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Cliff Schechter

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Cover Page Footnote

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EXTREMELY MOTIVATED: THE REPUBLICAN PARTY'S MARCH TO THE RIGHT

by Cliff Schecter*

I. STILL A ROCK PARTY

In the 2000 film *The Contender*, Senator Lane Hanson, portrayed by Joan Allen, explains what catalyzed her switch from the Grand Old Party ("GOP") to the Democratic side of the aisle. During her dramatic Senate confirmation hearing for vice-president, she laments that "The Republican Party had shifted from the ideals I cherished in my youth."

She lists those cherished ideals as "a woman's right to choose, taking guns out of every home, campaign finance reform, and the separation of church and state." Although this statement reflects Hollywood's usual penchant for oversimplification, her point concerning the recession of moderation in Republican ranks is still apropos. The Republican Party of the 1970s was at best ambiguous on abortion, gun control, and the separation of church and state. In striking contrast, the current incarnation of the GOP, minus a few Senator Hanson-esque moderates, is strongly opposed to all three.

The Republicans of Senator Hanson's youth would have included members of the Rockefeller Wing: moderates who, while conservative fiscally and in foreign affairs, favored a larger government role in protecting civil rights for African-Americans, the environment, and women's rights, and who were generally more secular in their view of religion in society. Those ideologically aligned with this coalition included party stalwarts such as Governor of New York and Vice-President Nelson Rockefeller, future presidents George H.W. Bush and Gerald Ford, Governor of Michigan George Romney, and House Minority Leader Bob Michel.

To the surprise and consternation of many conservatives, the list would even include President Richard Nixon, who created the Environmental Protection Agency, supported the Equal Rights Amendment, and instituted the first federal affirmative action program.

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Another member of the Republican Party of the 1970s was Senator Jim Jeffords of Vermont, whose allegiance was to the strong progressive tradition of northeastern Republicanism, a tradition responsible for some of society's greatest achievements in civil rights, worker protection, and conservation.

This more centrist GOP had an ideological anchor in the East Coast business establishment of Alexander Hamilton and J.P. Morgan; the northern and more progressive Midwest of Abraham Lincoln and Bob La Follette; and the West Coast social liberalism of California Governor Earl Warren. Yet, reflecting remarkable realignments in party concept and geography, today's Republicans are more likely to hail from the populist South and libertarian West. They are ideological stepchildren of a very different, more radical conservatism that traces its roots back to the anti-government stance of Andrew Jackson.

Today, the Republican Party, founded on an antislavery platform 147 years ago, seems, at times, more at home with former segregationists than civil rights crusaders, more comfortable with Bob Jones University¹ than *Brown vs. Board of Education*.²

How did the party that birthed abolition and the Progressive Movement in the nineteenth century and moderate Rockefeller Republicanism³ in the twentieth century, embrace this more radical conservatism?

Some date the beginning of this ideological shift to Democrat Harry Truman's embrace of civil rights for African Americans. In 1948, Truman issued two momentous executive orders, one desegregating the armed forces⁴ and the other instituting fair employment practices in the civilian agencies of the federal government.⁵ These actions outraged southern Democrats and climaxed with

1. Bob Jones University is a university in Greenville, South Carolina that historically forbade interracial dating. R.W. Apple, Jr., *Transition in Washington: News Analysis; Selling Point Is a Sore One*, NY TIMES, Jan. 19, 2001 at A1.

2. *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954) (holding that racial discrimination in public education is unconstitutional).

3. The term "Rockefeller Republicanism" refers to moderate Republicanism of the northeastern business establishment exemplified by the New York Governor and Vice-President under Gerald Ford, Nelson Rockefeller. WILLIAM C. BERMAN, *AMERICA'S RIGHT TURN: FROM NIXON TO BUSH* 10 (1994). Rockefeller Republicanism stresses fiscal conservatism, internationalism, and social progressivism. See KENNETH S. BAER, *REINVENTING DEMOCRATS: THE POLITICS OF LIBERALISM FROM REAGAN TO CLINTON* 19-26 (2000).

4. Exec. Order No. 9981, 13 Fed. Reg. 4313 (July 26, 1948).

5. Exec. Order No. 9980, 13 Fed. Reg. 4311 (July 26, 1948).

these “Dixiecrats’” walking out of the Democratic Party.⁶ They were led by a young segregationist named Strom Thurmond, of South Carolina, who, with his minions, brought his conservative southern populism with him to the Republican Party.⁷

This trend toward conservatism swelled into a tidal wave in 1964 when Republican Senator Barry Goldwater of Arizona gained the Republican Party’s presidential nomination by positioning himself as a stark alternative to the New Deal consensus accepted by Eisenhower, Rockefeller, and other Republicans of the day.⁸ The triumph of his western anti-government philosophy over Nelson Rockefeller’s moderate brand of Republicanism, coupled with Democratic President Lyndon Johnson’s support of sweeping voting and civil rights legislation, was not lost on southern segregationists.

