

The K.F. Stone Weekly

(Formerly "Beating the Bushes")



March 02, 2014

THE PERIL OF MANICHAÆISM

Over the past six weeks, three Democratic members of the House of Representatives -- Henry Waxman and George Miller of California and Michigan Representative John Dingell -- have announced their retirement from Congress. Unbelievably, the three represent a total of 160 years of seniority, institutional expertise and memory, leadership and accomplishment. Unlike many, many representatives and senators over the past generation or so, Waxman, Miller and Dingell were legislative titans --



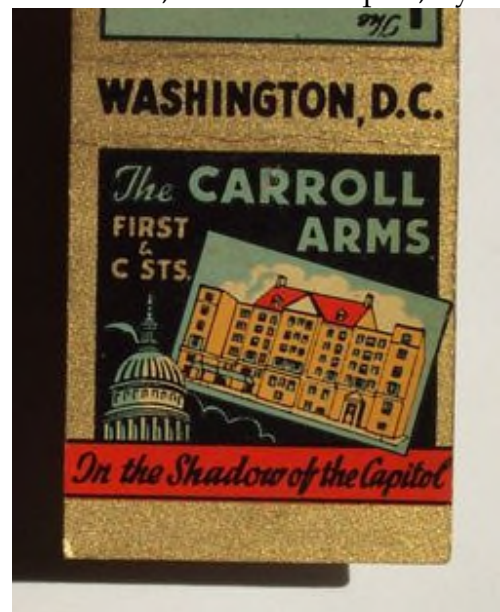
members who actually accomplished big things by authoring and enacting much of the nation's most significant laws. Their areas of interest and expertise ranged from education and labor to healthcare, clean water and clear air.

John Dingell, the longest-serving member of Congress in American history, took over his father's seat in 1955. "Big John" first stepped foot on the House floor in 1933 --

the year his father was elected, and was actually present on March 4, 1933 when, as a 7-year old, he heard FDR delivered his first inaugural address. The younger Dingell was sworn into office in December 1955 by legendary House Speaker Sam Rayburn . . . a full six years before the birth of future President Barack Obama . . .

For years Dingell was chair of the House Energy and Commerce Committee, where he - like his father before him -- pushed for universal health care. In announcing his retirement Dingell -- unlike Representatives Waxman and Miller and more than a dozen other retiring members of Congress -- angrily cited what he called the "obnoxious" nature of an institution riven by acrimony and gridlock for his pending departure. "There is going to be a lot of blaming and finger-pointing back and forth, but all of us are at fault," Mr. Dingell said in remarks to a chamber of commerce meeting in Michigan.

For much of our history, collegiality and compromise were hallmarks of the American political process. Although disagreements on policy, strategy and goals might be keen and sharply defined, elected representatives lived and worked, for the most part, by a code of conduct whose tenets included civility and mutual respect. Oh yes, arguments could be both fierce and contentious; one would not expect anything less from the only nation in history created largely by attorneys. When I first arrived on Capitol Hill in the summer of 1969, it was commonplace for people from both sides of the aisle to socialize at the end of the work day -- either on the softball diamond during good weather, or some local watering hole like the "Hawk and Dove" or the now lamentably razed "Carroll Arms." Today, such camaraderie is nearly impossible. Among the more hyper-partisan members of Congress, it is both impermissible and unforgivable. As an example, when Speaker Boehner spends an hour with President Obama talking things over (as he did the other day), his right flank scars him with the Mark of Cain, thus making it imperative that he downplay the contretemps. When a Republican member of the House or Senate votes with Democrats to raise the nation's debt ceiling -- or approve a judicial nominee or suggest that perhaps we might consider background checks on people purchasing guns -- that politician is seen as having gone over to the dark side. And although one can certainly find similar instances among Democrats, they do not appear to be nearly as common or severe.



Is it any wonder why some of the best, most professional members of Congress are having their ticket stamped and getting the hell out of Dodge?

The other day, former President Bill Clinton visited Kentucky. His purpose: to raise campaign cash for Democratic Senate nominee Alison Grimes, who is hoping to defeat

Senate Minority Leader Mitch McConnell. In downplaying Clinton's visit to The Bluegrass State, Senator Rand Paul (whose support for McConnell is somewhere between tepid and ice cold) told Fox News' Sean Hannity:

"I think the Democrats mistake Bill Clinton's popularity. We have a lot of conservative Democrats in our state who go to church each week and really don't approve of his behavior, what he's done with women, with sexual harassment in the workplace. A lot of Democrats in our state don't approve of that kind of behavior I think he's a bad role model for the workplace, for women's rights, for all of that. And I think frankly they ought to be a little embarrassed to be associated or be seen with him."

