



# SPARTACUS

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I understand that according the Jewish tradition, a person who dies on the holiday Rosh Hashanah, as Ruth Bader Ginsburg did, is considered a *tzaddik*, a person of great righteousness.

Some of you might recall that before the 2016 election, I voiced a rather realistic fantasy: that after she won the presidency, Hillary Clinton would be sworn into office by Justice Ginsburg. Obviously, it was not to be. But as the Notorious RBG proved throughout her life and career, the dream is more than a fantasy. It remains an ambition, but an attainable one.

"Fight for the things that you care about. But do it in a way that will lead others to join you."

"Real change, enduring change, happens one step at a time."

"Don't be distracted by emotions like anger, envy, resentment. These just zap energy and waste time."

"I ask no favor for my sex. All I ask of our brethren is that they take their feet off our necks."

"I don't say women's rights—I say the constitutional principle of the equal citizenship stature of men and women."

"Women will have achieved true equality when men share with them the responsibility of bringing up the next generation."

"People ask me sometimes... 'When will there be enough women on the court?' And my answer is: 'When there are nine.'"

"Feminism [is the] notion that we should each be free to develop our own talents and not be held back by manmade barriers."

"My mother told me to be a lady. And for her, that meant be your own person, be independent."

"I remember envying the boys long before I even knew the word feminism, because I liked shop better than cooking or sewing."

"If you have a caring life partner, you help the other person when that person needs it. I had a life partner who thought my work was as important as his, and I think that made all the difference for me."

"Every now and then it helps to be a little deaf...That advice has stood me in good stead. Not simply in dealing with my marriage, but in dealing with my colleagues."

"I would like to be remembered as someone who used whatever talent she had to do her work to the very best of her ability."

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And what was that work? Here are other words of Ruth Bader Ginsburg, ones perhaps more significant than piquant one-offs:

"[C]ategorization by sex may not be used to create or perpetuate the legal, social, and economic inferiority of women ... [G]eneralizations about 'the way women are,' estimates of what is appropriate for most women, no longer justify denying opportunity to women whose talent and capacity place them outside the average description." *U.S. v. Virginia et. al.*, 518 U.S. 515 (1996).

These words are not great rhetoric. There is nothing of Lincoln's Second Inaugural here, no soaring poetry to excite the soul. There is, instead, clear, calm logic firmly based in what lawyers call Black Letter Law – which is to say, code and precedent. It was in her famous dissents on the Supreme Court that RBG's passion came through. Her long dissent in *Ledbetter v. Goodyear Tire & Rubber* (550 U.S. 618 (2007)) is a marvel of judicial writing, so well-turned that it convinced Congress to amend employment discrimination law (Title VII of the U.S. Code). Here's the essential paragraph:

"To show how far the Court has strayed from interpretation of Title VII with fidelity to the Act's core purpose, I return to the evidence Ledbetter presented at trial. Ledbetter proved to the jury the following: She was a member of a protected class; she performed work substantially equal to work of the dominant class (men); she was compensated less for that work; and the disparity was attributable to gender-based discrimination. See *supra*, at 1–2. Specifically, Ledbetter's evidence demonstrated that her current pay was discriminatorily low due to a long series of decisions reflecting Goodyear's pervasive discrimination against women managers in general and Ledbetter in particular. Ledbetter's former supervisor, for example, admitted to the jury that Ledbetter's pay, during a particular one-year period, fell below Goodyear's minimum threshold for her position. App. 93–97. Although Goodyear claimed the pay disparity was due to poor performance, the supervisor acknowledged that Ledbetter received a "Top Performance Award" in 1996. *Id.*, at 90–93. The jury also heard testimony that another supervisor—who evaluated Ledbetter in 1997 and whose evaluation led to her most recent raise denial—was openly biased against women. *Id.*, at 46, 77–82. And two women who had previously worked as managers at the plant told the jury they had been subject to pervasive discrimination and were paid less than their male counterparts. One was paid less than the men she supervised. *Id.*, at 51–68. Ledbetter herself testified about the discriminatory animus conveyed to her by plant officials. Toward the end of her career, for instance, the plant manager told Ledbetter that the "plant did not need women, that [women] didn't help it, [and] caused problems." *Id.*, at 36.10 After weighing all the evidence, the jury found for Ledbetter, concluding that the pay disparity was due to intentional discrimination. Yet, under the Court's decision, the discrimination Ledbetter proved is not redressable under Title VII. Each and every pay decision she did not immediately challenge wiped the slate clean. Consideration may not be given to the cumulative effect of a series of decisions that, together, set her pay well below that of every male area manager. Knowingly carrying past pay discrimination forward must be treated as lawful conduct. Ledbetter may not be compensated for the lower pay she was in fact receiving when she complained to the EEOC. Nor, were she still employed by Goodyear, could she gain, on the proof she presented at trial, injunctive relief requiring, prospectively, her receipt of the same compensation men receive for substantially similar work. The Court's approbation of these consequences is totally at odds with the robust protection against workplace discrimination Congress intended Title VII to secure. See, e.g., *Teamsters v. United States*, 431 U. S., at 348 ("The primary purpose of Title VII was to assure equality of employment opportunities and to eliminate . . .