Many southern Democrats (joined by northern big city ethnics) began to question their allegiance to a party of increasingly liberal, northern values. With the candidacy of Governor George “States’ Rights” Wallace⁹ of Alabama, and an invitation to join the states’ rights cause from Barry Goldwater,¹⁰ began a decades long process of severing the traditional ties between southern Democratic white males and the party of their forefathers.

Southern conservative Democrats realized that switching their loyalties and endorsing the party of small government and status quo meant supporting those who would not interfere with the Southern “way of life” when it came to race relations. This realignment began to show when Goldwater received practically all his support in his 1964 presidential bid from states well south of the Mason-Dixon Line (Alabama, Georgia, Mississippi, Louisiana, South Carolina).¹¹

This trend continued in 1968 and 1972 with former Democrat and Alabama Governor George Wallace’s second candidacy for president, this time as an Independent. The race pulled historically southern Democrats and northern ethnics out of the Democratic Party and towards Wallace. Once a would-be assassin’s bullet paralyzed Wallace and took him out of the race, Richard Nixon’s “Southern Strategy,” used to court these voters, worked like magic,

6. MICHAEL LIND, *UP FROM CONSERVATISM: WHY THE RIGHT IS WRONG FOR AMERICA* 130 (1996).

7. *Id.* at 24.

8. BAER, *supra* note 3, at 16-17.

9. *Id.* at 21.

10. LIND, *supra* note 6, at 127.

11. LIND, *supra* note 6, at 24.

leading to one of the largest electoral landslides in the history of presidential politics: Nixon's victory over his anti-war liberal opponent Senator George McGovern of South Dakota.

The western and southern conservative movement's next installment was the famed "Reagan Revolution" in 1980. It featured conservative "Reagan Democrats," southern white males and northern white ethnics, being asked to return to the GOP after their flirtation with southern evangelical Jimmy Carter. Yet, this political realignment lasted beyond the Reagan presidency, solidifying the allegiance of these groups to national Republican tickets for the next two elections to come.¹²

With each new phase of this Southern realignment, Dixie voted more heavily for the GOP, and its representatives became increasingly more Republican. The power structure in the party, however, remained essentially the same, with the moderate wing still represented in prominent positions and controlling a good deal of the party agenda.

Centrists such as Howard Baker, George H.W. Bush, and James Baker played important roles in the Reagan Administration.¹³ So did prominent moderates such as Minority Leader Bob Michel in the House and Republican Senate Leader Bob Dole in the Senate. While the tide was clearly changing, moderate Republicans were still relevant and important to the success of their party.

This, however, changed with the landslide Republican electoral victory of 1994.¹⁴ When the dust cleared, the Republicans had a majority of southern seats in the House of Representatives and the Senate for the first time since the puppet regimes of Civil War Reconstruction.¹⁵ The newer members from the South and West would not just add more seats to the Republican arsenal, they would become the battalions of the right-wing and populist conservatives, such as Trent Lott and Newt Gingrich, helping these men consolidate their power and take leadership positions in the Senate and the House.¹⁶

12. BAER, *supra* note 3, at 31-32.

13. Howard Baker was chief of staff (1987-88); George H.W. Bush was vice president (1980-88); James Baker was chief of staff (1981-85) and secretary of the treasury (1985-88).

14. BAER, *supra* note 3, at 231.

15. *Id.*

16. Before 1994 there had been more diversity among the leadership ranks of the Republican Congress. After the 1994 election, however, every Republican in the House and Senate leadership hailed from the ultra-conservative South or the libertarian conservative West. LIND, *supra* note 6, at 124-30.

II. SOUTH BY SOUTHWEST

Most political pontificators did not predict the Republican landslide victory of 1994. Many did not realize the corrosive effect that Republican attacks on President Bill Clinton as a “big government” liberal did to the standing of Democrats in Congress, particularly in the South.¹⁷ But, the biggest losers in this election were moderate Republicans.

