The Clinton legacy

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edited by

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Introduction

COLIN CAMPBELL AND BERT A. ROCKMAN

In a book we edited and published in 1995 dealing with the initial two years of President Bill Clinton's first term, we observed that despite the Republican landslide victory of 1994 and Clinton's less than soaring public standing, he could bounce back and be reelected.[1] And he did. His approval ratings for the job he has been doing as president have remained buoyant through most of his second term. Now the authors of this volume have a different task—less to assess what happened and its short- to medium-term implications and more to focus on what Clinton's presidency might mean over the longer run. *What, in other words, is Clinton's legacy?* The authors of this volume try to assess his legacy—and, indeed, whether he will actually leave one—from a variety of angles, among them politics, policy, institutions, as well as leadership and societal context.

Legacies are a complicated business to deal with. How long a period of time are we talking about? To whom is the legacy bequeathed? And by whom is it interpreted? The more distant the time period, the less a presidency will stand out unless it has been associated with disastrous turns of fortune or with perceptions of strong and effective leadership, which are sporadically made possible by the presence of crises or, more rarely, by big congressional majorities associated with the president's party. Crises *force* presidents to do things; big congressional majorities *allow* them to do things. But these conditions are uncommon.

Except for the scarlet letter of impeachment, Clinton's presidency is not particularly likely to stand out because the times in which he governed denied much opportunity to make a bold mark. Politically he began with shrunken majorities that soon thereafter turned into minorities. And economic good times carried with them no sense of urgency for government to do much of anything. Thus, his

resources and his opportunities were few. Nevertheless, because times were good, his presidency, on the whole, received good marks from the public. The good times might have provided Clinton with slack to resurrect some of his earlier projects. But now, not only did he no longer have the congressional majorities to have even an outside chance at carrying the day, he also effectively delegitimized any semblance of his original agenda by disowning it. Presumably, Clinton concluded that it was better that the passengers (especially the ones in steerage) go down rather than the ship's captain.

What lay within Clinton's capacity to be effective will certainly fuel debate mainly because it is unknowable. Was he a shrewd realist or simply an expedient opportunist? Notably, Clinton's overused metaphor about building a bridge to the twenty-first century is remarkably devoid of any image as to what should lie on the other side. Much like all of the "new" Nixons who were in a near constant state of reinvention by the old one, Clinton has been a politician in transition, seemingly devoted more to turning losing into winning than to defining an objective for which winning would be relevant. Paradoxically, the longer he served as president, the more Clinton's latitude for bold strokes seemed to constrict despite his benefiting from the halo effect associated with economic good times. Clinton's presidency has been more defined by the times in which he has presided than the times have been redefined by his presidency. That is, of course, a joint function of Clinton's limited opportunities and his opportunism.

Clinton may have made a real impact in the nature of partisan politics, especially in regard to the identity of the Democratic Party—a point, we hasten to add, that the authors of the chapters in this volume debate. Has Clinton helped create a new Democratic Party or merely found the median between the parties to be a convenient and pragmatic positioning point? Has Clinton altered the fault lines of American politics, or do older political cleavages still dominate? Has Clinton maneuvered his way around the zone of acceptance with adroitness, probing as to where he could effectively apply pressure? Or did he simply fail to take any risk, thus locking himself and his options into a logic of foregone conclusions? Whatever the case, as president, Clinton clearly has been a practitioner of the art of the possible rather than a leader who attempts to stretch the boundaries of the possible.

Confronted with divided government and budget constraints (which Clinton bought into), there was not much a traditional Democrat could do in the way of social democratic programs. Clinton found that out with his health care reform proposal even before the Democrats lost control of Congress. So, he became

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a practitioner of "acupuncture politics"—seeking to alleviate some of the pressure points when that seemed possible and popular and, perhaps, it seemed possible precisely because it was popular. After the great health care debacle, he pushed health insurance portability, health coverage for children, and a patients' bill of rights. Though these proposals were popular, some conflicted with the interests of Republican constituencies or the doctrines of Republican politicians. Where Clinton could not get a policy, he was able, along with his party, to get an issue. Traditional liberal Democrats, however, saw Clinton as caving time and again to the conservative Republican agenda on matters such as welfare reform, civil liberties, immigration, and immigrants' rights (which were essentially discarded). Liberal Democrats are not notably popular in the country, despite the fact that their programmatic legacy—Social Security, Medicare, Medicaid, and so on—is wildly popular. Republicans had the upper hand numerically and also from the standpoint of the relative popularity of their policy positions on the matters on which Clinton more or less (a meaningful distinction in this case) assimilated the Republican position.[2]

How one views Clinton in the longer run may depend upon whether it is perceived that he did the best that was possible, merely the possible, or that he sacrificed policy for political advantage. Some, especially Republicans, are likely to view Clinton as an unsavory and untrustworthy politician who opportunistically took the ground from beneath the Republican platform except on matters in which the Republican position was unpopular, such as anti-choice on abortion, or tinkering with Social Security and Medicare. From a less politically impassioned perspective, Clinton may be seen as a president who enabled the system to work even though he could not coax it to work *his* will. As with any president, how Clinton is seen will be determined by the beholder. But Clinton's is a more complicated case than most.

