

Right versus wrong – standards versus feelings

I recently received this email from a guru who teaches about buying and selling notes, a contracted financial instrument where one party promises to pay another party a determinate sum. The subject is not notes, rather, it is an opinion about a subject with societal import.

[From: Jack Sternberg-Noteworthy
[mailto:publisher@noteworthyusa.net]
Sent: Sunday, February 14, 2016 9:55 AM
To: coachmitch@coachmitch.com
Subject: [Noteworthy Newsletter] Not the Right or the Left –
Right and Wrong Matter]

Hi Again,

When you were a kid, you might have justified certain behaviors to your parents with the classic kid line “but everyone was doing it.” They’d ask you back: “If everyone else were jumping off a bridge, would you, too?” Supposedly, the lesson was to think for yourself; don’t let the crowd form your thoughts or determine your behavior. The question is, now as adults, are we following peers off those bridges?

We all get that the United States has a political structure that’s designed as a two-party system. Sure, there are more than two in actuality – minor-league groups – and people call themselves “independent,” but basically there are Democrats and Republicans.

Left or right. Right or left.

And if you’ve been paying attention over the years, you might notice that there’s a bigger divide than ever playing out. The aisle between right and left is widening. This is occurring,

at least in part, because career politicians backed by big money supporters rely on appealing to the basest of the base ideologies of their respective parties.

I don't think you have to belong to one party or another to realize this is the case, and if you can look at things objectively, you might notice that, whichever your party, you can see how it's become more liberal or more conservative. I think people in both parties would hate to hear this, but if you do some research and look up the stances on multiple issues of both Ronald Reagan (revered/reviled conservative) and Barack Obama (revered/reviled liberal), you'd learn that they actually aren't far off on many things.

I've written before that we've become this nation of ideological extremes. Politics are combat, not compromise.

Recently, I've been reading about the commuting of criminals' sentences by President Obama. In case you haven't heard, he's ordered the release from prison those convicted years ago for crimes that are dealt with much less harshly today. For example, there were people back in late 1980s and early 1990s that were given life sentences for non-violent, drug-related crimes.

These days, life sentences for non-violent crimes are rare. Many who were sentenced decades ago would have already served their time had they been sentenced under today's laws. Why does this matter? Well, it's hard to justify keeping a guy in prison for 40 years in Colorado for selling marijuana when, these days, it's legal there and the government is profiting from it.

Of course, those who consider themselves Democrats support the president's commuting of certain sentences. And those who consider themselves Republicans don't. Don't you think, though, that they're looking at the issue from a purely partisan political perspective, rather than something much

simpler?

Right and wrong.

Maybe the drug offenders' releases from prison aren't the greatest example for you. If you, like many people, believe drugs ruin families and communities, then maybe you believe small-time drug convicts should spend their lives in jail. Do you think that because you really feel that way, or because that's the way those you share a political party affiliation with feel that way?

I'm not going to reveal my own political leanings here, but I know that I can put political ideals aside when I examine the criminal sentencing issue. If you can look at things logically, does it make sense that a guy busted with too much weed back in 1990 gets the same prison time as Bernie Madoff, who committed the biggest financial fraud in history, stealing \$80 billion from many, many victims?

Maybe worse, what about the convicted child molester, who, yeah, might have to register his address the rest of his life, but will likely get out of prison much, much earlier than someone caught selling drugs in the late '80s. Is this right?

Or is it wrong? That's the choice. Not right or left.

A bigger disappointment in someone I know is the real reason I'm writing about this now. This person, whom I believe to be more influenced by his political leanings than the average individual, was complaining about criminals being released from jail. But he wasn't talking about Obama's commutations.

He was talking about criminals being released after re-examinations of DNA evidence revealed they were innocent. There's a big difference between physical proof of a wrongful conviction and the commuting of drug sentences that some see as too harsh. If you're proven by science to be innocent, shouldn't you be let free? Isn't this even a simpler, cut-and-

dried case of right and wrong?

