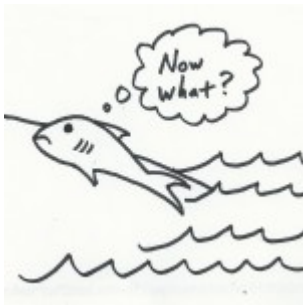


What the Hell is Water?



Last week, a group of frat boys in Oklahoma were caught on video chanting a completely unhinged racist fraternity song. As any member of the privileged class would do, they lawyered up right quick and issued a *sincere apology* written for them by a crisis manager, naturally, in which they declared themselves thoroughly embarrassed by their “mistake”, but that they want everyone to realize that they know in their hearts they are “not racist”. The University expelled the ringleaders and evicted the frat from campus. Of course, now the not-racists-in-their-hearts and the fraternity are suing the University, because they are certainly the real victims in all this.

The easy smart-ass remark begging to be thrown here is, “See, white man can’t catch a break.” This crack might be funny if the teller and audience were in on the joke that it’s a preposterous statement on its face, an obvious flip-take on the reality of race/gender privilege. Alas, there are too many whites out there who grimly nod their assent and file it away as another proof that, really, truly, it is they who are the real victims. It’s a tricky form of satire/humor, going back to the days of Archie Bunker’s transparently absurd character. Unfortunately, a majority of polled viewers did not view him as an absurd bigot; they saw him as a sympathetic victim of changing times. Just like the frat boys.

A couple of weeks ago I heard one of my favorite authors, Walter Mosley, speak at a Florida A&M. This was for a literary conference looking at futurist fiction by black authors

called *Black to the Future*. As expected, Mosley was very smart and funny. Unexpected: he spoke to the 98% black audience as though there were no white people there. The talk was half over before I realized that, even though he talked *about* white people in his remarks, he never talked *to* white people.

I was unsure whether this was an amazingly clever tactic, or whether he just decided to be himself. Here was a man talking to and with his tribe, his people, and I and the 4 or 5 other whites in the auditorium, while not being excluded or threatened, simply did not matter to the form and content of his presentation. If one of us took offense, well...too damn bad. Probably the way the two black kids in my elementary school felt.

Yesterday we went to see the movie *Selma*. Once again, I had the sense that while white people were sometimes being talked *about*, the movie itself was talking specifically *to* black folks. Again, not that "we" were being demonized or anything – though we were certainly being characterized across a range of behaviors and types – it was just that our prevailing white frame of reference did not really pertain to the story the movie was telling.<fn>Skimming a few interviews, it's clear the director of *Selma* intended this framing. She's caught a lot of heat for it.</fn>

And that was fine, even a little bit invigorating. For a moment I felt I was experiencing first-hand an aspect of living as a marginalized human in an other-dominated paradigm.<fn>Oh swell job, Mister Insight. Give yourself a cookie.</fn> But then I realized that I was viewing my insight through a lens defined by my generally overarching position of privilege, and that I could shift between the stances of *ignored listener* and *presumptive center of the universe* pretty much at will. My ability to recognize the distortion of marginalization was itself filtered by my fundamental *non-marginalization*, so that my epiphany of so-called *solidarity* was in fact yet another episode in my lifelong career of

cluelessness about the effects of race and racial attitudes on anyone other than white males from the Deep South.<fn>As the fish in DFW's Kenyon commencement would say: "What the hell is water?"</fn>

Now it's beyond easy to point out the obviously racist behavior of the frat boys; or the Univision host who "joked" that Michelle Obama resembles an ape; or the systematic judicial apartheid of a Ferguson, Missouri. It's a little more troubling to recognize something as well-intentioned as my moment of solidarity as being, in itself, more than a little bit racist.

Fact is, the reason I registered Mosley's rhetorical stance of speaking directly to blacks as though "we" were not there is because it stood in such stark contrast to the stance that I have grown to expect as *normal*. It was the violation of this norm that registered. Why was he talking as though I were invisible? Because to him, at that time, I was. How dare he? My view of the event was tinged by my racism.

That's one hell of a word: racism. It's a fighting word, a conversation stopper. And its weight has come to be so restrictive that it allows too many of us who carry racist attitudes to pretend it does not apply to *me*, oh no, because I am a decent, well-intentioned person, and some of my best friends, &c.