The Christian and populist conservative networks of Pat Robertson, Pat Buchanan, and Jerry Falwell had been supporting the Republican Party in increasing numbers since becoming a political force in the late 1980s and early 1990s. The Republican landslide victory of 1994 resulted in radically conservative southern and western Republicans taking their place atop the party hierarchy. These new leaders shared the political ideologies espoused by Falwell, who blamed the World Trade Center attack on “abortionists, lesbians and the ACLU” among others; Buchanan, who wrote a book arguing that America would have been better off remaining isolationist and staying out of World War II; and Robertson, whose book *The New World Order* described a conspiracy among Masons, satanists, and “European Bankers” as a threat to worldwide Christianity. The political philosophy borne out of this paranoia and “us vs. them” mentality, which many of the new Republican shock troops shared, was virulently anti-government, socially intolerant,¹⁸ isolationist in foreign policy, and strongly right-wing on issues such as abortion, guns, and minority rights.

With these forces of southern populism, provincialism, and religious fundamentalism firmly in control of the party apparatus and agenda, more credence has been given to United Nations and treaty foes such as Senator Jesse Helms (R-North Carolina), anti-abortion and pro-gun agitators like Senator Don Nickles (R-Oklahoma), and ex-segregationists like the irrepressible Senator Strom Thurmond (R-South Carolina).

17. BAER, *supra* note 3, at 229.

18. Robertson wrote a book in 1991, *The New World Order*, that accuses “European bankers” (read “Jews”) and internationalists of being involved in a Judeo-Masonic-Satanic conspiracy. PAT ROBERTSON, *THE NEW WORLD ORDER* (1991). Upon the attacks on New York’s World Trade Center and the Pentagon in Virginia on September 11, 2001, Robertson’s fellow minister Jerry Falwell made insensitive statements with nary a word of criticism from the Republican ranks. On *The 700 Club*, Robertson’s religious news program, Falwell offered that the attacks had been allowed to happen by God, because he was angry at America. According to Falwell, abortionists, feminists, the ACLU, People for the American Way, and gays and lesbians were responsible for the attack.

Certainly there was no greater example of this phenomenon than the replacement in the Republican House leadership of retiring longtime moderate statesman Bob Michel with conservative firebrand Newt Gingrich of Georgia. In addition to Gingrich, the Texas duo of Majority Leader Dick Armey and Majority Whip Tom Delay has contributed to the reactionary policy shift and shrill tone of the GOP. Armey showed his colors when he referred to gay Congressman Barney Frank as "Barney Fag" on a radio show (Armey later claimed it was a slip of the tongue), and Delay took to the House floor to condemn the teaching of evolution in public schools.¹⁹

The southernization of the Senate has mirrored that of the House. Elder statesman Bob Dole was replaced by former segregationist Trent Lott of Mississippi as Leader of the Senate, when Dole resigned from the Senate to devote his energies to his presidential campaign in 1996.²⁰ The next two positions in terms of rank, the majority whip and Senate conference leader, are now occupied by the party's most conservative southern and western elements, Don Nickles (R- Oklahoma) and Larry Craig (R-Idaho), who sits on the board of the National Rifle Association.²¹ There have been some attempts to change this lineup from within. Moderate statesman Pete Domenici (R-New Mexico) challenged Craig for his leadership position after the 2000 election, which brought with it the loss of four Senate seats held by allies of the Republican leadership. But the conservative Southern-Western axis remained strong and all attempts to moderate from within have failed.

The prominence of Dixie in the party is also well represented in the party's policies. While the GOP has remained steadfastly "pro-business," the Mississippi model of business has prevailed. The Mississippi model is characterized by the small government philosophy of lower taxes, less regulation, and lower wages. Gone is the bigger government business model of a high wage, high-public investment business culture passed down by the northeastern establishment that had supported everything from Hamilton's Bank of America to Eisenhower's Highway Act of 1954.²²

19. DANIEL GROSS, *BULL RUN: WALL STREET, THE DEMOCRATS, AND THE NEW POLITICS OF PERSONAL FINANCE* 23 (2000).

20. *Id.* at 180.

21. James Dao, *As Politics Changed, Gore Shifted on Gun Control*, N.Y. TIMES, July 6, 2000, at A1.

22. LIND, *supra* note 6, at 133.

Financial bailouts of debt ridden foreign economies have been left to pro-market Democrats, as they have proven unpopular in Republican circles. In the past Democrats were considered hostile to free trade. Yet, now conservative Republicans have taken up this cause, like former Republican presidential candidates Pat Buchanan and Gary Bauer, who argue against permanent normal trade relations with China²³ and the International Monetary Fund ("IMF")²⁴ As Tom Delay put it when discussing Republican sympathies, "Our members aren't too thrilled about IMF in the first place."²⁵

This new Republican ethos was summarized aptly by Daniel Gross in *Bull Run: Wall Street, the Democrats, and the New Politics of Personal Finance*:

For much of the twentieth Century, the Republican mantle hung about Wall Street as snugly as a shahtoosh scarf caresses the shoulders of a Madison Avenue shopper. Most of the great names on Wall Street were reliable Republicans, from J.P. Morgan on down the line. . . . But things changed quickly in the 1990s. Stung by being identified with preppy, Northeastern Wealth in the 1992 Campaign, the Republicans of the 1990s went downscale in a hurry. As the decade wore on, they increasingly defined themselves in opposition to what they viewed as a corrupt Northeastern elite.²⁶

The social policy of the Republican Party has seen a similar transformation, with the GOP seemingly adopting a strange combination of anti-science, pro-Christian policies that are part William Jennings Bryan, part Father Charles Coughlin.²⁷ Examples include the belief that "the unborn child has a fundamental individual right to life, which cannot be infringed, even when the future mother was raped or the victim of incest"; support for tax-funded vouchers for children to attend religious schools (under the convenient euphemism of "parental choice"); and a hostility to offering gay couples the same rights as heterosexuals.²⁸

With the election of President George W. Bush, government funded faith-based charities have also been resurrected from the

23. GROSS, *supra* note 19, at 187.

24. *Id.* at 182.

25. *Id.* at 182-83.

26. *Id.* at 171-72.

27. *Id.* at 187.

28. See the Republican Platform of 2000, available at <http://www.cnn.com/ELECTION/2000/conventions/republican/features/platform.00/> (last visited on Mar. 27, 2002).

conservative policy graveyard, but their prospects were recently damaged when Christian fundamentalists realized that the government would also have to fund such “undesirable” religions as Buddhism and Hinduism. This conclusion has not slowed the pro-Christian program in the Republican Party, though.²⁹

III. DON'T MESS WITH CONNECTICUT

To further trace the Republican Party's transformation from a party of blue blood northeastern gentlemen to a party of southern agrarian populists, one need only trace the transformation of Bush family politics. The first in the line of succession, Senator Prescott Bush (former R-Connecticut), George W's grandfather and a product of northeastern wealth, was brought to the Capitol by Mayflower friends from Brown Brothers Harriman and Connecticut country clubs. He was a classic Rockefeller Republican, fiscally conservative but socially progressive.³⁰

The next generation, Prescott's son, George H.W. Bush, was also a product of the eastern elite, and his moderate politics made him an early supporter of abortion rights and balanced-budget economics. He most famously showcased his fiscal caution in the 1980 Republican presidential primary, referring to opponent Ronald Reagan's supply side economic theory as “voodoo economics.”³¹ But once Bush was placed on the national ticket as Reagan's vice president, this product of northeastern wealth referred to himself as a Texan (former Republican Presidential Candidate John Conally once famously referred to Bush's Texas credentials as “all hat and not cattle”),³² and claimed to support the President's positions on abortion (pro-life) and the budget (pro-supply side economics).³³

George W. Bush, having been primarily raised in conservative Texas, and having seen his still-too-moderate father suffer at the hands of GOP conservatives, became a “compassionate conservative.”³⁴ After being elected governor of Texas in the conservative tidal wave of 1994, he proved himself to his father's former tormentors by supporting concealed carry gun laws,³⁵ emergency tax

29. Bob Herbert, *Voodoo Redux*, N.Y. TIMES, Mar. 1, 2001, at A25.

30. GROSS, *supra* note 19, at 171.

31. Herbert, *supra* note 29.

32. *Id.*

33. *Id.*

34. BAER, *supra* note 3, at 273.

35. Dao, *supra* note 21.

breaks for oil companies,³⁶ and a right-to-life position on abortion.³⁷

With Bush's election to the presidency, the southern and western ultra-conservative vice-grip on the party has only grown stronger. Former conservative Michael Lind, explained this new atmosphere:

"[T]oday the right is defined by Robertson, Buchanan, and the militia movement. The 'right' now means the overlapping movements of the 'right:' the religious right, the populist right, the paramilitary right. The remnants of the Washington-New York conservative movement, the Buckley-Goldwater-Reagan right, simply do not matter."³⁸

This point was starkly made during former Republican presidential nominee Barry Goldwater's photo-op endorsement of Republican presidential nominee Bob Dole during the 1996 primaries.³⁹ Goldwater's libertarian bent and support for some socially liberal policies, when compared to the extreme brand of Christian conservatism espoused by some of Dole's primary rivals (Pat Buchanan, former Reagan official Alan Keyes, and Senator Phil Gramm, R-Texas) led Dole to muse, "Barry and I, we've sort have become the liberals. Can you imagine that?"⁴⁰ Dole was closer to the truth than he probably thought, as the Republican Party had now become so aligned with the religious right that Goldwater, the father of the conservative movement,⁴¹ had become a moderate without changing any of his positions.

