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**SAUCE FOR THE GOOSE: The Specious Logic of Immigration and
Life Without Parole**

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With its recent decisions the U.S. Supreme Court obviously weighs in on immigration issues. Obviously they would and will uphold much of the Administration's immigration restrictions as the Executive traditionally imposes restrictions in the name of national security. But largely unnoticed, *MASLENJAK v. UNITED STATES* the Court found for the deported, embracing as its core logic that in order to prove that the defendant "procured" naturalization and/or citizenship in violation of law, the Government must show that this violation actually contributed to the outcome. In a *reduction ad absurdum* argument, aka, the slippery slope, the High Court cites as obviously not qualifying under the statute an irrelevant simultaneous violation of law (filling out forms with knife in handbag) that did not affect the outcome.

No quarrel.

But ironically the abolitionist DEFENSE bar standardly employs this same specious logic in debate, print, and penalty phases of death penalty trials including the recent one I testified, when they characterize life without parole as "DEATH BY PRISON" But of course death in prison hardly qualifies as death by prison where the lifer, as almost all do, dies by natural causes inside prison. It conflates the place with the cause. If I die while watching a movie inside my living room, is that death by movie, or death by living room?

If one dies WHILE in prison but not BECAUSE of prison, it's not death by prison. Weaker, and yet still valid, the Supreme Court's logic that a defendant who obtains citizenship WHILE committing a violation of law but not BECAUSE of it, has not illegally procured it.

In both cases a misleading and specious misuse of logic and language didn't seem to bother the litigant. In neither case, hopefully will it work.