(It should be noted that when it comes to women's issues like the Violence Against Women Act and the Paycheck Fairness Act to name but two, [Senator Paul's record](#) is, to be diplomatic, about as healthy as chicken-fried steak and biscuits with gravy.)

Senator Paul, is, of course, bulking up his über-conservative credentials; a sign that he is giving serious consideration to running for President in 2016. His attacks on Bill Clinton over a 20 year old scandal are his way of attacking putative frontrunner Hillary Clinton without mentioning her by name.

How obvious. How incredibly facile. How Manichean.

How Mani-what?

Manichean. For the uninitiated, [Manichaeism](#) (also referred to as "Manicheanism") is a dualistic religious system created by the third-century Persian prophet Mani (c. 216-274 C.E.). A fascinating mixture of Gnostic Christianity, Buddhism, Zoroastrianism and a dash of Judaism, Manichaeism's basic doctrine posits that there is an eternal conflict between light and dark, between good and evil. (For anyone interested in learning a bit more about this fascinating religion, I highly recommend Judith Mann's brief -- 32 pages -- 2013 work [Manichaeism 101](#).) When one refers to a viewpoint, philosophy or strategy as "Manichean" therefore, one is classifying it as utterly black and white; either completely good or irrevocably evil. But in a world in which ten million shades of grey fight for a moment's supremacy, Manichaeism represents a peril of gargantuan proportion. In the political realm, a Manichean worldview not only prohibits bipartisanship, compromise and basic civility; it makes them into sins:



- Bill Clinton fools around with women -- therefore he is pure evil and must never be forgiven or given credence;

- Barack Obama told an untruth ("If you like your health insurance you can keep it") -- therefore everything he does, says or thinks must be dismissed;
- Dick Cheney is the epitome of evil because he lied America into invading Iraq;
- John McCain publicly declared that Barack Obama is "a good Christian family man," thus making him a malevolent heretic in the eyes of many.

And on and on.

Generally speaking, people -- from the most anonymous to those who devote themselves to what used to be called "public service" -- are a mixture of good and bad, of human strengths and human weaknesses and foibles. (Even Dick Cheney can be lauded for his progressive attitude regarding gay marriage.) Dismissing out of hand those with whom we disagree and then treating them as vessels of utter darkness is the act of a spoiled child. Consigning those who evince human frailty to the trash heap of ignominy places a perilous roadblock in the pathway of progress. It is precisely because there is so much Manichaeism at work in contemporary society that a washed-up one-hit wonder like Ted Nugent can gain respect in some circles by publicly referring to the President of the United States as "sub-human slime," and about-to-become former Representative Dave Camp (R-MI) and his 700+ page tax code overhaul can be trashed within a half-hour of issuance by virtually his entire party because he dares to impose a surtax on the wealthy. In the Manichean worldview, no tax increase ever for any reason equals good; any tax increase for any reason equals evil. In the Manichean worldview when someone you disagree with commits even a single sin (whether mortal, venal or questionable) it negates virtually anything and everything that person has ever done, thought or attempted. In a Manichean world, there are only saints without sin and sinners incapable of redemption.

Although the Manichean religion itself died out centuries ago, the Manichean philosophy and worldview are alive and well in 2014.

Is it any wonder people who disagree are becoming increasingly disagreeable?

Is that any wonder that Congress can't get anything done?

Is it any wonder that Waxman, Miller and Dingell are retiring?

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March 09, 2014

PUTIN ENVY, OR WHAT IN THE HELL ARE 'MOM JEANS'?

According to an old statistician's joke -- for all I know the only one there is -- "A man who has his head in the oven and his feet in the freezer is, statistically speaking, doing



just fine." If that is so, can we then make the case that a leader who is variously accused of being both "*an autocratic tyrant . . . a despot . . . one who willfully shreds the Constitution*" and "*weak-kneed . . . indecisive . . . one who wears mom-jeans and equivocates and bloviates . . .*" is also, on average, doing just fine? The leader in question, of course, is President Obama. What makes the various bipolar quotes so fascinating -- and these are but a small sampling -- is that in the main, they are made by the same people. In other words, while folks like Sarah Palin, Rudy Giuliani, Senator Lindsay Graham or Glenn Beck can blithely accuse the president of being "worse than a dictator" on any given Monday, can then just as easily accuse him of being weak-kneed and mamby pamby on any given Thursday. As nuts and nonsensical as this may seem it is precisely what has been happening to President Obama: one day he's described as being a worse dictator

than Stalin; the next he's browbeaten for not having the guts and machismo of a "real leader like" . . . Vladimir Putin.