Goldwater, in fact, was bothered by the fact that Christian fundamentalists had taken over his party. When Ronald Reagan appointed his protégé, Sandra Day O'Connor, to the Supreme Court in 1981, and Jerry Falwell questioned her pro-life credentials, Goldwater responded with his usual take-no-prisoners attitude: "Every good Christian ought to kick Falwell right in the ass. I get damn tired of those political preachers telling me what I ought to believe in and do."⁴² And when the Christian right took over the Arizona Republican Party, Goldwater responded by calling them a "bunch of kooks" and endorsing a Democrat for Congress against a Re-

36. PAUL BEGALA, IS OUR CHILDREN LEARNING?: THE CASE AGAINST GEORGE BUSH 47 (2000).

37. *Id.* at 102.

38. LIND, *supra* note 6, at 7.

39. *Id.*

40. David Greenberg, *Goldwater's Glitter*, AM. PROSPECT, May-Jun.1996.

41. *Id.*

42. *Id.*

publican evangelical preacher (the Democrat won).⁴³ Goldwater also believed that gays should be allowed to serve openly in the military.⁴⁴ This was in sharp contrast to Buchanan, who had famously called for a culture war against homosexuals during the 1992 Republican Party National Convention.⁴⁵

Another of Bob Dole's primary rivals from 1996, multimillionaire publisher Steve Forbes, learned the lesson of the new Republican terrain only too well. In 1996 he had run for president almost entirely on an economic platform, proposing a flat tax.⁴⁶ But after his failed bid for the presidency, Forbes realized that he could never receive the grassroots support he needed to secure the nomination unless he attracted more conservative voters.

In the 2000 primaries, this son of northeastern privilege and classic Rockefeller Republican was back with a vengeance. In response to his lack of conservative support, he immediately showcased the new Steve Forbes, stating that "life begins at conception and ends at natural death."⁴⁷ He even went so far as to call for a "litmus test" to name pro-life Supreme Court Justices who would support overturning *Roe v. Wade*.⁴⁸ In Forbes' opinion, when it came to their pro-life proclivities, Republicans should, "get real or get out."⁴⁹ Yet Forbes' rhetoric fell as flat as his tax proposal, and he failed to win his party's nomination. His transformation, however, reveals much about what it takes to succeed in today's Republican Party.

IV. DANGER IN THE MIDDLE OF THE ROAD

The movement of Republican Party leadership and policy prescriptions south of the Mason-Dixon Line has led to more radically conservative ideals within today's Republican Party. Indeed, "by the late 1990s, the party that once housed the wealthiest family in

43. *Id.*

44. Lloyd Grove, *Barry Goldwater's Left Turn; His Opinions Are Anything But Middle-of-the-Road. Take Gay Rights, for Instance*, WASH. POST, July 28, 1994, at C1.

45. Patrick J. Buchanan, Speech at the 1992 Republican National Convention (Aug. 17, 1992), <http://www.buchanan.org/pa-92-0817-rnc.html> (last visited Mar. 27, 2002).

46. Neil A. Lewis, *Politics: the Ad Campaign; The Forbes Pitch for a Flat Tax*, N.Y. TIMES, Mar. 6, 1996, at B8.

47. Editorial, *Forbes Puts On Anti-Abortion Mantle*, N.Y. TIMES, Sept. 14, 1997, at A18.

48. *Roe v. Wade*, 410 U.S. 113 (1973) (holding that the Constitution offers basic protection of a women's right to choose).

49. Richard L. Berke, *Republicans Reject Abortion Litmus Test*, N.Y. TIMES, Jan. 17, 1998, at A9.

America—the Rockefellers—and had named an entire wing after them—was marginalizing such people.”⁵⁰ This hostility led moderates to leave the party in droves, taking their centrist ideology with them, and making the conservative faithful more influential.

Moderate Republicans in the Northeast, particularly in New England, as well as their counterparts in the Northern Midwest and on the West Coast began to choose no party affiliation or join the burgeoning moderate New Democrat movement. Some, however, stayed and fought for their principles.