But I think we need to reclaim the word for broader application, not limited to describing the likes of Bull Connor and Sheriff Jim Clark. Everyone can agree that they were racists; they were also cruel, sadistic, ignorant men whose behavior was at least socio-if-not-also psychopathic.<fn>They would have found a different outlet for their pathology in a different society. Either one would have made a fantastic Col Kurtz or FW de Klerk.</fn>

If the word is limited to the extreme examples – racism equals

monstrosity, period – then the word loses its utility. It makes it impossible for someone like me to honestly assess myself and say, well yeah, I actually am a racist, I see events and people through a filter that imposes certain expectations of behavior and status and hierarchy. I hope I am evolved enough to not act as though those expectations are entitlements. But even if I am capable of behaving decently despite living within that structural view of the world, it doesn't change the fact: I am a racist.

It's critical that we who benefit from structural privilege be able to accept this word as descriptive of our attitudes – and of our behavior, if the shoe fits – if we ever hope to transcend racism as a societal given. Denying racism does nothing to rid ourselves of the framework that codifies behavior and expectation and that, ultimately, robs us of the opportunity to engage each other on an equal basis.<fn>Which hope may in itself be white-normative fantasy nonsense that has nothing to do with what others may want for themselves. I so do not know.</fn>

There has been a noisy debate about whether *Selma* depicted LBJ fairly. In one scene, LBJ uses the 'n'-word to try to persuade George Wallace. Old-time LBJ partisans were outraged. I'm pretty sure that LBJ saw himself as a 'friend to the Negro' and did not view himself as a racist. I don't know if he used the word or not, but given his age and his upbringing in the Deep South, I would not be surprised.<fn>Perhaps he would have been more refined, the way my family elders were: they never would have said that vulgar, common word. They would have referred to the blacks as 'nigras'. It was considered more polite. Enlightened, even.</fn>

So sure, I like to consider myself an enlightened, fair-minded guy. But I'm drawing the line at "post-racial". This nonsense word has been run through the wringer of privilege and entitlement and asks solely that everyone please STFU about race because it makes *Us* feel a little bit uncomfortable.

Can't we all just get along and pretend everything is okey doke? Come on, the water is just fine.

Robin DiAngelo's 2011 essay *White Fragility* describes a society "in which even a minimum amount of racial stress becomes intolerable, triggering a range of defensive moves." This stance – coupled with the extreme definition of racism – leaves us at a great divide. The in-group is outraged that they are criticized; the out-group can't believe the in-group refuses to recognize their role in the system's perpetuation, and everyone embraces the role of unfairly treated victim. It's a dead end of shouting past each other.

So no unfair victimhood here. I am a racist. I am also a sexist, and a bunch of other unpleasant isms. It's the water we've been raised in, and that sometimes seems pretty insurmountable.

But.

While the vast majority of the bleeding and dying during the Civil Rights struggle was done by black people standing up for themselves, more than a handful of whites put themselves on the line, too, and made a real difference.

And even though they grew up in less enlightened times than most of us, they managed to see the water for what it was. If they can do it...

It's the Worst Time in the History of Ever. (And it always has been.)



The *Committee Study of the Central Intelligence Agency's Detention and Interrogation Program*, aka the Senate CIA Torture Report, is a legalistic *summary* of the Torture committed in our name during the post-9/11 War on Terror, matter-of-fact descriptions of acts that, whatever enhanced euphemism we use to mask the truth, are acts of Torture.

Torture.

Let that word hang there like an indelible shit stain.

Stick your hand in it, rub it in on your clothes. Don't worry, you won't have any new stink there that wasn't there before. This is America, where hideous violence on your behalf has been the name of the game for well over 200 years. Don't be shy. There's plenty of stink to go around.

Because also in the news: multiple summary executions of citizens by law enforcement, including a 12-year old boy who was romping on a playground across the street from his house. The police fatally shot him within 3 seconds of getting out of their car. Because reasons.

Because also: the State of Georgia executed a man with the functional intelligence of an 9-year old – an African American represented at trial by a knee-walking drunk who was also a racist and embezzler. Because Justice.

Because also: the movement to make the 2nd Amendment the primary ruling principle of our civic lives has led to, yet again, a mentally unstable person opening fire on students at a school. And oh, because also, a prominent member of the Open Carry movement shot her husband and daughter. Newtown, two years ago today. It was a teachable moment, remember? Because Freedom. The better to keep us safe.