Not for my acquaintance, whom I will never name. His political beliefs have blinded him to the difference between the two circumstances, which are very different despite both involving convicts released from prison.

Logic would make it a matter of right and wrong. The influence of hardline partisan politics has made it a matter of right and left for him. I feel like his sense of party overwhelmed his logic.

And he jumped off the bridge because everyone else was doing it.

Hope this helps,

Jack

I responded:

You bring up the "fairness" argument, a good subject, but give very selective context.

Punishments are mostly based upon two thoughts, 1. The current law, 2. The disposition of the judge. As laws change, so do the punishments. The Constitution, Article 1, Section 10, does not allow for ex post facto Law, the prosecution of old crimes based upon a new law. This is only fair and logical. Something is not a crime until there is law making that action a crime. New crime can only be punished by the new standard. In the same way, using the same logic, a new punishment standard does not allow for old punishments to be done away with, excepting a pardon. You cannot take a 10 year sentence, which has newly been reduced to five years and readjust the sentence of all those criminals who are serving under the old punishment.

There is the argument that the Constitution is a "living document." You broaden that idea to having "living punishments." I do understand that your sense of what is right

and wrong can be affected when yesterday's punishment does not fit today's crime. However, today's political uproar and desire for a better way is a direct result of the significant problems stemming from a "living" or changing standard.

Sadly, gone is the understanding, even at the Supreme Court level, that the reason for having a Constitution is to put down a set of standards that are inviolate. The notion of an inviolable standard has been taken over by textualism, the idea that everything is open to discussion, which automatically means that there are no standards. How then is a society to move forward with surety? It cannot. The result is our current upheaval and chaos. Our societies upset is real, as can be seen by the increasingly disparate political opinions engulfing this nation.

Constitutional standards are lost through textualism or a 'living' Constitution

Example:

Article 1, Section 8: Congress has power "To coin Money, regulate the Value thereof, and of foreign Coin,"

Article 1, Section 10: No state shall, "make any Thing but gold and silver Coin a Tender in Payment of Debts;"

It is clear that the Founders did not want paper money, for they knew that fiat currency and the inflation it brings is the secret thief used by governments past to promote themselves. However, a changing mindset, a different view, the "living" Constitutional standard, a public without knowledge, allowed FDR to promote and for Congress to pass a mere resolution voiding this Constitutional prohibition against paper money. By voiding the Gold Standard, our government took the opportunity to spend, spend and spend some more. All "for our own good" of course. Need I say that the massive US debt is close to bringing down our entire society? This is the harm of change.

A “living” 10 Commandments. Change the name to The 10 Suggestions!

As a contrast, let’s look at the idea of a “living” Ten Commandments, like we do the “living” US Constitution. People are hungry and poor. Does this mean that we should allow for wanton theft of food, goods and money? Is the dictum against stealing elastic, or is it so necessary to a functioning society that it must be inviolate? I certainly understand that the punishment for taking an apple should be different than robbing a bank, and so does Talmud, from which much of Common Law is derived.

When special interests infiltrate our education and other institutions, over time, and to such a degree, that a substantial part of society has changed its mind on issues, something becomes “the old way” to them. Yet, there are many who cleave to the standard way of doing things. To be conservative, typically means to hold precedent in high regard, be it cultural traditions or law. Conservatism understands that ideas and feelings have developed in humans over long periods of time, that they develop for good reason, and that they are meant to have a bear hug hold on our mind, so as to help keep generations functioning in a similar way, at a similar level, using the same values. This is how societies develop their culture and retain their unique aspects.

However, the Progressivism of the last 100 years has dramatically imposed itself upon our society – mostly for the worse, but at the insistent urging and calculation of those in charge, who have their own purposes in mind. This last idea is conversation worth having.

Many examples can be given of changing standards and lowered expectations, but possibly the best example of bad Progressivism is the idea that change is good, that nothing is sacred and that self-restraint is passé, i.e. “if it feels

good, do it." Acceptance and tolerance can seem like a good idea, especially if we believe in "equality." However, when we "accept" and when we "tolerate" we also lower the standards upon which our society had accepted as valuable. The emphasis on self-esteem has lowered standards to such a degree that the last two generations are acknowledged to be narcissistic. A narcissistic people is very open to Authoritarianism, a very drastic change from our history.