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discriminatory practices and devices ...." (internal quotation marks omitted)); *Albemarle Paper Co. v. Moody*, 422 U. S. 405, 418 (1975) ("It is ... the purpose of Title VII to make persons whole for injuries suffered on account of unlawful employment discrimination.")

To a lawyer, that's magnificence personified.

Consistently, RBG, throughout her career, fought for the law's fundamental purpose: fairness. Specifically, she battled discrimination *On the Basis of Sex* (title of the excellent bio-film about her), but the pivotal point of her work, and life, was that American law applies across the board, benefitting everyone. It's the basic liberal stance that established her as, in my judgment, one of the five great liberal justices of my lifetime, along with Earl Warren, Thurgood Marshall, William O. Douglas and William Brennan. Furthermore, her personality and good nature made her a model not only for female lawyers and judges, but the whole profession. The whole country. A *tzaddik*.

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Losing RBG means that the morbid toad currently resident in the White House probably gets to choose the third Supreme Court justice of his term – a repulsive consequence of the 2016 Electoral College debacle that underscores the antiquity and injustice of the Electoral College. Originally meant as protection for states' rights, it seems to me that the E.C. is unnecessary; states' rights are already protected by the U.S. Senate, where every state is equal in power. The College's sway over the election of the President is a violation of the fundamental American precept of every man's vote being equal to every other man's (or woman's, of course). One man one vote. Equal protection under the law.

My gal Elizabeth Warren is right. Abolish the College and elect the President on the basis of popular vote. Had we done so thirty years ago, we would have been spared the endless war in the middle east and the psychotic muck in which we presently drown.

The fracas over Trump's windfall insofar as the Supremes are concerned is on even as I type. It seems likely that he'll place a strong conservative in RBG's place, threatening the fracas over RBG's successor on the Court threatens not only *Roe v. Wade* but liberal values and protections throughout our society. The *New York Times* came up with a solution that bears a look:

"The solution is for Republicans and Democrats to unite in supporting a constitutional amendment that fixes the size of the Supreme Court at its current nine justices, each of whom would serve an 18-year nonrenewable term, staggered so that one seat opens up during the first and third years of a president's four-year term. One-term presidents would be guaranteed two appointments; two-term presidents would get four. Each two-year Senate session would consider a nominee.

Given the length of this term, longer than for judges on the high courts of any other constitutional democracy, the justices would be amply independent."

In other words, a constant turnover on the SCOTUS. Raw chaos? Unstable precedents? I call on my fannish brothers of the Bar for their points of view.

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Reads since *Spartacus* no. 42: Scott Hamilton's *The Lock Artist*, a good Edgar winner, pretty good sense-of-dread and fascinating technical details about safes and safecracking. The protagonist is also a comics artist, and you know that immediately drew in "Your Favorite Guy." Now before my eyes, *Bird Box*, source of the Netflix movie – and quite good. Seen on the tube, an excellent Icelandic mystery miniseries, *Trapped*, very highly recommended. Also – pretty well charmed by *Enola Holmes*, wrong as Henry Cavill was and how badly they treated Mycroft!