And nobody seems the least bit surprised. Upset, for a minute, but unsurprised. Now, what's on the teevee?

Welcome to the New Normal. But really, what's new about it?

“Violence is as American as cherry pie”. H Rap Brown dropped that one on an America that had not come to grips with the contradiction between its self-image and its true history.<fn>That America being, largely, White America, naturally. Non-whites were all too familiar with the legacy.</fn> I'm just old enough to remember the tut-tut reactions of parents and teachers, people who were outraged at the suggestion that violence is at the very core of our heritage.

At least they had the decency to be horrified at the thought. Because what changed in the 45 years since H Rap threw down that bloody truth – because Viet Cong prisoners were not throwing themselves out of helicopters, and Fred Hampton did not just die in his sleep, and Emmett Till, &c. – what makes now different from then is not the violence. It's the fact that we have arrived at a point where too many people are willing to stroke their serious chins and say that, sadly, yes, we are a nation that must torture, that our police occasionally just *have to* kill someone where they stand,

executed without trial, because reasons. And it all boils down to one sad and simple fact.

America, the greatest nation in the history of forever, the beacon, the shining city on the hill, the land of dreams for millions of immigrants – this land has become the redoubt of a mass of pants-pissing cowards, desperate for Strong Daddy to keep us safe from the boogey man, a fearsome beast of many disguises who will kill you in your sleep because he hates “our way of life”.

One of Those People.

Rick Perlstein's *The Invisible Bridge: The Fall of Nixon and the Rise of Reagan*, provides a useful compass point for surveying the landscape of America's nascent acceptance of violence on its own behalf.<fn>I'm not talking about the political elites, whose affection for violence runs at least as far back as the charmingly misnamed Boston Tea Party. That crowd never hesitates with the iron fist.</fn> There is a bright, straight line that runs from Vietnam to Watergate to the Reagan administration, on through Central America and the Middle East, and on through Ferguson and Staten Island, the execution chambers of America's prisons, and right to the doorstep of detention centers in Afghanistan and Thailand and at Abu Ghraib and Guantanamo Bay. And if we had time, we could trace that line back through Bay of Pigs and Mossadegh and Lumumba and WWII camps for Japanese-Americans, the violence of Jim Crow, our military adventurism in Latin America, the genocide of Native Americans, to slavery. And we would also have to talk about drone strikes, and the unfortunate collateral damage, &c. But this is hard enough to swallow as it is. Baby steps.

During the 60s and 70s, the social displacements stirred by the emerging Rights movements unsettled comfortable assumptions of Real America.<fn>Real America of course meant White America, plus some of those others we grudgingly

tolerated, to a point. I was raised in Real America. *Mad Men* is an accurate portrayal of my formative years. Women were asserting themselves, Blacks were asserting themselves, Latinos and peaceniks and gays, and so on. Those People were telling people like my parents that they were mistaken, that Real America was a fiction and a crime. A crime that was no longer tolerable, that would be overturned "by any means necessary". And Real America became very afraid.

And there were leaders who recognized this fear and set out to harness that energy to fuel their own ambitions.

That meant stoking the fear. The post-WWII rise of the national security apparatus was predicated on a scary campfire story: that godless commies were determined to destroy "our way of life". Our involvement in Vietnam, among other places, was justified by this reckoning, even though there were obvious financial motivations for our purely noble defense of freedom wherever natural resources or strategic control were desired. Thus, any opposition to military adventurism must de facto be the work of people who hate our freedom, and therefore deserve whatever means we devise to deal with them. Those People.

Stoke the fear. Minorities insisting on equal treatment in the workplace meant that your Real American job was on the block, easy pickings for the militant black or the liberated bra burner, who also by the way were prepared to tempt your daughter into a life of drugs and wanton promiscuity.

Hippies and peaceniks, obviously dupes of the commies, were ready to turn your cherished homeland into a haven of unwashed, drug addled, free love bums who had nothing better to do than make fun of your beliefs, disrupt the way things have always been, and recruit your children to become one of Those People.

The mollycoddling of dangerous criminals was too much to bear.

Technicalities and Constitutional protections and such. Courts letting the guilty run free. Courts telling states that the death penalty is forbidden.<fn>Don't worry. They reversed that decision. Guys like Rick Perry are free to execute without interference.</fn> Miranda rights. Everything stacked to favor Those People, those thugs, those super-predators. Please, Strong Daddy, protect us.

