was brought to court by 20 Republican state attorneys general. The judge ruled that the law's individual mandate, which requires Americans to buy insurance or pay a penalty, violates the Constitution. Furthermore, because the mandate is "essential" to the rest of the process, all of Obamacare is invalid. The ruling will be challenged by Democrats. -GEG

A Texas federal judge on Friday ruled that

Obamacare violated the Constitution, likely pushing the ruling towards the Fifth Circuit Court of Appeals.

Judge Reed O'Connor, a U.S. District Judge for the Northern District of Texas appointed by former President George W. Bush, [ruled](#) that Obamacare violated the Constitution.

Twenty Republican state attorneys general brought the suit, *Texas v. Azar*, who asked the court to rule that the Affordable Care Act (ACA) violates the Constitution after Republicans managed to zero out Obamacare's individual mandate penalty with the Tax Cuts and Jobs Act last year. The judge ruled that the law's individual mandate violates the Constitution and therefore the entire ACA violates the Constitution.

Judge O'Connor [acknowledged](#) that health care is a "politically charged affair – inflaming emotions and testing civility."

However, O'Connor added that the courts "are not tasked with, nor are they suited to, policymaking."

O'Connor said that because the individual mandate is "essential" to the rest of the ACA, all of Obamacare is invalid.

"Congress stated many times unequivocally – through enacted text signed by the president – that the individual mandate is 'essential' to the ACA," O'Connor [wrote](#). "And this essentiality, the ACA's text makes clear, means the mandate must work 'together with the other provisions' for the Act to function as intended."

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France: The Strasbourg Christmas Market Shooter Is Dead. Police Searched His Home Before the Attack

France: Last Tuesday a man shot three people dead and injured 12 others while yelling “Allahu Akbar” in a terror attack on Strasbourg’s celebrated Christmas market. Another one of his victims has died. The main suspect, Cherif Chekatt, was reported to have been killed in a dramatic police shootout on Thursday. Chekatt had 27 criminal convictions for violence and theft and has spent time in French, German, and Swiss prisons. On the same day of the shooting, police had attempted to arrest the man at his home for a previous crime, and found grenades there. Chekatt may have had accomplices. Seven people now are in police custody including four members of his family and three members of “his close entourage”.

Police searched through eastern France on Wednesday for a man suspected of killing at least two people in a gun attack on a Christmas market in Strasbourg and who was known to have been religiously radicalized while in jail.

Witnesses told investigators the assailant cried out “Allahu Akbar” (God is Greater) as he launched his attack on the market, the Paris prosecutor said.

The prosecutor, Remy Heitz, also suggested the suspect may

have chosen his target for its religious symbolism.

“Considering the target, his way of operating, his profile and the testimonies of those who heard him yell ‘Allahu Akbar’, the anti-terrorist police has been called into action,” Heitz told a news conference.

Police issued a wanted poster for the suspect identifying him as Strasbourg-born Cherif Chekatt, 29, who is on an intelligence services watch list as a potential security risk.

(For a graphic on Strasbourg attack click, tmsnrt.rs/2QQL0XG)

An investigation had been opened into alleged murder with terrorist intent and suspected ties to terrorist networks with intent to commit crimes, Heitz said.

Two people were killed and a third person was brain-dead and being kept alive on life support, he said. Six other victims were fighting for their lives.

France raised its security threat to the highest alert level, strengthening controls on its border with Germany as elite commandos backed by helicopters hunted for the suspect.

French and German agents checked vehicles and public transport crossing the Rhine river, along which the Franco-German frontier runs, backing up traffic in both directions. Hundreds of French troops and police were taking part in the manhunt.

French soldiers stand guard near closed wooden barracks shops at the traditional Christkindelsmaerik (Christ Child market) in front of the Cathedral the day after a shooting in Strasbourg, France, December 12, 2018. REUTERS/Christian Hartmann

Prime Minister Edouard Philippe said an additional 1,800 soldiers would be put on anti-terror security patrols with a special focus on Christmas markets.

