
R. Randall Kelso

Copyright (c) 2003 Yeshiva University; R. Randall Kelso

Some guys have all the luck
Some guys have all the pain
Some guys get all the breaks
Some guys do nothing but complain.

--Rod Stewart

Introduction

During my college attendance in the 1970s, and for many years thereafter, the University of Chicago had a specialized major entitled “Politics, Economics, Rhetoric, and Law” (PERL). The PERL program underscored the intellectual connections and symbiotic relationships among these four related disciplines. This article is the third in a series of articles written in the spirit of the PERL program. The first article, published in 1996, and co-authored with my father, another University of Chicago graduate, discussed the nature of the American political process and identified four main eras of American politics. That article compared the contemporary political scene, a fifth era, to the Jeffersonian age at the beginning of our nation's history. As stated in that article:

In 1996, the swing votes will be the same group of voters who were the swing votes in 1992 and 1994: the fiscally conservative, socially progressive voters of the Enlightenment tradition. A message to grab such voters must combine, as it did for Jefferson, fiscal conservatism on the budget; a balanced role for the States and the federal government; protection of individual rights, but a recognition, consistent with Enlightenment philosophy, that individuals not only have rights, but responsibilities; and a vision of equal protection which is informed by the Enlightenment perspective that individuals should be given an equal opportunity to compete, but there is no guarantee of equal outcomes for any individual, or for any group, in society. In addition, there is a need to appear to be on the side of the middle and working class, and thus to be concerned about their medical care, their education, and the environment in which they live, while protecting them from exploitation by big business. In such a climate, politically popular tax cuts would need to be clearly linked to providing more money in the pockets of the middle and working class, rather
than merely relieving the tax burden for the relatively wealthy. The real question for 1996 is which candidate for the presidency will appeal best to this tradition. Will it be Bob “Jefferson” Dole or William Jefferson Clinton.  

The first article noted:

Campaigning in 1992 as a New Democrat, President Clinton appealed to the Jeffersonian tradition . . . . During his first two years in office, however, Clinton ignored the lessons of Jefferson, and appealed back to the modern liberal wing of the Democratic party, associated with President Johnson’s “Great Society” programs, which still controlled the Democratic leadership positions in Congress. Thus, in 1994, the *1973 Republicans were able successfully to paint President Clinton as a modern liberal whose campaign as a New Democrat (really an old Jeffersonian Democrat) was just talk.  

Between 1994 and 1996, however, through both policy actions and rhetoric, President Clinton returned to the New Democrat, Jeffersonian vision.  

The second article, written in the Fall of 1998 and published in the Summer of 1999, took this Jeffersonian analogy one step further.  

As that article stated:

Thomas Jefferson defeated John Adams in the presidential election of 1800. . . . During the next few elections, the Federalist Party lost touch with the electorate, principally because their distaste for Thomas Jefferson became the focal point of their political agenda. They ran against the popular Jefferson on grounds of his personal shortcomings. Despite these attacks, Jefferson remained popular with the people because of the “peace, prosperity, and expansion of the country [the Louisiana Purchase]” during his administration. In the election of 1808, Jefferson's right-hand man, the bland but morally upright James Madison, won easily.

Over the next decade, the Federalist Party fell into disarray. Their core agenda was support for the business community, emphasis that they were the party of morality and traditional Christian values, and attempts to expand their political base to *1974 minority groups that they had ignored prior to 1800. This message was ineffective against the Jeffersonian message of fiscal conservatism on the budget; a balanced role for the States and federal government; a recognition, consistent with Enlightenment philosophy, that individuals not only have rights to equal opportunity, but responsibilities; and a political philosophy of being on the side of the common man.  

The article then asked: “[W]ill today's Republicans, perhaps faced with similar cultural cross-currents from two centuries ago, be more politically savvy than their Federalist counterparts of yesteryears?”  

In that regard, the article noted:

From 1800 until 1840, only one non-Jeffersonian was elected president: John Quincy Adams, the son of President Adams whom Jefferson defeated in 1800, was elected in 1824. Quincy Adams adopted the rhetoric of the Jeffersonians, disassociating himself from the rhetoric of the defunct Federalist Party. This suggests that if a Republican candidate emerges who picks up President Clinton's Jeffersonian themes of “opportunity” and “responsibility;” merges elements of the Christian and Enlightenment traditions with a focus on “love of neighbor as oneself;” steers clear of the mania of personal attacks on Clinton's character; and happens to be the son of the President whom Clinton defeated in 1992, that candidate might have a chance against the “bland, but morally upright” Al “James Madison” Gore and his wife, Tipper “Dolly Madison” Gore.
As suggested by this quote, the modern-day Quincy Adams' chances of prevailing would improve if that candidate could paint Al Gore as not the “bland, but morally upright” modern equivalent of James Madison, but instead “overbearing” and *1975 “morally compromised.” It would also help to paint Al Gore not as a continuation of Jeffersonian balanced budget or fiscal conservative policies, but instead as a tax-and-spend liberal in the classic “Great Society” mode. *1975 Despite these attempts, Vice-President Gore might still have prevailed in the 2000 election had he run more as did James Madison, the President's right-hand man on issues of public policy, but with more personal integrity. Instead, Gore chose to run more as “his own man,” a populist with his campaign headquarters in his home state of Tennessee. In terms of historical parallels, Gore's focus on how George W. Bush's policies would disproportionately favor corporations and the wealthy was similar to that of the most famous Tennessee populist of the early nineteenth century, Andrew Jackson.

The election of 2000 was similar, in many respects, to the election of 1824. In that election, as in 2000, there were four candidates for president who attracted more than token support. *1977 In that election, as in 2000, the candidate who finished first in the popular vote, then Andrew Jackson, lost the presidency to the candidate who finished second in the popular vote, Quincy Adams, because of the operation of the electoral college process. *1976 During the next four years, Quincy Adams ran his administration substantially without regard to the closeness of the election, pushing without much modification the same policies he ran on in his campaign. Quincy Adams trusted in the wisdom of those views, along with reading the Bible every morning and night, and trusting in the power of God to see him through. *1976 The result was that, subject to short-term fluctuations, Quincy Adams did not increase his popularity during his term in office, while the forces opposed to Adams coalesced around Andrew Jackson, who swept into power during the election of 1828, ushering in the age of Jacksonian Democracy.

*1979 Of course, just as changes by both the Republican and Democratic Parties meant that the election of 2000 was more like the Quincy Adams/Andrew Jackson election of 1824, rather than the Copesworth Pickney/James Madison election of 1808, changes in Republican or Democratic party strategy could mean that the election of 2004 will not be a historical repeat of the election of 1828. The rest of this article will explore aspects of the political, economic, and cultural currents likely in play over the next few years which might affect the result of the presidential election of 2004, with particular focus on possible directions within the Republican Party, both rhetorical and legal, which might affect the outcomes of future electoral politics.

I. The Culture of Narcissism

Narcissism is classically defined as the state of being “self-centered and self-absorbed.” Cognitive developmental psychologists have noted that this is the typical state of children, who lack the intellectual capacity to see things from others' perspectives. This translates into a morality based on self-interest, as moral developmental psychologists have noted.

Seen from this perspective, the task of each generation is to help self-centered, self-absorbed children grow up and become mature, responsible adults. This is the basic insight of every moral philosophic tradition, both religious and non-religious, each of which attempts to move individuals away from a self-interested perspective. This principle is phrased in various moral traditions as the biblical commandment to “love your neighbor as yourself,” the Golden Rule of “doing unto others as you would have them do unto you,” Ronald Dworkin's principle of treating others with “equal concern and
respect,” or Immanuel Kant's moral imperative to “act only in accordance with a principle that one could will to be a universal law” for all.22

*1981 While the unrestricted greed of some individuals, particularly wealthy individuals within the Republican Party, have typically not pushed for policies consistent with this fundamental moral commandment, traditionally the mainstream position of the Republican Party has adhered to this moral imperative. For example, the moral insight of “love of neighbor as oneself” and the obligation to treat all individuals with “equal concern and respect” formed the basis for the pre-Civil War abolitionists' opposition to slavery and supported civil rights legislation and affirmative action for the newly-freed slaves by the Radical Republican Congress once the Civil War ended, despite the greed of some carpet-bagging Republicans after the Civil War.23 Concern for others, rather than appealing to self-centered greed, also supported the trust-busting crusade of Teddy Roosevelt and others to protect average consumers from monopoly or oligopoly exploitation by the large corporate entities of the late nineteenth and early twentieth centuries, despite those elements of the Republican Party which either supported or acquiesced in that corporate greed.24 Treating others with equal concern and respect also requires that one not impose on other individuals one's own self-centered desires. With respect to religion, this has meant tolerating each person's different religious practices, despite historically some elements of anti-Catholicism and anti-Semitism within the Republican and Democratic Parties.25 This view of not imposing on others also supports not expecting businesses to accommodate religious desires and supports, for example, abolition of “Blue Laws” which require businesses to close on Sundays in deference to some individuals' religious sensibilities. This “pro-freedom” position was also championed historically by the Republican Party of Lincoln and Roosevelt.26

More recently, social commentators have noted a number of personality traits of individuals they call “Generation X,” usually defined as that group of individuals born between 1961 and 1981.27 Generation X individuals have short attention spans, want immediate gratification, and want information packaged easily for them and presented in a spoon-fed manner.28

*1983 Viewed from the perspective of cognitive and moral developmental psychology, these aspects are typical of children who have never grown up. And perhaps this failure is explainable. The pressures on families have caused many of these individuals to take on more responsibility for themselves in the early teenage years. Given this responsibility, many of them may conclude that they are adults at eleven, twelve or thirteen.29 However, given the cognitive development of children, they have only a childish view of what it means to be an adult. Faced with a culture of “I'm ok, you're ok,” and little pressure from absent parents, there is insufficient pressure placed upon these individuals to grow up.30

This is particularly true if most of the conveniences of life are provided to these individuals. Facing tougher times forces individuals to think of other individuals and adjust to them in order to make the kinds of accommodations necessary to make ends meet. For many in today's conservative white middle and upper-middle class families, the Generation X children have never had to face those kinds of economic choices. It is thus particularly easy for them to remain in a childish state of morality through high school, college, and post-college life.

The increased influence within the Modern Republican Party of Generation X religious conservatives may well have some effect on modern public policy debate within the Republican Party.31 Similarly, the influence within the Republican Party of the greed of some in the corporate elite, which has always been present to some extent, has been magnified in recent times by modern campaign finance necessities.32 This may also affect resolution of issues within the Republican Party establishment. Connections between the Religious Right and the corporate elite magnify the possibility of this
influence. This influence may lead the Republican Party away from the traditional “pro-freedom” response to economic rights, civil rights, and religious rights issues championed historically by the Republican Party of Lincoln and Roosevelt, as noted above, and move the party more in the direction of a self-centered, self-absorbed narcissistic response. One prominent example from each of these three areas—economic rights, civil rights, and religious rights—is discussed in the remainder of this article. They are: (1) economic policy in terms of corporate interests and interests of the wealthy, including the issue of support for large tax cuts for the upper-middle class and wealthy even if those tax cuts undermine long-term financial stability for the nation and the Republican Party’s traditional commitment to balanced budgets; (2) issues involving civil rights, including the decision whether or not to oppose most forms of affirmative action, thereby undermining the Republican Party’s traditional more moderate stance on such issues; and (3) the issue of the appropriate balance between church and state, including the issue of recent claims by some members of the religious right to have government mandate upon employers a strong requirement of reasonable accommodation in the workplace for their religious practices, possibly undermining the Republican Party’s traditional pro-business perspective on such issues.

II. The Potential for Narcissism in Modern Republican Party Debates

A. Economic and Tax Policy

1. Narcissism versus Maturity in Economic and Tax Policy

“Taxes are the price we pay for a civilized society,” Oliver Wendell Holmes is famously reported to have said. That position has underlain the Republican Party’s traditional commitment to fiscal responsibility and balanced budgets as important priorities. It also is reflected in the position of independent public policy groups like the Concord Coalition, founded initially in 1992 by former Republican Senator Warren Rudman and former Democratic Senator Paul Tsongas.

Running contrary to that traditional commitment is the mania within many segments of the modern Republican Party, and some segments of the Democratic Party, for large tax cuts, which in monetary returns provide the greatest benefit to the upper-middle class and wealthy, who pay the greatest amount of taxes. Such tax cuts, by reducing government tax revenues, create a great potential for throwing the budget into deficit. This applies to both the 1981 Tax Act of President Reagan and the 2001 Tax Act of President Bush.

These same groups, mostly Republican, with some Democratic support, also posed the most vigorous opposition to the 1993 Clinton Tax Act. That Act raised taxes on the wealthy, roughly the top two percent of income earners, while lowering taxes for the working poor by expanding the earned income tax credit. Republicans voted in mass against that tax plan, while charging that such raising of taxes would create increased unemployment and push the economy, which was then weakly coming out of a recession, back into recession. As history records, contrary to these predictions, the 1993 Clinton Tax Act was followed by the longest period of sustained economic growth in American history, with the country’s budgetary position vis-a-vis deficits improving every year during Clinton’s eight years as President.

Despite the 1993 Tax Act principally raising taxes on the top two percent, the top wage-earners still benefited the most during the economic expansion of the 1990s. Despite this fact, upper-middle class and wealthy individuals strongly backed the Bush Tax Act of 2001, which, not surprisingly, gave significant tax benefits to the upper-middle
class and wealthy whose contributions fueled Bush's 2000 presidential campaign. Of course, mindful of sensibilities of the swing voters in the electorate who are looking for policies supporting America as a whole, the Bush campaign focused on the tax cuts going to all Americans, particularly those in the middle and working classes, by highlighting examples of middle class voters who would benefit from his tax cut plan at each campaign stop. There is, however, a potentially politically dangerous disconnect between the rhetoric of the Bush campaign, which proclaimed the needed message of “looking out for the middle class” and the economic reality of the Bush tax plan actually enacted into law, which, while “cut[ting] income taxes for everyone who pays them,” substantially benefited more the wealthy.

The same potentially dangerous disconnect exists with other aspects of President Bush's domestic economic agenda. For example, President Bush's 2002 State of the Union Address was well-drafted to highlight President Bush's concern for middle-class issues such as education, health care, economic security, the environment and pension reform to protect workers from situations such as the Enron debacle. The reality of Bush's proposed budget, however, delivered to Congress a few days later, focused less on the middle class and more on protecting what President Eisenhower called “the military/industrial complex.” The budget proposed large increases in defense procurement programs of all kinds, while proposing cuts in job programs, creating potential long-term threats to Social Security and Medicare, adopting questionable positions on environmental issues like global warming, and failing to fund fully domestic programs, such as those involving education, promised earlier.

One major problem with the Federalist Party in the early nineteenth century was that their actions did not match their rhetoric. While initially, under Presidents Washington and Adams, the Federalist Party was committed to taking responsible public policy positions independent of politics, they later became known as the party that would say anything to get elected. There is a similar need today for the Republican party to be careful not to create the image that they will do, or say, anything in the course of debate, while failing in practice to live up to their political rhetoric. This applies both to Republican politicians in general, and President Bush in particular.

2. The Counterproductive Nature of Narcissistic Tax Policy

Narcissistic action, because typically focused, as are children, on the immediate feel-good consequences of action, often is counterproductive once long-run consequences are taken into account. A similar argument can be made that tax policies, like those of President Reagan in 1981 or President Bush in 2001, are actually counterproductive to the vast majority of upper-middle class and wealthy taxpayers who supported the tax package once long-run consequences are considered. Tax policy has an indirect, but important effect upon economic growth. Two-thirds of GDP comes from consumer spending. When government tax policies put money in the hands of consumers, as did President Clinton's Tax Act of 1993, the economy prospers. Among other things, the 1993 Tax Act put money in the hands of consumers by increasing the earned income tax credit for the working poor, and by causing interest rates for mortgages and consumer items like cars to be reduced for most consumers. Long-term interest rates were reduced because when the top two percent paid more in taxes to help pay off the national debt, this reduced the need for long-term government borrowing, thus lowering long-term interest rates, which lowered most mortgage and car interest rates from what those rates otherwise would have been. This left many consumers with more disposable income in their pockets since their mortgage and car payments were less than they otherwise would have been.

When tax policies favoring the top two percent are put into place, like under the Reagan Tax Act of 1981 or the Bush Tax Act of 2001, money that would otherwise be used to pay off the national debt, or used for government spending--with
most government spending going to average middle or working class Americans—instead given to the upper-middle class and wealthy in the form of the tax cut. Since those individuals already have enough money to buy what they need for basic necessities, these individuals can be predicted to use extra money from a tax cut principally to look for more opportunities to invest. As businesses predict this is going to happen, they realize that the average middle-class consumer will not have as much to spend, as any tax cut to middle-class individuals will be offset by some combination of less government spending going to the middle-class (e.g., less of a prescription drug program, less spending on education or job training, etc.) and higher real long-term interest rates for the middle-class than would otherwise exist because of increased government deficits caused by the tax cut. With middle class workers predicted to end up with less disposable income to spend, this causes businesses to worry about inventory build-up, and therefore cut production, laying off workers, which results in those workers having less to spend. This creates more of an economic slowdown, leading to more cuts in production, and a recession follows.

