

# Politics

According to Napoleon, sensible people rely on experience or have a philosophy, while silly people rely on ideology. It is said that philosophy involves consistency, while asymmetry of concern reveals ideology. As he has not studied political science, this writer consciously espouses no particular political ideology, and recognizes as valid neither his own political opinions nor those of anyone similarly uneducated. In politics, he thus aspires to be merely a trespasser, not a poacher. Though he strives for political circumspection and also welcomes the correction of faulty liberal stances, when folly is sought, certain conservatives very accommodatingly provide this writer with irresistible targets, even if this observation risks getting him labeled a liberal. Nevertheless, all criticism of conservative folly and inconsistency is based on logic, and folly is not redeemable via a *tu quoque* fallacy.

On his radio program, Michael Medved once ridiculed certain names chosen by liberals for their children. When a caller pointed out that many names in Sarah Palin's family were equally silly, Medved agreed, but explained that he respected Palin. Having justified such unilateral action for himself, Medved thus sanctions the similar action by others. Even if the preceding sentence constitutes a *tu quoque* argument, it is still good enough for Medved.

Conservatives regularly scold liberal politicians for politicizing various issues. Their outrage at policemen policing, dancers dancing, singers singing and football players playing football can only be imagined. In at least one sense, the point is well taken, though it applies equally to conservatives. In his book *The Purpose of the Past: Reflections on the Uses of History*, Gordon S. Wood writes, "I am reminded of Rebecca West's wise observation that when politics comes in the door, truth flies out the window."

If this writer represents a single-issue interest group, then that issue is logic. Let the reader recall that it has already been stipulated that conservatives may indeed be correct in matters of politics. However, allowance is also made for the possibility that they are wrong about politics. This writer is simply not the person to render such a judgment. Logic, however, is apolitical, and detects folly whether it be political or extrapolitical. Criticizing the folly of people of a particular political persuasion is not an *argumentum ad hominem* if their politics is neither the object nor the basis of that criticism. The criticism offered here is, instead, simply the denial of social promotion to people when they fail, in accordance with avowed conservative principles. Given the vain attempts by certain conservatives to politicize logic in their attacks on atheism and science, this writer now reciprocates by trying to logicize politics.

## Rights

A woman writing to the *Los Angeles Times* feared that the loss of religious belief would result in the loss of the rights with which we have been endowed by God. Rights come from God in the same sense that rain and children and health and wealth do. That is, rights derive from God solely by stipulation, in the same way that Superman is susceptible to Kryptonite. (Since creationists are fond of declaring the nonexistence of whatever science has not discovered *by now*, let them ponder the total absence, due to logical impossibility, of theological data.) Thus it can only be *hoped* that rights come from God *in reality*. God-given rights can never be other than arbitrary, whereas nothing can deprive one of the rights with which one is endowed by one's

natural susceptibility to wrong. The more fundamental question would be: “Whence susceptibility?”

Medical surgery is performed under anesthesia and yields benefits, while a poke in the eye merely hurts. If God is smart enough to recognize this, then bully for Him. The subject is the standard by which the violation of rights is assessed. Rights are not at all arbitrary relative to subjective harm. It is a greater wrong to kick a human than it is to kick a rock because of the latter’s lack of subjectivity. The difference in rights between a human and a rock derives from this differential subjectivity, which is a fact whether or not God caused it or likes it. People are endowed by their nature with rights, regardless of the source of that nature.

“In America,” it is sometimes said, “people are innocent until proven guilty.” This is true in the superficial legal sense, but is an accent fallacy in logic. The same goes for the concept of losing rights via disuse (*ex desuetudine amittuntur privilegia*). Due process is a matter of logic, whether or not it is also a matter of law. Granting the right of *habeas corpus* to *suspected* terrorists would merely be an opportunity for them to challenge their confinement and seek release, the important factor being that seeking is not getting.

Michael Medved, like Dennis Prager, claims that if there is no God, then rights are arbitrary, a statement that borders on unintelligibility. Rights are a function of the subjectivity of a perceiving subject and the capacity thereof for benefit and detriment. In the absence of such subjectivity, rights are more than arbitrary; they are not conceptually applicable. Rights are arbitrary when merely declared by fiat without reference to the qualities of the subject. It is only the degree of conformity to these subjective properties that determines the degree of correctness achieved by the entity claiming to bestow rights. Rights being determined by the nature of the subject, the would-be bestower of rights is merely to be congratulated if those rights are properly recognized.

Medved’s argument could be made to be true indirectly by saying that the qualities in question themselves derive from God. God would have endowed some of His creatures with various levels of subjectivity and this in turn would endow them with the rights attendant to that subjectivity. But rights, like laws, derive from facts (*ex facto jus oritur*), and the above scenario is a matter not of fact but of faith, such that it can only be *hoped* that rights are given by God. The rights themselves are all that matter at the level of law. Once rights are recognized as “inalienable,” their source becomes irrelevant, except as the target of gratitude. And with respect to law, “governments are instituted among men, deriving their just powers” not from God but “from the consent of the governed,” reads the Declaration of Independence (*consensus facit legem*). Asking whether God or the government is the source of rights is a compound question based on a false dichotomy and a failure to recognize the intrinsic value of things in themselves. And if God is the giver of rights, are people living in New York being denied their God-given rights when they are prohibited from turning right on a red light?

In the *Los Angeles Times*, 12/12/04, Thomas L. Krannawitter accuses liberals of believing that “liberty cannot be a natural right.” Liberty is a condition. The right to it certainly is a natural one. Given that, whether it is also a *supernatural* one is irrelevant (*fait accompli*). The state can be the creator of liberty but not of the right to it.

In a letter to the *Los Angeles Times*, 3/9/08, Cline Handy writes of a supposed philosophy expressed in *No Country for Old Men*. “This seems to me to be the underlying message of today’s drum-beating atheists, materialists and deniers of any ‘intelligent design.’ Humans are really no more valuable or important than rocks, trees or ‘lower’ animals – perhaps having just more complex organization of their matter (thanks to lucky stars or chaos and eons of time).”

Humans have a value *to themselves*, which rocks lack. Regardless of whether said design is intelligent or not, the product is what it is. Those too stupid to recognize the inherent value of humans (or at least of themselves) suffer from low self-esteem due to the lack of the qualities of their intellectual superiors. They must therefore arbitrarily posit that God endowed people with what they themselves cannot detect. That which is valuable to God need not be considered, as He is omnipotent and thus tautologically needs no help getting his way (Acts 17:25).

## Gay Rights

Special rights for minorities, such as homosexuals, are not generally defensible. However, to avoid an accent fallacy, it must be added that special rights make even less sense when granted to nonspecial majorities, such as heterosexuals. The applicability of rights is a qualitative rather than a quantitative issue. However, Edmund Burke opines that “when people start talking about their rights, government is already far gone.”

In a letter to the *Los Angeles Times*, 10/17/07, Mark Lehman asserts that “homosexuality is an abomination to God, and all who engage in it without repenting . . . will be sent to hell (1 Corinthians 6:9-10).” Neither verse claims that homosexuality is wrong nor that punishment for it is just. It therefore amounts to no more than an *argumentum ad baculum*. The biblical citation reads in part, “neither . . . idolators, . . . nor extortioners, shall inherit the kingdom of God.” Let not even Christians get away with idolatry or extortion.

On his radio program, 2/25/08, Michael Medved claimed that gay sex is unnatural because it has no evolutionary value, though evolution is a concept in which many in his conservative audience do not believe. Let Medved explain the evolutionary value of radio, mustaches and Judaism. Conversely, E.O. Wilson describes the naturalist fallacy as “the belief that because something is in our nature, it is therefore what we ought to be doing. It is not natural to eat with a fork or wear clothes.” Additionally, Daniel Dennett points out that it is “natural” to die young and illiterate, which Medved has already failed to do, making *him* unnatural, though unrepentantly so.

On his radio program, 4/11/08, Dennis Prager expressed disbelief of the statements of gays who say that God made them that way. Whether or not He is the cause, omnipotence means that it cannot be other than His will, for nothing stands in the way of His correction. Whether or not He made anything as it is, He is satisfied to leave it as it is. Prager, properly and trivially, does not believe that God would act contrary to His own wishes. If God wants something different, then let Him achieve it. Human free will may run counter to what is supposed to be God’s will, but God is credited with granting that free will, which He would not have done if He wanted full compliance. Logically, everything taken collectively cannot be other than how God wants it, such being the nature of omnipotence.

With respect to insurance coverage for domestic partners, this writer recognizes only two legitimate choices: coverage for employees only, and coverage for employees plus persons of the employees’ choosing. It is, after all, customary and typical for party invitations to be made to you and to a guest of *your* choice. Insurance providers should thus be given an all-or-none option regarding their selection of beneficiaries.

## Gay Marriage

Straining to defend marriage in his article of 3/14/04 in the *Los Angeles Times*, Douglas R. Kmiec exaggerates its utility in search of grounds for retaining its definition. He claims that childless heterosexual couples cannot serve as a model for same-sex marriage, writing, “Legislatures wisely don’t write laws based on the exception.” Neither do they base them strictly on the norm, or else marriage would be defined as the union of a man and a woman who are both fertile, right-handed, white Protestants. The premise that “all men are created equal” is not a statement of universal identity, but means that the government shall be impartial and not commit *argumentum ad hominem* fallacies. What Kmiec claims to be the “state’s rational interest” in “gender identity” is irrelevant unless the state is at liberty, as Nazi Germany believed itself to be, to express its orientational preference by implementing discrimination on that basis. If the state, in the interest of what is best for children, has a right to impose standards of parental gender, then it is delinquent in not also imposing minimum standards for parental income and intelligence, so as to deny marriage to the poor and incompetent. It is also futile to cite procreative “duties and obligations,” which lack currency in an overpopulated world. The government should, at most, be in the business of civil unions and not marriage. What would the Vatican think of the government defining and performing civil baptisms or civil confirmations? Since non-Catholics are allowed to drink wine, perhaps a constitutional amendment is needed to protect the Eucharist. Marriage should not be redefined but placed back among the other sacraments where it belongs.

No *civil* benefits of any kind should ever accrue to anyone by virtue of marriage. There should be neither civil marriage nor civil baptism nor civil confirmation. Civil benefits should accrue exclusively to civil unions, while sacramental benefits should be exclusively ecclesiastical. Marriage should earn one no more civil privilege than baptism. Baptized and unbaptized, confirmed and unconfirmed should all receive equal treatment from the state, whether or not they receive it from the church. Were this writer to go to the government and declare himself circumcised, the latter should respond, “So? Wudda you want, a medal? Get outta here. Next!”

