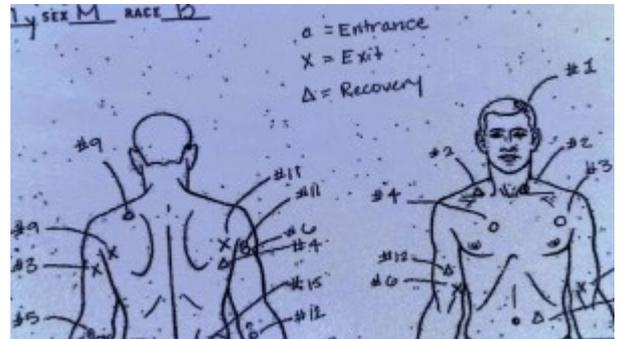


It's All So Familiar; It's All So Heartbreaking

Today, November 24th, 2015, Jason Van Dyke was charged with first-degree murder in the slaying of Laquan McDonald in Chicago, Illinois. We all should be charged for the same thing. I won't argue with anyone who wants to call Jason Van Dyke a bad apple, but the problem is larger than that.



The problem—the problem that led to the death of Laquan McDonald—extends to Jason Van Dyke's police department, whose officers allegedly went into a Burger King and erased the surveillance video. It extends to the Mayor's office and to the State's Attorney's office, who were dilatory in bringing charges. It extends to our legislatures who have shielded our law enforcement officers with cloaks of qualified immunity, impunity, and legal invincibility. It extends to our courts, all the way up to the Supreme Court, for eviscerating the Fourth Amendment rights of the citizens.

The problem extends to each and every single one of us who wants to claim citizenship in a democratic republic.

Laquan McDonald is on all of us.

We are a society. We have a culture. We share a nation. We call ourselves the *United States of America*. We pride ourselves on our democratic ideals. We claim exceptionalism. Equal protection under the laws. A government of the people and by the people. Just as we as a nation cannot absolve ourselves for the slaughter of innocents overseas when we send our troops to war, we can't abdicate our own responsibility

for the death of Laquan McDonald or any of the others unjustly harassed, abused, or murdered in our name.

All it takes to file criminal charges in this country is probable cause, a bar so low in our courts that if it were not so tragic it would be laughable. It took over a year to charge Jason Van Dyke with first-degree murder despite the fact that clear video evidence showed far more than probable cause that he committed first-degree murder when he opened fire on a juvenile, a teenager who was moving away from him, a kid who made no threatening gestures toward Jason Van Dyke. He opened fire and he kept firing. Laquan McDonald fell to the ground and Jason Van Dyke kept firing.

It was memorialized in video. Evidence exists. Probable cause exists. As a society, we should be expected to seek justice for whomever was responsible for the death of Laquan McDonald. But we didn't. We delayed, and justice delayed is justice denied.

It took 400 days to charge Van Dyke in the shooting of Laquan McDonald.

Jason Van Dyke gunned down Laquan McDonald on October 20th, 2014. A judge, in response to a journalist's Freedom of Information Act request, ordered the video of the shooting released to the public by November 25th, 2015. 400 days.

400 days have gone by since Laquan McDonald breathed his last while he lay bleeding in the streets from sixteen bullet holes, with all the bullets being fired by one sworn to *uphold* the law and *protect* and *serve* the public.

400 days. The State's Attorney, she's an elected official. She's a politician. The video had been requested by the public for a year. When the courts finally forced the city to release the video of the slaying as unrest continued to grow, she waited until the day the video was released to press charges.

#BlackLivesMatter –Laquan McDonald’s life mattered.

If Laquan McDonald had been arrested for shooting and killing someone, if the roles were reversed, he would have been put in jail and charged as soon as the courts were open for business. He would have been denied bail. He would have been assigned to an overworked public defender who could not possibly be expected to provide effective assistance of counsel with the immorally low funding and staffing in the public defender’s office. Laquan McDonald would either be coerced into pleading or he would have a mere formality of a trial before he was sent to prison or death row. No one would blink, because that is how our country operates. That is the status quo.

Instead, Jason Van Dyke is a white police officer who has a thin blue line to erase video tapes for him. He is a white police officer who has the strongest unions and political lobbies behind him. He is a white police officer who works in the executive branch of our government, hand in hand with the attorneys responsible for charging decisions and prosecutions. He is a white police officer who has 400 days to prepare a defense, to prepare his family, to practice those magic words, “I feared for my life.” He is a white police officer who may have never been charged in the first place if a journalist didn’t fight for that video to be released, who may have never been charged had that video not forced the hand of the State’s Attorney in her own self-interested political game.

We are all complicit; we are all responsible for change.