If this reasoning is correct, it would be no surprise that the first rumblings of the current economic slowdown occurred during the first quarter of 2000. During the first quarter, Governor Bush won the Republican Party nomination from Senator John McCain, was ahead of Vice-President Al Gore in most opinion polls for most of the Spring, and reaffirmed his tax cut plan as a centerpiece of his campaign. Faced with the likely prospect of enactment of a Bush-style tax plan, which did in fact come into existence little more than a year later, the market began to factor in the recessionary consequences of the Bush tax plan starting in the first quarter of 2000.

The market factoring in a recession at the beginning of a Republican presidency is historically justified. A historical fact, which is rarely, if ever, remarked upon in contemporary political or economic discourse, is this: every Republican President over the last seventy years has presided over an economic recession in his first two years in office. Indeed, with one exception, there has been a recession in the first two years of every term of every Republican President over the last seventy years. This is, of course, in contrast to the GDP under recent Democratic administrations, with eight years of sustained economic growth under Presidents Kennedy and Johnson in the 1960s, three years of economic growth during the first three years of President Carter's administration from 1977-79, and eight years of sustained economic growth under President Clinton and Vice-President Gore during the 1990s. The only similar period of sustained economic growth under any Republican administration during the last seventy years occurred with the sustained economic growth of the Reagan administration from 1982-89. That growth, however, was accompanied by massive Keynesian deficit spending, increasing the national debt from $1.1 trillion in 1982 to $2.9 trillion in 1989. That policy, while economic stimulative, was fiscally irresponsible. The short-sighted narcissism it represented, the “Me” Decade as it was called, was economically problematic for the country in the long run. In contrast, the Clinton-Gore economic record, based upon the 1993 Tax Act, created sustained economic growth while at the same time reducing the amount of the government's deficit each year and eventually running surpluses to help pay off the national debt.

Since Republican economic policies, whether tax cut policy or other economic policy, tend to favor the upper-middle class and wealthy more than Democratic economic policy, income disparities between the rich and poor tend to increase more during Republican administrations. This change leaves average consumers with less money to spend, provoking slower economic growth and recessions as a result, absent such stimulative measures on consumer demand as the massive government deficit spending of the Reagan and Bush administrations. Such recessions naturally affect the value of the stock market and lead to deficits, which increase long-term interest rates. Economic policies like the Bush Tax Act of 2001 are thus much less favorable, and in most cases are harmful, to the middle and upper-middle class individuals.
who supported them, once it is understood that policies like the Bush Tax Act are connected to the economic *2001 slowdown/recession which accompany them. In the populist language of the Jacksonian-era of the nineteenth century, the only clear economic winners of such a plan are those in the top one percent who are “speculators.” Because of their wealth and talent for “speculation,” they can better weather stock market declines--indeed they are more likely to successfully sell “short” and make money on the decline--and then use their income reserves to come in and buy low. In addition, as the example of Enron reveals, because of inside knowledge of their businesses, “speculators” among the corporate elite can sell their stock early and avoid the losses the average consumer may take. Others in the stock market, even those households in the top one percent, *2002 may see their overall wealth diminish because of the economic slowdown/recession which accompanies Republican administrations. As discussed more fully in Appendix A to this article, the Pareto optimal result--that is, the result which makes everyone better off by ensuring robust economic growth--may be tax policy which better approximates America under the Clinton administration, or that which is modeled after the similarly affluent economies in Europe. An overly simplistic analysis suggests that any tax cut is good for the economy as it puts more money in the hands of consumers to spend. That position is represented by the current Bush position that additional tax cuts are the best medicine to revive the economy because they put more money in the hands of consumers. While putting more money in the hands of middle and working class consumers will help revive the economy, tax cuts that do not principally go to the middle and working classes, but instead go to the wealthy, go to individuals least likely to spend that income. Thus, such tax cuts do not put more money in the hands of consumers, and indeed may reduce their income if the tax cuts impair long-term fiscal stability of the nation raising long-term interest rates. Ironically, the policy proposed by Senator Ted Kennedy, keeping the Bush tax cuts for the middle and working classes, but delaying the tax cut for the wealthiest of taxpayers in order to help ensure the government does not return to long-term deficit spending, would better mimic traditional Republican balanced-budget concerns, and being similar to successful Clinton tax policies of the 1990s would likely do more to revive the economy than the added tax cuts proposed by President Bush. Absent adoption of that kind *2003 of policy, long-term growth during the Bush administration is likely to be relatively mild, despite the Federal Reserve's dramatic lowering of interest rates during 2001 which has reduced the length and depth of the current recession and set the stage for a more robust economic recovery. This prediction of a relatively weak economy assumes, of course, that President Bush and Congress do not embark on the same kind of fiscally stimulative, massive deficit policy of the Reagan years. 

*B2004 B. Opposition to Affirmative Action

1. Narcissism versus Maturity in Affirmative Action Policy

Under current doctrine, race-based affirmative action can be justified as a remedy for prior racial discrimination. Such discrimination can take many forms. A full account of such discrimination would take into account the burdens suffered today by the intergenerational effects of discrimination practiced against parents, grandparents, and great-grandparents in the past. Narcissists are typically bad at taking such intergenerational effects into account. Instead, like children, narcissists tend to focus on the immediate, rather than the more difficult task of working through longer chains of causation. Furthermore, being self- *2005 centered and self-absorbed, narcissists are likely to downplay the advantages, both economic and social, that they have received, particularly those produced by a middle or upper-middle class existence.
For example, in the context of admissions programs to colleges and universities, alumni connections can play a large role; potential for contributions to the university by parents of applicants with wealth can also make a difference; better schools in middle or upper-middle class neighborhoods, or funds to take standardized test training courses, can also be an advantage in admittance to colleges and universities. The intergenerational effects of past discrimination on today's minority individuals mean that many of them will not share equally in these advantages more widely shared by middle and upper-middle class white applicants. In the workplace, a similar disparity exists in many cases in terms of connections and networking of parents and extended family members. Narcissists can be predicted to take these advantages for granted, and thus complain about any other individual getting any kind of advantage that equalizes these effects.

A second justification for affirmative action in the context of admission to colleges and universities is that such affirmative action is related to a compelling governmental interest in having a diverse student body.

Historically, mainstream Republicans, like Justice Lewis Powell in Regents of the University of California v. Bakke, supported such affirmative action. Narcissists, however, can be predicted to discount the value of diversity. Given a self-centered, self-absorbed perspective, narcissists tend to value their own background and perspective and worry if others are not adopting, or at least accommodating to, that perspective. Thus, narcissists can be predicted to reject the view that having a diverse student body is a compelling government interest.

It has been noted that the best argument for affirmative action comes when the diversity rationale is combined with the argument regarding intergenerational effects of prior discrimination. Given these arguments, it is understandable why many individuals in minority communities support some version of affirmative action. Of course, under current doctrine, any affirmative action must be narrowly tailored to advance these interests in remedying prior discrimination and achieving diversity.

Some versions of affirmative action over the past thirty years have not been so narrowly tailored, and have adopted, either explicitly or implicitly, quota programs. This has led supporters of affirmative action, such as President Clinton, to speak of the need to “mend, but not end” affirmative action. This is in contrast to some voices which conclude that all forms and versions of affirmative action should be held to be unconstitutional.

One problem the Federalist Party had in the early nineteenth century was that their campaign to increase the number of minorities in their party—whom they had ignored during the end of the eighteenth century—was compromised when their actions did not match their rhetoric. The Bush Administration has made reaching out to minorities, particularly Hispanic Americans who historically have not been courted actively by the Republican Party, one of its political priorities.

The anti-minority policies of Republican Governor Pete Wilson in California turned the state of California from a battleground state, perhaps leaning Republican, into a Democratic bastion. The same concern exists for the Bush presidency regarding issues of particular interest to minorities, including the issue of affirmative action. Simply running conservative Republican candidates with Hispanic surnames may not be enough to capture the Hispanic vote.
2. The Counterproductive Nature of Narcissistic Affirmative Action Policy

One concern often expressed about affirmative action programs at colleges and universities is that admitting minority students with weaker credentials may create academic disparities in the average level of performance, reinforcing stereotypes of minority academic inferiority. The response of many States trying to insure diversity without resorting to affirmative action has been to ensure places in major state universities for the top X% of each high school class. Given the variations in academic strengths among different high schools, however, this has tended to mean that minorities in the top X% from academically weaker high schools get admitted to major universities, while minorities from stronger schools who didn't finish in the top X% at that school don't get in, even if those students have stronger academic credentials than the students from the weaker high school. This skews the competitive strengths at universities even more than they otherwise were.

A second oft-expressed concern about race-based affirmative action is that any consideration of race betrays the promise of the equal protection clause that America should be a “color-blind” society. Given America's history, however, an abrupt end to affirmative action today might well increase racial tensions rather than reduce them, and thus be counterproductive to a desire to move to a “color-blind” society. Given our nation's history, Justice Blackmun's remark in Bakke that “to get beyond racism, we must first take account of race,” may be more empirically accurate.

C. Religious Claims for Reasonable Accommodation

1. Narcissism versus Maturity in Claims for Reasonable Accommodation

One avenue of increased litigation today involves suits by employees seeking to require that businesses accommodate their religious practices. In a recent case involving a private business, an employee sued under Title VII of the 1964 Civil Rights Act claiming her civil rights were violated when her employer refused to permit her to exercise her religious beliefs by saying to each customer who was leaving, “Have a Blessed Day.” In another case involving a government employer, an employee claimed her First Amendment rights were violated by a state agency's interests in avoiding the disruptive effect of employees' religious proselytizing to agency clientele.

Under current doctrine most of these claims fail. Under Title VII, an employer's obligation of reasonable accommodation has been held to require that the employer only take steps to accommodate the employee if they do not impose an “undue hardship” on the employer. “Undue hardship” has been defined as any accommodation which imposes “more than a de minimis cost” on the employer. With respect to the First Amendment, the government must only show that the government's interest in controlling the work environment and providing effective services outweighs the employee's right of free speech. Each of these doctrines reflect the traditional view that individuals should not expect their own self-centered desires for accommodation to trump the needs of business efficiency.

The recent spate of cases, however, suggests that today's religious conservatives are not satisfied with the results of traditional doctrine. Indeed, in a recent speech at my school, the speaker argued that the reasonable accommodation test under Title VII in these religious discrimination cases ought to be changed to reflect the same reasonable accommodation standard used under the Americans with Disabilities Act (“ADA”). The ADA imposes a much higher burden of reasonable accommodation on businesses than under Title VII. Given the clear congressional intent that the two standards ought to be different, the speaker's argument boiled down to the fact that, in the speaker's view, the two
situations were roughly equivalent in degree and kind, and thus should call for the same reasonable accommodation standard.

Analyzed objectively, the two situations seem very different. The ADA applies only to individuals afflicted with “a physical or mental impairment that substantially limits one or more of the major life activities of such individual[.]” 127 Faced with this involuntary impairment of a major life activity, the ADA requires businesses to make serious efforts to permit these workers to become, or for existing workers to continue to be, productive employees. 128 In contrast, the Title VII religious accommodation cases involve individuals who have voluntarily chosen a particular religious belief asking their employers to adjust the employers' employment rules to fit those individuals' desire to practice their religion with minimal consequences. They want to require the business, and thus the other individuals who work for the business, to accommodate them. 129 From the perspective of childish narcissism versus maturity, equating the burden suffered by someone whose employer refuses to adjust the employment rules to accommodate that individual's freely chosen religious practice, with the burden suffered by an individual who has been involuntarily afflicted with a physical or mental disability which has substantially impaired for that person a major life activity seems to be on the narcissistic side of the line. 130

*2013 The remarkable thing about the speech delivered at my school was that it was given by a person who otherwise appeared to be a decent individual. The speaker apparently had no clue how different the two situations were from the perspective of a responsible adult sense of morality. For a child, the fact that the child feels strongly about something, as individuals with religious beliefs no doubt feel strongly about their religious practices, is sufficient to expect others to adjust to them. 131 Older children may even adopt the perspective of universal narcissism, that is, the view that on the basis of equal treatment others' self-centered desires should be equally pandered to as their own. 132 That kind of universal narcissism is what lies behind the view that all individuals with sincerely held religious beliefs should be accommodated. However, as one does with children, it is necessary to explain that pandering to that kind of self-centeredness is not what responsible adult morality is all about. 133

That same kind of narcissism lies behind claims by some religious conservatives that they should be able to receive government funds for charity work while continuing to practice their own self-chosen kind of discrimination. 134 President Bush has refused to fight for this last position in the context of his “Faith-Based Charity” Bill, bowing to Democratic resistance to such pandering. 135 Additionally, President Bush has touted an enhanced program of government-sponsored charity and voluntary service programs which are emblematic of the fundamental moral precept of “love of neighbor as oneself.” 136 From the perspective of this article, President Bush needs to be careful to focus on such volunteer service programs, as well as other legitimate concerns of Christian conservatives, such as rights to equal access, 137 in order to be a truly “compassionate” conservative. 138

2. The Counterproductive Nature of Narcissistic Reasonable Accommodation Policy

As with the other policies discussed in this article, adoption of the more narcissistic alternative regarding reasonable accommodation would likely yield counterproductive results. The complexity of the issue, along with the diversity of religions, is immense. It has been estimated there are “more than 1500 religious organizations [in America] . . . including more than 900 Christian denominations, 100 Hindu denominations, and some [seventy-five] forms of Buddhism. With [six] million to [seven] million adherents, Islam is expected to soon pass Judaism as the second-most commonly practiced religion in the U.S.” 139 Even for larger employers, the demands of implementing a program of religious
accommodation are immense.\textsuperscript{140} For smaller businesses, a robust, required, and reasonable accommodation policy would be even more burdensome.\textsuperscript{141} Yet, Christian conservatives and small business owners are both important parts of the Republican coalition who usually look out for each other.\textsuperscript{142}

Conclusion

Living life as a self-centered narcissist is contrary to the fundamental principles of every major philosophic and religious tradition, including that of Christianity. Adults who have only a childish understanding of morality or religion are a real problem. \textsuperscript{2016} They may have, in President Bush's phrase, “a good heart.”\textsuperscript{143} But that is not enough to ensure that they will “do good” by their actions.\textsuperscript{144} Further, it is not enough to move beyond absolute self-centered, self-absorption to universal, equal self-centeredness: let everyone be self-centered and have an equal right to that. That may be the highest stage of childish morality, but that is not responsible adult morality.\textsuperscript{145} If President Bush resists the entreaties of narcissistic conservatives and the greedy among the corporate elite, his policies will remain faithful to the middle class who were essential to winning the presidency in 2000. But rhetoric will not be enough. Honest Abe understood the perils of trying to fool a majority of the people most of the time.\textsuperscript{146}

\textsuperscript{2017} Appendix A: Tax Policy and Economic Growth

The major argument that supporters of Bush-style tax cuts use to support such tax cuts is that earlier reductions of upper-income marginal tax rates promoted economic growth, rather than retarded it. Such supporters use the Reagan Tax Cut of 1981, the Kennedy Tax Cut of 1963, and the Harding/Coolidge Tax Cuts of the 1920s as evidence of this thesis.\textsuperscript{147} A more detailed analysis of each of these three tax cuts undermines the position of those who favor Bush-style tax cuts.

As discussed previously, the economic growth that occurred during the 1980s after the Reagan tax cut was accompanied by large budgetary deficits.\textsuperscript{148} Given the economic stimulative effect of that deficit spending, the Reagan experience provides no persuasive evidence that the Reagan tax cuts would have produced strong economic growth absent such deficit spending. It must be remembered how unique was the large scale deficit spending during the 1980s, with the national debt, which stood at $1.1 trillion after 200 years of American democracy, quadrupling to more than $4 trillion by the end of the twelve years of the Reagan and Bush presidencies.\textsuperscript{149}

In contrast to the Reagan years, there were eight years of \textsuperscript{2018} economic growth under Presidents Kennedy and Johnson during the 1960s, with only moderate deficits totaling less than $60 billion for their eight years as president.\textsuperscript{150} It must be remembered, however, that the Kennedy/Johnson tax cut of 1963 only reduced the top marginal income tax rate from ninety-one percent, which it had been previously, to seventy percent.\textsuperscript{151} The Kennedy tax cut, therefore, stands at most for the proposition that top tax rates above seventy percent may retard incentives among the wealthy to produce wealth. This may explain, in part, why there was no sustained period of economic growth during the 1940s and 1950s, when the top tax rate hovered between 80-91.2 percent.\textsuperscript{152} The economic growth during the 1960s under the Kennedy/Johnson administrations, combined with the economic growth during the 1990s under the Clinton/Gore administration, thus supports the proposition that top tax rates between 40-70 percent provide the best backdrop for sustained economic growth.\textsuperscript{153}
Under the Harding/Coolidge administrations of the 1920s, the top income tax rates were reduced by the Revenue Acts of 1921, 1923, and 1926 from seventy-three percent to twenty-five percent. According to the analysis presented in this article, such tax cuts for the wealthy should result in the wealthy having too much money for investment, while middle class consumers end up with too little to spend. Because business decisionmakers were not as economically sophisticated eighty years ago as they are today, not only did businesses not reduce inventories in anticipation of reduced demand during the 1920s; instead, the corporate elite used their extra income for increased investment. This led to the speculative “boom” known as the “Roaring Twenties.” When consumer demand predictably was not there to meet this increased production, this led to economic “bust,” which began with the Stock Market Crash of 1929. This recession spread to other countries, and the protectionist legislation which followed, like the *2019 Hawley-Smoot Tariff Act, contributed to this recession becoming “the Great Depression.”