Sarah Palin, who as recently as last month accused Barack Obama of being a strongman hell-bent on subverting American democracy, told Fox News' Sean Hannity this past Monday that the president is a wimp who "wears mom jeans." (Does this mean that Governor Palin wears *dad* jeans?) Furthermore, in speaking of Russian President Vladimir Putin's invasion of the Crimea, Palin said "People are looking at Putin as one who wrestles bears and drills for oil." The same goes for former New York Mayor Rudy Giuliani, who rapturously informed Fox News' Neil Cavuto that "*Putin decides what he wants to do and he does it in half a day... he makes a decision and he executes it. Quickly. Then everybody reacts. That's what you call a leader.*"

Sorry Mr. Mayor: that's what you call a dictator.

Of course, Palin and Giuliani aren't the only ones putting their "Putin Envy" on display while slamming the president for wearing those god awful "mom jeans." In monitoring various news broadcasts, I found that precise term used by no less than 8 different people, all of whom also eagerly salivated over Putin's "leadership" skills. Makes you wonder who's been writing their scripts. (By the way, for those wondering what in the hell "mom jeans" are, [click here](#) to see the Saturday Night Live skit that started it all back in May 2003.)

Then there are those who proudly proclaim that if the president were a "real leader," he would push for Ukraine (and Georgia) being admitted to NATO ASAP. Here is Senator Graham's take on what to do: "*Let's accelerate Georgia's admission into NATO. Moldova is under siege by Russia. Let's help Moldova. Let's protect from a rogue missile attack coming out of the Middle East. If I were President Obama, I would reengage Poland and the Czech Republic regarding missile defense. I would add Georgia to NATO. I'd have a larger military presence in the Balkans to NATO members who are threatened by Russia. I would fly the NATO flag as strongly as I could around Putin.*" Then there is Florida Senator Marco Rubio, who somewhat disjointedly suggested, "*Countries that neighbor Ukraine, for example, Poland and others who had part of that alliance I think we need to be providing them assurances of the importance of this alliance, including perhaps -- in fact I think we should revisit the missile defense shield we talked about so often.*" ARE THEY CRAZY? If Ukraine were a member of NATO, that would force much of Europe -- and the United States -- to counter Putin by putting boots on the ground. Reviving the missile shield in Poland and the Czech Republic sounds great -- if you're John Wayne. But not when you are dealing with Vladimir Putin. Do people like Senators Graham and Rubio really want to revive the Cold War?

"Ah," they counter, "but that's precisely what Putin is doing . . . reviving the Cold War in his desire to resurrect the old Soviet Union." With Putin, who can really tell?

According to German Chancellor Angela Merkel, Putin is delusional and living in his own reality. If Putin's a candidate for the funny farm, what's that make Giuliani, Palin and all those who give them airtime? The Putin Envy crowd, far from offering any realistic or constructive thoughts about how to handle the current crises, have yet to show they have any deep understanding of what the Ukraine means to the security and stability of Russia, Europe, or even the United States. To say only that Putin means to restore and resurrect the former Soviet Union is both shallow and simplistic.

Ukraine provides two things: strategic position and agricultural and mineral products. The latter are frequently important, but the former is universally important. Ukraine is central to Russia's defensibility. The two countries share a long border, and Moscow is located only some 480 kilometers (about 300 miles) from Ukrainian territory -- a stretch of land that is flat, easily traversed and thus difficult to defend. Moreover, Ukraine is home to two critical ports, Odessa and Sevastopol. Losing commercial and military access to those ports would completely undermine Russia's influence in the Black Sea and cut off its access to the Mediterranean. Russia's only remaining ports would be blocked by the Greenland-Iceland-U.K. gap to the west, by ice to the northeast, by Denmark on the Baltic Sea, and by Japan in the east. Then too, there is [Russia's historic quest of a warm water port](#). *(Many thanks to my lifelong friend Alan Wald for bringing this critical point to my attention. Alan: sometimes I think you should be writing this blog . . .)*



Those who wish America had a Vladimir Putin at the helm -- a "strong decisive leader who would show those Russians we mean business" would do well to learn a bit of history . . . especially the part about the Crimean War and the ill-fated Battle of Balaclava ("The Charge of the Light Brigade"). For this is a deadly serious, intricate global challenge that demands far, far more than a bunch of partisan hacks trying to score points with their political base. This is simply not the time for politicians to let their abject hatred for the president predominate over virtually every last ounce of sanity and patriotism. Barack Obama is neither an autocratic despot nor a double for Bertie Wooster. What he is is a leader who doesn't have to take off his shirt in order to prove that he's a man.