Homosexuality is said to be maladaptive because it stifles reproduction, while heterosexual marriage is said to encourage procreation, which is currently in little demand. In the cartoon of 5/14/06, a child writes of “an age when ‘freedom’ and ‘careers’ trump life and motherhood.” With humanity experiencing a 50% surplus, the trumping of motherhood is welcome. Neither is it clear how gay marriage would inhibit procreation among the heterosexuals who would have been engaged in it anyway. As to the hypothetical insufficiency of 6 billion people, 4 billion were enough to get man to the moon. What project is it that cannot be accomplished at this time because the planet simply has too few people? In an overpopulated world, let conservatives, who espouse personal responsibility and dislike social engineering, abstain from subsidizing motherhood in the form of child tax credits.

Gary Curtis writes in the *Los Angeles Times*, 3/16/05, of the “traditional meaning” of marriage but also complains about the actions of “nonelected” judges, as if the Founding Fathers, whom he probably reveres, did not set it up that way. Thus he attempts an *argumentum ad antiquitatem* while rejecting the traditional structure of government. He deplores the attempt to “redefine marriage,” as if he could define a sacrament for those outside his church. Catholic and Orthodox Christians observe their major holidays on different dates with impunity. It would be amusing to see Mr. Curtis try to persuade one group or the other that they were wrong. He also

asserts that “God created marriage,” which he cannot know, but only hope, unless he wishes to acknowledge it as merely a fact of literature and not of nature. Let not conservatives redefine marriage as a secular, civil institution. Conversely, just as the state is powerless to overturn a ban by the Vatican on female clergy, let not any church be able to restrict civil institutions. Also, amusingly, those who oppose the redefinition of *marriage* are the very people who themselves happily redefine *baby* and who protest suspiciously little about the redefinition of *planet*.

In the Michael Ramirez cartoon, 3/17/05, a character observes that “any two people can be married in California.” Ramirez regularly demonstrates that anyone can be a cartoonist, at least as far as the text is concerned. He might argue that marriage is a sacred institution, while demonstrating that cartooning is obviously not.

In a letter to the *Los Angeles Times*, 6/6/06, Paul Kokoski writes, “The family . . . has its source in marriage.” Nonhuman families fail to confirm this. “Marriage,” Kokoski writes, “is ordered to the procreation . . . of children,” which is minimally necessary at times such as this when our species is experiencing a 50% surplus and growing. He further claims that “the family based on marriage is the best way to bring up happy, productive children.” It is at least as obvious that it is also best if the parents are smart and rich, implying that marriage should be denied to the stupid and poor.

In an op-ed piece in the *Los Angeles Times*, 11/1/08, Maggie Gallagher writes, “A victory for Proposition 8 will not deprive same-sex couples of a single practical right or benefit under California state law.” Conversely, a loss would not deprive opposite-sex couples of a single practical right or benefit. A state law should provide no rights and benefits because of marriage. The constitution is the wrong place for definitions of marriage or baptism or confirmation, *even the correct ones*. Otherwise, let the constitution define Christmas as December 25 so as to “correct” the Orthodox church’s adherence to the Julian calendar, and let the populace vote on whether the Catholic church should ordain female clergy. The prerogative to forbid women from becoming Catholic priests properly rests with the Vatican, not the government. The specific situation in California could raise the issue of *ex post facto*, because once rights are conferred, they may be hard to withdraw (see *Reitman vs. Mulkey*). When the age of consent is raised, existing marriages are not retroactively invalidated.

### Flag Burning

Even if conservatives cannot legislate morality, some conservatives seek to codify idolatry, fetishism and perverted paternalism in the form of a constitutional amendment that would criminalize flag burning. Conservatives bemoan our litigious society overflowing with frivolous law suits and unscrupulous trial lawyers. They call for tort reform as they simultaneously champion victims’ rights. Victimhood in cases of flag burning can only apply to owners of such flags, whose property is destroyed, or to human witnesses who are disturbed due to their adverse aesthetic experience. Being incapable of such experiences, a flag has neither a sake nor interests. Burning a flag cannot be perceived as wrong *by the flag (amissum quod nescitur non amittitur)*.

Rights are provisional. They are contingent upon and derived from the capacity for benefit and detriment. A flag’s inability to suffer makes it incapable of holding rights. As the only possible holders of rights in cases of flag burning are the owners and observers cited above, a flag itself lacks legal standing.

Conservatives deride people who stand in line for days to see a movie or who strive to “save the whales,” telling them to “get a life,” but admire people who die for a flag. The excuse that Americans fought and died to sanctify their flag is an accent fallacy if burning the Canadian flag would remain legal, unless it can be proved that no Canadians have ever died for their flag.

When a ban on flag burning was approved by the Senate Judiciary Committee, Senator Orrin Hatch called it “a great victory” and then contradicted himself by saying, “We want to give the power back to the people to decide how they will treat the American flag.” When the U.S. Senate, in June, 2006, rejected a constitutional amendment that would allow flag burning to be banned, Senate Majority Leader Bill Frist said, “Old Glory lost today.” Lacking subjectivity, Old Glory has nothing to lose, and the law should reflect this (*de minimus non curat lex*). Senator John Cornyn said, “The flag is the symbol of our freedom. Why in the world would we refuse to protect it?” It is because a belief in voodoo is necessary in order to think that destruction of a symbol (and only of one token, not of the entire type) causes destruction of the freedom that it represents, and civilized people know better. Otherwise, why would the collective burning of the 50 state flags be tolerated?

### Patriotism

Patriotism is love of one’s *patria*, or “fatherland.” This involves nepotism, kin selection and judging people geographically. This may be referred to as the fallacious *argumentum ad propinquitatem*. This writer loves America because it is great, not because it is his, and leaves kin selection to ants. It was patriotism that tragically caused so many in Nazi Germany to fight for their country instead of against its misbehavior. Of course, if conservatives wish to defend Nazi patriotism, this writer will be happy to consider their argument. Conservatives speak of the “blame-America-first crowd,” but harbor among them the blame-America-never crowd. The proper behavior is to blame the guilty always, even when they happen to be American.

Several letters appeared in the *Los Angeles Times*, 7/24/05, in reaction to art of Fernando Botero that depicts events at Abu Ghraib prison. Bill Ireland writes, “Odd that he wasn’t inspired to create imagined representations of Saddam’s rape rooms, mass graves and gas attacks.” All that matters is that Mr. Ireland is equally free to express himself based on whatever inspiration may or may not come to *him*. Ireland then sarcastically declares, “Here’s to the artist’s prerogative!” If he would prefer the Nazi-style suppression of “degenerate art,” then America is far too good for him. Though some view all criticism of America as treasonous, quality control is to be feared only by the inferior.

### Freedom of Speech

Conservatives denounce the liberal victim culture. However, a form of victimology that occurs even among conservatives involves those who resent being criticized for their criticism. These victims of impartiality complain about being unable to denounce without being denounced in return. Because freedom of speech is not unilateral, it provides no immunity from criticism. Opponents may reciprocally censure but not censor. And it is only from *government* reprisal that speech is constitutionally protected. Also, when conservatives whine about media bias and simultaneously oppose the Fairness Doctrine, life is greatly simplified and there is simply nothing to be done but move to the next topic, such as sports or weather. Given that use of the radio spectrum is a privilege rather than a right and is subject to federal license, there are few

things more comical than the arrogance of mere renters who “think they own the place,” when the freedom they seek is available to all on the internet and in print. (How it must vex them to be forbidden to drive without a license and to be hindered by speed limits.) If the truth will out, then “Let not your heart be troubled.” This writer does not necessarily endorse the Fairness Doctrine, but nor does he oppose traffic signals.

In the *Los Angeles Times*, 10/4/03, Phil Rosenberg writes that “self-important politicians voice their outrage. How lame. The minute we hear something we might disagree with, we call for the speaker’s head? Some freedom of speech, huh?” Yes, and also Newton’s third law, which unilateral impunity would violate (*nemo me impune lacessit*). A distinction is to be recognized between freedom of speech and freedom of lynch. We are *all* entitled to *call* for the speaker’s head (metaphorically), but are seldom, if ever, entitled to get it. Offense does not entitle one to disproportionate retaliation.

Tim Rutten, in the *Los Angeles Times*, 2/11/06, commenting on the “many sadistic crimes” attributed to the Catholic Church and Opus Dei in *The Da Vinci Code*, asserts that “it is deeply offensive to allege – even fictionally – that the Roman Catholic Church would tolerate Opus, or any organization, if it were any of those things,” namely “corrupt and manipulative,” “violent” and “murderous.” Such characteristics might come as a surprise in a fictional account of the *contemporary* Church. However, thanks to Saint Augustine’s rejection of the Donatists’ heresy, Pope Innocent III himself called the Catholic clergy of his day a sty of pigs. Also, the Inquisition need hardly be mentioned. It is further suggested that “publishing feature stories” about *The Da Vinci Code* would be “offensive, since they promote the film,” presumably the same way that *Schindler’s List* promotes Nazi atrocities.

In the cartoon of 5/5/06, Mallard says that not allowing students to “wear ‘patriotic clothing’ to school” constitutes a restriction of “free political speech.” It follows that Catholic parochial school students have their rights unfairly denied when forced to wear uniforms. In the cartoon of 5/11/06, Mallard suggests that “all of those *still* writing me to say I’m *making up* stories about schools banning students from wearing ‘patriotic clothing’” should “pick up a newspaper sometime.” Actually they need only familiarize themselves with the phenomenon of school uniforms, which is not even restricted to private or parochial schools. It is delightful to see a conservative adopt a convenient liberal aversion to such uniforms. (This topic is also addressed in the cartoons of 4/27, 5/3, 5/12, 5/13 and 5/28, which is a reminder that Tinsley is known for both denouncing and employing the *argumentum ad nauseum*.)

In the cartoon of 7/10/06, Mallard reports, “Britany McComb, valedictorian of Foothill High School in Nevada, had her microphone cut off during her graduation speech for thanking ‘Jesus Christ.’” Mallard does not say whether she broke any rules, but minors are subject to the rules of educational institutions, and conservatives favor local control of schools. They also demand that immorality have adverse consequences. The school’s practice is consistent with conservative behavior, as Rush Limbaugh cuts off callers for not speaking on the topic given to his screener. Perhaps McComb departed from a vetted text. Americans enjoy a general freedom of attire, but institutions such as the military and certain schools are allowed to restrict clothing choices and impose uniforms. McComb’s transgression may thus be analogous to the concept of being out of uniform. If anything more significant is involved, let Mallard not keep it a secret.