The history of the United States during the nineteenth century supports this understanding of the “boom” and “bust” cycle of the 1920s and 1930s. During the nineteenth century, when there was no income tax or other redistributive tax policy, America experienced a number of cycles of increased overinvestment by the wealthy creating an economic “boom,” followed by a lack of consumer demand leading to long-lasting recessions—the economic “bust.” Rather than supporting Bush-style tax cuts, the experience of the Harding/Coolidge tax cuts actually suggest that top marginal tax rates of twenty to thirty percent are no better at preventing such cycles of boom and bust than no income tax at all.

The reality of marketplace competition is that “capital” is always more mobile than “labor.” This means that investors can shift their capital more quickly into profitable new fields of endeavor or countries providing more advantageous investment options than laborers can be retrained to take advantage of such endeavors or immigrate to those countries. This means that in *2020 any market system, the rich will get richer over time, and income inequalities will increase. If left uncorrected by some mechanism of progressive redistributive taxation, this inequality will eventually leave the wealthy with too much income to invest, and the middle class with not enough to spend, producing the cycles of “boom and bust” America experienced in the nineteenth century and the 1920s and ’30s.

Of course, such “boom and bust” cycles retard long-term economic growth. It is thus no surprise that those countries with the most effective redistributive tax systems, like those in Northern or Western Europe, have attained the highest average GDP per person, while those countries with greater disparities of wealth, and less effective redistributive tax systems, have weaker economies. The experience of Western industrialized states indicates that top marginal tax rates between forty and seventy percent permit sufficient income redistribution from the wealthy to the middle class, through government expenditures to the middle class and balanced budgets leading to lower interest rates for consumers, to ensure sufficient consumer demand to promote sustained economic growth. Societies with top marginal income tax rates near the top of this range, as in many European countries and the United States during the 1960s, will have less income inequality than societies with top marginal income tax rates near the bottom of this range, such as the United States during the 1990s. But each of these kinds of societies will have relatively successful economies over time.

Of course, other influences on the economy can either increase or decrease the baseline level of economic growth which is produced by whatever level of redistributive tax policy a society adopts. For example, studies show that those countries that have benefitted most from Western aid are those countries whose governments have produced balanced budgets, low inflation, and are open to trade. With respect to recent American history, *2022 economic growth during the Nixon administration was affected by two significant events. First, in response to an uptick in inflation, President Nixon initiated wage and price controls in 1971. By interfering with the regular functioning of the market system, wage and price controls harm long-term economic growth. Second, the doubling of oil prices brought about by the OPEC
NARCISSISM, GENERATION X, THE CORPORATE ELITE,..., 24 Cardozo L. Rev. 1971

... oil embargo in 1973 retarded economic growth during the next few years. \textsuperscript{165} Absent these events, economic growth during the Nixon administration might have been greater, since the Nixon tax policy was similar to that of the Kennedy/Johnson tax policy.

An additional argument that the wealthy often used to justify their tax cuts is to claim that such cuts give them the needed incentive to create jobs for the average worker. \textsuperscript{166} That is nonsense. As was shown during the 1990s, if customers have money they will buy products. In the famous line from the movie Field of Dreams: “If you build it, they will come.” \textsuperscript{167} If average middle class consumers don't have sufficient wealth to purchase products, no amount of business acumen will create jobs. Indeed, the typical business response to a concern about consumer purchasing power is not to create jobs, but to cut jobs and production to protect the business' short-term profitability. \textsuperscript{168} Indeed, over the last fifty years average productivity growth has increased the most during the years when the top marginal tax rate was the highest, not the lowest, contrary to the predictions of those who claim lower rates for the wealthy would spur them to create \textsuperscript{*2023} greater economic productivity. \textsuperscript{169}

The concern with lowering the top marginal rates for the wealthy is particularly peculiar in America. Corporate salaries are set in America by the corporation's board of trustees, with little government regulation. \textsuperscript{170} Since many corporate boards are composed primarily of fellow CEOs and their friends, this ensures cartel-like increases in CEO salaries, far outpacing those of workers. \textsuperscript{171} As a consequence, the average salary of American CEOs is much higher than their corporate counterparts in other Western industrialized nations. \textsuperscript{172} Absent direct regulation of wages, redistributive taxation is one way to adjust for that. \textsuperscript{173} On balance, there is no deficit of wealth among American CEOs even \textsuperscript{*2024} under tax policies like those of the Clinton administration. \textsuperscript{174}

Admittedly, the economic analysis presented here is at odds with that trumpeted by the “Blue Chip” economic forecasters who often appear on television. Of course, the economic track record of those forecasters is flawed. They typically underpredict economic growth during Democratic administrations, and overpredict economic growth during Republican administrations. For example,

\[\text{In January 1996, the average Blue Chip forecast was that the GDP would increase 2.2 percent that year. The actual increase was 3.6 percent. Here are the January predictions and actual outcomes for the next four years: 1997, 2.3 percent vs. 4.4 percent; 1998, 2.5 percent vs. 4.3 percent; 1999, 2.4 percent vs. 4.1 percent; 2000, 3.6 percent vs. 4.1 percent.}\]

\[\ldots\]

\[\text{A year ago [for the first year of the Bush administration], the Blue Chip consensus saw 2.6 percent GDP growth for 2001. The actual figure will be about 1 percent or maybe less.}\textsuperscript{175}

Until such forecasters become better at forecasting, and also explain why in modern times recessions occur every time a Republican is elected president, skepticism regarding their theories would be, as the senior President Bush used to say about various courses of action, “prudent.”

Footnotes

\textsuperscript{a1} Of course, one might respond “with friends like this, who needs enemies.”

\textsuperscript{aa1} Professor of Law, South Texas College of Law. B.A., 1976, University of Chicago; J.D., 1979, University of Wisconsin.
Where possible, citations in this article are to internet sources readily available to the reader. Probably the best cite to the existence of the PERL program that emerges from searching the current University of Chicago web site with the key words “politics, economics, rhetoric, law” is the curriculum vitae of Professor Dennis J. Hutchinson, who chaired the PERL program from 1987-92, and was the associate chair from 1982-87. See Dennis J. Hutchinson, Additional Activities, at http://www.law.uchicago.edu/faculty/hutchinson/activities.html (last visited Feb. 12, 2002).

The PERL program represents just one of a number of specialized programs pioneered by the University of Chicago during its history of innovation in education. For an overview of that innovation, see Donald N. Levine, The Idea of the University, Take One: Of the Genius of This Place, available at http://iotu.uchicago.edu/levine.html (last visited Nov. 8, 2000).

Charles D. Kelso & R. Randall Kelso, Politics and the Constitution: A Review of Judge Malcolm Wilkey's Call for a Second Constitutional Convention, 27 Pac. L.J. 1213, 1224-33 (1996). As discussed in this article, the controlling voters in the first age of American politics (1789-1872) were fiscally conservative and socially progressive, the controlling voters in the second age (1872-1937) were fiscally and socially conservative, the controlling voters in the third age (1937-1954) were fiscally liberal and socially conservative, and in the fourth age (1954-1986) the controlling voters were fiscally and socially liberal. Id. at 1225-27.

Id. at 1231-32. Indeed, part of the reason there was increased turnout among Republican voters in the congressional elections in 1994, and the voters returned the government in Washington to a divided government in 1994 by voting for Republican majorities in both the House and the Senate, was likely intense anger among Republican voters that Clinton departed from the more moderate rhetoric of his campaign and pushed for successful implementation of a more liberal “Great Society” agenda, epitomized in the minds of many by Hillary Clinton's proposed health care plan. See generally E.J. Dionne, Jr., The Raging Democrats, Wash. Post, Feb. 12, 2002, at A25 (“And it's worth remembering that the great Republican victory in the 1994 congressional elections came in part because Republicans... from the most progressive to the most conservative... were deeply and genuinely angry, and they transformed their anger into unity and triumph.”). As with the Washington Post, citations later in this article to various newspapers' web sites usually can be found, for a fee, through the archives feature of each of those newspapers' web sites, search using the article's title. Most non-newspaper web sites cited in this article are available without a fee being charged.

This is indicated by actions such as President Clinton signing the Welfare Reform Act of 1996, embracing the fiscally conservative goal of balanced budgets, and remarking in the 1996 State of the Union address that “[t]he age of big government is over.” President's Address Before a Joint Session of Congress on the State of the Union, in 32 Weekly Comp. Pres. Doc. 90 (Jan. 23, 1996), discussed in Kelso & Kelso, supra note 3, at 1229.


Id. at 828-30 (citation omitted).

Id. at 830.

Id. at 830 n.80. This description of the possibility of a successful Republican campaign is, of course, the campaign run by the son of the President whom Clinton defeated in 1992, George W. Bush. Bush's focus on “changing the tone in Washington” steered clear of personal attacks, while his campaign, as summarized in his Inaugural Address, touched on the themes of America “since Jefferson” as a land of opportunity where “everyone deserves a chance,” combined with the “responsibility” each of us has “beginning with your neighbor.” President George W. Bush Inaugural Address (Jan. 20, 2001), available at http://www.whitehouse.gov/news/inaugural-address.html. Had the Republicans done the same thing the Federalist Party did in 1808, when they ran the same candidate that they had run in 1804, Charles Cotesworth Pickney, the Republicans would have run Bob Dole again in 2000. There is a good chance Al Gore would have been able to win that election handily, as did James Madison against Pickney in 1808. See generally Kelso, supra note 7, at 830 n.79.
For example, the Bush campaign focused intensely on the audible “sighs” of Vice-President Gore during the first Presidential debate as part of creating a media contrast between a more laid-back candidate Bush with a more overbearing Vice-President Gore. See, e.g., Gore and Bush Re-enter the Ring (Oct. 11, 2000) (“The vice president says he will also tackle the perceived problem he had last week with appearing condescending by sighing and rolling his eyes after his opponent answers.”), available at http://www.bbc.co.uk; David Podvin, The Payoff (Jan. 31, 2002) (“Gore was misportrayed as a dishonest, sleazy, and corrupt automaton [while]... Bush was charming, and that his frequent bouts with the truth just made him all the more lovably human.”), at http://www.makethemaccountable.com/podvin/media/020131_Payoff.html.

For example, the Bush campaign focused intensely on tying Al Gore to campaign financing problems and Gore's occasional embellishments of personal remembrances--the charge of the Bush campaign that Gore was a “serial exaggerator.” See, e.g., BBC News, Gore v. Bush: Now it's Personal (Oct. 10, 2000) (“The Bush camp, meanwhile, are trying to characterise their opponent as a 'serial exaggerator.'”), at http://www.bbc.co.uk. Some have alleged a media bias against Gore in this regard. See, e.g., Peter Hart & Jin Naureckas, Serial Exaggerators: Media's Double Standard on Political Lying (Jan./Feb. 2001) (“If you looked into these incidents, you found that in each case the media's exaggerations were worse than Gore's.”), at http://www.fair.org/extra/0101/gore-bush.html; see also Podvin, supra note 11 (“They falsely accused Gore of lying about anecdotes that were later proven to be accurate, while ignoring blatant Bush lies on major public policies ranging from the economy to taxes to Social Security to health care.”).

This is reflected in the Bush campaign's attempt to paint Al Gore as a tax-and-spend liberal in the tradition of Walter Mondale and Michael Dukakis. See, e.g., Ann Coulter, The Three Faces of Al, at http://www.townhall.com/columnists/ann coulter/ac20001019.html (last visited Oct. 19, 2000) (quoting Bush's comment from the final presidential debate: “You [Gore] propose more than Walter Mondale and Michael Dukakis combined. In other words--this is a big spender.”). As noted in the earlier 1996 article, the Mondale and Dukakis campaigns for the presidency failed in large part because they were successfully painted as tax-and-spend liberals, and thus unable to attract the fiscally conservative, socially liberal swing voters that are necessary to form a majority of the electorate today. See Kelso & Kelso, supra note 3, at 1224, 1229-30. While President Johnson and the Democrats of the “Great Society” generation are perhaps more accurately portrayed in this way, government spending measured as a percentage of the country's gross domestic product was actually smaller under Presidents Carter and Clinton than it was under Presidents Reagan and the elder Bush:

Under Carter, federal spending amounted to about 21% of the country's gross domestic product. That number inched up under Reagan and the elder Bush to 22%. It declined under Clinton to 20%. When Clinton left office, the federal government accounted for a smaller part of the domestic economy than at any time since the 1960s.

John Balzar, Debunking the Big-Spender Myth, L.A. Times, Jan. 11, 2002, at B17. Nonetheless, this characterization of Vice-President Gore by the Bush campaign may have affected some voters during the 2000 election. Perhaps a more accurate characterization would be that over the last thirty years Republican Presidents have tended to allocate a greater percentage of government spending to defense, while Democratic Presidents have tended to allocate a greater percentage of government spending to social programs under departments like Health and Human Services or the Environmental Protection Agency. See, e.g., Shades of Ronald Reagan: Bush Wants Biggest Pentagon Spending Hikes Since Early ‘80s (Feb. 2, 2002) (stating that President Bush's “projected 30 percent rise in defense spending through 2007 would establish a pace only slightly slower than President Reagan's hikes from 1981-85, the largest ever during peacetime”), at http://www.cbsnews.com/stories/2002/02/01/politics/main327999.shtml [hereinafter Shades of Ronald Reagan].

While not always understood in this way, Vice President's Gore's acceptance speech at the Democratic National Convention in 2000, while criticized by some as too left-of-center, is in the tradition of Andrew Jackson's populism. See, e.g., Podvin, supra note 11 (“ABC talking heads... proclaimed that Gore had marginalized himself with a presentation that was too far left of center.”). Jackson's populism, while not resonating within the power elite of his time, was embraced by the rank and file voters of his age. See, e.g., Arthur M. Schlesinger, Jr., The Age of Jackson 38 (1945) (“The old aristocracy resented... [Jackson's] vulgar and parvenu prestige.”). Some of the Democratic Party elite may be similarly concerned today about another presidential run by Al Gore. See David Corn, Al, Don't Run (Sept. 17, 2001) (“Virtually the entire Democratic Party establishment wishes Gore were gone.”), at http://www.commondreams.org/views01/0907-05.html.

The ideas that Gore ran on, however, continue to resonate within the Democratic party. Id. (“Gore is still popular with some rank-and-file Democrats seeking revenge in 2004, and the guy may end up with the presidential nomination again.”); Podvin,
supra note 11 (Despite the pundit's views, “the Gallup Poll showed that, as a result of the speech, Gore received the biggest post-Convention gain of any candidate in the survey's history.”). Indeed, the main Democratic opposition to President Bush today is precisely on the issues that Al Gore made the centerpiece of his campaign: the negative effects of George Bush's "risky" tax cut proposal in terms of the deficit and maintaining fiscal discipline in Washington, D.C., and George W. Bush's close ties to business and his unwillingness to "stand up" to powerful corporations on behalf of ordinary Americans. Compare Corn, supra (noting the themes in Gore's campaign and acceptance speech at the Democratic National Convention of labeling Bush's tax cut plan a "risky scheme" that might lead to deficits and promising to "stand up" to "powerful forces and powerful interests" that stand in the way of average Americans) with Dionne, supra note 5 (“Senate Budget Committee Chairman Kent Conrad of North Dakota compared Bush's fiscal plan to Enron's 'deceptive financial practices.' Senate Majority Leader Tom Daschle said the budget 'digs a deep, long-term fiscal hole.'”); Richard L. Berke, Power House; Greed, Pain, Excesses. Oh, What a Lovely Issue, N.Y. Times, Jan. 27, 2002, § 4, at 1 (“Not since Watergate [and] Richard M. Nixon's cozying up to corporate bigwigs wrestling bags of money, they say, has their [Democratic] party had such an ideal vehicle to arouse the citizenry and skewer a Republican president as favoring monied interests.").

At the time this article was written, Gore was continuing to hold open his option whether to run again for President in 2004. See generally Gore News Network, at http://www.algore-04.com (last visited Apr. 1, 2003).

15 The four candidates who received more than token support in 1820 were Andrew Jackson, who received 153,544 popular votes and 99 electoral votes, John Quincy Adams, who received 108,740 popular votes and 84 electoral votes, Secretary of the Treasury W.H. Crawford, who received 46,618 votes and 41 electoral votes, and Congressman Henry Clay, who received 47,136 popular votes and 37 electoral votes. See David C. Whitney, The American Presidents 61 (1967). The four candidates receiving more than token support in 2000 were Vice-President Al Gore, Governor George W. Bush, Green Party candidate Ralph Nader, and Reform Party candidate Pat Buchanan.

16 Id. at 61-62. Under the electoral college process, when no candidate receives a majority of the electoral votes, the election goes to the House of Representatives, where each state gets one vote determined by the majority of that state's congressional delegation. Whitney reports that:

On the evening of January 9, 1825, Clay visited Adams for a "confidential interview," the details of which Adams did not report, even in his diary. But shortly thereafter Clay's supporters swung their votes to Adams, while partisans of Jackson and Crawford screamed that a "corrupt bargain" had been made.... When the House of Representatives voted for President on February 9, 1825, Adams received the votes of 13 states, Jackson 7, and Crawford 4. "May the blessings of God rest upon the event of this day!" Adams wrote in his diary. Significantly, when he announced the appointment to his Cabinet, Clay headed the list as Secretary of State.