Part of the complication of Clinton's case lies in his character and, as a result, also in the institutional legacy of the Clinton presidency. Clinton began his presidency amid questions about his character—was he an inveterate womanizer? Was he duplicitous and slick? Was he shady in his business and campaign practices? These questions, except possibly the last one, are no longer in doubt. Clinton's long drawn-out struggle with Independent Counsel Kenneth Starr did even more damage to Starr than to Clinton. But the damage was different. Starr's operation showed him to be in monomaniacal pursuit of Bill Clinton. It demonstrated his lack of proportionality and it revealed to most Americans what they *really* have to fear from the state. But Clinton's response to the pressures, however legit-

imate or illegitimate, that Starr's investigation placed on him brought him into personal ill-repute, even as many Americans separated his personal defects from his conduct of the presidency. Clinton did manage to demonstrate without much doubt that his word was worthless, that lying came easy to him, and that his behavior and lack of self-control toward women left him a perpetual adolescent.

Jimmy Carter, whose character was never in doubt, demonstrated how little character counted for the way people viewed him as a president.[3] Ironically, Bill Clinton also showed that his considerably less virtuous character counted less than people's views that he has been a competent president during prosperous times. In the longer run, however, Jimmy Carter's post-presidential good deeds may be more meaningful to his reputation than his ill-regarded presidency. Clinton's presidency, too, may be subsequently viewed in the light of his character—his affair with Monica Lewinsky, his lies to the public and to his associates about it, and his stonewalling of his pursuers. It is plausible that Clinton's political opportunism and flawed character will be thought of as part of the same witches' brew.

Kenneth Starr's lengthy and relentless pursuit of Clinton, whatever else it has yielded, has had an institutional legacy, as much the result of Clinton's behavior as of Starr's. As David O'Brien shows in his chapter for this book, the no-yield legal strategy of the Clinton White House challenged the courts to take the bait. Both the Clinton White House and those seeking to bring Clinton down (or to justice), whether the Paula Jones foundation–funded attorneys or Starr's prosecutorial team, used the courts as the venue for their battles. The courts almost always bit, and by ruling against Clinton's claims, weakened the implicit prerogatives of the presidency, much as had happened in the later stages of the Nixon presidency. The process began with the bizarre Supreme Court decision that Paula Jones—whom Clinton either harassed or by whom he was being harassed—could sue Clinton for civil damages during his presidency on the premise that this would not much interfere with his conduct of the presidency. Subsequently, Starr convinced the courts to rule against the president's efforts to keep White House aides from testifying to the grand jury by invoking executive privilege and also to force the White House Secret Service detail to testify before the grand jury.

Future presidents will step into an office that by legal precedent is now a weaker one than Clinton came to. Clinton bears much of the responsibility for its weakening; so do Starr and the Paula Jones attorneys. Ultimately, of course, the judicial branch has opened up a can of worms by ruling on matters over which it

has limited competency and, strictly speaking, jurisdiction. Certainly, Hillary Clinton's initial outburst about a right-wing conspiracy in hot pursuit of her man was *well founded*. Right-wing foundations came to the aid of Paula Jones in their effort to topple or weaken Clinton. She was a vehicle for their cause; in the end, however, Clinton had no one to blame but himself. His irresponsible behavior occasioned the juridical attack on the presidency. Neither Nixon nor Clinton served well the office they inhabited, whatever their other virtues and vices.

In sum, the Clinton presidency may cast a minuscule shadow insofar as a policy legacy is concerned. The lowlights of Clinton's presidency will be the office's weakening, which he unintentionally helped produce, and his character flaws, different from, but as deep as, Richard Nixon's. The highlights will be Clinton's personal and political resiliency, especially his political aptitude. Although he failed to push forward a national agenda to the satisfaction of New Deal–style Democrats, he did prove himself wondrously adept at political survival, and he both accomplished and blocked enough to be a force in policymaking. He may not have been able to work miracles, but he did better than one could reasonably expect with what fate had dealt him. His friends will see Clinton as a president who brought moderation to an environment hyped with political zealotry, thus reclaiming the center in American political life. Those less friendly toward him will see Clinton as an unprincipled scoundrel who reinforced the public's view of politicians as untrustworthy and contemptible. The fact is that Clinton has been *all* of these things. This contributes to bafflement concerning an enduring Clinton legacy precisely because no one can be sure just exactly what his legacy might be (except possibly for his damage to the office itself) if, indeed, there is to be one at all.

Despite the uncertainty surrounding Clinton's achievements, the authors of the succeeding chapters try to unravel the mysteries of the Clinton presidency and what, if anything, the eight years of his presidency will mean after he leaves.