In the cartoon of 7/12/06, Mallard says, “‘Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech.’ Can you believe people used to think that that meant ‘no state church, but let people worship and speak freely?!’ But now we know that the founders *really* meant, ‘Censor a student

who thanks “God” in her valedictory address.’ Don’t you feel safer now that the constitution is a ‘living document’?” Whether congress shall or shall not make any such law, local schools may, and with the blessing of conservatives. People are as free to worship as they are to urinate, that is “publicly,” though not necessarily in plain sight. “We” do not need to know what the founders really meant until a constitutional issue arises. According to conservatives, none does here because they feel that schools should be under local control. Even when such issues do arise, the founders acknowledged that dead men cannot vote (*actio personalis moritur cum persona*) and specified in Article V that the constitution is *legislatively* living. And to the extent that it is not *judicially* living, the Supreme Court is unnecessary.

The cartoon of 7/30/06 speculates that advocacy of homosexuality, socialism and pacifism *would be* acceptable topics for graduation speeches, but cites no concrete examples, even though the source for the Brittany McComb story is carefully given, throwing this idle speculation into high relief.

In the cartoon of 8/9/06, Mallard offers another back-to-school tip: “Take a bullhorn to your valedictory speech in case, as has happened this year, they turn off your microphone for mentioning ‘God.’” That such an action may violate rules is not a stated concern for Mallard, who is basically telling children to disobey their elders whenever the latter become inconvenient. This is not a message that would be expected from conservatives. The particular freedom seemingly attributed to minors by Mallard may not be one that they actually enjoy, at least not at particular schools.

In the cartoon of 8/13/06, titled “If everything were run like our public-education system,” a man says, “Hi. I’m from the government, and I’m gonna take a big chunk of your property taxes. But, in exchange, everyone gets one of these brand-new cars!” Another man says, “Uh, couldn’t I just keep my money, and pick out my *own* car?” The first man replies, “I knew it! You’re just anti transportation!” This plea for local control just reinforces the premise that a school should be free to choose to restrict student speech. This is a reversal of Tinsley’s ongoing regret that Britany McComb’s Foothill High School had such a choice available to it. Indeed, let Tinsley choose his own school, but then also let any particular school choose its own standards. Perhaps Target would similarly consider lowering its prices and allowing customers to choose their own charities.

Catholic League president William Donohue once expressed frustration with anti-Catholic criticism, saying, “If I hear one more time about the Inquisition, . . . .” The point is that if he does, then he will merely be hearing about it and will not be getting burned at the stake. Sticks and stones may break his bones, but . . . . In the cartoon of 10/27/06, Mallard asks, “If conservatives are so ‘closed-minded,’ and liberals are so ‘tolerant,’ why are conservative speakers the ones who get heckled off the stage, with pies in their faces?” Perhaps it is because liberal intolerance and impoliteness tend to be nonlethal, whereas this writer is personally acquainted with the murderer of an abortion provider. Conservatives should count their blessings, turnabout being fair play. Merely hearing about the Inquisition (and seldom even getting so much as a pie in the face) would seem a very small price to pay compared with that paid by those who wished they could have had the luxury of merely being burn *in effigy*. In the cartoon of 12/14/05, Mallard speaks of “the auto-da-fé that the Left is preparing for” Samuel Alito. This would only be a virtual one, unlike the actual conservative original.

On his radio program 12/31/08, classical music radio host Jim Svejda sarcastically said that reinstatement of the Fairness Doctrine might finally get people to listen to Air America.



Purveyors of classical music who resort to the *argumentum ad populum* are throwing stones from within a glass house.

In May, 2009, some wrongly imagined that criticism of Miss California's stance on gay marriage was somehow a violation of her rights under the first amendment. Given that the amendment states that no *law* is to be made that will restrict her freedom of speech, let the law be cited that was used to punish her. If anything, she is a victim of the constitution itself because it grants freedom of speech to her opponents. (As to the controversy surrounding her pageant loss, the winner should be one with sufficient poise to think of a more felicitous phrase than "opposite marriage.")

## Constitutional Law

Constitutional originalism can sometimes sound like an assertion of judicial redundancy. Supreme Court Justice Clarence Thomas said in a 2001 speech, "The Constitution means what the delegates of the Philadelphia Convention and of the state ratifying conventions understood it to mean; not what we judges think it should mean." The people of the past could not have understood the meaning of future amendments, amendment being the process by which meaning is imposed on the Constitution by living members of Congress and state legislatures. Slavery was part of what the Founders "understood it to mean," thus necessitating the process of amendment to codify its abolition. However, if Justice Thomas would prefer living as a slave, then let him satisfy himself. The Constitution *originally* denied the vote to women, and true, literal originalism would oppose amendment *per se*, which the founders themselves did not. Even if he is dedicated to an original mode of interpretation, Justice Thomas should be grateful that the Constitution has not been allowed to remain in its original state.

In the cartoon of 7/23/05, a character is parodied for saying, "The Constitution is a living document, you know." (The joke is then recycled 11/29/05.) The "original intent" of the Founding Fathers includes allowing for amendment, as per article V, which they themselves wrote. Had strict construction been their "original intent," then they would not have thus enshrined in the Constitution the means for its own amendment. Instead, they recognized that dead men cannot and may not vote (*actio personalis moritur cum persona*) and that *stare decisis* should never be allowed to degenerate into *argumentum ad antiquitatem*. Accordingly, as they themselves anticipated, it is now someone else's turn, not theirs. Additionally, the Founding Fathers merely *held* certain truths to be self-evident but without offering proof, while  $2+2=4$  is a genuine tautology, whether or not it is evident to idiots.

In the cartoon of 8/21/05, Mallard says to his chess partner, "Hey! You can't move your rook seven spaces diagonally!" His partner replies, "You're right, that you didn't *used* to be able to. But I'm a progressive. I view the rules of chess as a 'living document!'" The rules of chess are not a "living document," but neither are those of logic. The rules of chess are kept from being a "living document" by the absence of the Constitution's article V. As this article is obviously *not* lacking in the Constitution, the joke will be to see how long it takes Mallard to discover its presence there. Had the creators of chess similarly granted explicit permission to change the rules, complaints would be properly directed exclusively to those creators. The "progressive" is a perfectly fine comic fool for being too stupid to avoid disanalogizing the Constitution. The tragedy is that cartoonist Bruce Tinsley seems to come down on the side of this stupidity. Also, because article V was placed in the Constitution by the Founding Fathers themselves, adherence to it is consistent with being *regressive*.

In the cartoon of 10/25/05, Mallard offers his politically correct Halloween costume idea #1: “The Constitution! Make a giant copy of the U.S. Constitution, then cut out holes for your eyes, arms and legs, so everyone will know that you’re a ‘living document.’” As it includes article V, the Constitution is a document that is either living or lying. Though it may not be *judicially* living, the inclusion by the Founders of article V explicitly ensures that it is *legislatively* living. American government is based on congressional ethicists and judicial moralists, such that congress makes the laws and courts rule on whether they have been obeyed. Thus the judiciary and legislature embody institutional conservatism and liberalism, respectively. While it is proper for the judiciary to be conservative, it is the role of the legislature to be creative and innovative. The alternative is what G.K. Chesterton called “democracy for the dead.” Courts may not be free to impose contemporary interpretations on the Constitution, but legislatures are free to rewrite the document itself. Courts are obliged to uphold not only the original Constitution, but also its contemporary contents, including amendments.

In a letter to the *Los Angeles Times*, 3/12/08, John Mancino writes, “I am outraged that the will of the people is again being challenged in the courts.” To the extent that the courts are dealing with truth and law, the will of the people is irrelevant, the *argumentum ad populum* being fallacious. Besides, it is merely “being challenged.” Let it survive the challenge, if it so deserves due to genuine merit. Mancino continues, “I am further outraged by Justice Kennard’s statement that just because something is traditional doesn’t mean it is legal or constitutional.” Even when the truth hurts, it is no less true. Laws are supposed to be based on right and wrong, not habit. More fundamentally, tradition is certainly irrelevant to truth. No judge is to blame for the fact that the *argumentum ad antiquitatem* is fallacious. Mancino may as well try to blame the courts for the fact that  $2+2=4$ , another fact that no amount of outrage can alter.

It also seems that conservative outrage loves company, and occasionally even demands it. In the *Los Angeles Times*, 3/31/09, Jonah Goldberg, in a piece titled “Liberals’ dirty shame,” writes, “But when the Obama administration approves the constitutionality of book-banning before the Supreme Court, where’s the outrage.” The executive branch lacks the judicial power to approve constitutionality. Outrage is made unnecessary by the involvement of said Supreme Court, which is free to rule against executive arguments. Whatever the administration wants, courts exist to ensure that wanting is not getting. If lack of outrage is so terrible, then Goldberg is invited to call the police and see the degree to which they are interested in his complaint.

On Fox television, 3/11/09, economics writer Steve Moore accused President Obama of delegating the legislative function to Nancy Pelosi, a legislator. Conservatives are known to oppose legislating from the bench, but may also opportunistically oppose it even from the legislature. On the same network 9/1/09, Karl Rove used the term “outsourcing” to describe the act of giving the legislature the task of legislating.

### The Pledge of Allegiance

Irrational attempts to protect the flag exemplify the Western tradition of idolatry, which is also reflected in the Pledge of Allegiance, which is direct to the flag “*and to the republic for which it stands.*” Why not just to the republic? Tradition is no excuse. Slavery lasted for centuries and was accepted by many people. It was nevertheless abolished because common consent, majority rule and *stare decisis* were not allowed to degenerate into *argumentum ad populum* or *argumentum ad antiquitatem*.

Sean Hannity is quoted as saying (6/12/03), “Governor, why wouldn’t anyone want to say the Pledge of Allegiance, unless they detested their own country or were ignorant of its greatness?” Neither detestation nor ignorance is illegal, leaving Hannity impotent in this matter. And if they are even relevant, then of the greatness of how many things might Hannity be ignorant? How many things might he detest?

In a letter to *Los Angeles Times*, 9/16/05, Craig A. Repp writes, “As a Christian, I do not say the Pledge of Allegiance because: (1) I cannot pledge to a flag; (2) I cannot pledge any allegiance to an earthly kingdom without substantial caveats, and (3) I resent a country presuming an association with God or God’s mission.” He also expresses puzzlement as to why it is atheists and not Christians who bring lawsuits against the use of the words “under God.” As the sovereignty of God is a mere speculation, conservatives can do nothing but *hope* that their country is “under God.”