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March 13, 2014

AN A CAPELLA PURIM

Once upon a time long ago in the land of the Persians there ruled a king named Achashverosh. And man, did he ever like to party . . . sometimes 180 days at a stretch. These parties were always stag affairs which included all the A-list men of his kingdom. It is recorded that towards the end of one of these mammoth bacchanalias, Achkashverosh, stewed to the gills, thought that it would be great for his Queen -- Vashti -- to attend the party wearing nothing but her crown. Vashti, of course, turned him down flat. For her "sin," Vashti was relieved of her crown . . .

King Achashverosh

(Sung to the Beatles' "Eleanor Rigby")

Ah. . . Look at all those shikker people!

Ah. . . Look at all those shikker people!

King Achashverosh, loves to drink wine

And to dine with the cultural elite,

He thinks they're neat.

He throws great parties,

Drinking three months, day and night, till they've all lost their way

What can you say?

All those shikker people

Where do they all come from?

All those shikker people

Where do they all belong?

King Achashverosh, thinking how nice

It would be for his wife to be there

She is so fair.

Sends her a message

Telling her to come to him wearing only her crown

She turned him down

All those shikker people

Where do they all come from?

All those shikker people

Where do they all belong?

King Achashverosh, boiling with rage

'Cause Queen Vashti's said 'no way' to him

He's got a whim,

Sends out an edict,

Telling the men of the land how it ever shall be:

No wife is free . . .

All those shikker people

Where do they all come from?

All those shikker people

Where do they all belong?

=====

Bereft of a queen, Achashverosh, upon the advice of his attending servants, decided to have a beauty pagent. The winner would become his new queen. One of the contestants was a charming Jewish lass named Hadassah -- that is, Esther -- who had been raised by a foster father named Mordechai the Benjaminite. Upon joining all the young contestants, Esther was taken under the wing of Shaashgas, one of the king's eunuchs, who took special care to see that this girl would win the contest and become queen . . .

White Wraparound

Sung to the Jefferson Airplane's "White Rabbit"

One dress makes you lovely,

And one dress makes you tall;

And the one your mother left you,

Don't do anything at all.

Dear Esther, the belle of the ball.

I will do your make-up,

Your hair and a manicure;

Here's some perfume,

A Persian potion,

It's exotic and will endure,

My dear Esther, so gracious and pure.

When you get to the contest,

Stand up straight, go with a smile.

*Don't you worry, don't be self-conscious,
You're a girl with class and style.
Go ask Vashti, I think she'll know;
That our royal Achashverosh, he's really not that bad.
He's a softy, he drinks a little,
But he's really a pussy cat.
Remember, what your girl-friend said:
"Keep your head!"
"Keep your head!"*

Now King Achashverosh had a Prime Minister named Haman. Every day he would enter the gate of the kingdom. Everyone -- save one man -- would bow at his approach. The one man who would not was the aforementioned Mordechai the Benjaminite (*hagim*). Mordechai's refusal to bow to a mere mortal infuriated Haman.

Haman's Lament

Sung to Bob Dylan's "My Back Pages"

*I'm the big cheese in this state,
No one rules over me.
Except King Achasverhosh,
My sovereign and my liege.
You'd think that I'd be happy,
But on my face a frown,
Cause whenever I go walking' by*

That Jew will not bow down.

Mordechai ha-Yimini,

That is the blighter's name.

He claims to bow to no man,

I wonder what's his game?

So I told the King that he's a threat

To his very home and crown,

Cause whenever I go walkin' by

That Jew will not bow down.

The King was shocked and gave me leave,

To do as I see fit.

Tomorrow I'll build a gallows,

And kill 'em bit by bit.

I'll rid this kingdom of his kin,

Put each one in the ground,

Cause whenever I go walkin' by

That Jew will not bow down.

=====

Upon telling his sovereign about "a peculiar people" who presented a mortal threat to his rule, Haman was given permission to kill every last one. Now, unknown to Haman, Achashverosh's new queen, Esther, was not only a member of this "peculiar people," but the niece of Mordechai his arch enemy. And, to make matters even worse, he had no idea that Mordechai, while sitting inside the royal gate, and heard and thwarted an attempt on the king's life. This heroic deed was duly noted in the royal archive. Then,

one night, Achashverosh, in the throes of insomnia, called for an aide to read from the royal archive . . .

