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Mainero and Smoller: The GOP is Self-Destructing

by [Mario Mainero and Fred Smoller](#) Jul 22, 2020 Updated Dec 8, 2020



The Republican Party is self destructing. Donald Trump is proudly marching the national and local GOP off a cliff by exploiting America's racial divide and by rejecting science. The failure of virtually all GOP office holders—Mitt Romney is a notable exception—to challenge the president, emboldens him and deprives the country of needed true two-party balance.

We come to this conclusion from much different political perspectives: one of us (Mainero) is a conservative law professor who was Chief of Staff for Senator John Moorslach (R) when Moorslach was a County Supervisor and the other (Smoller) is a progressive political science professor. Both of us believe a viable two-party system is essential to good governance.

Racism

Trump has embraced the symbolism and words of white supremacy, in his words after Charlottesville, in his embrace of Confederate flags and monuments as “our heritage,” and in his downplaying of police brutality against people of color and claims that “police kill more whites than Blacks” (while ignoring that police kill Blacks at a rate 3½ times the rate of whites). And unfortunately, the local GOP has followed suit. The County Board of Supervisors has said nary a word about race relations and the importance of anti-racism. Rather, it has affirmatively refused to consider renaming John Wayne Airport notwithstanding Wayne's claiming that he believed in white supremacy.

And the County GOP, led by its Chairman, Fred Whitaker, also continues to oppose the renaming of the airport. The Republican dominated Board of Supervisors even refused to put a discussion of the airport name at its July 14th meeting. When Trump used an anti-Asian slur to describe COVID-19, most local Republican officeholders said nothing; the one who did, Young Kim, was attacked with a plethora of hate and racist mail.

Instead of following the post-2012 general election autopsy which advised the GOP to become more welcoming to people of color and others who were turning away from the party, Trump's GOP has done the opposite.

Rejection of Science

Trump has embraced the ignorance of science, from suggesting injection with disinfectant to re-tweeting attacks on the Presidential Medal of Freedom winning and nation's greatest expert on communicable diseases, Dr. Anthony Fauci, all leading to a devastating result of the United States as the leader in COVID-19 cases and deaths, far out of proportion to our population.

The local GOP has also followed suit on the anti-science theme—starting long before the pandemic. All of the County's GOP State Senators, including John Moorlach and Patricia Bates, voted against mandatory childhood vaccinations, seemingly accepting the anti-vaxxer discredited claims that vaccinations cause autism. That position has already led to measles outbreaks in the U.S. where measles had been virtually eradicated. It is likely that, once the COVID-19 vaccines are developed, the local GOP will also oppose mandatory vaccinations—despite the effect this pandemic has had on the economy. The Republican led OC Board of Education recently called for the resumption of school *without* masks or social distancing without firm scientific footing. Their recommendations were ridiculed nationally and derided by local health and education professionals.

And GOP Leaders have been in the forefront of forcing the resignation of the County Health Officer, Dr. Nichole Quick, because of her mandatory mask order, have cowed her successor into not enforcing the Governor's emergency health orders even though State law calls for it, and lead the call for the too-quick reopening of Orange County, so that now Orange County is one of the nation's leaders in rising cases.

None of these positions is justified by political philosophy. Republicans support local control and less government, but they have long claimed to be constitutionalists. The Constitution is founded on the philosophy of John Locke, who recognized that personal liberty should be maximized, but not where it harms others (“my right to swing my fist ends at your nose”).

Sheriff Don Barnes, and Supervisors Donald Wagner and Michelle Steel, have led the fight against masks, beach closures and other efforts to fight the virus by claiming that such efforts violate the Constitution. They are mistaken.

The United States Supreme Court, in the 1905 seminal case of *Jacobsen vs. Massachusetts*, considered a challenge to a state law mandating vaccination against smallpox.

Jacobson refused vaccination and was convicted. The Court upheld the law and Jacobson's conviction.

"The Constitution," Justice John Marshall Harlan wrote for a 7-2 majority, "does not import an absolute right in each person to be, at all times, and in all circumstances, wholly free from restraint." Instead, "a community has the right to protect itself against an epidemic." Its members, "may at times under the pressure of great dangers, be subjected to such restraint to be enforced by reasonable regulations, as the safety of the general public may demand."

The protection of public health has long been recognized, even before the founding of the United States, as a local governmental police power. Denial of the science behind public health, solely in pursuit of "opening the economy," cannot be accepted—without public health, as we saw early in the pandemic and, unfortunately are seeing once again, there cannot be a sound economy.

Because of their refusal to reject the President's racism, whether they embrace it or just say nothing about it, and because of their science denial which has led the County into the depths of the pandemic, the local GOP has emulated the national party, and faces a well-deserved electoral disaster in November. The Orange County GOP has already lost its entire congressional delegation; come the next election, it may now lose State Senate and Assembly seats as well. For putting party over country, racism over anti-racism, and myth over science, their reward will be a massive electoral defeat. Denial is a powerful thing.

Clarification: An earlier version of this story didn't fully list the name of Supreme Court Justice John Marshall Harlan and also didn't specifically mention the OC Board of Supervisors.

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