



# News from the Hill

BY JASON DICKSTEIN  
AEA GENERAL COUNSEL

## Election Watch: Yesterday and Today

**A**t press time, there will be just one month remaining before Election Day in the United States. Between the time I write this article (mid-August) and the time it is published (early October), I imagine that both presidential candidates will level accusations against the other, and each party will accuse the other of distorting the facts to suit their own ends.

Over the summer, both Republicans and Democrats heaped derision on the opposing candidate's military service. I heard a lot of people asking, "What happened to civility in politics?" I have been wondering if there ever was such a thing.

Let's examine one example of our nation's illustrious political history. On May 19, 1856, Republican Senator Charles Sumner delivered an explosive anti-slavery speech on the Senate floor. In that speech he named two Democratic Senators as the architects of a plan to permit slavery in Kansas upon Kansas' entry into the Union—they were Stephen Douglas (D-IL) and Andrew Butler (D-SC). He called Douglas a "noise-some, squat, and nameless animal" and accused Butler (who was absent) of taking a mistress—"the harlot, Slavery." When candidates resort to this sort of venomous rhetoric today, it is front-page news.

Three days later, Butler's friend, Congressman Preston Brooks, beat Sumner with a cane. Brooks attacked

Sumner while Sumner was bent over his desk—striking him repeatedly in the head before Sumner even knew what had happened.

Brooks was unrepentant. After a vote to expel him from the House of Representatives narrowly failed, Brooks explained to the House that he had carefully calculated his attack. He had selected his weapon carefully—rejecting a bullwhip on the grounds that Sumner was a stronger man and might wrest it from Brooks' grip. He explained that he could have killed Sumner but purposefully stopped short of that end.

Both the attacker and the victim received outpourings of support from their respective constituencies. Brooks was vilified in the North as a villain and glorified in the South as a man willing to bring order to the Senate, and avenge a libel that had been felt throughout the South.

In the wake of this beating, Brooks resigned from the House of Representatives, only to be immediately reelected by South Carolina. In his resignation speech, Brooks prophesied that "a blow struck by me at this time would be followed by revolution." Many people mark this event as an important milestone in the unalterable course that would lead to the Civil War that began six years later.

While much of modern history revolves Brooks, who's death in 1857

cut short the political career of a man who surely would have been one of the leaders in the Confederate States had he lived until the war, it is important to remember that it was Sumner who 'drew first blood' in his speech by personally attacking Senators Butler and Douglas. Despite having thrown the first stone, Sumner is remembered as a hero of the Senate, and one reason is because of his actions 14 years later.

Although Sumner remained a Senator, he took three-and-a-half years to recuperate.

As he regained his health, he also regained his reputation as a firebrand in his opposition to slavery.

Mississippi's Senators resigned from the Senate on January 21, 1861 (including Mississippi Senator Jefferson Davis, who would become the President of the Confederacy). In 1870, when Mississippi was to reenter the union, the state legislature selected Republican State Senator Hiram Revels as one of its two senators. What made this decision notable was that Hiram Revels was the first African-American in the United States Senate (yes, I know that the media is claiming that the winner of the Obama-Keyes election will be the first African-American man in the Senate—and I have no explanation for their comments).

Democratic opponents claimed that Revels failed to meet the nine-year cit-

izenship requirement, on the grounds that he had only been a citizen since the 1866 Civil Rights Act. Rising in opposition to this claim was Charles Sumner, whose eloquent speech in support of Revels led the Senate to vote to accept Revels' credentials and seat him by a 48 to 8 margin.

It has never been possible to find a politician with a flawless character. Even Jesus Christ lost his temper when he found the moneylenders in the temple.

This doesn't mean that character is immaterial to a politician, particularly to the President, who serves as a symbol of what our country stands for. But history does show that you can beat a man senseless, like Preston Brooks, and your constituents might love you enough to re-elect you back to Congress after your resignation. It shows that you can deride your political opponents to the point where their fellow party members feel it is necessary to engage in physical violence to remedy the matter; and still be remembered best for the positive things you do, like Charles Sumner, who championed the cause of the first African-American Senator.

Former Kansas Senator and presidential candidate, Bob Dole, took to the podium to accuse John Kerry of failing to 'bleed' for his purple hearts (claiming that they were all for superficial wounds). Dole is a man who has alluded to his own failures concerning bodily fluids (as a star in the Viagra advertisement campaign). I have been a long time supporter of Bob Dole, but surely he can come up with a better allegation than Kerry's failure to sufficiently bleed.

In his address to Congress on December 1, 1862, President Lincoln said "Fellow citizens, we cannot escape history." He meant to inspire Congressmen with the notion that their actions would be remembered far after their own lifetimes. America of 2004

is even more unable to escape history. Media attention to every past flaw and present misstep makes it virtually impossible to find someone who fulfills the dual role qualifications for public office of effective leadership and flawless character.

Both campaigns have drawn aspersions on the other candidate's military service; however the pleasant fact is that both men have served their country in the military and in public office. Neither candidate acted dishonorably in the context of his service—both were honorably discharged—it is only in the context of hindsight that we are able to cast aspersions on them.

Both candidates served their country in the military. And every man or woman who serves is important—no matter in what capacity they serve—because those on the front lines couldn't function if they were not supported by those who are not on the front lines.

When you have to reach back 40 years to find evidence of a candidate's bad character, perhaps you are admitting that the candidate's current character really isn't so bad.

Those of you who know me, know where my allegiances lie. It is a dangerous world out there, and I will support the candidate whom I believe will keep America strong. I will look to the candidates' public service. I will look to their voting records. I will examine the public statements they have made—not just about the Vietnamese conflict but also about issues that touch us every day, like taxes, and transportation infrastructure.