One epic battle took place when conservative Senator Jesse Helms blocked the nomination of a prominent moderate in his own party to an ambassadorship, for no other reason than a dislike of the nominee’s ideology. Helms, the former chairman of the Foreign Relations Committee, blocked the nomination of former Republican Governor Bill Weld for the position of U.S. Ambassador to Mexico.⁵¹

Weld, a classic New England Rockefeller Republican, was fiscally conservative, tough on crime, and socially moderate.⁵² Senator Helms rejected Weld’s nomination on the dubious grounds that Weld was “weak on drugs.”⁵³ Also sharing his true feelings about centrists was the ultra-conservative former senator from Missouri and current attorney general, John Ashcroft. Ashcroft once famously declared that the only two things in the middle of the road are “moderates and dead skunks”⁵⁴ and has attacked Republicans “who preach pragmatism, who champion conciliation, and who counsel compromise.”⁵⁵

Campaign seasons have highlighted the recent trend of right wing Republicans viciously attacking middle-of-the- roaders in their own party. At first, the momentous battle between Senator John McCain (R-Ariz.) and then Texas Governor George W. Bush appeared to simply be a fight between the two Republican front-runners to see who would have the privilege of trying to end the Clinton years. Instead, it quickly became a fight for the soul of the party.

McCain, a reforming crusader in the Teddy Roosevelt mold, knew he was up against it from the beginning. George W. Bush, a

50. GROSS, *supra* note 19, at 185.

51. *Id.*

52. *Id.*

53. *Id.*

54. Senator Evan Bayh, *The Wrong Man*, WASH. POST, Jan. 19, 2001 at A37.

55. *Id.*

man whose main assets were his family name and connections to wealthy benefactors, was handpicked to run for the presidency by big business and conservative interest groups in his party.⁵⁶ He was the front-runner from the beginning, endorsed by the vast majority of Republican elected officials,⁵⁷ intelligentsia,⁵⁸ and conservative media.⁵⁹ "But a funny thing happened on the way to the Coronation,"⁶⁰ as McCain voiced too much applause at his post-New Hampshire stump speeches. McCain cleaned Bush's clock in the first Republican Primary in New Hampshire, winning by a landslide (eighteen points),⁶¹ questioning Bush's campaign mettle along the way,⁶² and shattering the Bush aura of invincibility in the process.

Conservative interests in the party were threatened by the fiery and unpredictable co-author of the McCain-Feingold Campaign Finance Bill, which would limit campaign contributions and therefore their influence.⁶³ The nightmarish thought of a McCain presidency led the shameless shadow campaign against McCain in the South Carolina primary.

McCain often compared his campaign, in jest, to Luke Skywalker's storming of the Death Star.⁶⁴ In hindsight, a fully armed battle station might have been a generous characterization of the entrenched interests McCain was trying to assault. Certainly, Darth Vader never said the things about Luke Skywalker that the Bush Campaign, and a loose cabal of cronies, emailed, faxed, advertised, mailed, and phoned in about McCain. Anonymous emails spread racial epithets about his adopted Sri Lankan daughter;⁶⁵ a whisper campaign called him a philanderer and a

56. GROSS, *supra* note 19 at 188-90.

57. *Id.*

58. GROSS, *supra* note 19, at 188-90; cf. Adrian Peracchio et al., *Asides*, *NEWSDAY*, Feb. 11, 2001, at B03.

59. GROSS, *supra* note 19, at 188-90; cf. John Kass, *Bush Pick of Cheney Turns Pundits into Heart Specialists*, *CHI. TRIB.*, July 26, 2000, at 3.

60. Michelle Cottle, *Open Season*, *NEW REPUBLIC*, Feb. 21, 2000, at 23; Scott Lehigh, *What is a New Hampshire Victory Really Worth? The 'Bounce' From a Granite State Win Can Go Far, As John McCain Is Finding Out*, *BOSTON GLOBE*, Feb. 6, 2000, at G1.

61. Lehigh, *supra* note 60.

62. Cottle, *supra* note 60, at 23.

63. *Id.*

64. Frank Bruni & Alison Mitchell, *The 2000 Campaign: The Arizona Senator; McCain Apologizes for Characterizing Falwell and Robertson as Forces of Evil*, *N.Y. TIMES*, Mar. 2, 2000, at A23.

65. Greg Gordon, *Study Examines Attack Ads Aimed at Sen. John McCain*, *THE NANTUCKET TIMES*, July 18, 2000.

thief;⁶⁶ 80,000 to 250,000 pieces of direct mail were sent out by a hastily formed sham Political Action Committee, called Keep it Flying (or Keep it Flying PAC), quoting McCain as saying that the Confederate Flag was "offensive in many, many ways."⁶⁷

This does not even cover the money spent by legitimate interest groups to viciously attack McCain. The National Right to Life Committee,⁶⁸ the South Carolina Citizens for Life,⁶⁹ The Christian Coalition,⁷⁰ the National Smokers Alliance,⁷¹ and other similar organizations spared no expense to assail McCain for supporting legislation that might take their mother's milk of unregulated campaign contributions away.⁷²

It seemed lost on many Republicans that McCain, a basically conservative politician, had the support of an overwhelming number of Independents and Democrats. He was a true bipartisan legislator, who had successfully forged bipartisan consensus on difficult issues such as campaign finance reform, pork barrel spending, and patient's rights.⁷³ In short, John McCain's candidacy was a chance for Republicans to elect a charismatic fighter in the tradition of Teddy Roosevelt, rescuing the party from the right wing business interests and socially conservative pressure groups who now controlled it.