In the *Los Angeles Times*, 11/18/05, David Gelernter writes, “One of the tragedies in all of this is the attempt to remove history’s footprint from the pledge,” as if the pledge were the only possible source of history. At best, it is a source of precious little of it. Gelernter says that Lincoln “knew well that Americans are far from perfect. But he believed in their duty to make themselves better.” This duty is apparently to be fulfilled by any means necessary, and even whether necessary or not, under an oppressive Nanny State, which conservatives claim to oppose. This duty falls equally on conservatives, who often leave themselves vast room for improvement. He continues, sarcastically, “Children who were reared as atheists, whose parents are wiser than Lincoln on the subject of God, are free to keep quiet,” as if such wisdom were impossible. Many are wiser than Lincoln on the subject of quantum mechanics, as Lincoln died generations before the field was invented. Theists are equally free to keep quiet. He says that “children who don’t believe in God might still like to be reminded how Lincoln saw this nation, might like to test drive the worldview of the man who saved the Union and set it on the path to justice.” Such children would have to be terribly dense if such a test drive were necessary every day. Children might also like to test drive the worldview of Benjamin Franklin or Thomas Paine, who helped provide Lincoln with a Union to save. Ultimately, any oath taken by children is nonbinding, as minors cannot enter into contracts.

### The Ten Commandments

A judge once complained that he was not allowed to display the Ten Commandments in *his* courtroom. The room is not his property to which he holds a deed. He is an ordained functionary of the community and serves at the sufferance thereof. Breaking the rules under which he operates is analogous to a soldier being out of uniform. Government-funded displays of the Ten Commandments might be acceptable if accompanied by a disclaimer explaining that half of the commandments are not jurisprudentially applicable because they are not codifiable into civil law. For example, the government is free to outlaw neither Hinduism nor working on Sunday. Citizens who are offended by Hindus who work on Sunday are legally obliged to lump it.

In the cartoon of 2/13/05, Mallard says of Valentine’s Day, “Nothing could be less romantic than an official day to be romantic.” Again, in the cartoon of 2/14/06, he says, “I think nothing could be less ‘romantic’ than an official day to be romantic.” The same formula is applicable to the sabbath: an official day to be spiritual. Similarly, an official time to be patriotic is afforded by the pledge of allegiance. Further, such received imperatives as the Ten

Commandments are mere superficial disapproval of certain behavior. They do not reveal the justification for that disapproval, and so do not constitute ethics.

Supervisor Michael Antonovich said that the removal of a cross from the Los Angeles county seal constituted “rewriting history,” though this is not where history is properly or significantly written, and history is in constant need of rewriting. In an *argumentum ad populum*, atheists were dismissed as “a tiny minority.” The mere statistical truth of de facto abundance does not justify de jure dominance. Also, more than history and heritage are involved when slogans such as “In God We Trust” are offered in the present tense. The absence of that particular phrase on U.S. money was good enough for the Founding Fathers. Also, the phrase is only true in the same demographic sense that “we” are right-handed, white, heterosexual Protestants. And if God’s trustworthiness were demonstrable, even in principle, then it would deserve to be a matter of science rather than religion.

In a letter to the *Los Angeles Times*, 7/12/08, David Wilson writes about an argument as to whether or not George Washington was a deist. The issue is irrelevant as long as the *argumentum ad antiquitatem* remains fallacious. Were it to be revealed that Washington was an opium fiend, that in itself is no reason why anyone else should be. For their part, Benjamin Franklin founded the first nonreligious university in America, Thomas Jefferson re-edited the Bible so as to exclude miracles, and Thomas Paine offered disparaging biblical criticism. And even if all the founders were self-flagellating monks *and* wanted all future Americans to behave similarly, the fact remains that dead men cannot vote (*actio personalis moritur cum persona*). If they are displeased with the current state of the nation, then let them try to do something about it. As another practical matter, “We the people of the United States . . .,” rather than God, proclaims the preamble to the Constitution, “do ordain and establish this Constitution of the United States of America.”

## Taxation

Conservatives are fond of decrying the frequency of taxation, saying that one’s money should not be taxed so many times. This “iteration fallacy” is related to the sorties fallacy. Only the total tax burden is relevant. Conservatives should be perfectly happy to pay taxes on the same money 100 times if each installment amounted to only one cent such their the total tax burden was one dollar. A rational being would find this preferable to being taxed only once but at a rate of 99%.

Amusingly, some people who complain about their income being taxed repeatedly have trouble correctly identifying examples of this phenomenon. If income that has been taxed as such is spent on a retail purchase, applicable sales tax would constitute a second instance of taxation on that money. However, claims are sometimes heard that taxing capital gains constitutes taxing income twice. This is no more true of capital gains than it is of interest. If an investment of \$100 increases in value to \$101, the amount of interest income to which taxation is applicable is \$1, not \$101. Tax applies only to the difference between the final and initial values ( $\$101 - \$100 = \$1$ ). The initial principal of \$100, even if it was taxed previously, is not taxed as interest, while the \$1 of interest that *is* taxed as interest could not have been previously taxed because it did not previously exist (If it is to be construed as previously existing as money owned by the interest-paying institution, then previous taxes would have been paid by that institution, not by the investor). The same is true of capital gains. Tax is paid only on capital *gains*, not on the principal that generates them. If the gain is zero, then so is the tax. Investment principal is not retaxed, and

the gain has no opportunity to be taxed prior to its existence. Each is taxed only once, at least within this scenario. Again, if getting one's income retaxed is the goal, then sales tax will accomplish this, but taxes on interest and capital gains will not.

The frequency argument is also used to oppose the estate tax, to which Frank Luntz has applied the misnomer "death tax" in an example of the nominalist fallacy (to name is to explain). Death is not the commodity being taxed. One does not contribute to the government a small piece of one's death such that the government collects and accumulates death. When someone dies, there is no tax if there is no estate to be inherited, even though death has occurred to no lesser extent than when an estate is involved. The dead poor are as dead as the dead rich. When an estate is inherited, tax is paid in the form of money, not death. Death merely refers to the time at which the tax becomes relevant, and Republicans, inconsistently, do not seem interested in renaming income tax to make it "April tax."

Conservative taxation arguments are also often based on people rather than income. The complaint is made that the top 2% of earners pay 40% of the taxes. If they enjoy 40% of the income (or 60 or 80), then why not pay 40% of the tax? Should both the top and bottom 2% account for the same tax revenue? That would constitute a poll tax, not an income tax, with distinctions of "top" and "bottom" being meaningless. The burden of proof rests on those who suggest that any group responsible for a certain fraction of income should not be taxed proportionately. Thus when Sean Hannity complains *merely* that the top 10% carry 70% of the tax burden, he targets an audience stupid enough to think that he has provided sufficient information to allow a judgment to be rendered, when in fact he has failed. Such people do not realize that there is another show to be dropped, and are thus ripe for exploitation via Hannity's *plurium interrogationum* fallacy. Complaints such as Hannity's fail to prompt rational interest unless they reveal that the percentage of taxes paid by a certain group is *greater than* the percentage of *income* earned by them. If 70% of taxes are collected from a group responsible for 90% of the income, then no tears need be shed.

In the cartoon of 10/29/05, Mallard alludes to Congresspersons spending money that is not their own, as if democracy were powerless to vote them out of office. Mallard is, of course, also free to fill his own potholes.

In the cartoon of 4/15/06, Mallard derides those who celebrate getting a refund from the IRS. This is part of the general conservative derision of the liberal culture of dependence, which is as nothing compared to the supposed need for redemption from original sin. (Necessity, even ecclesiastical, is the mother of invention.)

The cartoon of 4/16/06 makes a distinction between paying taxes and keeping "your money." Excepting the destitute, taxes are the basis of entitlement to certain government services. Keeping one's money while shopping is called shoplifting. Mallard lacks the resources to conduct foreign warfare and may not wish to fix the potholes in his neighborhood, but he is obliged to do so if he fails to pull his weight by paying others to do it for him.

In the cartoon of 9/2/06, Mallard reports, "In an attempt to improve its opprobrious public image, 'The Association of Trial Lawyers of America' has voted to change its name to 'The American Association for Justice.' In other news, Hezbollah has reportedly changed its name to 'The Rotary Club,' the mako shark now prefers to be called 'the cuddly sea-bunny,' and gingivitis has changed its name to 'Bob.'" It is conservatives who have neologist Frank ("death tax") Luntz working for them.

In the cartoon of 2/25/07, Mallard says, "[I]f you listen very closely to the fresh new springy congress over there, you can hear our taxes going up." The nature of capitalism is getting

not what one needs or deserves but that for which one pays. Mallard is welcome to repair potholes by his own voluntary efforts if he so desires.

In the *Los Angeles Times*, 11/13/07, Jonah Goldberg writes, “According to Democrats, it’s greedy to want to keep your own money, but it’s ‘justice’ to demand someone else’s.” Conservatives brag about their charitable giving (Dennis Prager, 7/12/07) when Democrats keep *their* own money, thus being greedy according to conservative standards. In terms of government services, someone’s money is to be demanded as long as shoplifting remains illegal.

On his radio program 6/13/08, Michael Medved inferred a liberal slant in a report stating that half of economic growth had been “captured” by the wealthiest one percent of Americans. Medved opposed the use of this word, claiming that the benefits of wealth are instead acquired through hard work, whereas this terminology is perfectly orthodox within sports commentary, wherein prizes and championships are “captured” *by means of* hard work, and in warfare, wherein territory is “captured” *by terrifically* hard work. In fact, great wealth does not absolutely require hard work, it being attainable through inheritance and investment. In addition to being falsely dichotomous, this is all irrelevant as to whether the rich *deserve* their money, which they certainly may even if no work was done for it, a point not lost on conservatives, who oppose inheritance tax.

Writing about the Taxpayer Tea Party phenomenon, Marc Cooper offers the following in the *Los Angeles Times*, 4/15/09: “Writing in *Fortune* magazine, conservative policy analyst Bruce Bartlett, who has a long anti-tax history, say, ‘The irony of these protests is that federal revenues as a share of the gross domestic product will be lower this year than any year since 1950. . . . The truth is that the U.S. is a relatively low-tax country no matter how you slice the data.’”

## School Choice

“Why should only the rich be able to send their children to good schools?” ask conservatives. The answer is that capitalism dictates that you get that for which you pay. Why should only rich people be allowed to drive expensive cars and live in expensive houses and sail yachts? Where is the call for Bentley vouchers, mansion vouchers and yacht vouchers?

The most extreme conservatives feign concern about education while opposing curricula that threaten their *argumentum ad antiquitatem*. Few of them actually want education, which they consider blasphemous, and refuse it when offered. Their concern is purely economic, such that all they really want is training for jobs, not what this writer considers education.

Many conservatives oppose food stamps. However, given that nutrition is prior to education, support for food stamps, *a fortiori*, cannot logically be exceeded by support for school stamps. Conservatives champion socialized education while they bemoan the prospect of socialized medicine, even though health is prior to education. If health is a privilege and not a right, then, *a fortiori*, so is education.

Dan Quayle says that the parents of kids in bad schools will choose to send their kids to good ones. It is fairly obvious that *everyone* will choose to send their kids to good schools. But the idea that the parents of the children already attending the good schools will withdraw their children in order to make room for the new kids is counterintuitive. In a seller’s market, the schools choose the students, not vice versa. Once the best schools have chosen the best students, accommodating the remaining students would overwhelm the capacity of the good schools, inflating class sizes and diminishing the qualities that made them good schools in the first place.

