

free to ignore the public good. That is what “tort reform” is about.

In addition, if you look at where Democrats get much of their money in the individual states, it is significantly from the lawyers who win tort cases. Many tort lawyers are important Democratic donors. Tort “reform”—as conservatives call it—cuts off this source of money. All of a sudden three-quarters of the money going to the Texas Democratic Party is not there. In addition, companies who poison the environment want to be able to cap possible awards. That way they can calculate in advance the cost of paying victims and build it into the cost of doing business. Irresponsible corporations win big from tort reform. The Republican Party wins big from tort reform. And these real purposes are hidden. The issue appears to be eliminating “frivolous lawsuits”—people getting thirty million dollars for having hot coffee spilled on them.

However, what the conservatives are really trying to achieve is not in the proposal. What they are trying to achieve follows from enacting the proposal. They don’t care primarily about the lawsuits themselves. They care about getting rid of environmental, consumer, and worker protections in general. And they care about defunding the Democratic Party. That is what a strategic initiative is.

There have been a couple of strategic initiatives on the left—environmental impact reports and the Endangered Species Act—but it has been forty years since they were enacted.

Unlike the right, the left does not think strategically. We think issue by issue. We generally do not try to figure out what minimal change we can enact that will have effects across many issues. There are very few exceptions.

There are also strategic initiatives of another kind—what I call slippery slope initiatives: Take the first step and you’re on your way off the cliff. Conservatives are very good at slippery slope initiatives. Take “partial-birth abortion.” There are almost no such cases. Why do conservatives care so much? Because it is a first step down a slippery slope to ending all abortion. It puts out there a frame of abortion as a horrendous procedure, when most operations ending pregnancy are nothing like this.