Id. History records that each of the preceding three Presidents--Madison, Monroe, and Quincy Adams--had used the position of Secretary of State as a stepping stone to later becoming President. Id. at 45-60.


18 See Whitney, supra note 15, at 62. While John Quincy Adams could recite a number of successes, both diplomatic and economic, in each of his State of the Union speeches, see 2A Compilation of the Messages and Papers of the Presidents: 1789-1897 (James D. Richardson ed., 1896), the main domestic agenda of President Adams, greatly increasing federal support for national infrastructure development, was substantially blocked by the President's opponents in Congress. See Whitney, supra note 15, at 62. Consequently, the main accomplishment of the Adams administration was "establishing more business ties to other countries than any other president before the Civil War.” See John Quincy Adams: 6th President, 1825-29, at 158, available at http://www.newtown.k12.ct.us/~ryanw/quincyadams.html (last visited Feb. 8, 2002). This truncated economic agenda was not perceived as sufficiently successful, and Quincy Adams was defeated handily in 1828, with Jackson receiving 647,276 popular votes and 178 electoral votes to Quincy Adams' 508,064 popular votes and 83 electoral votes. Id. at 74.

In contrast to Quincy Adams' limited popularity during his term in office, George W. Bush's popularity is currently very high as the Commander-in-Chief leading the war on terrorism following the events of September 11, 2001. History suggests, however, that this popularity may not survive until the 2004 elections. The jump in election parallels, skipping over the presidencies of James Madison and John Monroe, and moving from Jefferson's reelection in 1804 (Clinton's reelection in 1996) to the Adams/
Jackson contest in 1824 (Bush/Gore in 2000), has been matched by the quick moving events of today. The main occurrences of the Madison and Monroe presidencies were the attack on the nation and the burning of Washington D.C. by the British during the War of 1812 (the attack on the World Trade Center being a similar attack on American soil by an outside enemy today), the “Era of Good Feeling” that resulted from the nation pulling together following the burning of Washington D.C. (the coming together of the nation regarding the war on terror following September 11th being the modern equivalent), the unraveling of the “Era of Good Feeling” because of the recession of 1819-22, and the different political responses to that economic downturn (the era of partisan politics returning to Washington, D.C. focused on differing economic responses to the recession of 2001). See generally Whitney, supra note 15, at 45-47, 54-55. While President Monroe was the beneficiary of the “Era of Good Feeling” even during the first part of the recession, and thus won the election in 1820 virtually unanimously, receiving 231 out of 322 electoral college votes, one elector having “cast his ballot for John Quincy Adams, supposedly to preserve for Washington the honor of having received the only unanimous vote,” id. at 54, continuation of slow growth over the next few years, and different proposed political responses to it, provoked lively elections in 1824 and 1828.

If Bush were up for reelection in 2002, close to the 2001 recession, he might well have an easy time at reelection. However, by the time of his reelection campaign in 2004, Bush will likely be judged on the success or failure of his economic agenda, as was his father during his 1992 reelection campaign. See Charles R. Kesler, Is It Still the Economy, Stupid?, at http://www.claremont.org/publications/kesler10.cfm (last visited Feb. 17, 2002). Kesler states: “It’s the economy stupid!” This was the theme of his successful campaign against then-President George Bush in 1992.” Id. This is true despite a desire President Bush and his advisers may have to try to extend a modern “Era of Good Feeling” boost in popularity into the next election by continuing to have President Bush front and center as the face of the war against terrorism. If they are smart, Democrats will preempt any attempt by Bush to translate the continuing war on terrorism against countries such as Iraq, Iran, or North Korea into a Republican issue by getting out in front and being as “hawkish” on terrorist regimes as the President. Recent hawkish statements by former Vice-President Al Gore and prominent Democratic Senators such as Massachusetts Senator John Kerry and Connecticut Senator Joseph Lieberman suggest that the Democrats are indeed moving to preempt President Bush on this issue. See, e.g, Dan Balz, Gore Supports ‘Final Reckoning’ With Iraq, Wash. Post, Feb. 13, 2002, at A2 (discussing recent hawkish statements by Gore and Senators Lieberman and Kerry), available at http://www.washingtonpost.com/wp-dyn/articles/A1358-2002Feb12.html. Senator Majority Leader Tom Daschle even retracted mild criticism of President Bush on this topic. See Dave Boyer, Daschle Takes Back Criticism of Bush's 'Axis of Evil', Wash. Times, Feb. 13, 2002, at A1, available at http://www.washingtontimes.com/national/20020213-565804.htm.

It should be noted that such hawkishness is good public policy, as well as good politics. Following the Cold War, the main foreign policy threat today is terrorism, particularly in the form of development of weapons of mass destruction by rogue nations of “global reach.” Cf. Kelso, supra note 7, at 826 (“Groups that do not embrace this vision of toleration will be tolerated only to the extent that they are isolated or ineffective in their practices because all individuals should be protected from group domination.”). “This is a necessary corollary to the fact that ... moral rights involve ‘the equality of human rights and respect for the dignity of human beings as individuals,’ a dignity which no society, or community within society, should be permitted to infringe.” Id. at 826 n.63 (quoting 1 Lawrence Kohlberg, The Philosophy of Moral Development: Moral Stages and the Idea of Justice 412 (1981)). This statement on hawkishness does not mean, however, that Democratic candidates should embrace the unilateralist way foreign policy is being carried out by the Bush administration. Indeed, the current unilateralist Bush foreign policy seems very consistent with this article's concern about self-centered, self-absorbed, childish narcissism influencing modern Republican decisionmaking. Some of the Bush foreign policy is reminiscent of the big bully on the block trying to boss other children around or, with respect to the Kyoto treaty, the international criminal court, of the United Nations generally, taking my ball and going home.

See, e.g., Educational Resources Information Center, Distinctions Between Self-Esteem and Narcissism, at http://www.eric.ed.gov/pubs/books/selfe/distinct.html (last visited Aug. 21, 2002) (stating that “narcissism is characterized by being self-absorbed, self-centered, or selfish,” as distinguished from “healthy self-esteem” which refers to “realistic and accurate positive appraisals of the self on significant criteria across a variety of interpersonal situations”).

See, e.g., Jean Piaget, The Moral Judgment of the Child (Marjorie Gabain trans., 1965). According to Piaget: “[t]he individual, left to himself, remains egocentric.... [S]o does the individual begin by understanding and feeling everything through the medium of himself before distinguishing what belongs to things and other people from what is the result of his own particular intellectual and affective perspective.” Id. at 400. See also Larry Nucci, Moral Development and Moral Education: An
NARCISSISM, GENERATION X, THE CORPORATE ELITE,..., 24 Cardozo L. Rev. 1971


This point is discussed more fully in R. Randall Kelso, A Post-Conference Reflection on the Lawyer's Duty to Promote the Common Good, 40 S. Tex. L. Rev. 299, 301-04 (1999). Of course, the idea that parents have a duty to help egocentric children grow up and become mature, responsible adults who care about others is a familiar notion, and underlies the message in books by such moral consciences of the Republican Party as William J. Bennett, Moral Compass: Stories for a Life's Journey (1995): In this chapter we find some of these lessons of home and hearth.... We see children learning about chores and responsibilities and self-sacrifice, and learning to help parents out of love. We encounter young hearts giving loving obedience. We witness the growth of conscience, or a desire to live up to the expectations of those who love us. We witness how our loyalty and courage and perseverance see families through hard times with a love that can overcome any number of obstacles. Id. at 19-20. In Kohlberg's terms, Bennett's focus on children initially behaving out of "loving obedience," id. at 19, represents Kohlberg's first stage of moral reasoning (the stage of "punishment and obedience" described in Kohlberg, Stages, supra note 21), while Bennett's focus on "the growth of conscience," Bennett, supra, at 19, and a "desire to live up to the expectations of those who love us," id. at 20, represents progression to Kohlberg's third stage of moral reasoning (the level of good behavior which "pleases or helps others and is approved by them" described in Kohlberg, Stages, supra note 21). The third stage is the first stage of moral reasoning that transcends the egocentrism of pre-conventional moral reasoning. See id. Kohlberg's typology advances from this third stage of reasoning to the fourth stage principle of "showing respect for authority" and the fifth stage's principle of following "individual rights and standards that have been critically examined and agreed upon by the whole society." Id. The sixth stage is the final, most developed stage of moral reasoning, and is based on "universal principles of justice, of the reciprocity and equality of the human rights, and of respect for the dignity of human beings as individual persons." Id. A fuller discussion of Kohlberg's stages of moral reasoning against the background of different kinds of societies appears in Kelso, supra note 7, at 818-26 (focusing particularly on the issue of self-centeredness versus toleration in various stages of moral development). A brief discussion of the relationship between Kohlberg's stages of moral reasoning and Jean Piaget's stages of cognitive development appears in Nucci, supra note 20. A more complete discussion of the same topic appears in R. Randall Kelso, Speculative Philosophy and Developmental Psychology: A Primer on the Moral and Legal Relevance of Cognitive, Social, and Moral Developmental Psychology (1980) (on file with author).

See generally Daniel A. Farber & Suzanna Sherry, A History of the American Constitution (1990). Farber and Sherry note that the Republican anti-slavery movement had its basis in higher natural law, see id. at 264, and that "[f]or many Republicans the 'higher law' had a religious basis." Id. at 265. For other Republicans, "the wellsprings of natural law were to be found with the founding fathers." Id. at 266. The Declaration of Independence, and its statement that "all men are created equal" with "unalienable rights to liberty" was perhaps the most significant basis of antislavery Republicanism. See id. The Radical Republican Congress was responsible for the civil rights legislation of the Civil Rights Acts of 1866 and 1870, and affirmative action measures following the Civil War such as the Freedman's Bureau, which provided, among other things, land for newly-freed slaves, welfare relief to blacks, and additional protection for civil rights of the newly-freed slaves, including protecting some legal rights through special military courts. See id. at 299. See also David A.J. Richards, Conscience and the Constitution 108-34 (1993) (discussing the ideas of equality and liberty that framed the debates surrounding adoption of the Fourteenth Amendment's equal protection, due process, and privileges and immunities clauses).


26. See, e.g., American State Papers Bearing on Sunday Legislation 168-69 (Williard Allen Colcord ed., 2000) (1911). The Republican Party platform of 1872 “disapprov[ed] of the resort to unconstitutional laws.” Id. at 169. The Raster resolution “was framed with direct reference... to Sunday laws which the Republican party denounced as unconstitutional” because they interfered with “the right to look upon the day on which Christians have their prayer-meetings as any other day” (quoting a letter from Mr. Herman Raster). Id. See also David N. Laband & Deborah Hendry Heimbuch, Blue Laws: The History, Economics, and Politics of Sunday-Closing Laws 162 (1987) (noting that “blue laws have enjoyed historical support by Southern Baptists”). For most of the twentieth century, Southern Baptists have voted for democrats, not republicans. Of course, this has changed over the past thirty years as part of the increasing influence within the Republican Party of the Christian conservative movement.


28. See generally id. and the following vignettes: “Unlike yuppies, younger people are not driven from within. They need reinforcement. They prefer short-term tasks with observable results.” Id. at 25 (quoting Penny Erikson, Young & Rubicam ad agency). “Twelve to fifteen books over a fifteen-week semester used to be the rule of thumb at selective colleges. Today, it is six to eight books, and they had better be short texts, written in relatively simply English.” Id. at 26 (quoting Daniel Singal, The Other Crisis in American Education, Atl. Monthly, Nov. 1991). “I am a member of the MTV generation to a degree. My attention span isn’t terribly long.” Id. at 31 (quoting Jeff Zuker, Today Show producer). Leonard Steinhorn, a public affairs consultant, put it this way: Through video and computer games and all the fast-paced and disjointed videos on MTV, young Americans have been processing information in a way that makes little sense to the uninitiated, but is really the wave of the future.... They devour information, not from the written word, but from TV screens and computer graphics. Id. at 92 (quoting Leonard Steinhorn, public affairs consultant). On the positive side, as Howe and Strauss note, “their education... taught them how and where to prospect for knowledge--a truly useful skill in an era of information overload.... [T]hey ‘know how to look it up.’” Id. at 80. This quote assumes, however, that “knowledge” is synonymous with looking up facts. True knowledge comes from being able to analyze and place facts within an appropriate cognitive schemata. It is that more fundamental skill that so many Generation Xers appear to lack. See generally infra note 30.

29. See generally Howe & Strauss, supra note 27. According to the authors: Over the span of this one generation, the proportion of children living with less than two parents increased by half, and the proportion of working mothers of preschool children doubled. In these complex new families, children often grew up in mutual-support systems where adults, notwithstanding their self-indulgence, remained painfully aware of their own capacity for error. Id. at 61. As syndicated journalist Charles Krauthammer put it: “The ultimate effect of our mass culture is to make children older than their years, to turn them into the knowing, cynical pseudo-adult that is by now the model of the TV sitcom.” Id. at 64 (quoting Charles Krauthammer).

30. According to Howe and Strauss, “[t]he dominant cultural image of ‘70’s-era parents became that of a ‘pal’ who... is ‘overly permissive, always understanding; they never get very angry. There are no boundaries or limits set. Parents are shown as bungling, not in charge, floundering as much as the children.’” Id. at 62 (quoting Dr. Alvin F. Poussaint, in Bill Cosby, Fatherhood (1987)). None of this means, of course, that Generation Xers are somehow “dumb.” As Howe and Strauss note: Yet whatever went wrong with the 13ers’ [Xers'] education, the scholastic rot arrived before they did. It was Boomer, not 13er, students who rang up 14 of those 17 consecutive years of SAT score decline (1946 babies scored the highest, 1963 the lowest). Indeed, the ‘60s-baby-Atari-wavers deserve credit for putting the brakes on the Boom-era skid. And the ‘70s-baby
Nintendo-wavers, now in the fifth through twelfth grades, show signs of reversing some negative Boomer trends. Already, they are scoring better than the 1930s-born Silents in identical IQ tests. Even these generation's worst critics, moreover, cannot accuse 13ers of having failed to learn what was in the curriculum. While 13ers are notably weak analysts and logicians, they are notably good diarists, good at describing their feelings and observations. (That's precisely what open education taught them to do.)

Howe & Strauss, supra note 27, at 77. Unfortunately, as cognitive developmental psychologists note, the development of formal operational thought capacities for logic and analysis are foundational for becoming a competent adult thinker, and thus a responsible moral adult. “The defining feature of this adult formal operational thought is an ability to put oneself into other's perspectives, to think abstractly about propositions and not be mired in one's own narrow framework, and to recognize that viewpoints other than one's own must be given equal respect.” Kelso, supra note 20, at 849. Merely being able to describe effectively one's own feelings merely makes one a more effective self-centered, self-absorbed whiner, if one's thinking and feelings are still childish in nature.

Of course, this is not the first time for increased influence within American politics of the Religious Right. See, e.g., Richard Parker, A Declining Force, Sojourner Mag. (Nov./Dec. 1999) (reviewing Cal Thomas & Ed Dobson, Blinded by Might (1999)), at http://www.sojo.net/magazine/index.cfm/action/sojourners/issue/soj9911/article/991132a.html. According to Parker: The past two decades have witnessed, lest we forget, the third major rise of the Religious Right in this century. The first, in the 1920s, blended a potent stream of anti-modernism (emblemized by the Scopes trial) with bitter strains of nativism, anti-Semitism, anti-Catholicism, and racism. The second, in the ‘50s and ‘60s, combined its own hyperbolic variant of American anti-communism with often die-hard resistance to integration and civil rights.... When the third round emerged in the late 1970s, its founders chose to learn from past failures... admirably condemning anti-Catholicism, anti-Semitism, and overt racism....

Underscoring the importance of financial contributions from corporations and wealthy individuals in the modern campaign context, Republican Speaker of the House Dennis Hastert was reported to have told his party's House members in a closed-door meeting prior to the House debate on campaign finance reform that the end of soft money from businesses and wealthy individuals could cause Republicans to lose control of the House. See Richard L. Berke & Alison Mitchell, White House is Backing Foes of Finance Bill, N.Y. Times, Feb. 12, 2002, at A1.

A prominent example of such connections is demonstrated by the career of Ralph Reed, former head of the Christian Coalition, one-time lobbyist for Enron, Bush supporter, and now head of the Georgia Republican Party. See, e.g., Joe Stephens, Bush 2000 Adviser Offered to Use Clout to Help Enron, Wash. Post, Feb. 17, 2002, at A1, available at http://www.washingtonpost.com. According to Stephens: Just before the last presidential election, Bush campaign adviser Ralph Reed offered to help Enron Corp. deregulate the electricity industry by working his “good friends” in Washington and by mobilizing religious leaders and pro-family groups for the cause.

....

“We are a loyal member of your team and are prepared to do whatever fits your strategic plan,” Reed wrote in an Oct. 23, 2000, memo obtained by the Washington Post.

“In public policy,” he wrote, “It matters less who has the best arguments and more who gets heard--and by whom.”

Id.

See infra text accompanying notes 37-91.