Plenty of people will spill words indicting Jason Van Dyke, but plenty of right-wing racists will instead blame the victim and say that if Laquan McDonald weren’t a “thug,” if he had just followed the directions of police, if he had just not committed any crimes in the first place, he would still be alive. Their logic will rest on the idea that anything short of unflinching obedience to the State, anything short of complete purity of spirit (and skin) deserves the sentence of

death with no trial.

Plenty of people will blame a police culture that encourages officers to shoot first and ask questions later, yet plenty of others will write op-eds about a non-existent war on police.

Plenty of people will march in Laquan McDonald's memory to honor him and to protest the sad truth that our government—and thus, the majority of our citizenry—cares less for the lives of black people and other people of color than it does for the white majority, yet many will point to the red herring of black on black violence.

Plenty of people will scream out in anguish because they aren't heard when they say, "Black lives matter," but—sadly—plenty of people will scream out in anger and denial to drown them out. Plenty of people will miss the point entirely; and to protect their own fragile psyches, to continue living in denial, or to maintain their own status quo, they will cry out, "All lives matter."

It's all so familiar, and it's all so heartbreaking. So many words will be spilled about the blood we continue to spill, and most of them will be pointing the finger at someone else. So few will hold up a mirror and say, "How am I complicit?" The truth is, we are all to blame.

We live in a culture of fear in which we demonize "the other." We live in a culture of violence in which we use guns in misguided efforts to solve or prevent our problems. We live in a culture in which we are at war with each other—black lives vs. blue lives, liberals vs. conservatives, extremist evangelicals vs. everyone, and the list goes on.

We live in a culture in which we voice outrage over the blood spilled in our streets, in our movie theaters, and in our schools; yet, we do nothing about it. We live in a culture in which we are all given one vote, we are all given voices, and we continue to either not use them or we waste them to

maintain the status quo. The status quo is not acceptable.

My heart absolutely breaks for Laquan McDonald and for his family. And my heart breaks for us all.

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of [A Hard and Heavy Thing](#) (Tyurus / F+W) .

On Gun Violence and the Second Amendment

America has a problem with violence, and specifically gun violence. This is a fact, not an opinion, and is confirmed with a glance at the statistics, backed up as well by abundant anecdotal evidence. On any given day or week I can cite the latest example of the most publicized gun shooting or campus massacre. This week, for example, three Muslim students studying dentistry at the University of North Carolina were shot in the head execution-style by a gun-loving lunatic and “second amendment rights advocate” apparently because of an argument about a parking space. It’s hard to see how the presence of guns in situations like these do not escalate arguments into tragedies. For every absurdly awful example we hear about like this, there are dozens more happening the same week that do not even appear on the news. Gun deaths, for the first time ever, have just passed car accidents as the single

most common cause of death in America. There have been at least 107 school shootings since the 2012 massacre at a Newtown, Connecticut elementary school (source [here](#)). There is, on average, one mass shooting incident a week in America, and this type of killing is only represents a small percentage of the overall number of gun killings. America is by far the most violent of the developed and rich countries, and is one of the most violent even among all countries. There are so many gun deaths that they are literally impossible to keep track of. After the Newtown massacre, the online magazine *Slate* attempted a thorough [crowd-sourced project](#) to keep track of every single gun death in America in real-time. Not only did it prove overwhelming, but they quit after tracking over 11,000 gun deaths in a year, which are only about one third of the estimated number. Including not only murders but also suicides and accidental shootings, there are 30,000 gun-related deaths in America per year, an astronomical number which is highest in the world by a long distance. Are we supposed to assume that it is a completely unrelated fact that America also has the highest number of guns, and guns per capita, in the world—somewhere around 300 million guns in a population of 310 million—almost one gun per every man, woman, and child in the third most populated country in the world. We have often heard the dismissal of such figures by gun activists and lobbyists with quaint slogans like “guns don’t kill people; people kill people.” That such a facile line could gain traction and still carry weight with many people shows the depth of the gun problem in America. To those who love guns and defend the right to bear arms, I would encourage you to hear me out. After all, the violence that plagues America is most likely to happen to those who have guns (as this [other article](#) in *Slate* also shows).