Cause I'm Feeling Poor

Sung to the Beatles' "When I'm Sixty-Four"

When it gets colder, snoozing is rare

Cannot sleep, some how

Will you please be teaching me a poem or rhyme,

Your late – night readings make me feel fine.

If you would read a story to me

Then I'd sleep for sure

Will you please read me, will you please lead me,

'Cause I'm feeling poor.

News of Golden Hue

One who has saved my life,

You should rave, its true.

He was so dandy, spoiling a ruse

Now your life is long

You should grant an honor to a man so fine

Make him feel he's up on cloud nine.

Make him a gendarme, rig him a wreath

Then you'll sleep for sure

Will you please heed me, will you please lead me

'Cause I'm feeling poor.

Surely master we can lend an homage

And a horse of white, I should think that's clear.

We shall primp and rave,

Grand honors all will see

He's a hunk so wave!

Tend him a knight's guard, show him a sign,

Heroes are so few;

Postulate concisely what you deem that day

You're summarily paving his way.

Give him your lancer, shill him a storm

Open every door.

I will now heed you, I will now lead you,

'Cause I'm feeling sure!

=====

Upon learning from Mordechai that her husband, King Achashverosh, was making plans to kill all the Jews in his kingdom, Esther knew what she must do: go to the king, admit that she herself was a Jew, plead with him, and expose Haman for the monster he was. And so, she invited her husband and Haman to a party . . .

The Fixer

Sung to Paul Simon's "The Boxer"

Esther, once Hadassah has a story quite well-known,

*She's the girl who saved our people,
From the mania of Haman, he's the enemy.
He was a pest, 'cause he cast a lot that sealed our fate
To put us all to rest. Lai lai lai . . .*

*When she heard the news from Mordechai
Of what Haman planned to do,
She retreated to her chamber,
In the quiet of the royal palace, good and scared.
Praying slow, seeking out the one solution
That would "let her people go"
Looking for the blessing only G-d would know. Lai lai lai . . .*

*Asking only human treatment she come looking for the king
And he bid her enter,
Esther come on in and tell me what is on your mind.
I do declare, I will give you anything you want,
My love, so young, so fair. Lai lai lai . . .*

*At the drinking feast that Esther threw she told him of her need,
To live free, from the fear of evil forces that were scaring her,
Daring her, to be bold . . .*

*At this party stands a mobster, He's the fixer of our fate,
'Cause he carries the resentment,
Of every Jew that he would kill
Or cut down till we cried out*

In our anguish and our pain:

It is Haman, he's to blame man,

"Cause this fixer is insane. Lai lai lai . . .

=====

Heeding his wife's plea, Achashverosh put Haman to death -- along with his sons -- and made Mordechai his new prime minister. Gifts were distributed throughout the kingdom and a general atmosphere of utter glee pervailed. And so, every year at this time we remember the heroism of Esther, the loyalty of Mordechai, and the evil of Haman . . . which sounds like Hameini . . . which is eerie, when one considers that the Kingdom of Achashverosh is now called Iran . . .

A Future That's Got Mazal

Sung to Steve Goodman's "City of New Orleans"

Lookin' for a future that's got mazal;

Noticin' breathing's easy now we're free.

Mordechai's the power in the kingdom,

Esther's just as happy as can be.

Yesterday we cowered frantically, life was dark with tragedy,

Now our world is smiling – filled with light.

Future Jews may sing the blues,

And see the dark clouds once again,

But on Purim we're sure that everythin's alright.

Chorus

Good morning Yisrael how are 'ya?

Say ain't it great that we are all alive?

We can all look to a future that's got mazal,

'Cause we've rid ourselves of Haman and all his jive.

Haman's hanging didn't end our dicey problem:

The original edict still was royal law.

Passed a proper din that had some backbone,

Gave us the right to be quick upon the draw.

And the sons of Jewish fathers, and the sons of Yisrael,

Fought a battle royal 'gainst the enemy;

Yiddish hearts all beat as one

And fought until the setting sun,

And when the fighting ended, all of us were free.

Chorus

Good morning Yisrael how are 'ya?

Say ain't it great that we are all alive?

We can all look to a future that's got mazal,

'Cause we've rid ourselves of Haman and all his jive.

Nighttime and the future's got some mazal.

Now we've got a joyful holiday.

Every generation will remember,

What we accomplished on this very day.

But Haman's kind are always here,

We find them each and every year,

Your can see it all on the nightly news.

But so long as Jewish hearts will beat,

And hamentaschen stay a treat,

This clan'l never have to sing them fearful blues.

Chorus

Good night Ahm Yisrael how are 'ya?

Say ain't it great that we are all alive?