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## A COLUMN FOR LOC-DOWN

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Dipped into eFanzines this morning for an infrequent browse, and became interested in reading *Spartacus* 37 where, surprisingly, you succeeded in print in achieving what I found impossible to relate to on TV, which is engagement with the Oscars ceremony. Then, as usual, I zeroed in on the LetterCol. Where I was saddened to learn of the demise of Mike Resnik and Steve Stiles.

I was horrified to learn of the bodily wear and tear aftermath of your New Year's storage-to-storage move from Shreveport, not to mention losing the first premolar on the right side. Every sympathy there. I was comprehensively smashed up in three accidents last year that hospitalised me for a total of eight months with broken left clavicle, broken neck (twice), broken back (twice). Smashed ribs, pierced lungs, broken teeth, and a brain injury. I also lost my ability to read.

*Horrible! Was this an injury to the eyes? Obviously, you seem to have recovered.*

Post-recovery surgeries are scheduled, of which I have had three including operations on eyes and teeth. Others have been deferred indefinitely because of enforced social isolation as a result of the COVID-19 pandemic. More about that later.

Australians have followed with incredulity the twists and turns of American president Trump's responses to the COVID-19 pandemic now ravaging entire national populations around the world. Some of us were aware that former President Obama had passed on to his successor a comprehensive guidance kit, including a complete schematic on how to deal with new diseases that reach epidemic proportions. The Trump administration cast it aside, and the result is that coronavirus infections in the United States now exceed those of China.

On February 24, 2020, I began research on "The Epidemiology and Development of COVID-19" and finalized the paper on March 7, 2020. My aim was to educate myself and to furnish me with a professional-level quick reference that includes the metrics of Contagion (potential spread or decline of a disease) and Case Fatality Rate (what percentage of people in at risk categories who have the disease will die from it).

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I have to tell you how much I loved *Spartacus* 38. Exceptional!

Your editorial nailed it and put tears in my eyes at one point. And thank you for your comments re New York Governor, Andrew Cuomo. I was surprised that anybody beyond the Northeast knew of him. And I am grateful to learn I am wrong. We no longer, as far as I'm concerned, have a president. But we need someone with brains, savvy, impartiality and willingness to look at the facts to at least advise us. Here in NJ, while I certainly think our Governor Murphy is doing an okay job, I am leaning on the expertise of Andrew Cuomo. I breathe a sigh of relief when I see someone in government who speaks with the voice of reason.

*Cuomo and Dr. Anthony Fauci got America through the first part of the COVID horror.  
Such men help to compensate for creatures like Trump.*



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Thank you for issue 39 of *Spartacus*. Indeed the coronavirus contagion still carries on, and continued by people who just don't care, could care less, about wearing masks. Yvonne made about a hundred masks for friends and family, so we'd like to think that's helping. So much for our part...

We are extremely lucky here...the Liberal minority government in Ottawa has just extended government aid to those affected by the COVID-19 pandemic by two months. Literally fifteen minutes before starting this loc, I arranged a telephone interview with a local medical journal, so I am hoping that I might not need that additional financial aid, but if I don't get the job, the aid is waiting for me. This pandemic has ruined a lot of economies, national, municipal, corporate and personal, and I see a lot of papered-over shop windows, but we must stay the course to eradicate it. Some say it will be gone by fall, and some say it will still be around by this time next year. Governments can only sustain so much debt, and billions will be spent before this virus goes away, but we will get through it. Now to see how much real life changes, and for the better. None of this back to normal stuff.

There will be a second wave, and if the Spanish flu is anything to take notes from, the second wave could be much bigger than the first. With luck, medications and vaccines will arrive soon. Dexamethasone is a drug touted to help; let's see how it does.

Joe Biden has a huge job to do, once he is elected President. He will probably spend his entire first term fixing all the problems Trump caused, and mend a farmload of fences. The judicial branch will be quite busy getting back all the billions Trump gave away, and prosecuting the Trump family and hangers-on until all the emoluments they received illegally has been returned, and the Trumps spend the rest of their lives in prison.