Here's the great insight of Perlstein's Reagan chronicle. In the mid-70s, after so much unpleasant reality was laid bare, this Nation faced a choice: understand the conflicts and contradictions and historical truth, and work to make this nation a true reflection of the stirring ideals of the Constitution; or deny the truth staring you in the face, and retreat into fantasy.<fn>America loves it some fairy tales. From the first Thanksgiving to a chopped down cherry tree to a rail splitter to a coonskin cap to Remember the Maine!, America can't get enough of flattering fantasy. The 60s and 70s cut those tales down to size. Sorry Virginia, no Santa Claus.</fn> Become adults, or stay in Neverland.

You know how it went.

Along comes Reagan with fantasy in irresistible packaging, bedecked with bunting, and America, desperate to be told pleasing bedtime stories again, enthusiastically infantilized itself to bring on Morning in America. We became a nation hungry for happy lies and happy endings. Do whatever you have to, Strong Daddy, and keep us safe from harm, and thanks for the 230 channels and the big screen.

And so we smuggled weapons to Iranian militants in return for money to fund Central American terrorists who smuggled drugs to America to help fund their revolution against the evil commies, who sometimes just happened to look like nuns and priests. And so we made alliances, in turn, with noble freedom fighters like Gadafi and Saddam and Noriega and the Iranian mullahs, and with heroes like Savimbi and Rios Montt, &c. And

so we armed and trained Afghan freedom fighters who later became the Taliban. And when our friends became inconvenient, or tugged too hard on the leash, we found new friends to replace the ex-friends that were now our enemies.<fn>We have always been at war with Eastasia.</fn>

But don't ask questions, better that you not know all this, just trust us.

The justification for secrecy has not changed since the beginnings of the Security State. Revealing secrets will embolden our enemies, endanger innocent people, undermine your very safety. The arguments were the same, from Mossadegh to Vietnam to Pinochet to Cambodia to Watergate to Nicaragua to Granada to yellowcake uranium. Those People are coming to kill you in your sleep. We'll keep you safe. Shut up, sit down, and watch the teevee.

And then an airplane flies into a New York skyscraper. Those People are here! We must do everything possible to protect ourselves. Please follow the bright line to the window where you will surrender your freedom for the illusion of safety. Don't ask questions. In fact, why don't you just take a nice trip to Disneyland and leave it all up to us.<fn>Really. Bush the Dimmer actually suggested this in a speech just 2 weeks after the al Qaida attacks.</fn>

And so we follow the bright line directly to this week's torture report. As always, the idea that any of this activity was truly a secret is a sad joke.<fn>Any more than the secret bombing of Cambodia was a secret or the secret death squads in Latin America and elsewhere were secret. The truth about Abu Ghraib came out years ago, and the few bad apples excuse only flies if you really, really want it to. Clap harder.</fn> Once again, we are being told that we have no right to know certain things that our betters have done on our behalf because national security. Besides, it's all a pack of lies anyway, created by Those People Who Hate Our Way of Life, and we would

love to prove our innocence but really can't because national security. In fact, continue our betters, not only are we completely innocent of these scurrilous charges that we simply cannot defend ourselves against because national security, but we only did it in the first place to keep you from being murdered in your sleep by commies/Black Panthers/hippies/Muslims/terrorists/&c. So shut up, sit down, and watch the teevee.

And the bright line takes us from a society that condones whatever-it-takes-as-long-as-we-can-deny to whatever-it-takes-whatever-you-say-boss. To a moment in time where America will actually entertain a Serious Conversation about what makes torture acceptable. I'm sure this is also some kind of teachable moment.

Torture. Let that word hang there.

Too many Very Important People with oh-so tender feelings think that word is extreme and uncivilized and inflammatory, think that it shuts down any possibility of a polite conversation about how and when Torture might in fact be okay, just this one time, or maybe two, or 47, or 122, or whatever.<fn>"The CIA maintained such poor records of its detainees in [Country] during this period that the CIA remains unable to determine the number and identity of the individuals it detained. The full details of the CIA interrogations there remain largely unknown..."</fn> And that's exactly the point. There should not be any rational discussion. Fuck being polite. We should react with horror, with outrage. The people who do this in our name, and those who make excuses for them, should be reviled, excluded, quarantined from our midst.<fn>Most of the architects of this horror are actually living pretty high on the hog.</fn> Any reasonable discussion about when torture is justified is morally equivalent to debating when slavery might be okay or when you might get a pass for sexually abusing a child or for committing a rape because you were sure that 'no means yes and yes means anal'.