We can all look to a future that's got mazal,

' Cause we've rid ourselves of Haman and all his jive.

=====

Wishing one and all a festive, frivolous, caloric and ever so slightly *shikker* Purim . . .

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March 23, 2014

FRED PHELPS MEETS HIS MAKER . . . SORT OF

This past Thursday, the Rev. Fred Phelps passed away at age 84. Phelps was the virulently antigay preacher who attracted overwhelming condemnation and revulsion for picketing military funerals as a way to proclaim his and his tiny church's belief that God is punishing America for its tolerance of homosexuality. For years, Phelps, founder of the Westboro Baptist Church, a small independent church in Topeka, Kansas, was a much-loathed figure on the outer fringe of the American religious scene. Phelps and his flock -- made up largely of his own family which included 13 children, 54 grandchildren and 7 great grandchildren -- were regularly denounced



by people across the theologic and political spectrum for their beliefs, language and tactics. In bipolar contravention of Christian dogma, Phelps' God was suffused with hatred for -- and vengeance against -- gays, lesbians as well as the society which permitted them to exist. In Phelps' worldview, any and all lethal tragedies -- hurricanes, floods, terrorist attacks, wars -- were vengeful acts of a malevolent God who, above everything, despised homosexuals and homosexuality. And yet, despite the all but universal revulsion Phelps' crusade met with,

he continued his very public attacks, armed with nothing more than the utter certainty of a deeply deluded fool.

Upon learning of his death, I began wondering what kind of reception would be awaiting him in the world beyond . . . of what his final judgment might be. What follows is one possibility . . .

The Scene: A spare room with a series of hard wooden benches facing a scarred wooden desk. Sitting at the desk is a sinuous wraith of a man. He is of undetermined age and has a wild manic look about him. He is forever gnawing on his fingers. The only other soul in the room is Rev. Fred Phelps, who, after sitting on the bench for what seems to him an eternity, makes his way up to the desk. He addresses the wraith-like man:

Phelps: "How long are you going to make me wait? Will you please inform God that His ardent, most zealous servant Fred Phelps has arrived and seeks an immediate audience?"

The Wraith: "God? What makes you think that God is available to you? And what makes you think that God is a 'He?'"

Phelps: "Crap-and-half! Don't tell me there's political correctness in heaven too! I had enough of that bilge down on earth. There's no way in heaven God can be a She; I know this for a fact. But never mind; if God isn't currently available, please let St. Peter know that I am here awaiting entrance to the Eternal Kingdom."

The Wraith: "St. Peter?" Where in the Hell do you think you are? Does this look like Heaven's antechamber? Do you see any pearly gates?"

Phelps: "So where am I . . . and who in the Hell are you?"

The Wraith: "You, Fred Phelps have arrived at the entrance to Hell, a place to which you have been consigned for the rest of eternity for being an utterly irreligious, hateful miscreant. And as for me, I am [Count Ugolino della Gherardesca](#) . . . one of the Gatekeepers of Hell. Perhaps you have heard of me and know my story?"

Phelps: "I haven't the slightest idea who you are and could give a rat's rump. Just get off *your* rump and tell St. Peter that I'm here. I don't belong in Hell, for I am a Crusader on behalf of the Lord. Perhaps it is *you* who have not heard of me or know *my* reputation!"

Count Ugolino: "Oh, we all know your name and reputation Reverend Phelps. You are the man who stood religion upon its head and turned a merciful loving God into an instrument of vile hate. And by the way, if you want to know who I am I suggest that you read Dante's *Inferno*. I am the fellow who ate the corpses of his children after they



had died of starvation. I was also immortalized by Rodin in his sculpture *The Gates of Hell*, which is precisely where you are right now."

Phelps: I really could care less about you and your appetite. What I *do* care about is claiming my rightful place among the righteous and dutiful servants of our Lord and Savior. After all, it was I who, more than anyone, steadfastly understood God's admonition that '*You shall not lie with a male as one lies with a female; it is an abomination.*' I would assume that you are familiar with that Biblical verse Count whatever your name is?

Count Ugolino: "Sure, it's Leviticus 18:22. And, according to my notes, that seems to be just about the only verse in the entire Scripture that ever seems to have interested you . . . and that's out of 5,845 verses! You certainly have been the living definition of an obsessive-compulsive. Is it perhaps a case of 'me thinks the lady doth protest a bit too much,' sweetie?"