With these issues in mind, here are a few key tax items that AEAMembers might find useful in making up their minds.

### **What is John Kerry Against?**

John Kerry has voted against President Bush's tax cut packages. He voted against the decrease in capital gains tax. Although he has voted

against several bills that would have eliminated the "marriage penalty" from the tax code, his other voting records suggest that he favors elimination of the "marriage penalty" if it is introduced in a package of tax changes that also increases taxes on the wealthy. John Kerry has stated that he intends to roll-back the Bush tax cuts.

### **What is John Kerry For?**

John Kerry voted in favor of a bill that would have eliminated the "marriage penalty" and would have offset this tax cut by raising the marginal tax rates on single persons who make more than \$143,500 and joint filers who make more than \$174,700. Because he has voted to keep the marriage penalty in other bills, this tells us that he favors increasing taxes on those who have the greatest ability to pay. Kerry has also voted in favor of bills that increase the tax deductions for tuition, and in favor of bills that would retain the top estate tax rates (rather than permitting them to be eliminated).

### **Other Kerry Notes**

Kerry has repeatedly voted against across-the-board cuts in all discretionary funding, including one "Sense of the Senate" statement that would have recommended this as a way to prevent "the plundering of the Social Security Trust Fund." Many politicians feel that across-the-board cuts abrogate Congress' responsibility to make the hard choices required of budget cutters. They also feel that across-the-board cuts can have an adverse effect on programs that are so important that they should not be included in the cuts.

### **What is George Bush For?**

Because he has been President for the past four years, voters are much more conversant with the views of

*Continued on following page*

## NEWS FROM THE HILL

*Continued from page 35*

George Bush. George Bush has made it clear that he believes in tax cuts for everyone. He has made it clear that he believes that people are better qualified to make decisions about their own money than is the government. He feels that businesses that benefit from tax cuts are more likely to be able to prosper, and that prosperous businesses eventually lead to job growth, which leads to an increase in total wealth for America. President Kennedy once explained that it is an odd fact of economics that cutting taxes can sometimes lead to an increase in total tax revenues as the economy grows. Even if they spur growth and increase tax revenues over the long term, though, tax cuts always have at least a short term effect of decreasing revenues, and this can mean tax deficits.

Despite evidence that increasing wealth in the United States has led to an all-around increase in the average standard of living for all Americans, there is still some debate about whether this economic theory is valid (even George Bush Senior called the theory "Voodoo Economics" when he ran against Ronald Reagan).

One of the problems that Bush shares with Reagan is passing tax cuts without sufficient correlative spending cuts. In Reagan's case, Congress simply ignored the spending cuts that the Reagan Administration proposed. In Bush's case, myriad expenses in the wake of 9/11 made it impossible to balance the budget in the wake of the tax cuts. Many economists say that this is no excuse, though, and that Bush should be considering the nation's current expenses in a dynamic tax agenda.

### How About Aviation Issues?

Many of the aviation issues that are most important to AEA members are

resolved at the Agency (FAA) level, so who gets selected as Transportation Secretary and FAA Administrator are important issues.

President Bush demonstrated his bipartisanship by selecting Democrat Norman Mineta as Secretary of Transportation. During a distinguished Congressional career, Mineta had chaired the Aviation Subcommittee and the full Transportation Committee, and was a champion of aviation infrastructure improvement. Bush has largely allowed Mineta to guide the Department of Transportation using the same theories of infrastructure support that he espoused in Congress.

On aviation issues, Kerry signed onto a handful of aviation-related bills in the mid '90s (his second term as a Senator) as a cosponsor, but none of them would have affected AEA members and none of these bills ever made it to the Senate floor.

The one aviation bill on which he was the lead sponsor was a bill to protect airline whistleblowers from retribution after disclosing an employer's safety issues to the FAA—however, it was an exact duplicate of another bill that had been introduced six months earlier, so it was not original to him (the idea was eventually promulgated into law through another bill).

Kerry also was the co-sponsor of a 1995 bill that would have established requirements for cost-benefit analysis in rulemaking, but would have permitted agencies to escape the requirement by deciding a rule is not 'major' (a gross annual effect on the economy of \$100 million or more). Although the bill did not go forward, the basic standard espoused in it—with cost-benefit analysis being insulated from judicial review for all practical purposes, is largely the state of the law today.

Both Bush and Kerry have expressed support for performance-based agencies that have measurable performance goals (which is the way

that the FAA has been headed since the Clinton years).

### Conclusion

On tax issues, the differences between Kerry and Bush are really differences of philosophy—Bush believes in cutting taxes and permitting Americans to build wealth, so that they can employ other Americans who will benefit from this aggregation of wealth. Kerry, on the other hand, believes in taxing those who make money (and receive benefits from the American system), in order to create a social safety net to protect those that do not (or cannot) make money. He believes that this social safety net will enable those who can, to return to the ranks of those who make money (and support the social safety net through their taxes). Despite the campaign rhetoric, both candidates love their country, and want to protect its citizens—each simply has a different vision of what he believes is the best way to accomplish this goal.

On aviation issues, it is difficult to know whether John Kerry would have an impact on AEA members, without knowing who he would appoint as Secretary of Transportation. It is likely that neither candidate will have a significant effect on the way that the FAA interacts with AEA members on a day-to-day basis.

We all have issues that we consider important, and those issues differ from person to person. Please remember to consider the issues, rather than the rhetoric, when examining who deserves your vote on November 2. □