McCain was not the only one who had to respond to a smear campaign from members of his own party during the 2000 Election. Other moderates were also the subject of negative campaigns run by a somewhat self-important, euphemistically named conservative

66. *Id.*

67. *Id.*

68. The National Right to Life Committee ("NRLC") is a single issue pro-life organization whose goal is to change public policy.

69. The South Carolina Citizens for Life is a non-profit right-to-life organization and a state affiliate of the NRLC.

70. The Christian Coalition is the largest and most active conservative grassroots political organization in America.

71. The National Smokers Alliance was funded by Philip Morris and it is now called the Center for Individual Freedom.

72. Cottle, *supra* note 60.

73. More recently John McCain has worked with Democratic Senators Teddy Kennedy and John Edwards in pushing HMO reform (also known as the Patient's Bill of Rights) and Senator Joe Lieberman to craft legislation that would close the gun show loophole (unlike when guns are purchased at gun stores, there is no background check run on the purchaser when guns are purchased by gun shows) For more information about this loophole, see the Americans for Gun Safety homepage, at <http://www.americansforgunsafety.com>. See Katherine Rundle & Paul Mendelson, *Closing the Deadly Loopholes in the Firearm Laws: The History and Impact of Amendment 12*, 52 FLA. L. REV. 457, 461 (2000) (discussing the gun show loophole exception in Florida).

group known as the Club For Growth,⁷⁴ whose main focus seemed to be encouraging conservatives to challenge moderate Republicans in the primaries and ostensibly scaring moderates into voting as conservatives. This broke an unwritten rule in both parties of supporting incumbents, and it also displayed how much more malicious the right-wing had grown in the years since Ronald Reagan's Eleventh Commandment, "Thou shalt not speak ill of another Republican."

The Club for Growth continued their campaign against party centrists during the debate over Bush's mammoth 1.35 trillion dollar tax cut. They pounced on the three most reticent Republican Senators: Lincoln Chafee of Rhode Island, Arlen Specter of Pennsylvania, and former Republican Senator James Jeffords of Vermont.⁷⁵ Jeffords was also subject to "punishment" from the White House for his opposition to the Bush tax plan. When the administration invited a teacher from Vermont to the White House to be honored as teacher of the year, the Bush clan dispensed what they considered the ultimate snub by not inviting Senator Jeffords to the ceremony and breaking a tradition that the home state senator be invited to an event such as this. Though ultimately no action was taken, there was also talk of Jeffords losing his committee chairmanship, and of the Bush administration's taking a position on dairy issues detrimental to Jeffords' Vermont constituents.⁷⁶

In the end, though, it was Jeffords who prevailed. He called the Bush administration's bluff and switched his affiliation to Independent.⁷⁷ This gave the Democrats control of the Senate and took Jeffords down a path paved by former Rockefeller Republicans such as Governor Lowell Weicker of Connecticut and Mayor John Lindsey of New York. Many voters have also chosen this route, leaving the confines of the ultra conservative GOP to become what is now a new classification of independent voter: the moderate independent;⁷⁸ or among female suburbanites, the new politically

74. For more information on the Club For Growth, see the group's website, at <http://www.clubforgrowth.org>.

75. Alison Mitchell, *Ads Brawl in a Never-Ending Political Season*, N.Y. TIMES, July 3, 2001, at A13.

76. Jonathan Alter et. al., *The Odyssey of 'Jeezum Jim'*, NEWSWEEK, June 6, 2001, at 20.

77. *Id.*

78. See BAER, *supra* note 3, at 123 (noting that Bush handily won fifty-five percent of the swing votes of moderates and independents in the 1988 presidential election); Cottle, *supra* note 60 (stating that sixty percent of independents voted for McCain in the 2000 New Hampshire primary).

trendy *nom du guerre*, the “*Soccer Mom*.”⁷⁹ Jeffords, as expected, was lampooned as a traitor by the conservative media,⁸⁰ who continued their war against perceived heretics such as McCain (who, after much speculation by the media,⁸¹ stayed in the Republican Party).

