

R4NGER5 GUERILLA MEDIA: URBAN JUNGLE WARFARE EPISODE 2



News

Some of the biggest names on the web have written to Peter Mandelson to express "grave concerns" about elements of the Digital Economy Bill. Thanks Harlequin!

Facebook, Google, Yahoo and eBay object to a clause that they say could give government "unprecedented and sweeping powers" to amend copyright laws. "We urge you to remove Clause 17 from the bill," the letter read. However, the government has said it believes the clause will "future-proof online copyright laws".

"The law must keep pace with technology, so that the Government can act if new ways of seriously infringing copyright develop in the future," a spokesperson for the Department for Business, Innovation and Skills (Bis). The consortium believe that if Clause 17, as it is known, is approved it will give "any future Secretary of State" the ability to amend copyright laws as they see fit. "This power could be used, for example, to introduce additional technical measures or increase monitoring of user data even where no illegal practice has taken place," the letter read.

This would "discourage innovation" and "impose unnecessary costs" representatives of the firms wrote. Others have suggested that the clause could be used to tweak laws so that search engines could not publish summaries of news stories in their results. Bis said that clause 17 was a necessary extension of its plans to reduce copyright theft and that fears that government would mould copyright laws to their needs were unfounded.

"Business will not wake up one morning to a world in which government has taken extensive digital powers," the spokesperson said. "There are substantial constraints on how the power can be used, with requirements for a consultation and votes in both houses of Parliament before anything can happen." However, the consortium of companies say the clause is so broad ranging that it could risk "legitimate consumer use of current technology as well as future developments".

"We all acknowledge that new business models need to emerge to support creative content," the letter from European and UK representatives of the firms reads.

"They are inherently risky and entrepreneurs rely heavily on there being a consistent and stable approach to copyright enforcement. "This clause would inject an unprecedented level of uncertainty in this regard." Other groups including US digital rights group The Electronic Frontier Foundation have objected to it.

Clause 17 is part of the government's Digital Economy Bill, outlined in the Queen's speech in November 2009. The bill includes a shake-up of the radio spectrum, a classification system for video games and plans to tackle illegal file-sharing. The so-called "three strikes" element of the bill would give regulator Ofcom new powers to disconnect persistent net pirates. The plans have proved controversial with lobby organisation The Open Rights Group urging people to contact their MP to oppose the plans. The bill will have its second reading in the House of Lords on 2 December. It will have to go through various other readings and drafts before it becomes law.

Link: <http://news.bbc.co.uk/1/hi/technology/8390623.stm>

What do cats do home alone? Cat cams have answers – Thanks Kevin!

LOS ANGELES — What do cats do when their owners are away? There was one way to find out — "cat cams." Fifty house cats were given collar cameras that took a photo every 15 minutes. The results put a digital dent in some human theories about catnapping. Based on the photos, about 22 percent of the cats' time was spent looking out of windows, 12 percent was used to interact with other family pets and 8 percent was spent climbing on chairs or kitty condos. Just 6 percent of their hours were spent sleeping.

"What surprised me was how active the cats were. I believed my three cats were sleeping during the day," said Jill Villarreal, an animal behavior scientist who collected the data for Nestle Purina PetCare's Friskies brand of cat food. The 777 photos studied by Villarreal showed the cats looking at a television, computer, DVDs or other media 6 percent of the time and hiding under tables 6 percent of the time. Coming in at 5 percent was playing with toys; eating or looking at food finished at 4 percent.

Will the cats get movie cameras next? "We are in the think tank now," Villarreal said.

Link: <http://www.friskies.com/scratchingtonpost>

The Scottish government has signalled its intention to change the centuries-old law which prevents someone being tried for an offence for a second time. Thanks Schneelocke!

It followed the publication of a Scottish Law Commission report into double jeopardy.

The review recommended that any change in the law should not be imposed retrospectively. This would prevent Angus Sinclair being charged again with the World's End murders in Edinburgh 30 years ago.

Justice Secretary Kenny MacAskill said change was "needed now", and revealed that the Scottish government planned to bring forward new legislation "at the earliest practicable opportunity". The family of one of the World's End victims said they were "deeply disappointed" that the commission did not want any change in the law to be applied retrospectively.

The Scottish Law Commission has spent two years investigating the law on double jeopardy, which was changed in England and Wales in 2003. Since then, six cases have been returned to court, resulting in three convictions. The commission had been asked by Mr MacAskill to consider whether the rule should be changed after convicted murderer Sinclair was cleared of killing teenagers Helen Scott and Christine Eadie, who were last seen leaving the World's End pub in Edinburgh in 1977.

Sinclair's trial collapsed in 2007 when judge Lord Clarke ruled that the Crown had insufficient evidence to proceed. A change in the law which would allow retrials of people cleared of murder or rape has all-party support at Holyrood, and the commission has provided a draft bill for MSPs. However, it said any new law should not be retrospective, even if there was significant new evidence.