Sylvaine Jardin, director of the Porcus charcuterie, just metres from where the shooting took place struggled to hold back tears saying she needed to work so as not to think about what had happened.

“We can’t let ourselves be submerged by fear, but we’ll feel better when he is caught,” she said, adding that traders had last year been given training and advice in preparation for a possible attack.

SERIAL CONVICT

The gunman struck at about 1900 GMT on Tuesday, just as the picturesque Christmas market in the historic city was shutting down.

He engaged in two gunfights with security forces as he evaded a police dragnet and bragged about his acts to the driver of a taxi that he commandeered, prosecutor Heitz said.

No one has yet claimed responsibility, but the U.S.-based Site intelligence group, which monitors jihadist websites, said Islamic State supporters were celebrating.

French and German security officials painted a portrait of Chekatt as a serial law-breaker who had racked up more than two dozen convictions in France, Germany and Switzerland, and served time in prison.

“It was during these spells in jail that we detected a radicalization in his religious practices. But we there were never signs he was preparing an attack,” Deputy Interior Minister Laurent Nunez said.

One German security source said the suspect was jailed in southern Germany from August 2016 to February 2017 for aggravated theft but was released before the end of his 27-month sentence so that he could be deported to France.

“He was banned from re-entering Germany at the same time”, the security source in the state of Baden-Wuerttemberg said. “We don’t have any knowledge of any kind of radicalization.”

France faces ‘yellow vests’ for a fifth week

BORDER CONTROLS

The attack took place at a testing time for President Emmanuel Macron, who is struggling to quell a month-long public revolt over high living costs that has spurred the worst public unrest in central Paris since the 1968 student riots.

The disclosure that Chekatt was on a security watchlist will raise questions over possible intelligence failures, though some 26,000 individuals suspected of posing a security risk to France are on the “S File” list.

Of these, about 10,000 are believed to have been radicalized, sometimes in fundamentalist Salafist Muslim mosques, in jail or abroad.

Police had raided the suspect’s home early on Tuesday in connection with a homicide investigation. Five people were detained and under interrogation as part of that investigation.

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Charlottesville: James Fields, 21, Found Guilty of Premeditated First Degree Murder, Sentenced to 419 Years in Prison

The jury in the case against James Fields found him 'guilty' of premeditated first-degree murder and recommended a life sentence plus 419 years. -GEG

By JW Williams

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Charlottesville, Virginia: James Alex Fields, 21, was convicted of killing a woman and injuring dozens when he drove his car into counter protesters at a white-nationalist rally. The jury recommended a sentence of life in prison for the charge of premeditated first-degree murder plus 419 years for the other charges.

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A psychologist testifying for the defense said Fields has a history of mental health issues, including bipolar disorder. He is eligible for the death penalty if convicted of federal hate-crime charges. That trial has not yet been scheduled.

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The prosecution argued that the crash was premeditated because Fields had posted a meme on social media of protesters blocking traffic being run over by a car. Before the rally, his mother told him to be careful, and he responded by writing, "We're not the ones who need to be careful". A record of conversations with his mother also revealed that he denigrated the victim, Heather Heyer.

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There is little reason to feel that Fields is unjustly

accused, but it should be noted for the record that numerous things happened to him that, considering his mental instability, likely helped to push him over the edge. The following facts are seldom mentioned in the press:

- Earlier in the day, James Fields had urine thrown at him by Antifa demonstrators.
- Dwayne Dixon said that he “chased” fields with his AR-15 rifle.
- Fields’ car was attacked from behind and on the passenger side just before he struck the crowd.
- Before being chased and attacked by Antifa, Fields ‘Googled’ directions to leave the area, indicating he intended to go home.
- After the crash, [Fields said](#), “I’m really sorry” to a detective, who then asked what he was apologizing for. “I’m really sorry that, I don’t know. I didn’t want to hurt people, but I thought they were attacking me.”

Sources:

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