Phelps: You can mock me all you want you blasted kiddy eater. That's not the only verse that 'interests me,' to use your sarcastic phrase. There's also Leviticus 20:13, which, in God's own words, clearly states: '*If a man lies with a male as with a woman, both of them have committed an abomination; they shall surely be put to death; their blood is upon them.*' Try and argue against that! Aren't the words as clear as mother's milk? Does or does not the Bible make it perfectly clear that homosexuality is a sin punishable by death . . . that God hates homosexuals?"

Count Ugolino: "You know something Rev. Phelps? You are a real piece of work. Instead of answering your last question about whether or not God clearly reviles homosexuals, I would remind you of two other verses: the first from Proverbs 6:16-19: '*There are six things that the Lord hates, seven that are an abomination to him: haughty eyes, a lying tongue, and hands that shed innocent blood, a heart that devises wicked plans, feet that make haste to run to evil, a false witness who breathes out lies, and one who sows discord among brothers.*' The second is from Shakespeare's *The Merchant of Venice*: '*The devil can cite Scripture for his purpose. An evil soul producing holy witness Is like a villain with a smiling cheek, A goodly apple rotten at the heart.*' You, Fred Phelps are guilty of all seven things which the Lord hates and are the living embodiment Antonio's words about the devil. If you're so all-fired true to what the Bible commands, what about the punishment for lighting a fire on Sabbath, or wearing a garment of wool and linen or eating pork, lobster or crab? Aren't they punishable sins as well? But no . . . you chose precisely one verse, one issue, and then used it to turn a loving, beneficent and merciful God into an instrument of unmitigated vengeance. And what is doubtlessly even worse, by picketing all those funerals -- the funerals of war heroes and murder victims -- you were hurling mephitic acid into the faces of the bereaved. Turns out that you, sir, are the very abomination you revile . . . "

Phelps: "You're one to talk! If you're so all-knowing, tell me this: if God judged me to be so totally lacking, such a base sinner, why then did He permit me to live beyond the four-score years which King David recorded as being a full life? How do you explain that? Riddle me *that* riddle!"

Count Ugolino: "God knew you'd ask this question, and dictated the following response: '*Reverend Phelps: everyone who comes through My world is a teacher of something. For some it is mathematics or history; for others it is righteousness, patience or curiosity. Every once in a while though, there will be an individual who teaches what not to be . . . how not to act. That person is you. I permitted you to live a full 84 years because I wanted the maximum number of people to learn of -- and become utterly repulsed by -- your actions. And believe me, you more than lived up to my expectations. The irony is that because of the odious nature of your deeds, it is likely that you have done more to foster understanding, tolerance and -- dare I say, acceptance -- between gay and straight people than just about anyone else in your generation. You can now live with that delicious incongruity throughout eternity, as now you enter through the portal to damnation. Count, please open the door.*'"

Count Ugolino: "Your wish is my command, O Lord."

The door is opened and slowly Fred Phelps begins shuffling into the black fires of damnation. But just before he is engulfed, he turns and cries out "Father, do you hate me that much?" To which God answers:

God: "No, I love you Fred Phelps. Even you do I love. But I absolutely, irrevocably abhor what you did, what you said and what you became. And for your information Fred, it's Mother . . ."

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BE CAREFUL WHAT YOU LITIGATE FOR

First things first. In the spirit of full disclosure, it must be revealed that:

1. I am not an attorney;
2. I have never played one on television or in film, and
3. I did not stay at a Holiday Inn last night.

OK. With those three caveats out of the way, let's get to this week's topic: *Sebelius v. Hobby Lobby Stores, Inc.* On its surface, this case, which was argued



before the Supreme Court this past Tuesday, is about the Affordable Care Act; not too far beneath the surface, it is about far, far more. What is at issue, according to the [Supreme Court Web Site](#) is:

Whether the Religious Freedom Restoration Act of 1993 (RFRA), which provides that the government "shall not substantially burden a person's exercise of religion" unless that burden is the

least restrictive means to further a compelling governmental interest, allows a for-profit corporation to deny its employees the health coverage of contraceptives to which the employees are otherwise entitled by federal law, based on the religious objections of the corporation's owners.