We all watched the murder of George Floyd and the current rise of Black Lives Matter, and we have been horrified, and worried about friends of colour. We have had peaceful demonstrations up here, but our own black police chief has just announced his retirement, and there are reports of horrific police abuse at the hands of the Royal Canadian Mounted Police, and the police in the region of Durham, to the east of Toronto. Racism is everywhere, as is its evidence, and is it shameful. 2020 is sooooooooooooo fired, and I can hardly wait for a hard reboot of everything in 2021.

The local...indeed, hurray for Tommy Douglas. Our own pharmacy is only issuing 30-day supplies of medications in case they run out. Maybe Dale's prescription is easy to make or unpopular, don't know. Nate White's essay on Trump's character, or lack thereof, is spot on. You can always count on the wit of British writers.

The more Trump is seen in public, the more evident he is not competent to carry on with his job. His strings are being pulled by his toadies like Mnuchin and McConnell. In this era, conservative politicians are trying to find some measure of relevance, and they are failing miserably. I can only imagine what shape we'd be in if our Prime Minister was a Conservative instead of a Liberal. We'd probably be told to pull ourselves up by our bootstraps, or something equally anachronistic, and they'd be busy shoveling cash in their pockets.

I got the same extortion letter [from Nigerian computer hackers], saying they hacked my system, and it would be a shame if a certain video got into the wrong hands. I immediately called the police, non-emergency line, and asked about this. They said this was happening a lot, so I gave them the e-mail address the e-mail came from, and there's been nothing since.

Before I could get my hands on *Spartacus* 40, issue 41 made its way in to my Inbox, so this will have to be a fairly typical two-issue loc. Bad habit of mine. Anyway, on with the show...

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**40...** It just looks like Trump has wiped himself with your Constitution. He cares not for anything it might say. The police have become brutal beyond belief, and private police have come in to rip apart Portland and Seattle, plus Chicago and Albuquerque, Democrat-run states. He has weaponized police forces to help him win the next election, and try to climb out of the 15-point hold he's in. That day he had peaceful demonstrators gassed so he could have a photo-op with a Bible in front of a church...truly horrifying.

Another point that is truly horrifying...should Trump lose that November election, my fervent wish, what would he do between that day and Inauguration Day in January 2021? He would lay your land to waste, and salt the earth as he leaves. He would hand over to Joe Biden a wasteland for him to fix, and to let the Rethuglicans scream at him for all the money's he spending. Hypocrisy, they name be Rethuglican/Conservative.

Will the world be rid of him? Something the Biden administration will have to do, and the best thing would be to prosecute Trump, his family, conies and toadies, and all government-based enablers, to the full extent of the law, and then ask the press not to cover the proceedings. Trump's ultimate prize for his terrible work should be ignominy. 46 should come right after 44. Many Americans I have seen in the news are disgusted that their own military is being set against them. All they hold sacred is shot to hell and gone. They fear for their country, and they are right to do so. Even a part of the Rethugs are trying to get rid of him, for he is pulling them down the filthy drain of history with him.

Police in the US, and in Canada, must be torn down and retrained. The violent people within must be gotten rid of, and the old but needful idea of serving and protecting must be re-installed. Here, not only do we need to be reminded that Black Lives Matter, but so do Indigenous Lives, and LGBTQ Lives. All Lives Should Matter, but they cannot until all groups can say that. We are so petty in that we try to build ourselves up by putting others down. A local friend we visited recently vented about how she and her daughters had been harassed by our local police all through their lives; as a single black parent, she, and they all, deserve much better. We love her dearly, regret what she's had to go through, and we wish we had a time machine to go back and fix or change so much. It's 2020, that SFnal year where all problems would be handled. Our utopian dreams were up against a dystopian reality.

We've had our share of statues being torn down, too. At least, a few have been removed; for more, statues are being coated with paint. Famous Canadians, past prime ministers and other important figures of our history, have been revealed to have been vital in the development of slavery and its own terrible history. Do we keep the statues for all the good they've done, or take them down for all the bad? A horrible question we will have to tackle at some point. We cannot judge those of a past century with our current-century morals. They did what they felt was best for all, even if history proves otherwise. That might make me a racist/sexist, too.

As Rich Lynch says, you're publishing faster than I can comment, too. The province of Ontario has had its own lockdown, and Metropolitan Toronto can join most of the rest of the province in Stage 3 of the reopening of the economy on July 31. I am amazed at the number of anti-mask demonstrations here and there, usually run by anti-vaxxers. Yvonne has made more than 120 masks for us and family and friends.

