

## On Being Teflon

Commenting to my sister recently about the bizarre spectacle of the U.S. elections, I remarked that Donald Trump was Teflon, as apparently none of the outlandish and offensive things that he said or did during his run for the Presidency seems to have harmed his campaign in the least. For the last week or so, however, I've been asking myself what did I mean by that, and what does the expression "being Teflon" mean? And, as is my usual intellectual wont, I started doing some research on the history of that Americanism.

Apparently, the term originally was coined by U.S. Representative Pat Schroeder when she took to the House floor in 1983 and said of President Ronald Reagan: "He has been perfecting the Teflon-coated presidency: He sees to it that nothing sticks to him." – implying that Reagan's charm and popularity made him impervious to any criticism of his detrimental policies.

During the 1980's, the adjective was also tagged onto John Gotti, then head of the Gambino crime family, because he was charged with different crimes multiple times but never convicted. Since the charges appeared to never 'stick,' the media dubbed him "The Teflon Don."

However, perhaps we should start by defining what exactly is Teflon?

Teflon is one of the brand names of a synthetic fluoropolymer of tetrafluoroethylene known as PTFE –or Polytetrafluoroethylene. Teflon was first produced commercially by *Chemours*, a spin-off of *DuPont Co.*, which discovered the compound in 1938. PTFE became popular as a non-stick coating for pans and other cookware in the 1950's and 60's. In 1962, legendary Canadian marketing company K-Tel made Teflon-coated pans famous, pioneering with the name Teflon the use of television to sell its products directly to a large-scale North-American audience. Unfortunately, these original pans lost their Teflon protection quickly after a few weeks of use.

Returning now to the use of the word "Teflon" as an adjective to describe the phenomenon that legal or political consequences apparently do not seem to follow from immoral or criminal actions in certain privileged persons –or, in other words, that these consequences don't "stick" to such persons– I'd like to now digress into the realm of ethics and religion.

Throughout history, all cultures and societies have been known to use amulets, talismans and magic spells to ward off curses as well as evil human and supernatural attacks. The wearing of a crucifix around one's neck harks back to a time when such a talisman was thought to prevent possible vampire bites.

But are there cases in more established ancient religions where evil acts have no consequences for those who commit them?

The ancient Hindu concept of Karma was popularized in the West by the beatniks and hippies of the 50's and 60's. Karma literally means "deed" or "act"; and more broadly signifies the universal principle of cause and effect, action and reaction, which Hindus believe governs all life and all consciousness. Karma refers to the totality of our actions and their concomitant reactions in this and previous lives, all of which determine our future. According to the Hindus, each human being is responsible for the production of his or her own karma.

The earliest appearance of the word *karman* is found in the R̥gveda. The term *karman* also appears in the Atharvaveda. Again, according to the Śatapatha Brāhmaṇa, "a man is born to the world he has made"; and one is placed in a balance in this world for an estimate of one's good and evil deeds before being reborn. This text also declares that as a man is 'constituted' by his desires, he is born in the next world with reference to these.

The earliest clear discussion of the laws of Karma is found in the Upaniṣads. A good example linking causality and ethics is found in the Bṛhadāraṇyaka Upaniṣad, 3.2.13, where it is stated that: "Truly, one becomes good through good deeds, and evil through evil deeds." Therefore, in Hindu theology, the consequences of one's karma clearly follow him or her into the next life after rebirth; and there is no possible Teflon-coating for one's moral stains.

In Buddhism, on the other hand, the law of Karma is not as linear or inexorable, and applies rather to the intention behind the moral or immoral acts. Through right understanding and right practice of the Dharma, enlightenment (bodhi) can shield one from the consequences of one's karma. The Buddha was himself considered a maverick and an iconoclast by his contemporaries, teaching that the search for spiritual freedom was more important than strict adherence to Vedic ritual or prayers. In effect, the Buddha was the first to preach that following his four Noble Truths and Eightfold Path could insulate a follower from his or her karma, in a sense rendering him or her Teflon.

In the ancient Greco-Roman world, human beings were –generally speaking– less hemmed in by strict moral guidelines; yet the gods imposed certain boundaries beyond which transgression brought swift retribution. Even semi-divine Greek heroes like Achilles had a vulnerable heel which no Teflon could protect.

Some Greek tragedies were structured upon the premise that human hubris could trigger the wrath and vengeance of the gods. In Aeschylus' play *The Eumenides*, for example, Orestes is tormented by the Erinyes, or Furies –chthonic deities that avenge injustice. Orestes had committed matricide at the instigation of Apollo. In the end, the Furies are appeased and Orestes is acquitted. In his case, the Teflon was applied by more powerful gods who wielded better judicial arguments in the Areopagus than the older divinities.

Our modern legal doctrines and moral sensibilities have been built upon the foundations of the Jewish and Christian scriptures; and the concept of sin and punishment are intimately linked in both traditions. To quote the Epistle to the Galatians in the Bible, (King James version, 6:7): "...whatsoever a man soweth, that shall he also reap."

To violate the Ten Commandments is to break the Covenant with the Lord; making one guilty in the eyes of God. Every Western man and woman carries a burden of shame for any and all transgressions of the moral law, from the tiniest sexual peccadillo to the most offensive blasphemy. The penalty for Christians is clear: Eternal damnation in the flames of Hell. Only heartfelt repentance and penance can provide some sort of Teflon-like protection. As in Hindu Karma, every immoral act has a concomitant and proportional punishment.