Patrick Layden, QC, lead commissioner on the review, said he believed the basic principles behind double jeopardy should remain. He said it was up to parliament to decide whether or not retrials could be held in serious cases where strong new evidence became available after the accused was acquitted. Mr Layden added: "The rule against double jeopardy has protected the citizens of Scotland against repeated prosecutions for hundreds of years. "Essentially, it prevents the state from running the criminal prosecution system on a 'Heads we win; tails, let's play again until you lose' basis. So we are recommending that it should be kept, and put into legislation."

But Mr Layden said there was a division of opinion within the commission on whether there should be a possibility of a retrial on the basis of new evidence. He said: "It would not be right to allow the state, with its large resources, to try, try and try again to get a conviction. "On the other hand, if there is genuinely new evidence, it is open to parliament to take the view that justice demands another trial." If the Scottish Parliament does decide to introduce the possibility of retrial, the commission recommended that it should be confined to the most serious offences - rape or murder - but that ministers should be able to seek parliament's consent to add further offences in the future.

In a statement, Helen Scott's father Morain said: "It is of extreme importance that the victims of crime and the Scottish public have complete confidence in the ability of Scotland's criminal justice system to deliver justice. "In our opinion today's recommendations by the Scottish Law Commission fall far short of meeting these expectations. "We are in complete agreement that it would be wrong to be allowed to persecute people indefinitely but the law has to be fit for purpose, and with the advances in science and technology we find it hard to believe that it is recommended that any proposed changes should not be applied retrospectively."

He said it was now up to the Scottish Parliament to decide the final chapter of the World's End case, and added: "We hope that their decision is the right one". Mr MacAskill said the Scottish government would consider the commission's recommendations carefully. But he said: "There is a clear direction of travel and I want to ensure that Scotland has a double jeopardy law which is fit for the 21st Century.

"I believe that Scotland's approach to double jeopardy should reflect the interests of justice and not just the accused.

"We will now fully assess the Scottish Law Commission report before responding, but the intention is to legislate at the earliest practicable opportunity because change is needed and needed now."

Scottish Labour's justice spokesman Richard Baker said: "I am disappointed that the Law Commission have not recommended a change in the law. The failure of the prosecution of Angus Sinclair for his horrific crimes demonstrated the clear need to update the law in this area. "Labour has been calling for a reform of double jeopardy for some time as the justice system needs to be rebalanced to take more account of the needs of victims of crime."

Link: <http://news.bbc.co.uk/1/hi/scotland/8389349.stm>

Schneelocke says: The head of a commission that produced a report on the matter, Patrick Layden, QC offered the following rather succinct reason for why this is an important legal principle:

"Essentially, it prevents the state from running the criminal prosecution system on a 'Heads we win; tails, let's play again until you lose' basis. So we are recommending that it should be kept, and put into legislation."That said, it can lead to nasty situations as well; consider, for example, the case of Emmett Till^[1], an African-American who was murdered in Mississippi, whose (white) murderers were acquitted by an all-white jury in an obviously racist decision, and whose murderers later on freely admitted that they had, in fact, murdered him.

I haven't made up my mind to a point where I could voice any opinion on this myself yet, but for those curious, I'll note that in Germany, the Strafprozeßordnung (StPO) lists the circumstances under which a criminal trial can be resumed (to the disfavor of the defendant) in §362; there's four possibilities, and a "credible confession" in or out of court is among them.

Food for thought.

1. http://en.wikipedia.org/wiki/Emmett_Till

NEWARK, Del. — Finding character witnesses when you are 6 years old is not easy. But there was Zachary Christie last week at a school disciplinary committee hearing with his karate instructor and his mother's fiancé by his side to vouch for him. Thanks Shneelocke!

Zachary's offense? Taking a camping utensil that can serve as a knife, fork and spoon to school. He was so excited about recently joining the Cub Scouts that he wanted to use it at lunch. School officials concluded that he had violated their zero-tolerance policy on weapons, and Zachary was suspended and now faces 45 days in the district's reform school.

"It just seems unfair," Zachary said, pausing as he practiced writing lower-case letters with his mother, who is [home-schooling](#) him while the family tries to overturn his punishment. Spurred in part by the Columbine and [Virginia Tech](#) shootings, many school districts around the country adopted zero-tolerance policies on the possession of weapons on school grounds. More recently, there has been growing debate over whether the policies have gone too far. But, based on the [code of conduct](#) for the Christina School District, where Zachary is a first grader, school officials had no choice. They had to suspend him because, "regardless of possessor's intent," knives are banned. But the question on the minds of residents here is: Why do school officials not have more discretion in such cases?