On the Republican Party's traditional more moderate stance on civil rights, note that, in addition to the Republican Congress supporting civil rights legislation after the Civil War, see supra note 23, a greater percentage of Republican Senators (twenty-seven of thirty-three) supported the cloture motion that permitted final vote on the landmark Civil Rights Act of 1964 than the percentage of Democrat Senators who voted for cloture (forty-four of sixty-seven). See Major Features of the Civil Rights Act of 1964, at http://www.congresslink.org/civil/essay.html (last visited Aug. 21, 2002). See generally W. James Antle III, Bush Doesn't Have to be All Apologies, at http://www.opinionet.com/commentary/contributors/ccwa/ccwa15.html (Oct. 16, 2000). Antle states that “minorities need capital to create business and jobs, because
as Bush has said, ‘ownership is freedom.’” Id. Further, Governor Bush has repeatedly opined that “the party of Lincoln has not always carried the mantle of Lincoln.” Id. (quoting former Governor Bush).

36 See infra text accompanying notes 119-42.

37 This phrase, which appears on the entrance to the Internal Revenue Service headquarters in Washington, D.C., is reported to have been said in a Holmes speech in 1904. See Eileen J. O'Connor, Women and Taxes: Understanding Where Your Money Goes, Exfemina (Oct. 2000), at http://www.iwf.org/pubs/exfemina/October2000c.shtml. Justice Holmes, a life-long Republican appointed to the Supreme Court by President Theodore Roosevelt, made the same point in Compañía Gen. de Tabacos de Filipinas v. Collector of Internal Revenue, 275 U.S. 87, 100 (1927) (stating that “[t]axes are what we pay for civilized society”).

38 For most of the twentieth century, the Republican Party has had balanced budgets as a major priority, while the Democratic Party has been more associated with Keynesian deficit spending. Even during the 1990s, it was the Republican Party that pushed most strongly for a balanced budget amendment to the Constitution, including that in the 1994 Contract with America. See Contract with America: 1994, at http://www.nationalcenter.org/ContractwithAmerica.html (last visited Aug. 21, 2002). Indeed, even after 1996, when President Clinton committed the Democratic Party to fiscal responsibility and paying down the national debt, the Republican Party continued to emphasize the importance of fiscal responsibility. See, e.g., A Responsible Congress is Paying Down the Debt (June 13, 2000) (stating that “[w]e [Republicans] have made paying down the debt a priority because fiscal responsibility is crucial to keeping the economy growing. American families will benefit through lower interest rates, more jobs, better wages, and ultimately higher living standards.”), at http://www.freedom.house.gov/scoreboard/paydebt/paying.asp.


40 The top one percent paid 34.75 percent of federal personal income taxes in 1998.... To rank in the top 1 percent, you had to report adjusted gross income (AGI) of $269,496 or more for 1998. The top 5 percent of taxpayers paid about 54 percent of total personal-income taxes and had AGI of at least $114,729. The top 10 percent of taxpayers by income had AGI of $83,220 or more. The top 50 percent of taxpayers had AGI of at least $25,491. The 4.21 percent share paid by the bottom half of taxpayers was unchanged during this period. Highest Income Earners Pay Most Taxes, Nat’l Ctr. for Pol’y Analysis, at http://www.ncpa.org/pi/taxes/pd101800b.html (last visited Mar. 9, 2002). It should be noted that these figures do not include social security taxes, which are born equally by rich and poor alike. Incomes above the payroll cap (roughly $80,000) are not taxed at all. Inclusion of social security taxes would therefore increase the percentage of total federal taxes paid by the bottom fifty percent of taxpayers. Indeed, it has been noted that the social security “payroll taxes represent the largest part of the federal tax burden for three-fourths of Americans.” Idea of the Week: Offsetting Payroll Taxes, at http://www.getamericaworking.org/article_ndol_jan2001.html (last visited Mar. 17, 2002).

41 Supporters of such tax cuts sometimes argue that by stimulating the economy, the cuts will actually lead to increased government revenues, and thus contribute to a balanced budget. This “supply-side” reasoning is based on graphs like the “Laffer curve,” which was used to predict budget surpluses following the Reagan Tax Cut of 1981. See generally Lawrence B. Lindsey, The Growth Experiment: How the New Tax Policy is Transforming the U.S. Economy (1990) (providing a “spirited supply-sider’s defense of Reaganomics”). Mr. Lindsey is now Assistant to President George W. Bush for Economic Policy. See Biography of Lawrence B. Lindsey, at http://www.whitehouse.gov/nec/lindseybio.html (last visited Aug. 21, 2002). Of course, the prediction of budget surpluses following the Reagan Tax Cut in 1981 proved inaccurate. See generally Seth Klein, Lowering Taxes Does Not Lead to Increased Government Revenues (Mar. 2, 1999) (stating that “[o]n the contrary, government revenues fell and U.S. federal deficits and debt grew to record high levels”), at http://www.policyalternatives.ca/be/opinion23.html. “MIT economist Paul Krugman... calls the Laffer curve ‘crude and silly.’” Id.; see also Reaganomics...
NARCISSISM, GENERATION X, THE CORPORATE ELITE,..., 24 Cardozo L. Rev. 1971

Revisited?, Homepage of a Ft. Wayne Progressive, at http://www.pages.prodigy.net/lotf/beliefs2.html (last visited Mar. 9, 2002) [hereinafter Reaganomics Revisited]. According to Paul Samuelson, a Nobel prize winning economist, “[t]he Laffer-curve prediction that revenues should rise following the tax cuts has proven false; indeed, revenues shrank....” Id. It appears unlikely that the Bush Tax Cut of 2001 will lead to continued budget surpluses either. See Bush Budget Sees Red Until 2005 (Jan. 24, 2002) (stating that “President Bush's proposed federal budgets factor in sizable deficits for the next three years, including a projected $106 billion shortfall in 2002”), at http://www.cnn.com/2002/allpolitics/01/23/rec.bush.deficits [hereinafter Bush Budget Sees Red]. President Clinton's first Chair of the Council of Economic Advisers, Laura D'Andrea Tyson, stated on the CNBC show America Now, to the chagrin of “supply-sider” co-host, Larry Kudlow, that supply-side reasoning has now been “validated, as false.” See generally Democratic Economics (Aug. 11, 2000) (quoting Ms. Tyson as stating, “I think you can begin with the simple distinction between commitment to fiscal responsibility, which the vice-president brings to us, and going back to supply-side tax cuts and threats of large deficits”), at http://www.pbs.org/newshour/bb/election/July-dec00/dem_economics_8-11.html.

See Janice M. Johnson, The Revenue Reconciliation Act of 1993: Who Wins and Who Loses?, CPA J. Online, Oct. 1993 (noting that the 1993 Clinton Tax Act raised taxes for married couples filing jointly with incomes $140,000 and above, or incomes $115,000 and above for individuals, along with a ten percent surtax on taxable incomes in excess of $250,000, while concluding that the Act “does little to increase the tax burden of average Americans”), at http://www.nysscpa.org/cpajournal/old/14522914.html; Brad DeLong, Politics: Gene Sperling, at http://www.econ161.berkeley.edu/Politics/genesperling.html (last visited Aug. 21, 2001). Professor Sperling's home page quotes from Bob Woodward, The Agenda: Inside the Clinton White House (1994), where Woodward paraphrases a statement made by Sperling after passage of the 1993 Tax Act: Because Bill Clinton... was elected... 5 million people who worked full time at the minimum wage would receive the earned income tax credit, and 10 million would receive additional benefits so that every family with a full-time working parent would be above the poverty line. Another 100,000 children would get the intensive family-preservation counseling and social [sic] services.... Another 4.5 million children would get hunger relief through increased food stamps, 600,000 more poor women with children would get better nutrition, and 6.5 million children would be eligible for free immunization shots.

Id. (quoting Bob Woodward, The Agenda: Inside the Clinton White House 310 (1994)).


See, e.g., John King, Clinton Announces Record Payment on National Debt (May 1, 2000), at http://www.cnn.com/2000/allpolitics/stories/05/01/clinton.debt. King quotes Clinton as stating that: “[w]e should not jeopardize the longest economic expansion in history with risky tax cuts that threaten our fiscal discipline.” Id. “Clinton... credited his administration's 1993 and 1997 budgets as well as ‘tough choices in each and every year’ for the debt turnaround. As a result interest rates are lower, leading to stronger investment and growth while saving money for American families.” Id. Stevenson, supra note 43, states that:

[T]he deficits have melted away since 1993, replaced lately by huge surpluses that could continue for many years. The national debt is falling, freeing capital for investment in private industry. Democrats credit the 1993 deficit reduction plan, augmented by the 1997 bipartisan balanced budget act, further moves to tear down trade barriers and the updating of legislation governing key industries like telecommunications and financial services.

Id. See also Reaganomics Revisited, supra note 41:
Gingrich, Gramm, and Armey were all college professors; the latter two were professors of economics!!! How could they be so wrong? Well, one only has to look back at their predictions for the economy during the debate over passage of Clinton's 1993 Budget. It was adopted and the doom and gloom they preached failed to come about. Where's the massive unemployment, the skyrocketing inflation, and the overall economic armageddon they preached?

Id.

Between 1989 and 1998, the income of a middle-income, married-couple family grew 9.2 percent....
Meanwhile, the real wage of the median chief executive officer rose 62.7 percent between 1989 and 1999. Now this typical CEO is paid 107 times more than the typical worker, almost doubling the 1989 ratio....

It was really only the wealthiest few percent of families who made big gains from the stock market, and of them the wealthiest 1 percent made the biggest killing. There is no doubt that in this decade the rich grew enormously richer. Id. This increase during the 1990s was on top of the increase that the wealthiest families received during the 1980s. See, e.g., Julie Gozan, Wealth for the Few, at http://www.essential.org/monitor/hyper/issues/1992/12/mm1292_05.html (last visited Aug. 21, 2002). According to Gozan, “[t]he top one half of 1 percent of the richest families in the United States received 55 percent of the total increase in household wealth between 1983 and 1989, according to a study released in October by the Washington, D.C.-based Economic Policy Institute (EPI).”

Perhaps the best cite for this proposition is President Bush's own words at the annual “white-tie” Al Smith dinner in New York in 2000, where candidates of both major political parties make humorous speeches. As part of his remarks, Bush said: “Thank you all very much. This is an impressive crowd--the haves and the have-mores. (Laughter). Some people call you the elite. I call you my base. (Laughter).” A Pause for Humor (Oct. 20, 2000), at http://www.pbs.org/newshour/bb/politics/july-dec00/alsmith_10-20.html.

See, e.g., Glen Johnson, Tax Plan Woos Middle-Class Votes, Boston Globe, Sept. 19, 2000, at A6, available at http://www.boston.com/news/politics/campaign2000news/tax_play_woos_middle_class_voters.html. According to Johnson: [T]he governor said yesterday that he is the true patron of the middle class. The proof, he said, is in his tax cuts....

“I don't believe in the rhetoric that he [Gore] used at his own convention, when he said that only the ‘right people’ will get tax relief,”' Bush told the audience. “I don't think the government ought to try to pick and choose winners. I think the ‘right people’ are all people in America who pay taxes.” Id.

Bush Tax Cut Won't Be Big Deal for Some (May 27, 2001) (stating that “Bush praised the bill... [because] it ‘cuts income taxes for everyone who pays them.’”), at http://www.cnn.com/2001/allpolitics/05/27/tax.cut [hereinafter Bush Tax Cut]. President Bush has also stated that “[t]hese are the basic ideas that guide my tax policy: lower income taxes for all, with the greatest help for those most in need. Everyone who pays income taxes benefits--while the highest percentage tax cuts go to the lowest income Americans.” The President's Agenda for Tax Relief, at http://www.whitehouse.gov/news/reports/taxplan.html (last visited Aug. 21, 2001). This comment is based on the fact the under the Bush plan the lowest income tax rate was proposed to be reduced 33% from 15% to 10%, while the highest tax rate was proposed to be reduced only 16.6% from 39.6% to 33%. Id. In absolute terms, of course, the tax savings for those at the lower end, measured in hundreds of dollars, is much less than for those at the top end, measured in tens of thousands of dollars. See infra note 49.


Take Bush's response to a widely cited report by Citizens for Tax Justice, which found that more than 40 percent of his tax cut would go to the richest 1 percent of taxpayers.... Bush responded to the Citizens of Justice analysis with one of his own, which found that only 22 percent of the cut could benefit the wealthiest 1 percent (still a staggering chunk). But Bush purposely left out of this estimate the effects of the estate tax... which applies only to estates worth more than $675,000.... He also limited the analysis to the first few years of his plan, leaving out the later years when the big benefits for the wealthy kick in with a vengeance.

Id.; see also Bush Tax Cut, supra note 48:

For many taxpayers... the refund checks scheduled to arrive later this year could be the only clear benefit from the largest tax cut in 20 years.

An analysis of the bill by the accounting firm Deloitte & Touche found that a married couple with no children and $60,000 in taxable income will find only $100 of tax relief--after their initial $600 refund this year.... A married couple with two children, $400,000 of taxable income and average itemized deductions, however, will pay $13,989 less--11 percent--in 2010 than they did this year. At $1 million in income, the tax burden will drop $47,557, or 13.3 percent....
Clint Stretch, director of tax policy at Deloitte & Touche, told CNN that those middle class taxpayers with children would see "the biggest proportion of their taxes cut."

On the other hand, Stretch said, "because it's an across the board cut, very high income people do very well...."

Id.

For example, see President George Bush, State of the Union Address (Jan. 20, 2002):

I ask Congress to join me this year to enact a patients' bill of rights to give uninsured workers credits to help buy health coverage, to approve an historic increase in spending for veterans' health, and to give seniors a sound and modern Medicare system that includes coverage for prescription drugs. A good jobs [sic]... should lead to security in retirement. I ask Congress to enact new safeguards for 401(k) and pension plans.

....

Members, you and I will work together in the months ahead on other issues: productive farm policy, a cleaner environment[,] broader home ownership, especially among minorities[,] and ways to encourage the good work of charities and faith-based groups.


On the proposed Bush budget proposing heavy increases in defense, see Shades of Ronald Reagan, supra note 13 (discussing President Bush's proposed thirty percent increase in defense spending through 2007). On the budget proposing cuts in other programs, see Eric Planin, Bush to Seek Deep Cuts in Domestic Programs, Wash. Post, Feb. 3, 2002, at A1 (stating that "President Bush this week will seek sharp cuts in highway projects, congressional environmental initiatives, job training and scores of other domestic programs, reflecting the trade-offs required by a fiscal 2003 budget that calls for record increases for the military and domestic security"), available at http://www.washingtonpost.com/wp-dyn/articles/A13200-2002Feb2.html. Similarly, an editorial in the Washington Post stated that:

The budget documents acknowledge the heavy Social Security and Medicare costs that will hit when the baby boom generation begins to retire in about 10 years, but the budget itself makes no provision for them. Instead, Mr. Bush clings to the unaffordable tax cuts that were his first priority last year.... The danger is that, with Mr. Bush leading the way back to deficit land, Congress will merrily follow....[T]he nation will still have to face the budget burdens that loom in the next decade, with fewer resources to meet them.


"Today's new climate policy is like delivering the final divorce papers to the public and the world," [Senator] Jeffords said. "And it is divorced from the reality of global warming"

....

But the voluntary nature of the emissions reduction plan... rankles many of the president's detractors in the Senate.

"We've found that these voluntary programs just don't work," said [Senator] Joseph Lieberman.

Id. One columnist states that:

In his State of the Union address last month, Mr. Bush hailed two Democrats who helped write the law, Senator Edward M. Kennedy of Massachusetts and Representative George Miller of California.

But today, Mr. Kennedy and Mr. Miller attacked the president's latest budget request for education, saying it failed to provide money for many initiatives in that law.

"The proposed education budget is totally inadequate," Mr. Miller said. "It breaks the promise of education reform...."

Senator Kennedy said Mr. Bush's budget "fails to provide the resources that were agreed to" in five months of negotiations with the White House last year.

The men who led the Federalist Party before 1800—George Washington, George Cabot, John Jay, and other gentlemen of the old school—believed that the sacred duty of a public man was to pursue ‘the common good’ without permitting himself to be distracted by the opinions of his friends and constituents, by opinions merely popular. In their minds, a politician who sought merely to follow public opinion was derelict in his duty, devoid of honor and integrity, guilty of wanton and reckless political behavior.

Id.

Id. at 161 (discussing such politically-inspired changes in position as rejecting the argument (used before 1800), that “stability” in office-holding was important, and instead adopting the view (after 1800) that “rotation” in office was important—a shift transparently designed for the purpose of encouraging the voters to throw the Jeffersonians out of office who had won the presidential and congressional elections in 1800). Cf. Real Term Limits: Now More Than Ever, 221 Pol'y Analysis (Mar. 28, 1995) (noting that the Republican zeal for term limits before 1994, which in practice would have helped throw Democrat majorities out of the House and Senate, cooled after 1994 when the Republicans took control of both the House and Senate), at http://www.cato.org/pubs/pas/pa-221.html.

The debate on campaign finance reform provides a prominent example of these concerns, with the House Republican leadership offering amendments claimed to promote the end of soft money despite the fact the leadership was actually committed to killing the bill. Even a balanced columnist like David Broder noted that the Republican behavior during the campaign finance debate “give hypocrisy a bad name.”


The Bush White House does seem to be politically sensitive to this concern. For example, after promising New York City twenty billion dollars in special relief following the attacks on September 11, 2001, some concerns were raised whether “the federal government could backslide” on that promise. See Nick Anderson, Some N.Y. Lawmakers Fear Promise on Disaster Relief Will Be Broken, L.A. Times, Nov. 2, 2001, at A3. When these concerns became exacerbated after Bush Administration Budget Director Mitchell Daniels “likened the quest for aid to a ‘little money-grubbing game,'” the Bush Administration moved quickly, with the President promising that the full twenty billion, plus a little more, would be coming New York’s way.