Thus, the actual redistribution afforded by vouchers would be expected to be trivial and the idea of “choice” would seem to be illusory.

In the *Los Angeles Times*, 4/29/05, David Gelernter defends the idea of school vouchers of fixed value, even though people are taxed at different rates and private school costs more than public ones. The idea that all commodities, including schools, cars and houses, should be equally priced seems like a decidedly Marxist concept. Conservatives might be expected to prefer capitalism, in which all are entitled to whatever school or mansion or yacht they choose *and can afford*, shoplifting being illegal and charity voluntary. For example, merely paying taxes entitles one merely to the police, whereas private security guards are to be paid for privately. Conservatives would not be expected to believe that vouchers for Perrier are to be distributed to those dissatisfied their municipal water supply. Vouchers should be applied to any school, but only to the extent of a person’s tax contributions. To be fair, it must be merely a redirection of funds, not a blank check. Anything more would be something-for-nothing liberalism in violation of the people’s Beck rights. Alternatively, those not availing themselves of public schools should be granted tax breaks, not vouchers. If government support should be withdrawn from failing schools, then perhaps parents should also shoulder some responsibility and be denied tax credit for their failing children. And given conservative opposition to food stamps, it should be noted that funds resulting from such tax credits can be spent with even fewer restrictions. If people are to keep their own money and do with it as they please, then let this be true with education, as it is with insurance for health and home and car. In terms of cost efficiency, in his book *Education Myths*, Jay P. Greene, as reported by Richard Lee Colvin, can claim only “that kids with vouchers do no worse than those who remain in public schools, at half the cost.”

In the cartoon of 12/20/05, Mallard suggests that lawmakers “vote for vouchers and school tax credits, too, so our kids could go to the same private schools that most of their kids do.” If such kids are to attend “the same” schools and not just similar ones, then by what magic or coercion will students currently in attendance be displaced in order to make room for the voucher-wielding kids? Merely choosing a sold-out movie screening does not entitle one to admission. If aspirants have lesser academic credentials than current students, on what grounds are those current students to be expelled to make room for the new ones? Will parents withdraw their kids voluntarily? In practice, Malthusian constraints will ultimately exclude the dregs, and schools can offer scholarships to fill empty places with academically deserving poor students. All kids are perfectly welcome to wear the same clothes as do the children of lawmakers, but shoplifting is illegal.

In the cartoon of 1/22/07, Mallard offers his “ode to the end of football season: To coaches whose notion of ‘loyalty’ is making a hundred-yard dash away from their pledges to ‘stay here *forever*’ to any team off’ring more cash.” If Mallard dislikes capitalism, alternatives are available. Also, scholastic legacy preferences constitute a form of affirmative action, which conservatives oppose.

## Healthcare

Conservatives claim that high healthcare costs result from Americans overusing their doctors and demanding more treatment than is necessary (Ezra Klein, *Los Angeles Times*, 9/30/07). Bringing to mind Goldie Locks, they brag that Americans have shorter waits for treatment than Canadians while simultaneously saying that Americans would be better off waiting longer. Canadians may wait longer for *elective* medical treatment, but Americans,

compared with those in other industrialized countries, spend double and are victims of more errors, according to the journal *Health Affairs*.

When discussing Canadians waiting for medical care, conservatives suspiciously avoid mentioning of medical outcomes. Having waited, how much worse are their outcomes? Any inferiority in Canadian outcomes fails to be reflected in life expectancy, given that Canadians live an average of 80.7 years compared to 78.1 years for Americans. Whatever problems may be caused by the Canadian healthcare system, such as exorbitant taxation and frustrating bureaucracy, death, at least statistically, is not among them. It is often observed that this difference in life expectancy can be attributed to factors other than the healthcare system, such as accidents and homicide. In other words, Americans have worse life expectancy not because they lack a Canadian-style healthcare system, but because they do not live in Canada. The solution, then, is not to adopt a Canadian-style healthcare system, but to move to Canada, where all those other factors cannot help but apply to and benefit one.

Conservatives condemn the Canadian healthcare system and yet Canadians somehow tolerate it. Perhaps what is needed is an American military invasion in order to liberate Canadians and grant them the right to vote. If they already have that right and dislike their healthcare policy, then let them change it.

Private insurers oppose competition from government-run healthcare, and also tend to reject applicants with preexisting medical conditions. The issue, however, should not be uninsured patients, but rather uncompensated doctors. All necessary medical care should be rendered in order to keep the attending doctors out of jail. Said doctors then deserve to be paid for having rendered care. If the patient is unable to pay, doctors should not necessarily be forced engage in *pro bono* work involuntarily.

The debate over healthcare reform sometimes employs what seems to be a false dichotomy, wherein it is said that government-controlled healthcare would entail giving people a “pain pill” *instead of* the best possible medical care. No important issue should arise until the two are indistinguishable. It makes perfect sense to choose the least costly alternatives among those that do as much good. If something does better, then do that. However, a drug is not a drug until it provides grounds for rejecting the null hypothesis. Patients should not be prevented from receiving treatments that are more effective than either a pain pill or a placebo, but they should bear the responsibility of paying for anything that is not. Consumers may like the idea of replacing the old, stale air in their tires with new, fresh air. But since no known driving benefit is to be derived from such a procedure, it should only be done at the expense of the consumer, not of the government. When the government is to pay, let it pay for what is known to work and for nothing else. Let not the government pay for any treatment that has not been shown to be more effective than a palliative analgesic. This writer was told of this potential situation not as the threat of people being forced to reject expensive options but rather in terms of information vs secrecy. Doctors are welcome to make as much money as they like, even by employing and charging for useless procedures, and patients are welcome to sign waivers stipulating that they are to be kept ignorant. But criminal penalties should apply to anyone who keeps secret the relative effectiveness of various medical options from anyone who wants such information.

Socialized medicine would provide identical care to all citizens. This probably makes sense only with respect to the most basic level of service, in the same way that everyone is serviced by the police but private security guards cost extra. Miranda rights ensure the availability of a lawyer even if one cannot afford to pay. However, since beggars cannot be choosers, this entitles one only to *a* lawyer, such that the best ones cost extra. The same could



apply to healthcare, with everyone entitled to *a* doctor, but with the best ones costing extra. Ideally, getting none at all would not be an option.

### Rogue Pharmacists

Certain rogue pharmacists refuse to sell a certain segment of legal drugs. Superficially, the caricature can be created of people too stupid to foresee the nature of pharmacy, paralleling the phenomenon of conscientious objectors within a voluntary military. Beyond this folly, what is absolutely necessary is truth in labeling and fair warning like that offered by those who identify themselves as osteopaths or chiropractors. Opera singers categorize and label themselves in terms of voice category and repertoire. Let pharmacist do the same. One who is called a pharmacist is required by logic to do pharmacy. Those who restrict their performance in this field are undeserving of the unqualified label of *pharmacist*. For those who dispense less than the complete canon of drugs, the term *semipharmacist* would be appropriate. Such people are in no way being forced to abandon their beliefs, as those who cannot stand the heat are allowed out of the kitchen. They are perfectly at liberty to choose between irreconcilables, for what they cannot do is have their cake and eat it too. The absolute wrong is secrecy and lying in wait that could result in customer surprise or a situation like Monty Python's "cheese shop" sketch.

As an example of a conservative model in an analogous situation, Jonathan Turley, in the *Los Angeles Times*, 7/25/05, reports conservative Justice Antonin Scalia's comments on the issue of recusal: "Last year, Scalia chastised Catholic judges who balk at imposing the death penalty – another immoral act according to the church: 'The choice for a judge who believes the death penalty to be immoral is resignation, rather than simply ignoring duly enacted constitutional laws and sabotaging the death penalty.'" In other words, as it applies to pharmacists, let them pharmacize or get off the pot.

### The War Against Christmas

This is actually a war against deadbeat freeloaders who have the liberal, something-for-nothing expectation that others will do their celebrating for them instead of taking personal responsibility for doing their own. It is a war against the resentment of the libertarian principle of allowing people to choose their own holidays.

In the *Los Angeles Times*, 12/11/05, Carol Platt Liebau laments that "traditionalists must avert their eyes from what offends them lest their sensibilities infringe on others' freedom of expression." She is invited to join the club. She observes that "non-Christians are not being forced to celebrate Christmas." Nor are Christians being forced not to celebrate anything. She refers to America as "a nation founded on religious principles." At best, this is true accidentally. (In 1797, John Adams himself wrote that "the government of the United States of America is not in any sense founded on the Christian religion.") Also, foundation of Christian principles is no guarantee of ethical quality, as it is also claimed by the KKK. She asks why, in such a country, "should spiritual messages be tailored to the sensitivities of nonbelievers?" They should not unless logical quality control is a virtue. Why should believers be entitled to something-for-nothing, winner-take-all deference? Like the Buddha's first trip outside his palace, some conservatives sadly demand that no non-Christmas-related sight be visible as they travel out in the world, and are destined to disappointment, for there exists no obligation to cater to them thus.

In the cartoon of 12/12/05, Mallard outdoes those Christians too stingy to share the month of December with non-Christians. He claims that there is “no place” for Christmas at Wal-Mart because that store wishes people “Happy Holidays.” Others resent having Christmas lumped together with other holidays. Mallard does not recognize Christmas as being among these holidays. The nature of this supposed misnomer is not obvious. If Christmas is not a holiday, then what is it? Mallard demands to be singled out in a crowd. But how is he to be distinguished as a Christian? Is he to be recognized as *looking* like a Christian? Or is the criterion to be that he is not wearing a mandatory yellow Star of David on his clothes? However much Mallard may dislike it, non-Christians happen. And whatever he thinks he could do about that, he is not allowed to. During his boycott of Wal-Mart, he may take comfort in the fact that Target once used Amy Grant as their spokesperson. One cannot get any more specifically Christian than that.

In the cartoon of 12/13/05, Mallard says, “Not long ago, I wished some friends a ‘Happy Ramadan.’ Passover always brings my wish to ‘have a blessed one.’ I don’t call people’s rites a ‘Happy Holiday.’ So why can’t everyone treat ‘Merry Christmas’ the same way?” Because “everyone” may inconveniently have to “treat” everyone collectively. How is it to be determined which “rites” apply to which people? Is it based on whether their names *sound* Jewish or Muslim or Christian? If “rites” are not holidays, then is “Happy Rites” to be said?

In the cartoon of 12/22/05, Mallard’s “gift idea for Republican lawmakers” is “a donkey mask” because they “vote like” Democrats. The recognition by Tinsley of the possibility of such duplicity is fortunate because, ironically, conservatives are prone to express a sense of liberal entitlement regarding Christmas.