Put into slightly more user-friendly terms, what is at issue in the Hobby Lobby Stores Case (which also includes Conestoga Wood Specialties and Autocam, Inc.)

is whether the federal government, under terms of the Affordable Care Act, can force a corporation to provide their employees health insurance that covers, say, the "morning after pill," when to do so would go against their religious beliefs. In the [*Citizens United v Federal Election Commission*](#) case (2010), the Court held by a 5-4 vote, that corporations are people, endowed, like individuals, with the right to "life, liberty and the pursuit of happiness." Should the court rule in favor of *Hobby Lobby et al*, they would be taking the further step of proclaiming that corporations also have the right to have their religious scruples protected; i.e. that a closely-held corporation -- and perhaps even a publicly-traded one -- has the legal right to disregard any law which contravenes their religious beliefs or practices. In theory then, a company owned by practicing Christian Scientists, for whom illness and disease are spiritual, rather than physical disorders, could simply say "we aren't going to purchase health coverage for any of our employees, for to do so would go against the tenets of our faith." Then too, a company owned and operated by practicing Jehovah's Witnesses could withhold coverage for blood transfusions with impunity, because based on their reading and understanding of [Acts 15:19-20](#), blood transfusions go against the word of God. Where might all it end? A restaurant owned and operated by members of the [Christian Identity](#) movement could deny service to Jews, Muslims and African Americans *regardless* of what the 1964 Civil Rights Act says, because according to their religious beliefs, Jews, Muslims and African Americans are human "rodents" who carry disease, addiction, cancer and AIDS.

The 1993 [Religious Freedom Restoration Act](#) is a major lynchpin in the Hobby Lobby case. That act was passed unanimously in the House and overwhelmingly in the Senate because Congress was upset that the Supreme Court declined to endorse a religious exemption for the use of peyote by members of the Native American Church, which was founded in Oklahoma. In a case from the state of Oregon ([Employment Division v Smith](#)), the court ruled that peyote, even if used as a sacrament, is an illegal substance and people could justifiably be denied unemployment benefits if they were fired from their jobs for taking the drug.

"We have never held that an individual's religious beliefs excuse him from compliance with an otherwise valid law prohibiting conduct that the State is free to regulate," Justice Antonin Scalia wrote in the majority opinion. Granting members of the Native American Church a religious exemption from the law against taking peyote, Scalia wrote, would *"open the prospect of constitutionally required religious exemptions from civic obligations of almost every conceivable kind,"* ranging from compulsory military service, the payment of taxes, manslaughter and child neglect laws, compulsory vaccination laws, drug laws, traffic laws, minimum wage laws, child labor laws, animal cruelty laws, environmental protection laws and laws providing for equality of opportunity for the races. *"The First*

Amendment's protection of religious liberty does not require this," Scalia wrote. In light of the current case before the Supreme Court, one wonders whether Mr. Justice Scalia still holds to his earlier decision. For if he does, logic dictates that he must vote *against* Hobby Lobby. Stay tuned . . .

In doing research for this essay, I was shocked to discover that among the 7 dozen or so *amicus curiae* ("friend of court") briefs filed in this case, none -- NONE -- were filed on behalf of corporations. The *amicus* briefs (the name given to a brief filed with the court by an entity that is not a party to the case) were put in on behalf of such groups as *Agudath Israel*, National Religious Broadcasters, the Christian Medical Association, the Family Research Council, the Foundation for Moral Law and Judicial Watch, Inc., and 107 members of Congress (105 Republicans and 2 Democrats). Compare this to the *amicus* briefs filed in the *Citizens United v FEC* which, according to one writer, were filed by " . . . every Big Corporate Governance entity from the Chamber of Commerce to Americans for Saving Cute Kittens from Liberal Scum. Inc."

This got me to thinking: why no friends briefs on behalf of American corporations? Might a decision in favor of Hobby Lobby *et al* involve more than immediately meets the eye? Turns out the answer is yes. Seems to me that a decision in favor of Hobby Lobby -- one which protected its religious rights -- could in essence have an unintended consequence: putting an end to corporate indemnity, thereby allowing law suits to proceed against the owners of a corporation for the illegal or negligent acts of the corporation itself. How so? Well, if Hobby Lobby is a person (as per *Citizens United*) and the protected religious scruples and beliefs of its owner are transferred to the corporation (as per the current case), then, *sequitur* the corporation *is* the owner, and thereby vulnerable to prosecution. As an example, not only is Freedom Industries legally liable to lawsuits stemming from their polluting of the Elk River in West Virginia (the spill that poisoned the entire water supply), their owners -- in this case the Koch Brothers -- are personally liable to being sued. (It works this way: Freedom Industries of Charleston, West Virginia, is distributor of Georgia-Pacific Chemicals Talon line of coal cleaning chemical reagents. In turn, Georgia-Pacific Chemicals is a subsidiary of Koch Industries.)

It would seem that corporate America is wise to the potential Pandora's Box of personal litigation that could be opened by the Hobby Lobby case. For them, it is a matter of " . . . be careful what you litigate for, because you just might get it."

Anyone want to take bets on how long it takes for corporate America to make its case to RATS -- Roberts, Alito, Thomas and Scalia?

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