Of course, during the Middle Ages these rules were softened, offering the believer a whole slate of possible exceptions and ways to escape the wrath of God, the purchase of indulgences being the most salient example. And finally the Reformation reduced the importance of acts and emphasized faith and grace as preponderant, some Protestant sects such as Calvinism considering a select few to be the beneficiaries of "Predestination", referring to the belief that God appointed the eternal destiny of some to salvation by grace, while leaving the remainder to receive eternal damnation for all their sins. One could say that Predestination was some real heavy-duty Teflon when it came to the Elect. Is "grace" in the Judeo-Christian framework a sort of ancient Teflon? This is an intriguing question, but to delve into it would carry us too far from our main argument.

Finally, in modern law and judicial practice, certain legal immunities and protections offer a sort of Teflon for persons charged with all sorts of crimes. We could cite, for instance, protection against self-incrimination. In many legal systems, accused criminals cannot be compelled to incriminate themselves—they may choose to speak to police or other authorities, but they cannot be punished for refusing to do so. The precise details of this right of the accused vary between different countries, and some countries do not recognize such a right at all.

We have all become familiar from many TV shows and Hollywood movies with the expression "pleading the fifth" used by defendants to refuse to answer questions during a court proceeding. In the U.S., the Fifth Amendment of the Constitution—part of the Bill of Rights—states in part that: "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, ...nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law..."

Another well-known legal protection is that of parliamentary immunity. Most Western countries have adapted this practice from the British tradition going as far back as the Magna Carta. In the U.S., Congressional immunity refers to a special immunity that is granted to members of Congress. A Congress member is exempted from arrest while attending a session of the body to which the member belongs, excluding an arrest for treason, breach of the peace, or a felony. Furthermore, a Congress member is exempted from arrest or interrogation for any speech or debate entered into during a legislative session.

During the recent bitter contest for the presidency of the United States, Donald Trump hurled many insults, threats and accusations directed at the incumbent as well as the Democratic candidate, Hillary Clinton. Why was Trump immune from prosecution under laws on libel and defamation? The answer might be found in the 1964 decision of the U.S. Supreme Court in *New York Times v. Sullivan*. In that decision, the Court placed for the first time some libelous speech under the protection of the First Amendment. The Court wrote that “libel can claim no talismanic immunity from constitutional limitations. It must be measured by standards that satisfy the First Amendment.” The intention of the Court was to protect the free flow of ideas in the political arena, even when debate might include “vehement, caustic, unpleasantly sharp attacks on government and public officials.”

In an informative article posted on February 9<sup>th</sup> 2010, on their website, by Saper Law Offices of Chicago, a clear and concise explanation is afforded as to why political defamation lawsuits are so hard to prove in the context of an electoral campaign. We quote some passages here (my highlighting):

“Television viewers and radio listeners have been bombarded with an onslaught of negative attack campaign ads and political statements that barrage one candidate while heralding the next as a savior...The question then becomes when do such statements rise to the level of actionable defamation?”

Thus, according to Saper Law:

“**Defamation** is the communication of a false claim or statement of fact about another person that harms that person’s reputation...”

“There are two types of defamation. The first is libel or written defamation, including things written on Internet websites, blogs and message boards. The second is slander or spoken defamation...”

“**Opinions**, even if they reflect negatively on someone, are protected by the First Amendment and are not defamatory. However, just calling a false statement of fact an opinion is not enough to gain First Amendment protection...”

“Claims for defamation are usually balanced against a person’s First Amendment protection on free speech.... The First Amendment’s principal guarantee of free speech is perhaps strongest when dealing with public debate on political issues. Thus, in the context of political campaigns, public officials are often required to meet a higher standard of proof than ordinary citizens. Most courts require public officials to prove to that the defamatory statement was made with the person’s actual knowledge of its falsehood or with reckless disregard of whether it was false or not....”

“Statements made during political campaign receive the best chance of falling into one or more of the five categories of statements considered defamatory per se. Defamatory per se statements are those from which it is clear from the statement itself that it is defamatory. The per se categories most likely to encompass political attack ads are the categories for words that imply an inability to perform duties of office or employment, or statements implying a lack of ability in the person’s trade, profession or business. However, even these categories present unique challenges to a politician claiming that he has been defamed by a political statement. Political defamation cases often require courts to determine whether a political campaign can be considered the politician’s ‘profession’ or ‘business.’ Court positions can vary widely on this topic from state to state and it is important to consult an attorney for state specific advice.”

To sum up, in many cases criminals and corrupt politicians cannot count on their Teflon to protect them forever before the coating wears off and their inferior metal is exposed. John Gotti, head of the Gambino crime family, was eventually charged on April, 1992, and convicted to life without parole. So, the so-called “Teflon Don” died in prison in 2002. Some well-known political leaders lost their Teflon and eventually paid for their transgressions. A good example is the aborted impeachment trial of Richard Nixon, which forced him to resign the presidency on August 9<sup>th</sup> 1974.

However, it still puzzles me that no retribution accrued to some infamous dictators whose Teflon protected to the very end. Both Franco and Stalin died of old age in their royal bedchambers after causing the death of millions of their countrymen. Many millionaires today live comfortably in luxurious mansions while defrauding their governments and hiding their riches in offshore havens with impunity.

Perhaps eventually the inexorable laws of Karma will make them pay for their sins and crimes when they are reborn in a parallel universe where everything makes sense again and moral Teflon has yet to be invented.