On the other hand, Nevada citizens may have a different view, after President Bush broke a campaign promise and endorsed a proposal to store the nation’s nuclear waste in Nevada. Democrats in Nevada have been quick to raise this decision as a campaign issue in the state:

Democrats say this issue will dominate the [state and congressional] campaigns by the time voters go to the polls in November. ....

‘President Bush is a liar,’ Reid, the Senate Assistant Majority Leader, said. ‘He betrayed Nevada and he betrayed the country. All Americans should be concerned, not just because he lied to me or the people of Nevada and indeed all Americans, but because the president's decision threatens Americans' lives,' Reid added.

See Erin Neff, Political Rift Could Hurt State's Yucca Fight (Mar. 5, 2002), at http://www.lasvegassun.com/dossier/nuke. Columnist David Broder has suggested that the President's differing responses to issues like those of New York and Nevada may depend on political considerations.

One of the main forces opposing sustainability is narcissism.... [which needs] immediate gratification to satisfy its all-powerful aspect of its grandiosity.

See generally Bruce Gregory, The Relationship Between Narcissism and Sustainability, at http://www.martialinfo.com/narcissism.html (last visited Mar. 13, 2002) (“[S]ustainability utilizes mutual respect, and an attitude of cooperation, which maximizes the appreciation of resources.... One of the main forces opposing sustainability is narcissism.... [which needs] immediate gratification to satisfy its all-powerful aspect of its grandiosity.

As is concluded infra notes 77-91 and accompanying text, while some “speculators” among the top one percent of American taxpayers may benefit from enactment of tax policies like those of Presidents Reagan and Bush, most taxpayers, including most taxpayers in the top one percent, will likely end up with less wealth post-enactment once long-term consequences are taken into account.


Note that, according to these figures, the difference between the ten-year bond yield and the rate of inflation, the so-called “real” interest rate, was down to 2.3% (5.7-3.4) by the end of the Clinton presidency in 2000, while the difference in 1981, at the end of the first year of the Reagan presidency, was 3.4% (13.7-10.3) and in 1992 at the end of the Bush presidency was 3.5% (6.5-3.0). As deficits began to increase dramatically near the end of the Reagan presidency, the differential in 1988 actually grew to 4.8 percent, with the ten-year bond yield at 8.9%, see Bond Yield, supra, and the inflation rate at 4.1. See U.S. Census Bureau, Statistical Abstract of the U.S.: 1999 882 (119th ed. 1999), available at http://www.census.gov (last visited Apr. 1, 2003).

When touting the benefits of balanced budgets and paying down the national debt, both Republicans, see supra note 38, and Democrats, see supra note 44, have agreed with the assertion that paying down the national debt lowers long-term interest rates for consumers. The same lower interest rates, of course, also spur business investment since businesses can borrow money at less cost. As indicated by United States Census Bureau measures of household income, between 1993 and 2000 all incomes groups benefited during the Clinton administration. The twentieth percentile of households increased their incomes in real terms measured in 2000 dollars from $15,252 to $17,955 (an average increase of 2.53% per year); the fiftieth percentile of households increased their income from $36,746 to $42,000 (an average increase of 2.04% per year); the eightieth percentile of households increased their income from $70,926 to $81,960 (an average increase of 2.22% per year); and the ninety-fifth percentile of households increased their income from $123,079 to $145,526 (an average increase of 2.61% per year). U.S. Census Bureau, Historical Income Tables, at http://www.census.gov/hhes/income/histinc/ie1.html (last visited Apr. 1, 2003) [hereinafter U.S. Census Bureau, Income Equality]. This left substantially all consumers with more money to spend during the Clinton administration.

Of course, when advocating on behalf of tax cuts for the wealthy, plenty of conservative commentary exists claiming to debunk these central truths, inevitably by resort to misleading recitation of statistics. See, e.g., W. James Antle III, Pass the Bush
unwanted inventories. As output declined further, liquidation apparently took hold early this year in a number of sectors...

intensified. The adjustment process began late last year when manufacturers cut output sharply to stem the accumulation of... 

Discussing businesses response to an “expected slowing in the pace of spending,” he stated that:

On May 24, 2001, Alan Greenspan, Chairman of the Federal Reserve, described the on-coming 2001 recession in similar terms. Discussing businesses response to an “expected slowing in the pace of spending,” he stated that:

As a result, a round of inventory rebalancing took hold, and the slowdown in the economy that began in the middle of 2000 intensified. The adjustment process began late last year when manufacturers cut output sharply to stem the accumulation of unwanted inventories. As output declined further, liquidation apparently took hold early this year in a number of sectors....
At some point, inventory liquidation will come to an end, and its termination will boost production and promote recovery. Of course, the timing and force with which that process plays out will depend on the behavior of final [consumer] demand.


Of course, part of the economic slowdown and market decline that began in the first quarter of 2000 was caused by the Federal Reserve's increasing the federal funds rate six times between June, 1999 and May, 2000 from 4.75% to 6.50%. See The Intended Federal Funds Rate, at http://www.federalreserve.gov/fomc/fundsrate.html (last visited Feb. 21, 2002). When the Federal Reserve raises the federal funds rate it charges banks to borrow money, that flows through to businesses in the form of higher prime lending rates and to consumers in the form of increased short-term interest rates, those increased rates slowing down the economy. That this action by the Federal Reserve is only part of the cause of the current slowdown and recession is made clear by the fact that the Federal Reserve's decrease in the federal funds rate eleven times during 2001, starting on January 3, 2001 from 6.50% to 6.00%, and ending on December 11, 2001 from 2% to 1.75%, see id., has not been enough to restore the economy to the robust health of the Clinton years. This dramatic decrease in the federal funds rate, however, did moderate the recession and spark a turnaround in the economy. See generally Jeannine Aversa, Greenspan Says Recovery Has Started (Mar. 7, 2002), at http://www.washingtonpost.com/wp-dyn/articles/A54117-2002Mar7.html. Aversa reports that Federal Reserve Chairman Alan Greenspan told “Congress that the country is now recovering from its first recession in a decade.” Id. Aversa reported that:

Based upon current data, the drop in economic output during this recession, as measured by the gross domestic product, is a small 0.3 percent, which would make this the mildest recession ever. That record has been held by the 1969-70 recession, which GDP fell by 0.6 percent.

Id. Yet, “[e]ven with his more upbeat assessment, Greenspan cautioned Americans not to anticipate a red-hot rebound.” Id. As a side-note, the Federal Reserve has dramatically increased the federal funds rate going into and during a presidential election year only three times over the last five years, in 1967-68, 1979-80 and 1999-2000. See Federal Fund Rate Monthly History: 1954-2000, at http://www.federalreserve.gov/releases/H15/data/m/fedfunds.txt (last visited Feb. 21, 2002). In each of these cases, Democrats held the White House and were facing serious Republican challenges. The slowdowns caused by the Federal Reserve raising interest rates increased public nervousness about the economy, thus providing greater opportunities for the party out-of-power to challenge the incumbent, with the out-of-power Republican candidate winning the presidential election each time. There is no similar example of Federal Reserve Board action over the past fifty years causing such difficulties for incumbent Republican administrations. See Putting in the Fix?, FOMC Alert (Publication of the Fin. Markets Ctr., Philomont, VA.), Mar. 21, 2000 [hereinafter Putting in the Fix?].

Herbert Hoover, of course, presided over the beginning of the Great Depression with the Stock Market crash of 1929 during his first two years in office. For Republican Presidents over the last fifty years, see Gross Domestic Product Table, supra note 62. The table included at this web site, measuring GDP using 1996 dollars, documents the following recessions of declining GDP during the named Republican administrations:

Eisenhower: 1957 Quarter 3-1958 Quarter 1 (GDP decline from $2198.90-2117.40 billion).
Nixon: 1969 Quarter 3-1970 Quarter 2 (GDP decline from $3588.30-3566.50 billion).
Nixon/Ford: 1974 Quarter 2-1975 Quarter 1 (GDP decline from $4130.40-4010.00 billion).
Bush (41): 1990 Quarter 2-1991 Quarter 1 (GDP decline from $6731.70-6631.40 billion).

See id. Based on the analysis in the text, these recessions are not surprising. Since Republican Presidents tend to support economic policies more favorable to the wealthy, see supra note 65, average consumers will have less money to spend upon which economic growth depends. Businesses factor this reality into their decisions, and thus worry about inventory build-up early on, reducing manufacturing output, and thereby causing recessions during the first two years of the Republican Presidency. This is true even for President Eisenhower, whose recessions were relatively mild, in part because of his other more moderate policies, like spending to create an interstate highway system. See Roadside Architecture in 1950's America, at http://www2.kenyon.edu/people/slomanj/main.html (last visited Oct. 3, 2002) (referring to “the Eisenhower Interstate Highway System”). Eisenhower transferred money to the middle-class workers who built the highways and helped to create economic growth because such investment in infrastructure increased productivity in the transportation industry. Contrary to this, President Bush's proposals to spend more on defense, see supra note 13, involve spending less likely to increase domestic productivity and thus less likely to help spur economic growth. See generally David Fettig, Defense Cuts Inevitable, But Impact Depends on Location and Pace of Change, Fedgazette, June 1990 (stating that “[t]he CBO study also suggests that defense cuts are good for the country” and that “in the long run, cutbacks in defense spending might help improve productivity as non-defense research would benefit from increased scientific and technological resources”), at http://www.minneapolisfed.org/pubs/fedgaz/90-06/cuts.cfm?js=0.html.

See supra note 70. The one exception, the Reagan Administration of 1985-89, is discussed infra text and accompanying notes 73-75.

See Gross Domestic Product Table, supra note 62. The one recession during a Democratic administration during the last fifty years, from the first to third quarter in 1980 (4958.90-4850.30 billion), see id., happened during the last year of the Carter administration following the Federal Reserve Board's increasing the federal funds rate from 10.25% in June, 1979 to 14% in February, 1980. See Putting in the Fix?, supra note 69 (noting that the average federal funds in June, 1979 was 10.29%, while the average funds rate in February, 1980 was 14.13%). Such a federal funds rate increase often occurs during the last year of an incumbent Democratic administration. See id.; see also supra note 69.

See Gross Domestic Product Table, supra note 62.

See U.S. Census Bureau, supra note 61, at 887. For the entire twelve years of the Reagan and Bush administrations, the federal debt quadrupled to over four trillion. Id.; see also King, supra note 44 (stating that “Clinton also used the announcement to take issue with Republican tax plans, noting that ‘the debt quadrupled in the twelve years before I came into office’” (quoting former President Bill Clinton)).


See U.S. Census Bureau, supra note 61, at 887 (showing that yearly deficit decreasing from $290.4 billion in 1992 to $9.9 billion in 1998, with a budget surplus in 1999). For a web site comparing the economic record of the Clinton and Reagan administrations that is favorably disposed towards Clinton, see http://www.members.tripod.com/~zzpat/graphs.html (last visited Feb. 24, 2002).

See generally supra note 65; see also U.S. Census Bureau, Measuring 50 Years of Economic Change: Using the March Current Population Survey (1998) [hereinafter U.S. Census Bureau, Measuring]. According the Census Bureau: Overall, household income inequality [as measured by the Gini coefficient] increased by roughly 9 percent between 1967 and 1992. Between 1993—the first year in which computer-assisted personal interviews were used in the March CPS—and 1997, inequality was unchanged. The most consistent period of the Gini's growth occurred during the 1980s.
Id. at 39.
Such recessions, of course, also place great stress on state budgets, as tax revenues for states fall during recessions. See, e.g., Robert E. Pierre, ‘We’re Just Getting Clobbered’: States’ Budget Squeeze Takes Toll on Programs and People, Wash. Post, Mar. 16, 2002, at A1 (stating that “[e]verything is on the table—including tax incentives for businesses, public education money and programs aimed at the poor, disabled and elderly—as governors and state lawmakers try to make up more than $40 billion worth of budget shortfalls”), available at http://www.washingtonpost.com/wp-dyn/articles/A35642-2002Mar15.html.

See supra text and accompanying note 74.

See, e.g., Schlesinger, supra note 14. According to Schlesinger, “Jackson pronounced it ‘the duty of every government... to protect [the people] from the impositions of avarice and fraud.’” Id. at 121 (quoting Letter from Justice Roger Taney to the Ways and Means Committee (Apr. 15, 1834)). “Prompted by these aims, the Jacksonians began to sketch out fairly coherent theories of self-generating business cycles.” Id. Schlesinger quotes Gouge’s classic description of business cycles: “The circle extends through society. Multitudes become bankrupt, and a few successful speculators get possession of the earnings and savings of many of their frugal and industrious neighbors.” Id. (quoting William M. Gouge, A Short History of Paper Money and Banking in the United States, Including an Account of Provincial and Continental Paper Money 24-25 (1833)).

See supra note 63 and accompanying text.

See infra Appendix A.

See Bush Touts Tax Cuts To Improve Economy: Bush Advisor Says Unemployment Peaking (Jan. 22, 2002) (quoting Bush as stating that “[i]f you have more money, it means you’re going to spend more’.... ‘And if you spend more, somebody’s going to have to make more of what you’re spending it on, which means it’s more likely that somebody’s going to find work. That’s how the economy works’”), at http:// www.cnn.com/2002/allpolitics/01/22/bus.economy/index.html.

See supra note 62 and accompanying text.

See Kennedy Calls for Delaying Part of Tax Cut (Jan. 16, 2002) (discussing Senator Kennedy's proposal to delay the Bush tax cut for those households in the top five percent, roughly those making more than $130,000 a year), at http:// www.cnn.com/2002/allpolitics/01/16/kennedy.economy/index.html.

See Richard W. Stevenson, End of Recession is Seen, but Strength of Recovery is Unclear, N.Y. Times, Feb. 22, 2002, at A23 (discussing the Bush administration “continuing to sell a tax-cutting agenda that it had linked to fighting the recession”), available at http:// www.nytimes.com/2002/02/22/business/22econ.html?todaysheadlines. In addition to boosting consumer demand by reducing long-term interest rates, the policy proposed by Senator Kennedy, like the Clinton Tax Act of 1993, would also support tax fairness by helping to reduce the increased income inequality that has occurred in America over the last
NARCISSISM, GENERATION X, THE CORPORATE ELITE, ..., 24 Cardozo L. Rev. 1971

twenty years. See supra notes 45, 65 and accompanying text. It would also represent a responsible adult attitude of recognizing (as did FDR during World War II) that sacrifices, in the form of increased taxes, should be part of a successful war effort. See generally E.J. Dionne, Jr., Now, How to We Pay for It?, Wash. Post, Feb. 1, 2002, at A25; President Roosevelt, Radio Address on National Economic Policy (Apr. 28, 1942) (“[W]e must, [during the war] through heavier taxes, keep personal and corporate profits at a low reasonable rate.”), available at http://www.mhric.org/fdr/fdr.html.

On the Federal Reserve's lowering of interest rates throughout 2001, see supra note 69. On the current recession thus being relatively short and shallow, see Aversa, supra note 69 (noting Alan Greenspan's prediction on March 6, 2002 that the recession was over, and was the shallowest recession on record). For a more complete discussion of why the standard arguments by supporters of tax cuts for the wealthy are not persuasive, and thus economic growth is not likely to be as strong during the remainder of the Bush presidency as it was during the Clinton administration, absent a change in policy, see Appendix A.

See supra notes 73-75 and accompanying text. That kind of massive deficit policy would promote greater short-term growth, but at the expense of the nation's long-term fiscal position. While money for defense and homeland security will likely cause some deficits in the coming years--and a relatively large $106 billion deficit predicted for the 2002 budget will aid economic growth in 2002, see Bush Budget Sees Red, supra note 41, it is unlikely the political climate in Washington, D.C. will permit large deficits to reemerge year after year. This does mean, however, that tough choices will have to be made concerning domestic spending, assuming that the Bush tax cuts for the wealthy are not delayed or rescinded. On this prospect of tough choices, see, for example, Glenn Kessler, Past Rhetoric Haunts Senate Democrats, Wash. Post, Mar. 10, 2002, at A5, available at http://www.washingtonpost.com/wp-dyn/articles/A2102-2002Mar9.html.

Assuming no large deficits occur, economic growth under the Bush administration is likely to be similar to that of the Nixon administration, the last Republican presidency without large deficits. Following eight years of growth under the Kennedy/Johnson administrations, similar to the eight years of growth under Clinton/Gore, see supra text accompanying note 72, the Nixon years featured a mild recession of 0.6% decline in GDP, similar to the current mild recession, see supra note 69, followed by weak to moderate growth, and then a second recession in 1974-75. See supra note 70. Further discussion of economic growth under Nixon, including the impact of Nixon's wage/price freeze of 1971 and OPEC's oil price shock of 1973, appears in Appendix A.