But no, people will say, with a sad head shake. Sometimes you just have to do whatever it takes, and besides, Those People hate our way of life. Sometimes, you just have to accept that rectal rehydration and waterboarding are not just okay, but necessary.

And therefore of course, you just have to accept that a 12-year old playing with a toy gun is going to be murdered by a jittery, unfit cop<fn>He had been fired from a previous job.</fn> because the brave policeman was afraid; or that some guy standing on the street is going to be choked to death; or that a child in a hoodie deserved to die because a Rambo-wannabe didn't like seeing one of Those People in his neighborhood. Because one of Those People scared the piss out of our protectors and they had to act because they knew they could convince that that was one scary motherfucker and you would have killed him, too.

The similarities between Nixon's apologists and those of the Torture Regime, or the defenders of summary police execution, lie in this. Secrecy is justified by the overriding concern for Security. Any mistakes made on your behalf are justified because you are afraid, because you want Strong Daddy to slay the dragons. Your right to know is trumped because the brave defenders of your freedom say you can't handle it, or that you knowing would jeopardize your brave defenders, or because the commies/terrorists/urban predators will kill you in your bed so shut up already because Those People aren't you.

The difference? Only that, when exposed, our latter day Strong Daddy says, yes we did these things, and what of it. You made me what I am, says Strong Daddy. What did you expect? Isn't this just what you wanted?

A nation willing to be kept in a state of infantilized fear – fear of Those People, whoever they are –cannot deny the violence done in our name. We are instead compelled to excuse it, to blame the object of our violence for their own fate.

They had it coming, those Muslims, those Black Panthers. Those kids. Those People.

Twenty-eight years ago this month, Elie Wiesel said this upon receiving his Nobel Peace Prize:

"We must always take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented."

I grew up with a naïve faith in the concepts of the Constitution and the ability of the Nation to self-correct. That whole We the People in order to form a more perfect union myth. And amazingly, despite all that has happened and the cynicism and despair that is so hard to resist, I still hold that faith. Even though I came of age during the political calamities of Vietnam/Watergate, <fn>And it was truly calamitous. The fear that Nixon might call upon a military solution to protect his presidency was palpable.</fn> I came away from that episode with a stronger faith in what our system of government can achieve. It was not an easy pull, but in the end, the Watergate investigations, the Church and Pike committees – the refusal to accept the claim that we could not handle the real truth – led to the kind of transparency and moral expiation we need so badly right now. It was Constitutional self-governance at its best, in response to degraded government at its worst. And then, when we made a choice to embrace a fantasy, my generation failed us all.

Red pill or blue? Maybe this time we'll choose to grow up. Watch this. There's still hope.

Turn off the teevee. Stand up. Make some noise.

Hero Worship and Moral Uncertainty

Each of these things is just like the other, just like the other.

Bill Cosby. Roman Polanski. Woody Allen. Miles Davis. Jameis Winston.

I read this Ta-Nehisi Coates piece in *The Atlantic* – a writer’s mea culpa regarding the rape allegations swirling around Mr. Pudding Pop – while I was listening to Miles Davis, just minutes after our local fishwrap announced yet another postponement to the Jameis Winston sexual assault hearing. And I really wish I had not stumbled across this particular two and two.

I love the music of Miles Davis. Every period, every style. My widely shared opinion: he’s the musical equivalent of Picasso, Joyce, Jonas Salk, Einstein, &c. If number of plays and space on the shelf mean anything, Miles is certainly one of the top three musicians in my little world.

And he was an admitted wife beater, and according to some, a rapist.<fn>Stories I was told by a musician who knew Miles are Rick James-level stuff. Hair raising.</fn>

I grew up with Bill Cosby. Fat Albert, driving in San Francisco, his brother Russell. *I Spy* and the *Cosby Show(s)*. Jello and hey hey hey. And it’s beginning to seem that he has been a serial rapist most of these years. My first Woody Allen movie was *Play it Again, Sam*. I was 13. That night, I stumbled across a movie on TV called *Casablanca*. Kismet. My ongoing

devotion to the old classics began that night. I owe that debt to Woody Allen, not to mention admiring his work for 40 years. And yeah, he has nasty cloud over his head, too. Polanski made some brilliant movies and raped a child. The only difference from the others mentioned here: he pleaded guilty to rape – before he fled the country to escape punishment – and is thus the only one of this group to actually carry a legal finding of guilt. The rest are technically *not guilty*, if not quite innocent.