In the cartoon of 9/23/06, Mallard says, “Even if it weren’t for the calendar, I’d know it was the first day of fall. The leaves are turning. The nights are cooler. The stores are starting to sprout Christmas decorations.” This Goldie Locks whines if the euphemism “holiday” is used, but also whines if overdosed with the genuine article. Store owners at least decorate at their own expense rather than with tax money.

In the cartoon of 12/23/06, Mallard solicits information regarding the disappearance of the constitutional protection of “the free exercise” of religion, as if he would defend Aztec human sacrifice or Jain public nudity, and as if he were free to exercise his religion using other people’s money involuntarily. Protection exists only for the free exercise, not the *freeloading* exercise, of religion. The very next day (12/24/06), Tinsley rebuts himself in a cartoon that reads, “In an age in which Christians around the world are persecuted, tortured and killed for daring to utter their Lord’s name, thank God for a nation in which people of all religions may worship in freedom.” Now he sees America as so tolerant as to inspire gratitude, unlike the previous day.

In the cartoon of 12/25/06, Mallard says, “Caution! Read the following cartoon aloud in schools, government buildings or public places at your own risk. Merry Christmas!!!” The only significant ethical imperative is for such things to be done at one’s own *expense*. If religious sentiments that are not universally shared are to be paid for by everyone, then so is human embryonic stem cell research, it being impossible to have one’s cake and eat it too.

On the topic of Christmas, Bill O’Reilly, in 2005, said, “I am not going to let oppressive, totalitarian, anti-Christian forces in this country diminish and denigrate the holiday and the celebration!” Actually, he is, being impotent to stop denigration, which is protected speech.

In February, 2005, D. James Kennedy said, “Our job is to reclaim America for Christ, whatever the cost. As the vice regents of God, we are to exercise godly dominion and influence over our neighborhoods, our schools, our government, our literature and arts, our sports arenas,

our entertainment media, our news media, our scientific endeavors – in short, over every aspect and institution of human society.” Evangelicals may be allowed to do all this with theirs, but not with others’. Additionally, the idea of any “scientific endeavors” by such people borders on the oxymoronic.

## Torture

People argue for legalized torture, while others assert that it should never be used. Neither position need be followed. What should be forbidden is torture of the innocent, which all defendants are until proven guilty and convicted. Whether or not convicts should be tortured, suspects should not, given their innocence. Torture could conceivably be employed when necessary *and* be punished accordingly, the idea being that said punishment is a reasonable price to pay. Just as with jaywalking in order to rescue people from a burning car, the punishment would be worth it. All those in the military who are willing give their lives for their country must also, *a fortiori*, be willing to sit in jail for a year or two. Any person unwilling to do so in order to save an entire city is a sorry excuse for an adult.

Conservatives are on record rejecting the idea that the end justifies the means. Nevertheless, when defending enhanced interrogation, they claim that it prevented terrorist attacks. If the end *does not* justifies the means, then citation of results is a waste of time and is to be ignored.

Contrary to their views on human embryonic stem cell research, conservatives believe it relevant to consider whether enhanced interrogation techniques were effective at keeping millions of people safe. This allows for the possibility that the research conducted by Josef Mengele at Auschwitz could be forgiven if it could be shown that it yielded valid medical knowledge. It would be interesting to hear Dennis Prager’s opinion on whether he would consider any such efficacy to be exculpatory. It is assumed that he would recognize at least the possibility of an act that is so terrible that no amount of good resulting from it could suffice to justify it, a perspective that is not deontically unusual.

Technically, the effectiveness of torture is almost tautological. Conversely, why would one cooperate in its absence? As this writer would not yield to anything less than torture, the supposed effectiveness of methods that are not considered torture seems oxymoronic. It is effectiveness itself that partially defines torture.

This writer is not necessarily opposed in principle to torture *as punishment*. If the detainees in question are as bad as conservatives say, then this writer would be happy to provide the fava beans and nice Chianti *after* they are convicted of something. Until then, guilt has simply not been demonstrated because talk is cheap, even that of conservatives. And prior to conviction, testimony extracted under duress is judicially inadmissible.

In the *Los Angeles Times Book Review*, 6/29/08, David J. Garrow, reviewing a book by Benjamin Wittes about Guantanamo Bay detainees, writes, “These court rulings amplify what Wittes terms ‘a certain sloppiness in the military’s categorization of and standards for the detainees,’ the ‘vast majority’ of whom ‘were not captured by American forces’ but were handed over by Afghan or Pakistani forces. As a result, he writes, many of the specific allegations against particular individuals are ‘vague, weakly sourced, entirely unsourced, or even stated as possibilities or likelihoods, rather than as certainties.’ And some detainees’ denials of involvement with Al Qaeda seem ‘alarmingly credible, particularly when coupled with especially thin government allegations.’” Garrow continues, “As Georgetown University law professor

David Cole notes in a recent essay in the New York Review of Books, Britain has successfully prosecuted all manner of jihadist conspiracy plots through its criminal courts, with numerous groups of defendants sentenced to long prison terms.”

In a letter to the *Los Angeles Times*, 7/1/08, Bobby Florenty writes of the Supreme Court “bestowing constitutional protections on illegal aliens, terrorists and criminals.” Many such protections are logically unavoidable given that they can only retrospectively be said to have been thus applied. That is, one enjoys certain protections while awaiting the proof of one’s criminality. Once proven, punishments that deprive one of certain freedoms may properly be applied. The Geneva Convention may not be applicable to everyone, but the 1948 U.N. *Universal Declaration of Human Rights* cannot help but be. Preoccupation with the former demonstrates a concern only with getting caught, not with being right.

In a letter to the *Los Angeles Times*, 7/27/08, Brian E. Sims observes, “The United States successfully prosecuted waterboarding as a war crime following World War II, and it court-martialed U.S. soldiers for using the ‘water cure’ during the occupation of the Philippines following the Spanish-American War.” Alternatively, an apology is owed to those thus prosecuted.

### Feminism

It is said that on the most fundamental political level, every father of a daughter is a feminist. For Rebecca West, feminism is the alternative to being a doormat or prostitute. Whatever its political applicability, feminism makes for a perfectly valid and interesting theory of literary criticism. Women whose opposition to feminism is absolute are hereby ordered into the kitchen where they belong (according to them) to bake some cookies for this writer.

### Public Opinion

In the *Los Angeles Times*, 2/9/06, Jonah Goldberg writes, “Success in politics is measured by winning elections.” This is the case in neither logic nor ethics, as propriety is not dependent on focus groups. Conservatives accuse liberals of being out of touch with mainstream values. Being in touch with them may be of value in the satisfaction of anthropological curiosity, but anything beyond that is a fallacious *argumentum ad populum*. Republicans do, however, brag about not governing based on polling data and denounce “finger-in-the-wind” Democrats, and yet they send out political questionnaires. Those who would not heed polls would not go to the time, trouble and expense of conducting them. Why bother gathering information the ignoring of which is avowed policy? One should be satisfied with doing right whether the populace likes it or not. Though the term “Republican pollster” should be oxymoronic, an online search produces names such as Frank Luntz, Todd Rehm, Kellyanne Conway, Bill Cullio and Tony Fabrizio.

A relative of this writer has received such surveys, including one in January, 2008, titled “Republican Party Census Document” that included the following quoted questions and statements: “Should Republicans do everything they can to prevent Liberal Democrats from repealing the USA Patriot Act and other important laws that help intelligence agencies protect Americans?” From the Republican perspective, should not members of every party do everything they can to prevent members of any party from doing such thing? “Should we continue working to permanently repeal the Death Tax?” No one should continue to split infinitives. As opponents of social promotion, let Republicans celebrate the withholding of it by this writer when he cite their faulty grammar. Chairman Robert M. “Mike” Duncan writes, “I need to know: Should our

Republican Party be centered around the true conservative principles of President Ronald Reagan?” For a Republican, what is not to know? “Make no mistake. Without your answers to the Republican Party Census Document questions our Republican leadership . . . will not know how you and other Republicans at the grassroots level of our Party feel about the critical issues facing our nation.” Republicans profess not to care. If the issues are critical, then let them be dealt with correctly irrespective of public opinion. “Either Senator Clinton will become President . . . or [a Republican will].” The Republicans are invited to guess again.

This “Census Document” included a request for a donation of several dollars to cover the cost of processing, even though decades-old scantron technology could reduce the unit cost of such a task by orders of magnitude. The survey was not returned, which saved the Republicans the cost of processing information that they themselves claim to ignore. The situation was reminiscent of the cartoon of 1/19/07, in which Mallard writes, “Dear African Princes and/or bank managers, While I appreciate your offer to send me the millions of dollars in unclaimed assets, I’ve decided to let the money revert to your government to be distributed to your people – Mallard Fillmore.” He then thinks, “Now I can e-mail Bono, and tell him his worries are over.” It may similarly be said to the Republican party: “You’re welcome.”

### Tort Reform

Tort reform is sought by many in order to save society from frivolous lawsuits. Frivolity is in the eye of the beholder, and it is the prerogative of judges to recognize frivolous lawsuits and to dismiss them accordingly.

In a letter to the *Los Angeles Times*, 11/11/07, Linda Fermoyle Rice, responding to an earlier article, writes, “A jury might think \$45 million is fair and just compensation to the family of the woman who died while hospital personnel ignored her cries of pain for nearly an hour. But the judge will automatically reduce any possible verdict to \$250,000 – the most in noneconomic damages anyone can recover for any injury or death caused by a healthcare provider. The cap was passed at the behest of the insurance industry and medical establishment more than three decades ago. Because it has never been changed or adjusted – even for inflation – we may be reaching a point at which letting patients die is more cost-effective than treating them. The public needs to know this. This article promotes the misconception that people who sue doctors end up rich. That isn’t possible in California.”

### Immigration

Sean Hannity opposes illegal immigration along the U.S. border with Mexico, but denounced those who intercept and repatriate people sailing from Cuba. The solution for Mexicans (and indeed all Latin-Americans) would be to elect a communists dictator. Then, Hannity would be compelled to crusade against anyone who would hinder the immigration of undocumented Mexicans. This writer would appreciate the justice of deporting every illegal alien, but he would also look back nostalgically at the low food prices they made possible. In their absence, Hannity himself would be perfectly welcome to pick strawberries in their place, but could probably not be persuaded to do so for anything less than a thousand dollars per hour. Whether one pays more or picks them oneself, there is no free lunch.

## Global Warming

Regarding global warming, conservatives, invoking the *argumentum ad hominem*, ask such compound questions as: “Why should Al Gore be trusted?” No person is to be trusted. Rather, proper science is to be recognized (*non quo, sed quomodo*). That 2 is less than 3 should be intuitively obvious, with trust in people regarding this being unnecessary. Rush Limbaugh once responded to a petition signed by dozens of Nobel laureates by saying, “Who cares what *they* think?” Let this be remembered whenever conservatives rely on the testimony of what David Rieff calls “trophy intellectuals.”