If the recovery is, in fact, weak, and the public recognizes that for many of them, the Bush tax cut plan puts little money in their pockets, the public may come to associate Bush with tax cuts favoring the wealthy and big business. Concern in the Bush Administration that they may be so linked to big business is causing the Administration to be careful of such links. See, e.g., Bush To Put CEOs On Notice (Mar. 7, 2002), at http://www.money.cnn.com/2002/03/07/news/bush_enron.html; Mike Allen, Bush to Pitch Populist Themes, Wash. Post, Jan. 29, 2002, at A3; David S. Broder, TR's Lesson for Bush, Wash. Post, Jan. 29, 2002, at A19. But evidence of such links continue to exist. See, e.g., Dana Milbank & Mike Allen, Energy Contacts Disclosed: Consumer Groups Left Out, Data Show, Wash. Post, Mar. 26, 2002, at A1 (“Energy Secretary Spencer Abraham met with 36 representatives of business interests while helping to write President Bush's energy policy, and he held no meetings with conservation or consumer groups, the Energy Department disclosed last night.”), available at http://www.washingtonpost.com/wp-dyn/articles/A16943-2002Mar25.html. Even by February 2002, polling data suggested that the American public would support delaying the Bush tax cuts to provide resources for popular government programs. Bush Job Performance Lowest Since 9/11; Voters Split on Rolling Tax Cut; They Strongly Prefer Tax Roll Back if it Means More Money for Programs, Zagbyntl. Am. Poll, at http://www.zogby.com/news/ReadNews.dbm?ID=535.html (last visited Feb. 15, 2002). As an alternative, perhaps the Bush administration can sell the argument that the Democrats' blocking of Bush's additional package of tax cuts is responsible for weak growth. They are currently laying the groundwork for such an argument. For example, see Stevenson, supra note 89: White House officials... credited the tax cut President Bush signed into law last year for minimizing the depth and duration of the downtown.

But they signaled that they remained solidly behind the efforts of Republicans in the House to keep the [additional stimulus] package alive in the face of opposition from the Democratic-led Senate.

Id. However, given agreement on a “stripped-down” economic stimulus package, the small size of any additional stimulus package when measured against the United States economy suggests the weakness of such an argument. See Bush Signs

92 See Adarand Constructors, Inc. v. Pena, 515 U.S. 200, 237 (1995) (O'Connor, J.) (stating that, “[t]he unhappy persistence of both the practice and the lingering effects of racial discrimination against minority groups in this country is an unfortunate reality, and government is not disqualified from acting in response to it”).


94 See, e.g., Narcissistic Immunity, at http://www.healthyplace.com/communities/personality_disorders/narcissism/faq45.html (last visited Feb. 20, 2002). This FAQ states that:

In many respects, narcissists are children... They are haughtily convinced that introspection is a more important and more efficient (not to mention easier to accomplish) method of obtaining knowledge than the systematic study of outside sources of information in accordance with strict (read: tedious) curricula.

Id.

95 See id. A narcissist’s “unrealistic appraisal of situations” may also result from a “sense of entitlement”:

They mostly do get exempted many times by virtue of their standing in society, their charisma, or their ability to find the willing scapegoats. Having 'got away with it' so many times--they develop a theory of personal immunity, which rests on some kind of societal and even cosmic "order of things. "Some people are just above punishment, the "special ones," the “endowed or gifted ones.”

Id.


97 See Delgado, supra note 96, at 601-05; Armour, supra note 96, at 1176-77, 1195-98.

98 See, e.g., Susan Sturm, Second Generation Employment Discrimination: A Structural Approach, 101 Colum. L. Rev. 458, 469 (2001) (“The glass ceiling remains a barrier for women and people of color largely because of patterns of interaction, informal norms, networking, training, mentoring, and evaluation, as well as the absence of systematic efforts to address bias produced by these patterns.”).

99 See, e.g., Narcissistic Immunity, supra note 94 (stating that narcissists believe they deserve “‘special treatment’: high living standards, constant and immediate catering to his needs, the eradication of any encounter with the mundane and the routine, an all-engulfing absolution of his sins, fast track privileges,...”).

100 See, e.g., Gratz v. Bollinger, 122 F. Supp.2d 811 (E.D. Mich. 2000). Justice Stevens' writes separately that “educational benefits... flow from a diverse student body.” Id. at 821. According to Stevens, “’[s]tudents learn better in a diverse educational environment, and they are better prepared to become active participants in our pluralistic, democratic society once they leave such a setting.’” Id. at 822 (quoting Patricia Y. Gurin, Professor of Psychology at the University of Michigan and Interim Dean of its College of Literature, Science, and the Arts).

101 438 U.S. 265, 311-12 (1978) (Powell, J.). According to Justice Powell, “the attainment of a diverse student body” is “clearly a constitutionally permissible goal for an institution of higher education.” Id. at 311-12. “The atmosphere of ‘speculation, experiment, and creation’-- so essential to the quality of higher education--is widely believed to be promoted by a diverse student body.” Id. at 312 (quoting Keyishian v. Bd. of Regents, 385 U.S. 589, 603 (1967)).

Cf. Hopwood v. Univ. of Texas, 78 F.3d 932, 944-46 (5th Cir. 1996) (holding that student body diversity is not a compelling governmental interest to justify an affirmative action program).


See Adarand Constructors, Inc. v. Pena, 515 U.S. 200, 237-38 (1995) (O'Connor, J.) (“[A court must ask] whether there was ‘any consideration of the use of race-neutral means’ [and] whether the program was appropriately limited such that it ‘will not last longer than the [problem] it is designed to eliminate.’”).

See Issues 2000, Bill Clinton on Civil Rights, at http://www.issues2000.org/Bill_Clinton_Civil_Rights.html (last visited Aug. 21, 2002). Affirmative action was intended to give everybody a fair chance, but it hasn't always worked smoothly & fairly. Today there are those who are determined to put an end to affirmative action, as if the purposes for which it was created have been achieved. They have not. Until they are, we need to mend affirmative action, most certainly, but not end it. That is exactly what we are trying to do: end abuses, prohibit quotas, subject affirmative action to strict review, oppose any benefits to those who aren't qualified, but make that extra effort to see that everyone has not a guarantee, but a chance.

Id.

When a state school intentionally seeks to admit minority students through the use of race-neutral criteria, such as economic disadvantage, it has acted with a discriminatory purpose. Such efforts, therefore, should trigger the same strict, and usually fatal, scrutiny applicable to policies that directly rely on race as a criterion for admission.

Id. at 2333-34.

See, e.g., Fischer, supra note 53. As Fischer put it:
Nothing is quite as startling as the unabashed zeal with which Federalists courted the minority groups who had been the chief victims of their repressive legislation during the nineties. Before 1800, they had been extremely hostile to ‘united Irishmen’. After 1800, however, they sometimes sang a different tune. While continuing to pander to anti-Hibernian prejudices of ‘native Americans,’ they sought to conciliate the Irish too....

In Philadelphia after 1800, however (probably the only place except Charleston where a Jewish ‘vote’ existed in the early national period) the Federalists showed signs that they had recognized the political dangers... of antisemitism. From 1806 onward, a Jew was usually on the most important Federalist electioneering committees.... Of course, in other parts of the country Federalists continued to capitalize upon antisemitism.

Id. at 163-65.

See, e.g., GOP Vows to Attract Hispanics, Other minorities (Jan. 19, 2002) (“The Republican National Committee's winter meeting ended Saturday with party leaders pledging to win over Hispanics and other minorities who have historically supported Democrats.”), at http://www.cnn.com/2002/allpolitics/01/19/gop.minorities.ap/index.html.

See generally Ron Unz, California and the End of White America, Commentary, Nov. 1999, at17, available at http://www.onenation.org/9911/110199.html. Unz states that: “On the contrary, from Dole on down, the GOP suffered a series of crushing defeats throughout California. Chagrined Republicans now concluded that the whole idea of ending affirmative action had energized the opposing base of minority voters much more than the supporting base of white conservatives.” Id. at 24.
See generally Scott Lindlaw, Bush Bypasses Senate to Fill 5 Policy Posts (Mar. 29, 2002) (“Bush also installed a Department of Education official [Gerald Reynolds] who has been strongly opposed by civil rights and education groups for his stances on affirmative action and other issues.”), at http://www.washingtonpost.com/wp-dyn/articles/A37019-2002Mar29.html; Karen DeYoung, Domestic Politics Follow Bush Abroad, Wash. Post, Mar. 25, 2002, at A13 (“Villaraigosa [a popular Latino politician in Los Angeles] said the Republicans were ‘desperately, but unsuccessfully, seeking Hispanic support’ and that it was the administration that had failed to support more substantive immigration legislation. ‘Our community knows the difference between rhetoric and results, between pandering and producing,’ he said.”). According to Roger Wilkins, a professor of history and culture at George Mason University, and a member of the Citizens’ Commission on Civil Rights: “The president came to office trumpeting a concept that he called ‘compassionate conservatism.’” See Civil Rights Panel Assails Bush Record (Feb. 12, 2002), at http://www.cnn.com/2002/allpolitics/02/12/bush.rights.reut/index.html. The Commission report stated that: Blacks, Hispanics and other minorities are victimized by disproportionate targeting and unfair treatment by police and other front-line law enforcement officials; by racially skewed charging and plea bargaining decisions of prosecutors; by discriminatory sentencing practices; and by the failure of judges, elected officials and other criminal justice policy-makers to redress the inequities that become more glaring every day.

Id. (quoting the Citizens' Commission on Civil Rights report to the Bush administration). See also Stephanie Armour, Minority Job Losses Shrink Gains Made in ’90s, USA Today, Jan. 14, 2002, at B1 (“The recession is taking a heavy toll on minority workers as rising unemployment rates for African-Americans and Hispanics threaten economic gains attained during the booming 1990s.”).

Attempts by Republicans to increase minority support by running conservative minorities for office in the hopes that a minority face or surname will cause minorities to vote for that candidate so far have not been terribly successful by the time election day rolls around. For example, in the 2001 Houston mayor's race, conservative Hispanic candidate Orlando Sanchez initially made significant inroads into the Hispanic community when running against incumbent African-American mayor Lee Brown. See Rachel Graves, Grass-Roots Effort Put Brown Over Top, Hous. Chron., Dec. 3, 2001, at 1A, available at http://www.uh.edu/ccp/News.html. By election day, however, after Brown campaign ads focused on Sanchez' conservative positions, Lee Brown won the election by a fifty-two to forty-eight percent margin, almost precisely the margin Lee Brown had defeated conservative white businessman Rob Mosbacher in 1997. See id.; see also Former “Drug Czar” Lee Brown Elected Mayor of Houston (Jan. 1998) (“Brown... received 52% of the vote to Mosbacher's 48%.”), at http://www.ndsn.org/Jan98/netnews.html. In addition, for this tactic to succeed, voters within the Republican party have to vote for such candidates in Republican primaries. The Bush record on this has not been particularly successful. See, e.g., Mary Flood, Incumbent Appointee Rodriguez Loses Supreme Court Race, Hous. Chron., Mar. 13, 2002 (reporting that Texas Supreme Court incumbent Xavier Rodriguez, appointed by Republican Governor Rick Perry, lost the Republican primary for the Texas Supreme Court seat to Steven Wayne Smith, an attorney for the plaintiffs in the Hopwood affirmative action case), available at http://www.chron.com/cs/cda/story.hts/politics/1293240; Simon Wins Upset in California Governor's Race (Mar. 6, 2002) (noting that the more conservative candidate, Bill Simon, defeated the Bush-supported more moderate candidate, Richard Riordan, in the Republican primary for governor; as mayor of Los Angeles, Riordan had a track record of support in the Latino community of Los Angeles), at http://www.cnn.com/2002/allpolitics/03/06/california.governor/index.html. In contrast, the Democrats will likely have an opportunity to try out a “dream team” of diversity in the Texas elections in 2002, with Hispanic businessman Tony Sanchez running for Governor, African-American former mayor of Dallas, Ron Kirk, running for Senate, and white moderate John Sharp running for Lieutenant Governor. See Dan Balz, Democrats Dream of Gains in Texas, Wash. Post, Mar. 14, 2002, at A2 (discussing a “dream team” of Democratic candidates that could restore the party's ability to win statewide elections), available at http://www.washingtonpost.com/wp-dyn/articles/A23993-2002Mar13.html.


admission in public colleges to a percentage of the state's top-ranked high school students” and notes that “[i]n California and Texas, the top 10 percent are admitted, and Florida admits the top 20 percent.” Id.

The Talented 20 percent plan... gives incentives for students to remain in a lower rated school to increase their chance for college admission--or to move to a lower rated school late in their high school career. These incentives clearly promote segregation. They also conflict with parental choice that encourages parents to transfer their children to a higher performing and more competitive school.
The Talented 20 admissions policy will admit many minority students with far weaker preparation than those admitted under the current [affirmative action] policy. It is likely that the SUS [newly proposed policy] will temporarily maintain minority enrollment levels but will find themselves flunking out a growing percentage of minority students who are unprepared. Id.

See, e.g., Adarand Constructors, Inc. v. Pena, 515 U.S. 200, 237-38 (1995) (Scalia, J., concurring in part) (“In the eyes of government, we are just one race here. It is American.”).


See Regents of the Univ. of Calif. v. Bakke, 438 U.S. 265, 407 (1978) (Blackmun, J., concurring). One balanced approach towards affirmative action is represented by the so-called “Hyde Park Declaration,” a New Democrat policy statement supported by Democrats like Vice-Presidential Candidate Joseph Lieberman, that recommends “resisting an 'identity politics' that confers rights and entitlements on groups.” Hyde Park Declaration: A Statement of Principles and a Policy Agenda for the 21st Century, available at http://www.ndol.org/print.cfm?contentid=1926 (Aug. 1, 2000). The Declaration provides as a goal for 2010 a shifting of “the emphasis of affirmative action strategies from group preferences to economic empowerment of all disadvantaged citizens.” Id. Note that such a shift in emphasis would help prevent the Republican Party from being able to use affirmative action as a wedge issue to split middle and working class whites and minorities from one another. On the possibility of such a split, see Kelso, supra note 3, at 1230.


Id. at 84.


Speech to the South Texas College of Law Faculty (Nov. 30, 2001) (speaker's name withheld).

See Holmes v. AFSCME Ind. Council 52, 70 U.S.L.W. 1491, 1492 (S.D. Ind. 2002) (noting that the accommodation requirements of the ADA are more burdensome than Title VII requirements).

See id.

It is assumed, as part of this assertion, that religious beliefs are a matter of voluntary choice even for Catholics, who may claim Catholic doctrine requires them to believe certain things. See generally Rev. Anthony Cekada, Baptism of Desire and Theological Principles, at http://www.traditionalmass.org/BaptDesire.html (last visited Aug. 22, 2002). According to Reverend Cekada: Catholics... are not free to reject this teaching, because it comes from the Church's universal ordinary magisterium. Pius IX stated that Catholics are required to believe those teachings that theologians hold ‘belong to the faith,’ and to subject themselves to those forms of doctrine commonly held as “theological truths and conclusions.” Id. Analyzed objectively, choosing to believe a particular Catholic doctrine is a matter of voluntary choice, even if the individual subjectively feels the individual has no choice in the matter. Id.

Phrased alternatively, not everyone is subjected to the same level of pain, suffering, or burden in society. Some people have greater burdens than others that call for different responses. The idea that everyone, including middle and upper-middle class conservative whites, have had it just as tough as everyone else is simply not true, even if some conservative columnists make the opposite claim. For example, Peggy Noonan, a conservative columnist, interpreted a shooting scene in a film as a metaphor for shared human suffering. “Because everybody's been shot. What does that mean? It means something we used to know. It means everyone has it hard, everyone takes hits, everyone's been fragged, life isn't easy for anyone.” Peggy Noonan, ‘Everybody's Been Shot’, Wall St. J., Jan. 11, 2002, available at http://www.combatwombat/everybodyshot.html (last visited Aug. 22, 2002). To the contrary, life is certainly more difficult for most Americans than it is for Peggy Noonan. As a parent will sometimes say to a child to help that child grow up: “Quit your whining.”

See Kohlberg, supra note 21, at 409 (“This stage [stage one] takes an egocentric point of view. A person at this stage doesn't consider the interests of others or recognize they differ from [the] actor's, and doesn't relate [the] two points of view.”).

Id. at 409-10 (“A person at this stage [stage two] separates [his or her] own interests and points of view from those of authorities and others. He or she is aware everybody has individual interests to pursue and these conflict.... The person integrates or relates conflicting individual interests to one another through... fairness giving each person the same amount.”).

For a discussion of the more responsible adult morality (stages three to six in Kohlberg's hierarchy of moral development), see supra note 22 and accompanying text.

See, e.g., People of Faith Speak Out Against Bush Deal with Salvation Army (July 10, 2001) (“[A] Salvation Army document states that the White House has made a firm commitment to issue a regulation exempting religious charities that receive government funds from local and state laws which prohibit discrimination based on sexual orientation.”), at http://www.commondreams.org/news2001/0710-13.html.


It must be noted that many in the conservative religious community have equally raised concerns about government funding of religious charity work, rejecting the position of the Salvation Army hierarchy. An article in the Marantha Christian Journal states that “[a]mong reservations voiced by conservative Christian leaders are fears the program could lead to government interference that would harm churches' spiritual vitality and freedom.” White House May Delay or Change Faith-Based Plan,
Maranthan Christian J., Mar. 19, 2002, at http://www.mcjonline.com/news/01a/20010312b.shtml. The article quotes Bush as stating that “some are worried that once government gets in their lives, government will force a change in their religion” and that “[t]here are some who worry about once government gets involved, government will force religion on people.” Id. (quoting a statement made by President Bush). Bush’s response: “I am mindful of those concerns, and our policy will understand that. We’ll fashion a policy--that we have already fashioned--that will, I believe, answer those critics.” Id. (quoting a statement made by President Bush).