"Zachary wears a suit and tie some days to school by his own choice because he takes school so seriously," said Debbie Christie, Zachary's mother, who started a Web site, [helpzachary.com](#), in hopes of recruiting supporters to pressure the local school board at its next open meeting on Tuesday. "He is not some sort of threat to his classmates." Still, some school administrators argue that it is difficult to distinguish innocent pranks and mistakes from more serious threats, and that the policies must be strict to protect students.

"There is no parent who wants to get a phone call where they hear that their child no longer has two good seeing eyes because there was a scuffle and someone pulled out a knife," said George Evans, the president of the Christina district's school board. He defended the decision, but added that the board might adjust the rules when it comes to younger children like Zachary. Critics contend that zero-tolerance policies like those in the Christina district have led to sharp increases in suspensions and expulsions, often putting children on the streets or in other places where their behavior only worsens, and that the policies undermine the ability of school officials to use common sense in handling minor infractions.

For Delaware, Zachary's case is especially frustrating because last year state lawmakers tried to make disciplinary rules more flexible by giving local boards authority to, "on a case-by-case basis, modify the terms of the expulsion."

The law was introduced after a third-grade girl was expelled for a year because her grandmother had sent a birthday cake to school, along with a knife to cut it. The teacher called the principal — but not before using the knife to cut and serve the cake. In Zachary’s case, the state’s new law did not help because it mentions only expulsion and does not explicitly address suspensions. A revised law is being drafted to include suspensions.

“We didn’t want our son becoming the poster child for this,” Ms. Christie said, “but this is out of control.” In a letter to the district’s disciplinary committee, State Representative Teresa L. Schooley, Democrat of Newark, wrote, “I am asking each of you to consider the situation, get all the facts, find out about Zach and his family and then act with common sense for the well-being of this child.”

Education experts say that zero-tolerance policies initially allowed authorities more leeway in punishing students, but were applied in a discriminatory fashion. [Many studies](#) indicate that African-Americans were several times more likely to be suspended or expelled than other students for the same offenses. “The result of those studies is that more school districts have removed discretion in applying the disciplinary policies to avoid criticism of being biased,” said Ronnie Casella, an associate professor of education at [Central Connecticut State University](#) who has written about school violence. He added that there is no evidence that zero-tolerance policies make schools safer.

Other school districts are also trying to address problems they say have stemmed in part from overly strict zero-tolerance policies. In Baltimore, around 10,000 students, about 12 percent of the city’s enrollment, were suspended during the 2006-7 school year, mostly for disruption and insubordination, according to a [report](#) by the [Open Society Institute-Baltimore](#). School officials there are rewriting the disciplinary code, to route students to counseling rather than suspension.

In Milwaukee, where school officials reported that 40 percent of ninth graders had been suspended at least once in the 2006-7 school year, the superintendent has encouraged teachers not to overreact to student misconduct.

“Something has to change,” said Dodi Herbert, whose 13-year old son, Kyle, was suspended in May and ordered to attend the Christina district’s reform school for 45 days after another student dropped a pocket knife in his lap. School officials declined to comment on the case for reasons of privacy. Ms. Herbert, who said her son was a straight-A student, has since been home-schooling him instead of sending him to the reform school.

The Christina school district attracted similar controversy in 2007 when it expelled a seventh-grade girl who had used a utility knife to cut windows out of a paper house for a class project.

[Charles P. Ewing](#), a professor of law and psychology at the [University at Buffalo Law School](#) who has written about school safety issues, said he favored a strict zero-tolerance approach.

“There are still serious threats every day in schools,” Dr. Ewing said, adding that giving school officials discretion holds the potential for discrimination and requires the kind of threat assessments that only law enforcement is equipped to make. In the 2005-6 school year, 86 percent of public schools reported at least one violent crime, theft or other crime, according to the most recent federal [survey](#).

And yet, [federal studies](#) by the [Centers for Disease Control and Prevention](#) and [another](#) by the Department of Justice show that the rate of school-related homicides and nonfatal violence has fallen over most of the past decade.

Educational experts say the decline is less a result of zero-tolerance policies than of other programs like peer mediation, student support groups and adult mentorships, as well as an overall decrease in all forms of crime. For Zachary, it is not school violence that has left him reluctant to return to classes. “I just think the other kids may tease me for being in trouble,” he said, pausing before adding, “but I think the rules are what is wrong, not me.”

Link: http://www.nytimes.com/2009/10/12/education/12discipline.html?_r=1

Half Time Music:

Electronica by Mancek

Musings – Out in the woods in the winter

Reccomedia –

<http://www.5min.com/Video/How-to-make-fire-using-a-potato-6894> Thanks Harlequin!

<http://www.rsf.org/en-classement1003-2009.html> Press freedom index - Thanks Schneelocke!

Carriers – the most depressing post-apocalyptic road movie so far?

Outro Music :

Don't Tase Me Bro by Carbon/silicon from the Album **Carbon Bubble**

CHE GUEVARA



Guerrilla Warfare

INTRODUCTION BY MARC BECKER