And then there's Jameis Winston. Heisman Trophy winner, leader of a championship football team, star baseballer, and hero to many in my adopted hometown – none of which I give two tiny shits about. And according to at least one accuser, he's a sexual predator.

I like to consider myself a moral person, one who would never do such a thing, harrumph, and how horrible that the police have seemingly conspired to protect this young man from the hand of justice, won't someone consider the victim(s?), is football really that damned important where are our priorities? They let those guys get away with anything. I hold these truths to be self-evident as I sit here listening to Miles Davis, and oh by the way, I watched part of *Chinatown* (again) just last week. ("You see, Mr. Gittes, most people never have to face the fact that at the right time and the right place, they're capable of ANYTHING.")

I've watched Winston play a few games, and I get it, I really do, I understand why the coaches and athletic directors and university presidents and the diehard fans are so willing to suspend their judgment. On the field, Winston is Miles. He's so good at what he does, and so many people have come to depend upon him for their own success, that of course they protect him. Just like Miles' people protected him.

But I'm self-righteously appalled at the special treatment doled out to athletes. I generate high dudgeon when I read

about schools sweeping campus rape under the rug to protect the institution. Give these people their just deserts! Jerry Sandusky? Bugging priests and the bishops who protect them? Castration is too good for them! Cosby? Old and in the way. Polanski and Woodman? Who cares, long past their prime.

And yet I treasure the 47 Miles Davis cds on the shelf.

How would you feel if a football player raped you or someone you love? How would you feel if your favorite musician/comedian/etc. had done so? Either way, you'd probably be fit to kill. What if the victim were a stranger, the attacker a friend? Where do your loyalties fall now?

Would Seminole apologists have different thoughts about the victim in the Winston case if the perpetrator had been Miles Davis? Would the people who view the quarterback's victim as a gold-digging opportunist have more sympathy for her had her assailant been a jazz musician they don't care about?

There are too many reasons why rape culture is insidious, but it is largely due to widespread, reflexive excuse-making and victim blaming. Boys will be boys. Let's not let one incident ruin a young man's entire life. And hey, she was drunk/dressed wrong/out too late/should have known better, what was she thinking going there, of course she was asking for it, obviously it's her fault this nice boy is in trouble now. (A CNN anchor took victim blaming to a new low by suggesting to one of Cosby's victims that she could have prevented the assault if only she had bitten his dick off.) And so on. A litany of bullshit. But...

Do personal behaviors undermine exceptional achievements? Should I pretend that Miles is not one of the most important musicians of ever? Am I off the hook, morally speaking, because he's dead and no longer a menace? Or should I take a firm moral stance and not listen to his music anymore? Should the legions of fans who turn out or tune in to watch FSU

football take a noble stand and turn their collective back whenever Winston is in the game? Switch their allegiance to a team or sport that has a stricter moral profile? Good luck with that. Are consumers responsible for the moral integrity of the entertainers?

The hell if I know.

What if you remodeled your house to become your dream home? The quality of the work shimmering with care and craft, your new space everything you'd dreamed of, and you discover the contractor is a rapist. Would you have it torn down?

(And none of this even begins to look at the role of race in this dilemma, but if anyone expects this aging white guy to start moralizing about race, you have a long wait ahead. Suffice to say that it is more than passing strange that the most lurid tales of sexual and physical assault out of the sports world shorthand young black men in ways that DW Griffith would recognize even from his grave. To be blunt, most Jameis defenders care more about another FSU championship than they do about his personal well-being. If he were not a star he would be seen as just another thug, just another example of the sad decline of our society.)

The root driver of rape culture lies in a common refusal to face rape as a crime, full stop. This goes for the rapist and those who would defend him. Guys, it's so fucking simple I can't believe I have to take the time to write this: If your target says no, is too drunk to say no, is too afraid to say no, is passed out naked, if you're in a line of other guys taking turns, if she said yes once but says no any time after that, any of that...IT'S NOT OKAY. Period. Ever. It really should begin and end right there. But since the world is full of assholes who believe right and wrong are considerations for other people, let's move to the next link in the chain of enablement.