140 Id. (discussing key issues regarding implementing such programs like “[b]e fair and equitable, “[d]on’t exclude new or nontraditional belief systems,” “[e]ducate yourself and others,” “[l]earn about the religious beliefs and practices of employees in your company,” “[s]eek individualized solutions,” and “[d]on’t forget the nonreligious”).

141 See id. (discussing policies small businesses might have difficulty adopting). For example, the Whirlpool Corporation: worked hard to accommodate those employees’ [Muslim] religious requirements, including praying five times each weekday. One big challenge is that Islamic practice calls for employees to end one particular prayer at sundown, which is at a different time each day. That required supervisors to carefully schedule production workers.... Among the accommodations made by Whirlpool was allowing Muslim employees to start work at 6 a.m. on Fridays, permitting them to attend a weekly noon congregational prayer at a local mosque.

Id.

142 See, e.g., Shaunna Bennett, Close Battle for White House Predicted at Panel Discussion, Whats New at AU (American University Newsletter), Mar. 21, 2000 (discussing the “Christian conservatives and small business people that aided Bush's victory”), at http:// www.garamond.univpubs.american.edu/weeklypast/032100/story_2.html; R. Marc Nuttle, A Bloc Is Born, Inc. Mag., June 1, 1995, available at http:// www.inc.com/incmagazine/articles/2295.html. Mark Nuttle discusses the emergence of small business owners as a political block in 1994, and states that “[t]he catalyst was the health-care plan of 1993.” According to Nuttle, “suddenly, small-business owners believed they were being asked to carry the burden of regulations.” Id. “Entrepreneurs are avoiding the Democratic party because it does not appear to understand the concerns of small business.” Id. Another article discusses a proposal to make it easier for small businesses to “pool” together to provide health insurance at lower cost, and effect a $7 billion small business tax cut of increased deductions for equipment and machinery and a $104 billion permanent repeal of the estate tax. President Seeks New Round of Tax Cuts, Relief for Small Business (Mar. 19, 2002), at http:// www.cnn.com/2002/allpolitics/03/19/bush.economy.ap/index.html. If the Democrats are smart, they might consider the first two proposals and reject the estate tax proposal as unjustly pandering to the top percentile. See also infra note 173.


144 As Steve Chapman put it:
Jesus assured us that by their fruits you shall know them, and the important fruits of the Justice Department are the policies it pursues, not the admirable personal qualities of the attorney general. We all know [Secretary of the Interior] Gale Norton has a heart. But does it beat for the spotted owl?

Id.

145 For a discussion, see supra notes 21-22, 131-33 and accompanying text.

146 Cf. Quotes to Inspire You by Abraham Lincoln, at http://www.cyber-nation.com/victory/quotations/authors/quotes_lincoln_abraham.html (last visited Mar. 17, 2002) (“You can fool some of the people all of the time, and all of the people some of the time, but you cannot fool all of the people all of the time.”). Note that President Clinton stood up to narcissistic impulses within the Democratic Party when he signed the 1996 Welfare to Work Bill. That bill rejected the childish view that people are entitled to have the government provide for them--welfare as a “parental allowance”--and required able-bodied individuals to go to work. While certain elements within the Democratic Party criticized the President for signing this bill, see Clinton Signs Welfare Reform Bill, Angers Liberals, at http:// www.cnn.com/allpolitics/1996/news/9608/22/
welfare.sign/index.shtml (last visited Aug. 22, 1996), signing that bill was an important part of President Clinton's successful reelection effort. See supra notes 5-6 and accompanying text. Given the analogies developed in this article, if President Bush does not stand up to the narcissists within his own party, Democrats should try to separate President Bush from the personas of Lincoln and Roosevelt, which President Bush would then have abandoned.

This strategy would involve drawing distinctions between Bush and Lincoln on issues like honesty and civil rights. On the issue of honesty see, for example, Karin Miller, Gore Criticizes Bush Over Economy, at http:// abcnnews.go.com/wire/US/ ap20020202_1209.html (last visited Mar. 31, 2003). Miller quotes Gore as stating:

We need a government that lives within its means, invests in the American people and supports tax cuts that are fair and go to those who need them.... What we don't need is a government whose budge is based on inaccurate assumptions, and whose many priorities provide special favors for the few over the many.

Id. (quoting former Vice President Al Gore). See also supra notes 48-56 and accompanying text (discussing a potentially dangerous disconnect between Bush rhetoric and action on a range of issues). On the issue of civil rights, see supra notes 23, 35, 108-12 and accompanying text (discussing the traditional Republican response to issues of civil rights and comparing that with aspects of the Bush record). Such a strategy would also involve drawing distinctions between Bush and Teddy Roosevelt. On Bush's environmental policies, see Greg Botelho, Gore Ends Silence, Rejoins ‘National Debate’ (Feb. 3, 2002) (stating that Gore “struck a similar tone on the environment, criticizing the White House for rolling back pollution standards, abandoning the Kyoto treaty on global warming and promoting oil drilling in Alaska and the Great Lakes”), at http://www.cnn.com/2002/ allpolitics/02/02/gore.speech/index.html. On whether Bush is willing to stand up to large corporations as did Teddy Roosevelt in challenging the trusts, see Miller, supra. On the President's role in world affairs, see Josh Benson, Feisty and Furry, Gore Starts Race, Whacking Bush, at http://www.nyobserver.com (last visited Aug. 22, 2002) (“Mr. Gore raised strong questions about the direction of Mr. Bush's war on terrorism and said that the President seemed to have adopted a philosophy [contrary to Teddy Roosevelt's] of ‘speak loudly and carry a small stick.’”). On reforming politics, see Botelho, supra (stating that for Gore, the most important issue facing America was campaign finance reform). Alluding to the charges that bankrupt energy giant Enron—one of the biggest corporate donors to Bush's presidential campaign-improperly influenced the White House's energy policy, Gore stated that “[r]ecent events have made it clear that this [campaign finance] reform is needed more than ever.” Id. (quoting former Vice President Al Gore). According to Gore, “the American people want campaign finance reform. The special interests do not.” Id. (quoting former Vice President Al Gore). Given the Quincy Adams/Jackson analogy discussed earlier in this article, see supra notes 10-18 and accompanying text, such a strategy would also likely involve reminding voters, as Jackson supporters did throughout the Adams presidency, of the controversy surrounding the president's election. Compare John Quincy Adams, discussed supra note 18, and supra note 16 with Gore News Network, supra note 14.


See supra text accompanying notes 73-75.

See supra note 75.

On eight years of economic growth during the 1960s, see the Gross Domestic Product Table, supra note 62. On the small budget deficits during this time, see the U.S. Census Bureau, supra note 74, at 887.


This proposition is discussed more fully infra text accompanying notes 159-62.
NARCISSISM, GENERATION X, THE CORPORATE ELITE,..., 24 Cardozo L. Rev. 1971

154 See Mitchell, supra note 147, at 2.

155 See generally Great Depression, at http:// www.education.yahoo.com/search/be?1bextended,38,0>p1%3AG/ great_depression (last visited Aug. 21, 2002) (“Since the U.S. was the major creditor and financier of postwar Europe, the U.S. financial collapse led to collapses of other economies, especially those of Germany and Britain.”); Hawley-Smoot Tariff Act, Col. Encyclopedia (6th Ed. 2001), available at http:// www.bartleby.com/65/ha/HawleySm.html (last visited Mar. 16, 2002) (stating that “[t]he act brought retaliatory tariffs from foreign countries, U.S. foreign trade suffered a sharp decline, and the depression intensified”). The suggestion raised in Mitchell, supra note 147 (that increasing the top income tax rate from twenty-five percent to sixty-three percent in 1930 was responsible for the slow economic growth of the 1930s) is belied by the fact that the Great Depression started in 1929, prior to any shift in tax rates. Hoover's tax policy did not create the Stock Market crash of 1929. The most likely catalyst for the 1930s Great Depression was the predictable cycle of “boom” and “bust” which follows economies with little or no re-distributive tax policy. See infra text accompanying notes 156-62.

156 See generally Ray Unger, This Isn't Your Grandfather's Recession, at http://www.ungercap.com/articles/111601.html (last visited Mar. 16, 2002). In his article, Mr. Unger notes that the terms “panic” and “depression” were used at the time to describe “the three-year period 1819-22,” as well as “1837, 1857-60, 1873-78, 1893-94, 1907-08 and, of course, the Great Depression of 1929-39.” Id. Mr. Unger notes the average length of the twenty-one recessions between 1854 and 2000 was twenty-one months, but that for the ten recessions between World War II and 2000, the average was just ten months. Id. Recessions thus have been much shorter since World War II and the era of greater re-distributive income tax policy. Mr. Unger also reports that the average length of economic expansions since World War II has been five years, compared to three years for the entire 1854-2000 period. Id.

157 See, e.g., Posting of Douglas Olds, dolds.wam.umd.edu, to Corporate Accountability & the MAI (University of Colorado Seminar) (Oct. 1, 1997, 20:02:03 MST) (on file with author) (stating that the Multilateral Agreement on Investment “promotes the mobility of capital which induces countries that desire to attract foreign investment to lower domestic standards and provide absolute advantage”), at http:// www.csf.colorado.edu/sustainableeconomics/mai/seminar/0034.html.

158 Prime Minister Tony Blair of England refers to such economic cycles, produced by tax policy too greatly favoring the wealthy, as “Tory boom and bust.” See, e.g., Michael White, Irate Blair Savages Thatcher, Guardian, Nov. 23, 2000, at G2 (“Today we have to deal with those problems that we inherited from that [Thatcher's] time--the boom and bust economics, the social division, the chronic under-investment in our public services.”). A similar cycle of boom and bust would likely be created under any “flat tax” system, or any progressive tax system where the wealthy are able to cheat, thus mimicking a flat tax system. Any tax system that does not have a sufficient re-distributive element will not correct for the market imperfection caused by capital being more mobile than labor.

Of course, a flat tax system has a superficial appeal because it taxes all individuals at the same rate. Being simple-minded equality, it thus conforms to Kohlberg's second stage morality. See supra note 132 (“fairness giving each person the same amount”). All mature Western democracies understand that given the different circumstances of individuals with different levels of economic wealth, some form of re-distributive taxation is justified. However, Kohlberg's second stage childish narcissists (little boys whose have never grown up because their fathers provided for their every need), can be predicted more readily to embrace the simple-minded equity of the flat tax system. See generally Beth Rowen, Steve Forbes: The Flat Tax Man is in For the Long Haul, at http://www.infoplease.com/spot/steveforbes1.html (last visited Mar. 20, 2002). Of course, since most versions of a flat tax system favor the wealthy, they may favor the flat tax for that reason also. See id. (stating that “[c]ritics... contend that a flat tax would line the pockets of the rich at the expense of low- and middle-income taxpayers.”).

159 This conclusion is supported by comparing the average GDP per person of successful Western European or East Asian countries with the average GDP in South or Central American or Asian countries where disparities in wealth between rich and poor are much greater. See, e.g., J. Bradford DeLong, Slouching Towards Utopia?: The Economic History of the Twentieth Century, at http://www.econ161.berkeley.edu/TCEH/Sloouch_divergence5.html (last visited Aug. 21, 2002) (noting the following pairs of countries with similar GDP per person in 1900, but the second country in each pair has fared much better during the twentieth century: Argentina and Norway, Chile and Finland, the Philippines and Japan, and Pakistan and Taiwan). In each case, the more prosperous country has greater income equality than the poorer country. See id.
The figure of 40% reflects the Clinton tax policy of the top income tax rate being 39.6%, which, when combined with the Medicare tax, approximated 42%. See Mitchell, supra note 147. Social security taxes are not included in this calculation because they are not paid on income above the social security “cap” and thus are not part of the top marginal income tax rate. The 70 percent figure reflects the sustained growth of the 1960s, compared to the 1940s and 1950s, following the Kennedy administration's top marginal tax rate cut from 91.2% to 70 percent in 1963. See supra text accompanying notes 150-53.


See generally Why We Don't, supra note 161. According to one source:
When the U.S. emerged from World War II, it had the largest and best-functioning economy in the world. The other industrialized nations lay destroyed, and had to start rebuilding from scratch. Although the U.S. has remained the most prosperous nation in the world ever since, these other nations have been growing faster than the U.S. And they have been doing so with far higher tax rates!

Between 1970 and 1993, developing countries with good economic policies [balanced budgets, low inflation, and open to trade] but low aid payments grew at an annual rate of 2.2 per cent per capita, whereas developing countries with good economic policies and high aid payments grew almost twice as fast, at an annual rate of 3.7 per cent.
Id. at 63. In contrast, if one looks at all countries, regardless their economic policies, there is no “link at all between aid and growth.” Id.


Income tax reductions... encourage increased endeavor and boost taxable incomes. Tax cuts for low- and middle-income workers have virtue, but if the goal is to reap more production and taxable income, it is vital not to exclude upper-income brackets. History shows that as we cut tax rates on the wealthy, we reap increased production and income without a tangible loss in tax revenue.
Id.

As stated in the famous line from the movie Field of Dreams, “If you build it, they will come.” See Posting of Korneroffice to Epinions.com (Aug. 2, 2001) (discussing, inter alia, Kevin Costner in Field of Dreams (Universal Studios 1989)), at http://www.epinions.com/content_1935581316.

See supra notes 64-66 (discussing business response to falls in consumer demand).
NARCISSISM, GENERATION X, THE CORPORATE ELITE,..., 24 Cardozo L. Rev. 1971

169 Economic statistics reveal that the growth rate in productivity in the United States was highest, 3.1 percent per year, between 1951 and 1963, when the top marginal tax rate was highest, 91.2%. Productivity growth was the slowest between 1981 and 1995, during years when the top marginal tax rate declined to 50%, and then 33.7%, before being raised by the 1993 Clinton Tax Act to 39.6%. See Taxes and the Economy, supra note 152 (stating that “this does not mean that higher marginal rates caused higher growth rates, but it does indicate that there is no simple relationship between taxes and economic prosperity.”).


171 Id. As this article puts it: “[T]here is a strong element of peer-group comparison in determining how much the CEO is paid. The chairman of the compensation committee is typically the chief executive of another company, and his best gauge for what a CEO ought to be paid is his own salary.” Id. According to Charles O'Reilly, a professor of human resources management at Stanford Graduate School of Business, “the more the chairman of the compensation committee was paid, the more the CEO could expect to make.” Id. Thus, “[a] feeling of indebtedness to the CEO is also a strong determinant of high CEO pay. Id. “In other words: you scratch my back and I'll scratch yours. The people sitting in the room deliberating over the CEO's pay package tend to feel obligated to the CEO, often, quite simply, because she gave them a plum position on the board.” Id. Other countries have rules or business traditions which better insure the independence of the supervisory board members. See, e.g., Dr. Gerhard Cromme, Chairman of the German Comm'n Corp. Governance Code, Remarks on the Publ'n of the Draft German Corp. Governance Code (Dec. 18, 2001) (discussing the “[i]ndependence of supervisory board members”), at http://www.corporate-governance-code.de/eng/news/rede-crommes.html.

172 See Ron Yezzi, CEO Pay, at http://www.krypton.mnsu.edu/~yezzi/ceopay1.html (last visited Mar. 17, 2002) (“Corporate Chief Executive Officers in the United States, on average, earn... six times as much as those in Japan, and four times as much as those in Germany.”).

173 This argument applies both to personal income taxes for the top percentile and estate taxes upon death for estates in the top percentile. While higher income tax rates or different estate tax policy for the top percentile violate the “simple equity” of Kohlberg’s second stage morality, see supra note 158, they represent traditional sound tax policy for mature, successful democracies. They are sound because they create the economic conditions for sustained economic growth, see supra notes 59-91, 147-56 and accompanying text, correct for the market imperfections caused by the mobility of capital, see supra notes 157-65 and accompanying text, and respond to cartel-like CEO salaries. See supra notes 170-72 and accompanying text.

174 See Yezzi, supra note 172 (“In the 1990s, they [Chief Executive Officers in the United States] earn 100 times as much as the average worker, compared with a 30 to 1 ratio in the 1960s.”); supra note 45 (discussing increases in wealth of the corporate elite during the 1980s and 1990s). The market imperfections reflected in these cartel-like increased salaries of American CEOs over the last fifty years, see supra text accompanying notes 171-73, coupled with that part of the increased wealth of the corporate elite caused by the fact that capital is more mobile than labor, see supra text accompanying notes 157-58, undermine an argument that progressive tax systems are unfair to the wealthy because they “deserve” all of their wealth, or in any event are “entitled” to all their wealth since it was accumulated as a result of well-functioning, well-regulated “market” transactions. As a final observation, the corporate elite might not be as concerned about the recessions that inevitably accompany Republican administrations as one might think. In addition to their ability to speculate on the declining stock market during recessions, see supra text accompanying notes 80-83, recessions give the corporate elite the opportunity to keep workers off balance and more concerned about holding their jobs than getting wage increases, given the higher unemployment that accompanies recessions. Narcissists are known for liking to have such power over individuals. See, e.g., Gregory, supra note 57 (stating that the narcissistic “force is interested in, committed to, and obsessed with power and control, and will sacrifice people and resources indiscriminately”). As the evil Hopper tells his fellow grasshoppers in Disney's movie, A Bug's Life (Walt Disney Pictures1998), it is necessary to keep the ants oppressed, because if they had time to think things through they would realize their numbers would permit them to stop the oppression if they would just band together against it and stop it.