The Second Amendment to the U.S. Constitution is commonly believed to mean that every individual has the right to own any and all type of firearm he so desires. As we know, this law was written in the late 1700s in a new country with a

dangerous frontier and a weak central government, and where the latest firearm technology was the long rifle. It is not difficult to understand that the maintenance of personal firearms was allowed for defense against Indians and also to ease the financial strain on the small federal government which did not even have a standing army yet and would hope that state and local militias could procure their own equipment at their own expense. Anyone who thinks that the right to bear arms can somehow protect individuals against government tyranny, one of the main interpretations of the 2nd amendment, is living in the past. The differences between 1790s America and 2015 America are many, but they include the the presence of well-armed local and state police, National Guards, the most well-equipped military in the world, and a countless variety of federal intelligence, spy, and investigative agencies. No citizen can hope to have a fighting chance against such an array of centralized force of arms, and I think we have to assume that America is fairly secure in its borders and its democratic system of government; it is this that has to be appealed to for grievances and rights, not the fact that you carry a rifle or handgun. Anyone who thinks that the short line of text which calls for a "well-regulated militia" to mean, in the 21st century, the limitless right to stockpile highly lethal rapid-fire rifles with armor-piercing bullets and concealed handguns with enormous magazines probably missed the point. Even if I agreed that an endless supply of guns and bullets were necessary for self-defense against criminals or a potentially tyrannical government (which I don't), I would still at least hope for some serious limits and controls on who can buy guns and where. No such controls exist on the federal level, and each state has different laws and regulations, few of which are very strict (and if one's state has stricter regulations, by chance, there is no obstacle whatever to going across the state lines or using the internet to get any weapons you want and need).

It is much easier to get a gun than a driving license, for

example. One may argue that cars kill people too, and even in greater numbers (well, until last year when guns overtook them), so they should be regulated more. I am not arguing against regulations for cars and driving licenses – I'm perfectly happy with how things currently stand in that area; I am, however, arguing for more regulations and checks for guns. While the sole purpose of cars is a means of transport (which just happen to kill many people in accidents during normal use), the sole purpose of guns is to fire high velocity bits of metal into other things, living and non-living, to kill and destroy them. That is quite a significant difference of purpose, and negates the argument about how "people kill people" or how a variety of other things are also used to kill people, intentional or not (such as knives, cars, baseball bats, almost anything you can imagine); the difference, of course, is that only guns exist solely to kill people and animals, while all of the other things have other primary purposes as functional tools of some sort. I may be able to kill a person with a knife if I happen to be a murderously-inclined person, but it would be much harder to kill many people with that knife before I was stopped, unlike with high-powered guns with endless ammunition. And by the way, I happen to have many knives for cutting vegetables, opening boxes, and other dangerous daily tasks, but somehow do not feel any danger in owning these tools. Let me relate an anecdote: exactly the same day as a maniacal young boy shot and killed 26 people in an elementary school in Newtown, Connecticut, a maniac with a knife attacked and injured 22 people in an elementary school in China. The attack in Newtown killed almost everyone who was shot, including mostly children, while in the attack in China, also involving all children, every single victim survived. This goes to show that while there will always be a certain number of crazed and murderous people around in any society, their murderous actions can be either very deadly or merely very disturbing but ultimately unsuccessful depending on the lethality of the weapons at their disposal. I think you can see that guns do, in fact,

kill people. Lots of them. Nowhere as much as in America.

There are obviously good and bad aspects about any particular country, and America is no different. There are many great things about my country that I appreciate, but many things that I am uncomfortable with and ready to openly criticize, as is my right to free speech and free expression. I currently live in Italy, where my two young daughters were born. I imagine a return to living in America sometime in the future, but one thing that truly stops me in my tracks is the incredible and horrifying number of school shootings, and the apparent ubiquity of violence in general. This is not normal in a supposedly advanced, rich, and "free" society, and it does not occur anywhere in Europe or any other developed country for that matter. At this point, I can still say that it is almost impossible for me to imagine going back to an America where my children would be enrolling in schools that could be attacked by a demented lunatic at any time. It is not normal and not satisfactory. It is unconscionable that there has been no new legislation from the U.S. Congress at any time since the 2012 Newtown shooting, not to mention 13 years earlier at Columbine High School, the first school shooting that showed up on people's radar. At least after Newtown there was a huge public outcry and some initial movement on the issue, including the president saying that things must change immediately and there can be no more Newtowns. Well, nothing has changed, and there have been over 100 more Newtowns.

Here is another point of comparison: in Australia, in 1996, there was a mass shooting spree similar to the ones that happen in America every week, and 35 people were killed. The Australian government, with pressure and support from the citizens, passed a strict gun control law immediately after that incident and there have literally been no more mass shootings since then, gun homicides have dropped 60 percent, and gun suicides have dropped 75 percent. I doubt that the Australian people feel any less free for being thus safer than

their American counterparts—in fact, the new laws, regulations, and a gun buyback scheme had the support of 85 percent of Australians.