The casual reflex of many in law enforcement to treat rapes as he said-she said events would never pertain to any other crime.<fn>“So you say he stole your necklace, but he says you were flaunting your jewelry late at night. How do we know you weren’t just leading him on?”</fn> This becomes especially pernicious when powerful institutions (often more than one, in collusion) work hard to discredit crimes that threaten their reputations. The way local police and FSU athletics colluded to undermine the investigation into the Winston assault charges signals (at least) two things.

First, and most importantly, it sends a strong message to anyone who is a victim: Come forward and we will savage you. Go ahead and complain, we will make your life a living hell. And, aside from the choices and actions of the rapist, this leap to examine the victim for any personal flaw that might explain away the crime is the greatest contributor to a rape-excusing culture.

But this impulse to protect at all costs also signals that the institution itself is forever suspect. In the end, only the feverishly devout will believe proclamations of innocence. The stain of guilt is made permanent, deserved or not. We’ll never know if Winston is utterly innocent of wrongdoing or guilty as original sin. Face it, his name will always trigger an “of course he’s guilty” reflex. The institution’s failure to embrace full and transparent accountability pegs the accused and his protectors as inherently untrustworthy.

I admit that this two plus two equals Miles/Jameis bugs the shit out of me. I would rather enjoy great art without the burden of wondering whether my favorites are moral avatars. Sports fans probably feel the same way. My personal bias is that music is “more important” than football, that great art outlives the fleeting excitement of the last minute touchdown. And *of course*, everyone knows that football culture celebrates violence and savagery and is therefore to blame in a way that Music is not. But that’s a lot of stable sweepings, no matter

how "true" it may be. No matter how corrupt and exploitative the NCAA/NFL has become, the music industry is no better.<fn> Although you never saw fans who preferred Clifford Brown or Dizzy Gillespie heckling Miles from the cheap seats the way rivals taunt opposition athletes who are under suspicion.</fn> Whichever of these allegations is true, and no matter which culture gave rise, there are no excuses. There's no excuse for the unwanted advance, the 'accidental' hand on the ass, the 'hey, sweetie, how about a smile?' intimidation, the black eye, the busted lip. And certainly no excuse for rape. No excuses all the way down. Period.

The always-terrific Charles Pierce summed up the Cosby situation thus: "I decline to be disillusioned. I laughed at his work when I was young. I think he probably should have been standing in the dock while I was doing so. That's the way of the world."

And so with Miles or Jameis. Miles dodged the prosecutor and Winston may do the same. Cosby (and Sandusky, and more priests/bishops/carpenters/accountants/you-name-it than you can count) beat the devil for years before justice caught up. Some criminals (because really, that's the word for it) get away with it forever. Karma and comeuppance are as random as the weather. It's a sad and ancient truth.<fn>"Forget it, Jake. It's Chinatown."</fn> Fame and great talent make getting away with it more likely, in large part because too many people take a personal stake in affirming the hero's good reputation. And that's where we go wrong. We confuse the heroic achievement with the person. And we protect the guilty at the expense of the victims past, present, and more horrifically, future.

Fans may be disappointed when personal behavior means that our favorites cannot pursue their profession, when we are deprived of the thrills they provide. Tough shit. We have no right to their genius, any more than they are justified in using their genius to excuse a crime. Hendrix died, Bird died, Garcia

died, all as a result of personal behaviors. It does not diminish their art. If Miles had been jailed in 1960, 1970, or 1985, it would not have changed the quality of the art that came before. If Cosby is chased from the arena, he will remain one of the best and most influential comic creations of the past 75 years. Jameis? Guilty or not, he's won 26 games in a row, and is an undefeated national champ and Heisman winner. So far. That's real achievement, criminal or not.

In *Death of the Author*, Roland Barthes famously suggested that the conflation of the author with the work is a fundamental error. I recognize the tension between the imperfection of humans and the glimpse of transcending perfection offered by the great composition/novel/two-handed backhand down the line, &c. I can appreciate the artistry and still believe Miles/Jameis should be in the dock. It's not about forgiveness; that is not mine to give anyway. But I can ultimately accept that unless their misdeeds are directly related to their work (e.g., cheating or plagiarism), their misdeeds are distinct from their achievements.

Like Pierce, I refuse to be disillusioned. And I refuse – with a lingering pang of guilt – to give up my Miles cds. Mea culpa.