

In my last post, I wrote about Ponnuru's response to my analysis of his piece. I had two principal points. First, I recounted that my original analysis had tried to demonstrate that Ponnuru's principal claims about Tribe's *Green Bag* piece were incorrect and/or misleading, and I said that I doubted that anyone whose own writing had been subjected to such serious criticism would, if his position were defensible and the criticisms wrong, ignore it. Second, I tried to demonstrate that Ponnuru's substantive points in his response were incorrect as well – that he had misrepresented Tribe's article (again) and that he had misrepresented my analysis.

Ponnuru has posted his surreply on The Corner, and it's short enough that I can reproduce here it in full:

Skimming again, [Goldstein] seems to be mostly [restating claims](#) from previous rounds. His big new point seems to be that since I haven't bothered rebutting his long attack on my article I must be tacitly conceding its truth. This is a very common move in arguments, and sometimes it's even true. But it really is the case that I haven't read his rebuttal. It really is the case that I don't think it's worth my time, based on the incompetence of the passages I have looked over. If Goldstein now decides to produce a book on this whole affair, he can be my guest. But I'm not going to go through it in detail--unless, perhaps, he collaborates with someone smarter.

So, again, Ponnuru doesn't address the substance of my response, on the ground that it doesn't merit his attention. I think my point above that no writer who had a response would pass up the opportunity to make it has the better of the argument. It also seems unlike the dynamic of The Corner not to go after someone who has assertedly misrepresented the substance of a *National Review* piece in criticizing it and says that, for these purposes, you are free to treat him as a Larry Tribe partisan. Judge for yourself.

The basic point of Ponnuru's posts is that he knows he is much, much smarter than me. Kudos. Others can decide for themselves. (As a friend said: "Are you dumb? Sure! But not 'rock dumb'!")

But assume Ponnuru's right, and wonder whether that doesn't make what has happened here worse, not better. I think that reasonable people will agree with my analysis of Ponnuru's article. On one level, one could pass off the errors and misrepresentations and accidental, perhaps the result of haste, and maybe some level of bias – akin to a similar bias by people on the left towards very conservative academics – against Tribe. But Ponnuru is, as he will remind you at every turn, very smart. (Ok, maybe he thinks he's only much smarter than me, which in his book may not amount to much – but I don't really get the sense from his posts that he views his talents as so meager.) And if someone so smart has done something like this, it's fair to conclude that he did it on purpose. So if you conclude that what Ponnuru did was misleading and incorrect, and if you agree with me that it's quite serious to attack someone's integrity with a claim of scholarly misconduct, and if you agree with Ponnuru about how bright he is, you ought to be worried.

I do have to say that I appreciate that Ponnuru has posted his responses to me on The Corner. It gives him the opportunity to look up his thesaurus more synonyms for "idiot," and it exposes

readers on that site to my posts. I'm sure that some (maybe even most) readers will agree with him through and through, even to the point of believing that it's not necessary to read my analysis of his piece. But I think that there are other readers – those whom the folks at The Corner are actually trying to *persuade* – who will take the time to read all the materials and reach their own conclusions, and I think they'll agree with me.

In fact, I think a number will honestly be deeply troubled. The point of Ponnuru's piece was to call out Tribe for having presented "fiction" as "fact." My sense is that readers would take such an allegation seriously, and rightly so. (Indeed, as I've said, because it was in an important publication like the National Review, I assumed it was correct; I simply thought the substance of the claim was so meager as to be silly.) Now I think that people ought to take just as seriously my sense that Ponnuru has to some extent presented fiction – in his account of how Tribe litigated *Richmond Newspapers* and later represented it in the *Green Bag* – as fact.

But Ponnuru thinks I'm stupid, so I'm doing him a big favor. In a bit, I'll copy the Word documents that make up my posts directly into the blog, and globally replace "Ponnuru" with "Ramesh Ponnuru." There have to be a hundred or so references, enough to get picked up by Google and other search engines when people enter his name. Then, on my own dime, today I bought

[www.rameshponnuru.com](http://www.rameshponnuru.com)  
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[www.ramesh-ponnuru.com](http://www.ramesh-ponnuru.com)  
[www.ramesh-ponnuru.net](http://www.ramesh-ponnuru.net)  
[www.ramesh-ponnuru.org](http://www.ramesh-ponnuru.org)

And starting later today all of those sites will point to this blog. And at the top of the blog, I'll put up links to Ponnuru's article and his posts about my analysis, so there's no suggestion that I'm stacking the deck against him. Ponnuru thinks that people will conclude I'm an idiot; if so, so be it. Everyone – and for quite a long, long time – will have the opportunity to judge for themselves.

A couple of closing points (for the time being) about this entire exercise. Just as you have better things to do with your time than read through all of this, I have better things to do than write it. To a point. I think that moderates – moderate liberals, moderate conservatives, and moderate moderates – need to be willing to throw down markers about lines that will not be crossed without consequences for someone. Ponnuru wrote with the intention that there would be serious consequences for Tribe and his reputation, and that may be the upshot. There may be serious consequences for my (far more meager) reputation. Or, and here we come to the point, there may be consequences for Ponnuru's reputation and the credibility of the causes he champions. Then people can decide objectively whether that's ultimately going to be a successful way of persuading people with the merits of your ideas.

I'm perfectly willing to lay down the same marker for personal attacks on the integrity of conservatives I know that turn out to be false. The closest analogy I know of is Charles Fried,

whom I respect immensely. If you want something more plausible in the short term, watch what I do if the Alliance for Justice or People for the American Way goes after John Roberts – not a personal friend – upon a nomination to the Supreme Court.

Incidentally, this has far less to do with me personally, and I'm less holier than thou, than this post suggests. (Although, some might say that Ponnuru prodded me into this.) Others – no doubt Tribe himself – could put forward a more eloquent defense here. And others no doubt can and will defend conservatives from attack. Nobody needs me. But my bet is that if I make a careful and logical point – and put invective to the side – they will *listen* to me.