That brings me to the point of freedom. America talks a big game about freedom, but actually there is so much talk about it that the word has basically become meaningless in most cases. We hear about people who actually want freedom to limit other people's freedom, for example. When someone talks about freedom to have guns, I think about my preferred freedom from being around people with guns. Does someone's right to have a deadly weapon outweigh my right to not be threatened or killed by these weapons just by living nearby? That is what we are facing in America. The number of guns is so high, they are so widespread and easily obtainable by anybody, and the limits and even consequences for using them are so non-existent, that I would not feel safe returning to America. You may say, "Fine, stay in Europe, we don't need you here." For the moment, that is exactly what I will do. I feel no danger whatsoever of people with guns, or the possibility of school shootings, in Italy (I also have free national healthcare, but that's another story). Anyone who wants a gun can go through the proper procedures and get one legally, usually for hunting, but the numbers are minuscule compared to America. The gun-related deaths are, unsurprisingly, also minuscule. Sometimes there are other rich countries with a high number of guns that are compared to America—Switzerland, for example, or Israel. These countries still have less than half the number of guns per 100 people than America, and they are much more regulated, or, in the unique case of Israel, used for a de facto military-police state where large numbers of conscripted soldiers walk the streets with their rifles. Even with a large number of guns per capita, these countries have a much lower incidence of gun deaths than America. So is America, in addition to being absurdly awash in guns (remember, almost one for every man, woman, and child in a country of over 300 million), also more violent and willing to use these guns than

other societies? There must be a cause and effect relationship, though it is hard to tease out exactly the effects from the causes, which probably both influence each other.

Humans are imperfect and sometimes violent, but when someone becomes enraged for some reason, it is going to become much worse and have the possibility to escalate quickly into a deadly situation when there are guns readily available. Many gun owners think they will be safer, but I would argue that actually the opposite is true. A significant portion of gun-related deaths in America are due to accidental firings, even involving young children playing and killing a parent or sibling in a tragically high number of cases. There is a thought experiment in game theory called the Prisoner's dilemma, in which two prisoners receive different sentences based on if they betray each other or remain silent. If A and B betray each other they will each serve 2 years; if A betrays B but B remains silent, A will go free and B will serve 3 years (and vice versa); if A and B both remain silent they both serve 1 year. By choosing logically in one's self-interest the prisoner would appear to have the best chance of going free, but if both choose based only on self-interest it would actually be a worse outcome for both. The point is that cooperation and some sense of shared fortune or fate is often a better choice than pure self-interest. This relates to guns in the following way: it is commonly believed that having a gun makes one safer from harm, but if everyone believed this then the community actually becomes less safe. The more guns there are, the more chance for gun violence, as we have seen with the statistics I gave earlier. If some people make a choice to not own guns, and be apparently less safe, it will actually make the community as a whole safer. I choose to not own guns, and I think my stance does in fact support the overall safety of a community, though an individual with a gun may possibly be safer on his own.

Despite so much killing, and mass killing, why are there not new laws and restrictions on guns in America? One of the most shocking factors may be that the daily and weekly occurrence of gun crime, week after week, year after year, is often unreported, and when it is reported it has actually stopped being shocking to people. After all, humans can only take so much bad news before they inevitably start to tune it out and seek other distractions. There was a brief point of time after Newtown in 2012 when many people were again awoken from their unconcerned slumber and the forces were aligned to actually discuss gun control in a real way and maybe even do something about it, but soon most people lost interest and the moment passed. This brings me to the firearm manufacturing industry and its powerful lobby, represented by none other than the National Rifle Association. This lobby is highly skilled at the art of forceful persuasion of politicians to not attempt any gun control law, nor even discuss it. The NRA is possibly the most powerful lobby in the country and has been relentless in stopping all attempts at making the country safer, despite increasingly crazed and heartless rhetoric from its leader Wayne LaPierre about personal freedom that would make Jefferson and Madison blush. The fact is, it's not about freedom—when 30,000 people a year get killed by something we cannot say it protects freedom—but money. The arms industry is extremely profitable, to say the least, and it is obviously in their interest to insure that new customers continue to purchase new guns with no obstacles standing in the way of their profit. We see a similar thing on an even larger scale with the entire military-industrial complex, in which huge arms producers are always looking for the next war and the next huge government contract. With guns, the industry appeals to private individuals as well as state and federal agencies, police forces, and the military, which all need to constantly stay highly armed with the newest models and accessories. Local police across the country are more highly militarized than some of the army units I saw during two years in an actual combat zone in Afghanistan. When all you have is a

hammer, everything looks like a nail. Violence leads to more violence, and the guns flow only slightly more freely than blood. In this environment, paranoia reigns and people who already have guns or consider having them will be convinced that they need to get even more before the big bad government comes to take them away and limit their freedom.

America, get yourself straightened out. This violence is not acceptable, and the people should not accept it any longer. People need to wake up and get involved. The cycle will continue until it is stopped. In the words of Johnny Cash, don't take your guns to town, son; leave your guns at home, Bill; don't take your guns to town.