In the cartoon of 10/11/05, a character is mocked for saying that “everyone knows that the only source of global warming is *people!*” The only interesting issue is whether people can be the source of a *solution* to such problems. The cartoon implies that conservatives would rebuild cities destroyed in natural disasters because such calamities would not be their fault.

In the cartoon of 4/28/06, a caveman says, “The Ice Age is ending because Dag had to go and discover fire, and mess with the ozone layer.” This lack of appreciation of scale demonstrates the sorites fallacy.

In the cartoon of 4/29/06, Mallard thinks, “Ever notice how the same people who think that global warming is completely caused by humans think that federal spending is an inevitable natural phenomenon?” It is hoped that the first premise is believed only by straw men. Federal spending *per se* is an inevitable *artificial* phenomenon, so it is assumed that Mallard means *excessive* federal spending. If such spending is not inevitable, then let conservatives (who, at the time this cartoon was published, controlled all three branches of government) stop it. Talk is cheap, and it cannot be pretended that this writer is in any sense guilty of standing in their way.

The cartoon of 6/21/06 is labeled “Liberals, the Early Years.” In the first panel, labeled “During the dry season,” a caveman says, “We thoughtless humans have caused a drought!” In the second panel, labeled “During the rainy season,” the caveman says, “We thoughtless humans have caused a flood!” The corresponding early years of conservatives would have them expressing fatalism about such acts of nature such that they would see as futile any attempt at irrigation or flood control. A problem need not be anthropogenic in order to be humanly soluble. An asteroid on a collision course with earth is not the result of human activity, but it is hoped that conservatives would not regret any human activity that would divert it. If a brush fire threatens homes, why would one try to extinguish it only if it resulted from arson rather than lightning? Even if one’s house is afire due to lightning rather than arson, one should feel free to extinguish it nevertheless. Disease is natural, yet conservatives somehow find excuses for the existence of medicine. If they truly did not believe in compensating for nature, then they would indulge neither in artificial lighting at night nor in umbrellas in the rain. By contrast, their behavior regarding global warming recalls the Buddhist story of the man who will consider following the Buddha’s teachings only if the latter will answer a series of ten questions, such as whether the world is eternal and whether it has an origin. The Buddha analogizes him to a man who is wounded by an arrow that will kill him if left in place but refuses to have it removed until knowing such things as who made it, who shot it, the type of bow that was used and the type of bird from which the arrow’s feathers came. Proper triage solves critical problems first and leaves trivia to be considered at leisure.

In the cartoon of 8/5/06, Mallard offers his “back-to-scholl tip #38: Don’t mention that there’s been global warming and cooling for millennia before mankind got here.” Disease also predates humanity and yet conservatives somehow see fit to practice medicine. Floods predate

humanity and yet conservatives somehow see fit to build dams. Why conservatives would want remedies for some calamities and not others is a mystery.

Sean Hannity and Ann Coulter (2/26/07) condemned Al Gore for flying small corporate-type jets. Only days earlier, conservatives condemned Nancy Pelosi for not. Conservatives defend the disproportionate energy consumption of the U.S. by citing the resulting goods and services, and then condemn Al Gore for his disproportionate private energy consumption without quantifying his accomplishments. The former deprives them of plausible deniability as it demonstrates that they are not as stupid as they might pretend to be. They can only hope that their target audience is sufficiently stupid not to notice the omitted factor that would have allowed them to “decide,” in accordance with the motto of Fox News. Prior to condemning Gore for living in a big house, conservatives condemned Jerry Brown for not. Coulter seems not to appreciate efficiency, even though lawyers routinely use Ockham’s Razor to discredit alibis. She hopefully possesses the requisite sanity to understand why the golfer with the lowest score not only wins, but *should*. On his radio show, 3/1/07, Rush spoke of how use of internal combustion engines cleans the air relative to using the power of farm animals. Hybrids and vegetarianism would do even more, though he did not explicitly endorse these. Hannity says that he feeds his children well but also allows them occasional unhealthful treats such that his children experience no *net* malnutrition. He says that food police should lighten up and not insist on absolute compliance with nutritional wisdom. He nevertheless considers it hypocritical for people who fly in small corporate jets to advocate energy efficiency, though he never calculates whether this constitutes any *net* waste and pollution given all the savings these people may have achieved elsewhere. The jets may be a legitimately earned indulgence in accord with Hannity’s own diet philosophy, but Hannity typically fails to drop the other shoe, do the math and make a genuine point. When an environmentalist admitted to having flown in small corporate jets, Hannity, committing an *argumentum ad hominem*, asked him why his advice should be trusted. Why should Hannity’s advice be trusted in light of his tolerance of unhealthful treats? Advice is to be recognized as wise, independent of the advisor.

Sean Hannity also derides the notion of fuel economy through optimal tire inflation while simultaneously bragging about driving a hybrid. He attributes to liberals the doctrine of “Inflate your tires or you’re ignorant.” Noninflaters would at least be wasteful, with ignorance being a perfectly sufficient explanation, as would be laziness. If Hannity actually considered fuel economy such a bad thing, then he would have no excuse for driving a hybrid.

In the cartoon of 2/27/07, a television commentator says, “And in other news, a new survey shows that viewers who constantly listen to our stories, which assume that global warming is primarily caused by humans, believe strongly that global warming is primarily caused by humans.” The only relevant and interesting issue is whether it can be *cured* by humans. Unlike some conservatives, Tinsley at least acknowledges the existence of the phenomenon.

In the *Prickly City* cartoon of 2/28/07, at the “Church of the Unquestionable Paradigm,” Carmen says, “Yes, sir, I readily admit that I am, indeed, a ‘man-is-to-blame-for-global-warming’ cynic.” A hooded character says, “But we have heard confirmation of our faith from on high!!!” Carmen asks, “You mean God?” The other character replies, “Even higher authorities, infidel! Al Gore, CNN and Newsweek!!!” Carmen says, “Pardon me if I don’t genuflect.” It is not as if the journals *Science* and *Nature* say any different. Again, properly, people are not to be trusted. Instead, proper science is to be recognized. Wherever it is not, a ready market for the Brookline Bridge presents itself. In another ecclesiastical example, Jim Svejda has referred to “the Church

of Global Warming.” Such a thing would certainly be no more legitimate than the Church of Global Warming Denial or indeed the Church of *anything*. Of course, given the creation of a carbon-neutral economy for the Vatican via forest conservation and restoration along with solar panels atop the Paul VI Audience Hall, perhaps the Catholics are themselves a Church of Global Warming. Also, whatever hysteria may have arisen regarding global warming can never match that generated regarding damnation.

In the *Prickly City* cartoon of 3/1/07, Carmen says, “Rather than [sic] scare people with some apocalyptic global-warming scenario, wouldn’t it make more sense to convince folks that fewer people, especially kids, would have asthma and emphysema if they stopped pumping gunk into the air? You know, ‘think globally, act locally.’” A character says, “You don’t expect us to live by our bumper stickers, do you?!” Winslow says, “Why start now?” Living by the rules of English would be nice, not to mention logic. Let conservatives live by their opposition to social promotion and take a back seat to anyone who outperforms them.

In the *Prickly City* cartoon of 3/2/07, Carmen says, “You argue that man-made global warming is a fact. But 30 years ago you would have argued just as hard that global cooling was man’s fault.” Winslow says, “Technology has come a long way since then!” Carmen says, “So, reading a thermometer has changed?” Winslow says, “Well, yeah. They’re digital now.” The reading of certain ancient thermometers simply has not been done until recently, though logic does not depend on technology. Also, the common factor of causality in Carmen’s statements is wasted ornament that is logically useless.

In the *Prickly City* cartoon of 3/3/07, Carmen says, “All I said was global warming may not be caused by humans,” as if it mattered. That which occurred in the remote past could not have been thus caused, but this is no excuse for failing to remedy a problem, except for those suffering pathological fatalism. If problems are not to be fixed, then police, firemen and doctors have no reason to exist. Again, when firemen encounter a home ablaze due to natural lightning rather than human arson, they extinguish it anyway, however silly conservatives may think them.

In a letter to the *Los Angeles Times*, 3/4/07, John Newman ridicules the idea of “some scheme to offset [the burning of hydrocarbons] by planting trees. You can’t un-burn the hydrocarbons you waste.” Little does he realize that carbon cycles through the biosphere such that carbon dioxide, the oxidized product of hydrocarbon combustion, is photosynthetically returned to its reduced state of carbohydrate by trees, achieving the same net effect as “un-burning.” Similarly, on his radio program 3/21/07, Rush Limbaugh remarked that carbon neutrality was impossible due to exhalation, as if the consumption of carbon-based nutrients such as carbohydrate, protein and lipid did not exist. What does Limbaugh suspect is the source of the carbon in the carbon dioxide being exhaled? He would seem to believe in its *de novo, ex nihilo* creation by magic, creating yet another opportunity for this writer to enjoy the thrill of victory.

In the cartoon of 4/3/07, Mallard reports, “Two new reports give strong evidence for global warming being caused by warmer sun temperatures, not humans!” Humans need only cause compensatory global cooling, just as they need only divert asteroids that may be on a collision course with Earth, a situation they did not cause. Related to Mallard’s observation is the fact that conservatives occasionally cite the cyclic nature of climate as a reason to surrender to it. However, when confronted with the natural, cyclic phenomenon of night, conservatives somehow find an excuse to compensate with electric lighting, and unapologetically, demonstrating that natural periodicity is no excuse for capitulation *according do them*. Analogously, even if global warming or anything else is natural and a problem, it should be remedied anyway.



In the cartoon of 4/5/07, a professor says over the telephone, “Leonardo, do you agree with George that this study about changes in sun temperature causing climate change is a sack of doo-doo? Okie dokie! There! 10 out of 10 celebrities surveyed think global warming is mainly caused by people. And some folks say our opinions aren’t ‘scientific.’” Nothing may be taken from the professor’s fictitious employment of an invalid methodology. The cartoon does not scientifically discredit the professor’s assessment of the sun study, leaving the possibility that the celebrities could be correct, even if only by accident. Conservatives themselves regularly indulge in the *argumentum ad populum*. And again, collision with an asteroid would be harmful in spite of not being “caused by people.”

