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June 20, 2012

The New York Times' Broccoli Attack

By [Lester Jackson](#)

Because, in a sense, the broccoli example is a *reductio ad absurdum* ridiculing ObamaCare's overreach, the *Times*, using typical media bias techniques, disingenuously attempts to ridicule this legitimate ridicule.

The [New York Times](#) recently ran a sarcastic 2,300-word front-page article denouncing the use of broccoli to illustrate why the ObamaCare individual mandate is unconstitutional. As the reasoning goes, if the government can force individuals to buy health insurance against their will, it can force them to buy anything, including broccoli.

Because, in a sense, the broccoli example is a *reductio ad absurdum* ridiculing ObamaCare's overreach, the *Times* disingenuously attempts to ridicule this legitimate ridicule. In so doing, the *Times* employs standard biased leftist media tactics.

First, it seeks to marginalize those who oppose ObamaCare with pejorative references to major protagonists in liberal demonology. Forget that there has been substantial broad-based opposition from day one. Instead, focus on extremist "libertarian and ultraconservative" advocates of an "unorthodox theory." Lest anyone miss the point, stress contributions by the David H. Koch and Sarah Scaife Foundations.

Second, appealing to *ex cathedra* authority, the *Times* seeks out an agreeable quote from Akhil Amar: "I have some grudging admiration for [libertarian ObamaCare opponents]. All the more so because it's such a bad argument. They have been politically brilliant. They needed a simplistic metaphor, and in broccoli they got it." Never mind any need to explain *why* "it's such a bad argument" and a "simplistic metaphor." This is too obvious to explain, and after all, Amar is "a professor of law and political science at Yale and author of a book on the Constitution." Case closed.

Third, hammering home Amar's "simplistic metaphor," the *Times* pretends that broccoli is the main reason used to oppose ObamaCare, rather than an illustration of one of many good reasons: "broccoli quickly became the defining symbol." Thus, if the Supreme Court holds the law unconstitutional, it will have naively fallen for a silly analogy. In addition to [being attacked on bad-faith](#), cynically and politically motivated grounds, the Court will be contradictorily ridiculed as unwitting dupes taken in by cynical political extremists rather than persuaded by the merits of a serious case to which a modern-era record six hours of oral argument were devoted. Indeed, a foreign visitor condemned to rely on the *Times* story can be forgiven for wondering how such an important court and such important personages could devote so much time to discussing broccoli.

Fourth, should anyone still believe that there could be any legitimate reason to strike down ObamaCare, the *Times* derisively combines "[b]roccoli and the notion that limiting the commerce clause protects personal freedom." Nothing can better illustrate the leftist anti-freedom *Times*' mindset than its own "notion" that unlimited government and personal freedom are compatible. Or perhaps it is just that the paper does not believe in

personal freedom -- except, of course, for any personal freedom associated with the leftist causes it espouses. [Characteristically](#), for example, this once giant media corporation opposes core First Amendment freedom of speech for those who might oppose its ideology while assuring the protection of freedom of the press for itself.

Apparently, its favorite causes excepted, the *Times* does not accept the view that limited government is essential to the protection of individual liberty. It implicitly rejects the position expressed just last year by [Justice Kennedy](#) for a unanimous Court: "liberties ... derive from the diffusion of sovereign power." And surely the *Times* must reject what Framers [James Madison](#) promised: "The powers delegated by the proposed Constitution to the federal government, are few and defined." Instead, the *Times* reflects liberal activist Judge [Abner Mikva's](#) contention that "Congress could pass just about any legislation it saw fit ... the commerce clause and the 'necessary and proper' clause gave Congress all the power it needed." Of course, the *Times* makes no attempt to answer the obvious oft-asked question: if Mikva was right and Madison was wrong, why are there sixteen additional clauses enumerating powers in Article I, Section 8 of the Constitution?

Just days after the *Times* expressed its contempt for broccoli and limited government, a report from Sweden illustrated just what kind of ideas authoritarian leftists are capable of generating and imposing -- if allowed. The details are revealed in "[Left Party wants men to pee sitting down](#)." In part, the proposed mandate is justified on the following grounds:

The Left Party also cites medical research it claims shows that men empty their bladders more efficiently when they are seated.

The improved bladder evacuation not only reduces the risk for prostate problems, according to the party, but also helps men who sit rather than stand achieve a longer and healthier sex life, the local *Folket* newspaper reported.

If the Supreme Court upholds ObamaCare, just wait until unelected government bureaucrats decide to dictate to men how to urinate, substituting their judgment for that of individuals regarding how to promote prostate and sexual health. One can envision the removal of urinals from men's rooms.

Anyone who has ever had to endure mindless, absurd fiats, which bureaucrats often do not even try to explain or justify, must realize that, if ObamaCare is upheld, there will be no end to interference in people's lives -- far more than already exists. There is never any end to the schemes concocted in the fertile minds of petty martinets who derive their greatest satisfaction in life from bossing other people around, in the guise of legitimate exercise of government power.

Despite the *Times'* attempt to belittle the broccoli example as a far-fetched "notion" of right-wing extremists, broccoli will be just the beginning.

This original is slightly revised here.

Lester Jackson, Ph.D., a former college political science teacher, views mainstream media [suppression](#) of the truth as essential to harmful judicial activism. His recent articles are collected [here](#).