

But we should proceed carefully, lest we open a Pandora's box that the Founders tried to nail shut by electing their George W. Here are a few suggested guidelines:

First, American voters should distinguish between political dynasties and presidential ones. Gubernatorial, senatorial, and other dynasties abound, but the stakes and visibility of the presidency make it different in kind.

Second, let's focus on the time lapse between the elder's exit and the younger's entrance; dynastic dangers are greatest when these two are close together. (In addition to the Adamases, Benjamin Harrison was elected forty-eight years after his grandfather William Henry, who died after a month in office, and Franklin D. Roosevelt entered office twenty-four years after his distant cousin, Theodore Roosevelt, had left.)

Third, pay extra attention to the credentials and talents of the younger in his own right and don't assume his upbringing has properly trained him for office by osmosis. Be especially wary when the younger shares the elder's first name as well as his last name: It's disheartening when some pundits speculate that George W's early success in polls reflected confusion between père and fils.

None of this means George W should not be our next president. It does mean he deserves special scrutiny because his accession would raise special concerns about presidential primogeniture. And let's not forget about W's politically active brother, Florida governor Jeb Bush. On the other hand, at least George W does not have any sons named George III.⁵

THE DARK SIDE OF CAMELOT⁶

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I grew up idolizing JFK. My first television memories come from November, 1963. In early 1964, my parents—immigrants from India—bought me a documentary record excerpting Kennedy's best speeches. I wore its grooves out. I can still recite much of his inaugural address.

But as a student of constitutional law over the last twenty years, I have come to see another, less inspiring, side of Camelot.

Begin with Kennedy and the courts. To appease southern Democrats, he stocked the lower federal bench with some notorious segregationists who proceeded to trample the Constitution. His first southern appointee, Harold

Cox, was recently described by civil rights crusader Jack Greenberg as “possibly the most racist judge ever to sit on the federal bench.” Similarly, Pulitzer Prize winner Taylor Branch has noted that “the best civil rights judges in the South were Eisenhower appointees; the most egregious segregationists were Kennedy’s.” Publicly, Kennedy pooh-poohed the problems created by his judicial appointees, and even commended these judges at a March 1963 press conference.

JFK’s two picks for the Supreme Court were better, but ultimately disappointing. Arthur Goldberg stepped down after only three years. Byron White sat for more than thirty, but somehow managed to write no truly towering opinions and leave almost no legacy. No great idea bears White’s name. His most famous decision, deriding gay rights in *Bowers v. Hardwick*, was simultaneously hard-hearted and softheaded.

Now turn to JFK and civil rights more generally. His account of Andrew Johnson’s impeachment in *Profiles in Courage* lionized civil rights conservatives and moderates while slighting crusaders like Charles Sumner, the true heroes of the Reconstruction story. Only two words of JFK’s soaring inaugural address gestured toward the American dilemma of race, and the problem of human rights “at home” as well as abroad. Late in his administration, he addressed the nation in a famous televised speech eloquently stating the legal, moral, and geopolitical case for racial equality; but what took him so long? It may be unfair to fault Kennedy for failing to win any major civil rights legislation—his mandate was shaky and southern Democrats held key congressional posts. But it is fair to note that, on civil rights, he failed to make the most of his bully pulpit and his great gifts of expression.

At its best, Kennedy’s Justice Department embodied grace and courage and decency under intense pressure. In 1968 Bobby Kennedy was my hero. But I now view Bobby’s appointment as attorney general as a terrible precedent. The Justice Department should not be headed by the president’s best friend and campaign manager. Although the attorney general is formally part of the executive branch who serves at the president’s pleasure, the country is best served by a tradition of some informal independence in this office, where legal judgment and professional detachment temper partisan calculus and personal loyalty. Instead, Bobby’s appointment begat John Mitchell’s. Mitchell, indeed, was Bobby’s mirror image—Nixon’s campaign manager and confidant, whose later lapses during Watergate proved to us all how dangerous it can be to put the president’s best buddy in charge of federal law enforcement.

Bobby's appointment also reawakened the sleeping dragon of presidential dynasty. In effect, JFK dubbed his thirty-something kid brother his political heir apparent. Americans at the Founding consciously tried to break with British dynastic rule. One key reason that George Washington became father of his country was that he was not father of any offspring. Having sired no heirs, he could be trusted not to create a throne to hand down to a young prince. Of the first five men Americans made president, only John Adams had any (legitimate) sons. Adams's heir eventually became president, of course, but long after dad had left the scene and not because the old man had named young Johnny to the cabinet. The Constitution exudes special anxiety about ascensions of young princelings: This is part of the story behind the Founders' requirement that presidents be at least thirty-five years old. Though impressionable voters might be charmed by a young kinsman of a popular president, the Constitution makes dynastic succession more difficult by insisting that only mature political figures may be chosen to fill the big chair.

The metaphor of Camelot is ultimately un-American and undemocratic, conjuring up images of crowns and dashing young princes and noble birth. Our revolutionary forbears forged an emphatically anti-monarchical Constitution that went out of its way to condemn "titles of nobility" and to promise "republican" government. Today, the world is still struggling to break free from the grip of dynasty. Perhaps we can understand dynasty's allure in places where democracy has never taken firm root: Jordan, Morocco, Pakistan, Syria, and so on. But the world's largest democracy—my parents' India—has also failed to transcend this vestige of feudalism: Prime Minister Jawaharlal Nehru's daughter Indira Gandhi and grandson Rajiv Gandhi both claimed their crowns, and now a fourth generation of Nehrus has appeared on the Indian political scene.

Indians revered JFK in the 1960s, and his dynastic ambitions taught India precisely the wrong lesson. He set a dubious precedent for the rest of the world. And for America, too.

THE CONSTITUTION AND THE CANDIDATES (2008)

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Our next president's first act will be to solemnly swear to uphold the Constitution. But what does that document say about who that person should be?