V. GREATLY EXAGGERATED DEMISE?

Still, it would be a mistake to completely write off the moderate wing of the Republican Party. While most of the moderates in Congress, often in opposition to their earlier statements and voting records, voted with the President on his tax bill (with the lone exceptions being Senators Chafee, Jeffords and McCain),⁸² a number of moderate Republicans in the Senate, including Arlen Specter of Pennsylvania, John Warner of Virginia, and Olympia Snowe of Maine; and in the House, such as Chris Shays of Connecticut, Connie Morella of Maryland, and Amo Houghton and Sherwood Boehlert of New York, have had the courage to stand up to their president and party. On issues as varied as campaign finance reform, the environment, stem cell research, and energy policy, these, as well as a handful of other middle-of-the-roaders, have stood firm and voted their conscience.⁸³

Particularly in the Northeast, a number of Republican governors have also carved out a brand of moderation. They include George Pataki of New York, Jane Swift of Massachusetts, and John Rowland of Connecticut. Yet, when analyzing the work of this crop of northeastern governors, it would be remiss not to look at the plight of another former member of their clan, Christine Todd Whitman of New Jersey, and her experiences since joining the Bush Administration as the Environmental Protection Agency Administrator. Almost immediately after her swearing in, Whitman received a crash course in being a moderate in an extremely conservative party. Whitman, at the G-8 Environment Summit in Trieste, Italy

79. Susan J. Carroll, *The Disempowerment of the Gender Gap: Soccer Moms and the 1996 Elections; Gender and Voting Behavior in the 1996 Presidential Election*, PS: POLITICAL SCIENCE & POLITICS, March 1, 1999, at 7.

80. E.g., Mark R. Levin, *Outing Himself: the Rupaul of American Politics*, NAT'L REV. ONLINE, May 29, 2001, at <http://www.nationalreview.com> (last visited on Mar. 27, 2002); Stephen Moore, *The Party of Reagan, Not Rockefeller*, NAT'L REV. ONLINE, May 29, 2001, at <http://www.nationalreview.com> (last visited on Mar. 27, 2002).

81. Moore, *supra* note 80.

82. See Jim Abrams, *GOP Moderates Thriving in Congress*, ASSOCIATED PRESS, July 8, 2001, available at 2001 WL 24709966.

83. See *id.*

repeated what she thought was the administration's legitimate position on limiting carbon dioxide emissions.⁸⁴ Within forty-eight hours, the Bush Administration contradicted her to the press.⁸⁵

Another moderate in Bush's administration, Secretary of State Colin Powell, has repeatedly feuded with conservative Defense and Deputy Defense Secretaries Donald Rumsfeld and Paul Wolfowitz. While this might change with the new war against terrorism, immediately preceding September 11, he was losing most of the ideological arguments to his more conservative counterparts.⁸⁶

The Powell and Whitman experiences have shown that while moderate Republicans can still be successful in Democratic administrations and as governors of liberal northeastern states like New Jersey,⁸⁷ when it comes to a national Republican administration, it is a whole different ball of wax.

CONCLUSION

In the final analysis, whether Rockefeller Republicans will thrive, or be forced to continue their exodus into the swelling ranks of Independents will be up to the Republican Party.

The Republican Party could make a concerted effort to move back to the center by remembering that two government shut-downs and an impeachment only weakened their hold on Congress. Further, the largely suburban moderate and new economy voters located in places like Northern Virginia, North Carolina, and Northern California, used to be classic Rockefeller Republicans and are needed by the party if it plans to add to George W. Bush's negative 500,000 vote margin of victory in last year's election.⁸⁸

Yet, the Republican Party might also continue to cave to the radical right, who seem to be everywhere in the Grand Old Party these days. This fight will determine the core of who the GOP is, and whether it will regain its mantle of the Party of Lincoln, or continue down the path towards becoming the party of Jefferson Davis.

84. *See id.*

85. *Id.*

86. Johanna McGeary, *Odd Man Out*, TIME, Sept. 10, 2001, at 24.

87. The latter has even been questioned with the recent victory of conservative Mayor of Jersey City, Brett Schundler over moderate former congressman and senatorial aspirant, Bob Franks in the Republican gubernatorial primaries.

88. Abrams, *supra* note 82.

Mark Twain, in response to a famous newspaper report of his passing, memorably responded that the “reports of my demise have been greatly exaggerated.”⁸⁹ For moderate Republicanism, only time will tell.

89. Note from Mark Twain to London Correspondent of the New York Journal, June 1, 1897, *reprinted in* JOHN BARTLETT, *BARTLETT’S FAMILIAR QUOTATIONS* 528 (Justin Kaplan ed., 1992).