Western Civilization and the US in particular developed faster than other parts of the world precisely because we felt the opposite, that self-restraint and personal responsibility were the cornerstone of personal behavior. This, along with a religiously based moral code, is what allows freedom to prevail. Part of this mindset was the development of the Common Law, i.e. law and judicial rulings based upon common sense and precedent. We have gone to statute to correct perceived wrongs and our society has never been in worse shape.

Correcting yesterday's wrongs, but in the wrong way

The impulse to correct yesterday's real or perceived faults has had dramatic negative consequences. By not staying on the gold standard, we have had run-a-way inflation, necessitating that woman must work, a great societal change. We have gone from holding a woman in high regard to today's wanton date rape. We've gone from very few births out of wedlock, e.g. 5% in 1960 to 44% illegitimate births with about 75% illegitimate amongst Americans of African descent. To achieve equality, we have lowered the standards of the military to allow woman in combat. Woman now serve in the line in fire and police departments.

Changing standards, to promote equality, put men in much greater danger.

However, the greater danger to the lives and limbs of men are,

seemingly, not a part of the Equality Calculation. I would bet that statistics of how women have increased injury to men are not kept, because it would not be politically correct to do so.

Similarly, we take in refugees, a wonderful US trait, despite our leaders knowing full well that terrorists will be amongst them. I ask you to please give me the politically correct calculation: How many saved refugees equals how many hurt or dead Americans because of the havoc from an infiltrated terrorist? Additionally, on certain college campuses, "feelings" based logic of the politically correct crowd, which is not logic at all, have conjured up the notion that certain words are not protected free speech and that you can be punished severely by uttering them, e.g. saying anything other than "Black Lives Matter."

Seemingly, acceptance and tolerance are to be imposed upon the traditionally oriented population. But, those who scream "intolerance" seem able to be hypocritical with impunity. More changing standards.

The idea that new evidence proving innocence should release an imprisoned person is beyond just, it is righteous. However, under normal circumstances, at the time, the criminal knew the price of the crime he was committing, and he went forward in spite of the danger. The harm caused to victims has not remitted, why should the punishment? One of the best ideas of the Founders was that each state should be able to decide its own path. That Colorado has temporarily lost its mind and leads the nation in jumping off a cliff is no reason that the rest of US should follow. Nor is it a reason for holding your position that Arizona or New York should follow Colorado's poor example.

Let us suppose that you purchase a note and that your ROI, Return On Investment, is 18%. Based upon your idea of all having the same standard, you should not seek more than 5%

ROI, or to be in line with the current mortgage rate, because it is not “fair” that you should profit from someone else’s situation. The idea of “fairness” can be very elastic, based upon the political calculation and motivation of any person.

That someone should impose their idea of what is fair onto your situation is another new change. Now, everyone’s opinion is taken into account before you can do with your property what you wish – even though you are the one paying the property taxes, not them. How is it fair for someone to stop you from doing something to your property for your convenience or profit? Are they paying you the difference for your loss of profit or convenience? No! There now seems to be the idea that we all are a “village” and we all have an equal say. Hello Socialism and despotism, goodbye personal responsibility and freedom. More change for the worse.

When skipping a flat stone across water, each skip causes a ripple. In the same way, each change has a consequence, each consequence leads to other consequences. This culminates, slowly, to an entirely new culture and to a new country. See the country that awaits US because of the imposed acceptance of lowered standards: [\[Link\]](#)

In this case, your ideas of right and wrong are not based in the logic of justice, but rather, are based upon feelings of injustice. I know that you can’t help it; I struggle also, for we both come from a tradition which upholds righteousness. It is part of our common and long developed attitudes and traditions. Talmud teaches us that feelings sway, but logic does not alter. We must be careful to not let feelings alter logic.

I welcome your response.

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