I believe that ConZealand is on right now...sorry, I just couldn't raise any enthusiasm for this virtual con. It truly is no longer a part of our lives. I know Worldcons in Washington and Chicago are coming up...not only am I finding it tough to care, but with the state of police in the US, which will take some time to change, I do not find it safe to enter the US, and will not endanger myself and Yvonne to enter it. Right now, Trump is campaigning for Justin Trudeau to open the border to Americans, and the answer continues to be a resounding no. We find we must even report US license plates on cars; they simply should not be here in this pandemic lockdown. A number of American citizens have been fined thousands of dollars for failing to quarantine themselves upon entry.

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**41...** Hello, Joe. I sincerely hope you will be a voice of sanity and righteous justice, to put American and the rest of the world at ease. Do we want to go back to normal? No, we want far better than normal. There is much that should be changed to far better than this past March, when we all went into lockdown. I hope he will put things right, and make the Trump regime a nasty nightmare we should not wake up from, but learn from.

Stonehenge was a great time, but perhaps slightly underwhelming. When we were in England in 2019, we took a tour bus from London to Bath and Stonehenge. Road construction made us very late for many things, but when we got to Stonehenge, the bus was parked, and we boarded a smaller bus that would take us closer. When we got there, we discovered that while most could only see the stone from a distance, our tour, half a busload at a time, could go up and see the stone close up. The guards were armed with heavy weaponry, and we were told not to touch the stones, or else. We were there in early June, and it was very cold, typical English weather, so when you do go, bring an extra sweater, undershirt, and socks. You may need them. Everyone froze, especially the young girls who were dressed for a warm summer day. And then, i

The fallout from Portland...what I have seen disgusts me. Far too many t was time to go, and our tour bus took us home to London. (PS...bring a facecloth, they don't have them there. If you need acetaminophen, it is there, but is called paracetamol, everywhere but in North America.) people with terrible bruises, lost eyes, and missing pieces of forehead, being shot in the face with rubber bullets designed to bounce off the pavement and knock people off their feet. People are dying because of wannabe soldiers who have not been trained in what their ammo can do, but they just wanna shoot a gun! Mayors have been shot and gassed. This Chad Wolf should be prosecuted, too.

Looks like Anthony Fauci is out, and someone named Dr. Stella Emmanuel is in. And, to start her reign of error, she spouts off about sex with demons and witches, and how Jesus will destroy Facebook's servers, if they do not restore her weird videos. Where do they find these idiots? Do they truly believe the stupidity they incessantly blow out, or are they simply supporting Trump by issuing forth whatever he wants them to say for the right price?

Just popped onto page 3! You struck a nerve, good sir. This all has been a nightmare I wish we could all wake up from. We just have to make sure we do not going back to our white privilege normality, and treat all humans as humans, and not find a flimsy reason to push ourselves up by putting others down.

**Ray Palm** [raypalmx@gmail.com](mailto:raypalmx@gmail.com)

Disappointed with NEOWISE? After Hale-Bopp what I saw of this latest comet in pictures wasn't that impressive, too far away. I've had enough disappointment with trying to photograph celestial events touted in the news that turn out to be nothings. "Perseid meteor shower: it will impress you!" Not really. I've seen more flashes on nights when a meteor shower wasn't happening. One time there was indeed an impressive shower but it was blocked by clouds in the valley. I heard about it from someone who lived in the mountains where the sky was clear.

Northern lights have turned out to be more bust than pay-off lately. One time on the TV news the weatherman stated that if you couldn't see the aurora the night show would be recorded by a camera during a time exposure. Even though I was away from city light pollution, nada. Time passed but no aurora despite leaving the shutter open for a while.

On the topic of the Jennifer Ng's Campbell acceptance speech you said it was "a graceless and ugly slur." Were any of her statements wrong or misleading? Was it a matter of the wrong time to speak out? Or is the fact if you look back at someone's life you can always find flaws?

**HAVE A GLORIOUS AUTUMN! WE DESERVE IT! ONCE AGAIN ... VOTE BLUE!**