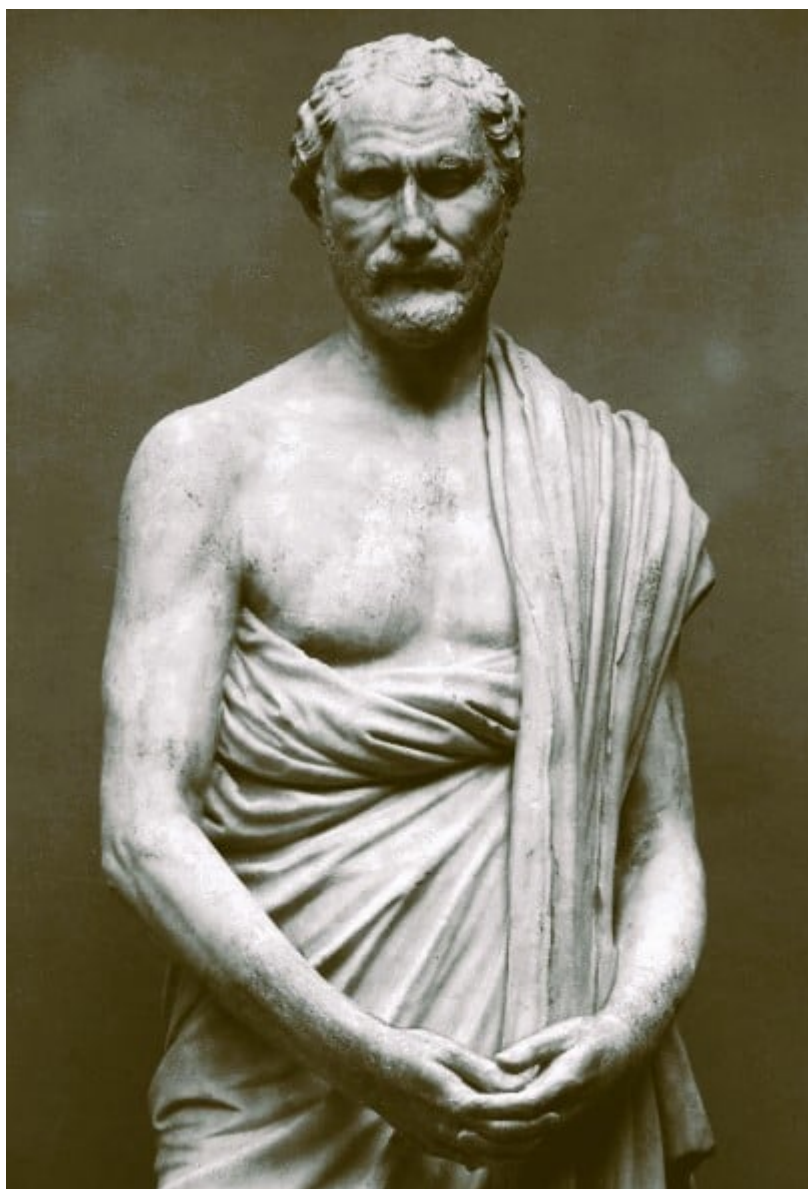


The laughable sublimity of New York Times' Jamelle Bouie

By Lev Tsitrin



Is it Demosthenes, outraged at abject failings of American democracy, who broke through the bounds of Hades and forced Charon, the underworld ferryman of souls, to row him back across the dreadful Stix to the land of the living, so as to berate and warn us? Or is it Cicero lashing out from his grave at the depth of America's betrayal of its democratic promise?

Close enough, but not it – it is the one who is far greater than them both: Jamelle Bouie of the *New York Times* throwing from its opinion pages his bolts of indignant rhetoric that shame America's corrupt rulers into righteousness, and that give fresh hope to the affrighted reader that not all is yet lost. Hear ye, hear ye! “The way we shield our liberties from the threat of a tyrant is to make men obey the law, not place them above it. We chain the power of those who hold office; we

don't unleash it for them to use at their discretion. We don't extend every privilege and immunity we can imagine; we deny them and demand responsibility."

Thus Mr. Bouie fulminated in his ["Justice Alito Is Holding Trump to a Different Standard,"](#) shaming Alito's perceived belief "that presidential immunity for all official acts may be a necessary concession to the possibility of a politically motivated investigation and prosecution."

Huh, Mr. Bouie? With all due respect, I have a question for you: how is this "a different standard?" As you should know full well by now (for I have emailed you – and other *New York Timesers* about this a trillion times at least), this is exactly how federal judges treat themselves. It is exactly the reason why, in *Pierson v Ray*, the Supreme Court gave federal judges the right to act from the bench "maliciously and corruptly" – "not for the protection or benefit of a malicious or corrupt judge, but for the benefit of the public, whose interest it is that the judges should be at liberty to exercise their functions with independence and without fear of consequences ... [a judge] should not have to fear that unsatisfied litigants may hound him with litigation charging malice or corruption. Imposing such a burden on judges would contribute not to principled and fearless decision-making but to intimidation."

Bingo, Mr. Bouie! Do you see any difference at all between this, and what Alito told Trump's lawyer, let alone "a different standard?" I don't. You yell and shout at tear your hair out only because you – and the *New York Times* – are perfectly willing to play (as the Number 1 witness in Trump's "hush money" trial David Pecker, formerly of *The National Enquirer* put it) the "catch and kill" on stories you don't want the public to know – in this instance, the story of judicial fraud, of federal judges illegally replacing in their decisions parties' argument with the utterly bogus argument of judges' own concoction, in clear-cut violation of due process, in order to decide cases the way they want to, rather than according to law. My attempts to make the *New York Times* (and other MSM outlets) talk about judicial "corruption and malice" are exactly like Stormy Daniels' ones when she tried to get the attention of *The National Enquirer* – a nuisance to be ignored "for the benefit of the public," to cite *Pierson v*

Ray. Why bother people with the story of judicial swindling on the federal bench? They have enough worries already. The story needs to be killed.

But if you didn't try to kill it, Mr. Bouie (and your fellow *New York Timesers*), you would have instantly noticed that Justice Alito is treating Trump's presidential immunity exactly like his own, judicial immunity. Alito treats Trump according to the standard of *Pierson v Ray*, rather than to "a different standard." And for that matter, you (and every American) should notice that the *New York Times* is treating the news exactly the way the *National Inquirer* does, and no better – by squashing it. So where do you see a double-standard, Mr. Bouie? Alito's standard is the "corrupt and malicious" one of *Pierson v. Ray*. *New York Times'* standard is the *National Inquirer's* one of "catch and kill." So was there really a need to fire – and waste – your rhetorical thunderbolts? Do we really "chain the power of those who hold office"? Is it really true that we "don't extend every privilege and immunity we can imagine; we ... demand responsibility?"

Your own column supplies an excellent answer, Mr. Bouie. Let me quote the brilliantly eloquent words of your own op-ed yet again, right back at you: "it's hogwash. Bunkum. Claptrap. Malarkey, even."

I fully agree with you on this one, Mr. Bouie. You are absolutely right, for a change.

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