On his radio program 4/5/07, Rush Limbaugh asserted that the freezing of Alaskan fire hydrants refuted global warming, as if he were too stupid to appreciate the statistical nature of the term *global*. What matters is mean global temperature, not record highs or lows in any one location. Such people are the ones who refute the dangers of tobacco by pointing to the fact that George Burns lived to be 100. Soon after Limbaugh made the aforementioned comment, he deliciously questioned the I.Q. of Nancy Pelosi. Limbaugh also ridicules the inefficiency of atmospheric ozone depletion by human activity while many conservatives simultaneously make apocalyptic pronouncements about the detrimental cultural effects of Hollywood.

In the cartoon of 4/5/07, Mallard says, “Professor, you’re saying that, rather than consider the evidence from NASA and other sources that global warming may be caused by the sun getting hotter, you prefer to believe the opinions of Hollywood celebrities?” It is necessarily celebrities who must get their opinions from professors, without whom such phenomena might go unnoticed.

Conservatives seem to advocate lethargic, fatalistic resignation rather than an interest in getting off their behinds and solving a problem (“Don’t just do something. Stand there!”). If they have no interest in being rescued, then they need not be, nor need they be missed. When they are seen to be in some trouble caused not by man but by nature, they should be ignored *according to them*.

On his radio program 5/14/07, Rush Limbaugh deplored tax cuts that did not benefit the highest wage earners. He denounced the idea that such people did not need the cuts, saying that it is not the job of government to assign need, though this is essentially what Sean Hannity did when noting the rate of electricity consumption at Al Gore’s home. Hannity ridiculed Gore for flying in small corporate jets, as does Limbaugh, instead of commercial airliners. Gore at least talks green, which influences others to act green, thus making his net environmental impact less detrimental. Limbaugh has also said that it was foolish to think that the renunciation of bonuses by executives would put any money in anyone else’s hands. In view of this, just how much would be gained by Gore flying larger aircraft?

In the *Prickly City* cartoon of 4/24/08, Carmen says, “Global temperatures have not risen since 1998, leading many to suspect global warming has leveled off and may actually be declining.” Michael Medved once comforted his listeners worried about a bearish stock market with the analogy of a person playing with a yo-yo while walking up stairs, and saying that one or two down years within a multidecade upward trend was not a cause for concern. The phenomenon of which Carmen speaks may be equally insignificant in a multicentury trend.

In the *Los Angeles Times*, 5/20/08, Jonah Goldberg quotes Michael Crichton as saying that environmentalism is “a perfect 21st century remapping of traditional Judeo-Christian beliefs and myths.” He then writes, “Environmentalism’s most renewable resources are fear, guilt and moral bullying.” If these are bad traits, then let their Judeo-Christian source be equally scorned.

Goldberg further calls environmentalism “irrational,” and scolds it for touting “ritual over reality.” Any culpability must fall *a fortiori* on the alleged prototype.

While on the topic of environmentalism in general, on his radio program 5/21/08, Dennis Prager seemed to evince a belief that environmentalists were responsible for tens of millions of deaths because they had caused the prohibition of DDT, as if any nonpoliticians could have any such prerogative. If politicians value DDT so much, then let them not be persuaded to ban it. In a column dated 5/21/08 on creators.com, Prager writes of “the environmentalists’ worldwide ban on the use of DDT as pesticide.” Only governmental bans are enforceable. Lobbyist can only lobby. One may as well speak of the KKK’s ban on American Jews, which the government simply did not allow.

In the *Prickly City* cartoon of 1/26/09, Winslow shouts, “Stop global warming!!!” whereupon snowfall buries him. He then says, “Okey-dokey then.” At the time this cartoon appeared, this writer had just experienced several days of record high temperatures for January. Neither case should be extrapolated globally.

In the *Los Angeles Times* 9/1/09, Jonah Goldberg reports on several studies concerned with sunspot activity, writing, “What is the significance of all this? To say I have no idea is quite an understatement, but it will have to do.” Of the distinction made by Gerald Meehl between “a long-term trend” and “a periodic occurrence,” Goldberg writes, “This overlooks the fact that solar cycles are permanent ‘periodic occurrences,’ a.k.a. a very long-term trend.” No trend exists if periodicity is regular. Michael Medved once spoke of the ups and downs of the stock market being like those of a yo-yo being operated by a person walking up a staircase. The yo-yo demonstrates periodicity, while the stairs supply the trend. No trend exists in Medved’s example without the stairs. A trend is undeserving of the name if infinite time is required for it to manifest itself. In other words, Meehl’s distinction is correct. Goldberg writes, “I applaud Meehl’s reluctance to go beyond where the science takes him. And for all I know he’s right.” Reluctance to go beyond science is what distinguishes science from theism. And if Meehl has not gone beyond where science has taken him, then, apparently unbeknownst to Goldberg, he cannot be other than right. Goldberg resents being told “that if we use the wrong toilet paper or eat the wrong cereal, we are frying the planet. But the sun? Well, that’s a distraction.” The sun, unlike toilet paper and cereal, is beyond human control. If Goldberg would prefer adjusting the sun rather than his purchasing habits, then he is welcome to try. If he cannot, then toilet paper and cereal may be his only recourse. Even if it is the sun that is “frying the planet,” Goldberg could, in principle, help *compensate* for that frying. Goldberg quotes MIT’s Richard Lindzen as saying that “there has been no warming since 1997 and no statistically significant warming since 1995,” which is irrelevant to any “long-term trend.” Goldberg concludes, “I don’t know what it tells you, but it tells me that maybe we should study a bit more before we spend billions to ‘solve’ a problem we don’t understand so well.” Goldberg admittedly does not understand the results of the studying that has already been done. If “we” includes Goldberg, then study alone will not suffice, and the wait will be very long indeed. Speaking of long-term trends, even if regional rather than global (see below), in the *Los Angeles Times* 9/5/09, Thomas H. Maugh II reports that because of “a natural wobble in Earth’s axis,” Arctic temperatures “should have fallen a little more than 1 degree Fahrenheit” in the last two millennia. “Instead, the region has warmed 2.2 degrees since 1900 alone.” Maugh quotes climatologist Darrell S. Kaufman’s observation that the last half-century “reversed the long-term, millennial-scale trend toward cooler temperatures.”

Responding to Goldberg in a letter 9/8/09, Jack Gordon writes, “I would observe that we have had a number of ice ages followed by global warming that did not involve a single SUV.”

We have also had floods, which have invited us to intervene with dams, and pandemics, which have invited us to intervene with medicine. SUVs are no more necessary for global warming than are arsonists for fires. The point is that problems invite solutions. Stuff happens, but this is no reason to surrender.

The cover of *The Politically Incorrect Guide to Global Warming and Environmentalism* by Christopher C. Horner reads, in part, “But did you know: The Earth has often been hotter than it is now/Only a tiny fraction of greenhouse gases are man-made/Most of Antarctica is getting colder/The media only recently abandoned the ‘global cooling’ scare.”

Earth has been warmer in the past, and also cooler, though not always hospitable. This writer’s own body temperature has also been higher in the past, and life expectancy used to be shorter in the past, but it is unclear why any of these situations should have been tolerated.

Man is not the major cause of greenhouse gases. If arsonists and electrical short circuits caused far fewer residential fires than did lightning, conservatives would apparently oppose the wasteful folly of maintaining fire departments. Conservatives are right not to feel uniquely guilty about being the cause of global warming. They are guilty only to the extent that they could be part of the solution but are not. Also, invoking the sorites fallacy, “No snowflake in an avalanche ever feels responsible,” says Stanislaw Jerzy Lec. A large amount of greenhouse gas is produced by the livestock, for which humans are responsible.

Any particular region getting cooler is not inconsistent with net warming of all regions collectively, as is obvious to anyone who understands the meaning of the word *global*. Having an ice cube in her mouth would not have negated the net warming of Giordano Bruno during his immolation. If one hundred pounds of fat were surgically removed from a patient, this would still constitute a net loss of weight even if sutures were added to the skin, making it heavier. Thus, this statement about Antarctica is recognized as insignificant by anyone who understands the meaning of the word *net*. Conversely, if the issue were human population increase and Horner were to discover that the population of Japan is decreasing, it is not at all clear how he could avoid the conclusion that an increasing global human population was consequently impossible. For those interested in isolated anecdotes, the *Los Angeles Times*, 8/18/07 reports the following: “There was less sea ice in the Arctic on Friday than ever before on record, the National Snow and Ice Center reported. . . . The melting is occurring faster than computer climate models predicted.” Also, in *Scientific American*, 7/08, Peter brown reports on “the latest of seven major Antarctic ice-shelf collapses in the past 30 years, after 400 years of relative stability,” on “temperature measurements showing that the western Antarctic Peninsula . . . is warming up faster than anyplace else on earth,” and observes, “Arctic sea ice has declined far faster in the past 15 years than models still in use are predicting.”

Science is not responsible for the actions of “the media,” such that the latter cannot impugn the former.

If Horner has a valid point to make, it is a pity that this is not reflected on the cover, so much of which is fallacious and rhetorically ornamental as to be mostly a waste of ink. If this is any indication of the level of argumentation to be found inside, it promises to be a magnificent jokebook, the joke being on Horner, even though his target audience consists of those not smart enough to realize it. Unlike Horner’s book, the “for Dummies” series aims for the alleviation rather than exploitation of dumbness.

If conservatives had one conclusive argument and were smart enough to recognize it, then they would not weaken its impact (and shame themselves) by diluting it with myriad bogus

ones. (“If you be mad, be gone; if you have reason, be brief.” “If you got the grits, serve ’em.”) If a significant proportion of their propositions and theories can be debunked, then that suffices to demonstrate their abject folly and desperation.

Conservatives ridicule liberals for not wanting to make value judgments. Environmental conditions are to be evaluated as to being better or worse. Failure to resist the worsening of conditions is inconsistent with sanity. This fatalism is ironically coming from advocates of defensive firearm possession. If people are to defend themselves against criminals, then let them defend themselves against everything. Otherwise, why not just curl up and die right now? The use of air conditioning by conservatives demonstrates their willingness to combat local warming even when it is natural.

Would that conservatives were as loathe to drill for oil and burn it as they are (or at least pretend to be) to tax and spend. They also support nuclear power, which produces heat that in turn produces steam that drives generators. They might as well exploit geothermal resources by drilling for preexisting heat. They like to “Drill, baby. Drill,” heat is heat, and radioactive waste would not be an issue. Conservatives like to cite the fact that greenhouse gases are not emitted by nuclear power plant, but seldom acknowledge such emissions during the process of uranium mining.

An online commentator once bragged about being able to think for herself, and noted that climatic warming had occurred in eras long before the birth of Henry Ford. These are two examples of confusing necessity and sufficiency. The goal is to think not only independently but also correctly. It is true that Henry Ford is not a necessary cause of global warming, just as murder occurred before the birth of Jack the Ripper. This eliminates neither as possible sufficient causes. Those who think independently and so comically deserve the gratitude of their intellectual superiors for providing the opportunity to enjoy the thrill of victory.