Since Clinton touted himself to be a "New Democrat," Byron Shafer, in his chapter, "The Partisan Legacy: Are there any New Democrats? (And by the way, was there a Republican Revolution?)," asks whether Clinton actually shifted political cleavages in the U.S. or whether such changes actually helped Clinton find his wings. Such changes, Shafer concludes, have been only on a superficial level, whereas partisan continuities are more fundamental and are still essentially based along the fault lines of an era of divided government going back at least to 1968 and, in some ways, even to the New Deal politics of the 1930s. From this perspective, Clinton's political legacy is shallow indeed.

George Edwards, in his chapter, "Campaigning Is Not Governing: Bill Clinton's Rhetorical Presidency," emphasizes the counterproductive influences of Clinton's hyper-political style of governing. Clinton was filled with aspirations but little strategy. Adopting campaign techniques for governing backfired, as Clinton seemed unable to focus and develop a strategy for pushing ahead until his main role came to be primarily that of pushing aside Republican initiatives.

Colin Campbell deals with this theme in a different way in his chapter, "Demotion? Has Clinton Turned the Bully Pulpit into a Lectern?" As does Edwards, Campbell concludes that Clinton's presidency has lacked focus and message. But Campbell also argues that when the choices availed themselves, Clinton failed to use moral suasion as part of the presidential tool kit, thus reducing the bully pulpit to a lectern. In essence, Campbell argues, by essentially acceding to the Gingrich agenda and by failing to articulate its own, the Clinton presidency only succeeded in widening what he terms "the governability gap."

In her chapter, "The President as Legislative Leader," Barbara Sinclair notes the complexity of Clinton's situation as a legislative leader and asks whether he has been effective in that role. She contends that the incentives of the Clinton administration were in generating a record that required compromise with the Republican majority. The incentives of the Democratic minority in Congress, however, were to oust the Republican majority by making them look bad. Sinclair distinguishes different conceptions of the president as legislative leader. In its maximum conception, she clearly thinks that Clinton failed, though that may well be for reasons outside of any president's control. But in its minimalist conception, Clinton succeeded in keeping his opponents off balance and their agenda from coming to full legislative fruition.

David O'Brien's wide-ranging chapter on Clinton's "Judicial Legacies: The Clinton Presidency and the Courts" sees Clinton's own imperiled presidency, under continuous investigation and ultimately the threat of his removal from office, as connected to his judicial legacy and the institutional weakening of the presidency. Continuous investigation, abetted by the White House strategy of contesting investigatory demands through court battles, eroded formerly uncontested, if ambiguous, presidential prerogatives and discretion. This legal shadow, and the Republican control of the Senate after 1994, also curtailed Clinton's ability to use the courts and judicial appointments as a presidential lever—not that Clinton at any time showed much interest in using judicial appointments as an ideological aid to his presidency. Consequently, Clinton's impact on the judiciary has been slighter than those of the Reagan-Bush presidencies.

If Clinton seemed reluctant to use judicial appointments as a political tool, there was no such reluctance on the part of the administration to try to work its will through the executive branch when Congress was a barrier. In his chapter, "A Reinvented Government, or the Same Old Government?" Joel Aberbach demonstrates that the administrative presidency is alive and well in the Clinton administration. Faced with divided government, the Clinton presidency has resorted to tactics similar to its Republican predecessors, namely, using administrative means to do what cannot be done through legislative means. Aberbach also inquires into the much-heralded plans for governmental reinvention launched under Vice-President Al Gore. While he does note that the reinvention agenda will generate controversy and debate among aficionados of government management, it is not likely to be high on the list of things for which the Clinton administration will be remembered.

Clinton's tendency to build political coalitions from the middle, in the view of Mark Peterson, proved to be an unworkable formula. In his chapter, "Clinton and Organized Interests: Splitting Friends, Unifying Enemies," Peterson observes that Clinton was better at unifying opposition to him than at generating unified support on his behalf. Creating an expanded interest group base was part of Clinton's New Democrat strategy. While this strategy has sporadically worked in areas that are neither traditionally identified with Democratic policies nor at the federal level (crime control, for example), on the big federal issues associated with the Democratic agenda, building coalitions from the middle has mainly failed to produce the expected support. Why? Peterson notes that passion leads to mobilization, and a passionate center is in scant supply. And this may be why a political strategy of the center has great difficulty building a sustainable base, although it can have ad hoc successes.

Virginia Sapiro and David Canon focus on Clinton's supporting groups in their chapter, "Race, Gender, and the Clinton Presidency." Most prominent among Clinton's political support coalition were African Americans and women. The authors ask why these groups remained so steadfast in their support, especially inasmuch as some of Clinton's behavior, whether calculated or otherwise, could be construed as offensive to these core constituencies. For the most part, however, Clinton cultivated these constituencies through symbolic politics, appointments, and policies. When he was down, they came to his aid. A part of their attraction to Clinton was not only what he did to cultivate them, it was also what the Republicans did to repel them, a lesson that Republicans may now be in the process of absorbing.

Continuing with the theme of building a centrist political and policy strategy, Paul Quirk and William Cunion, in their chapter on "Clinton's Domestic Policy: The Lessons of a 'New Democrat,'" ask what happens when a "centrist president attempts to lead a deeply divided, or *polarized*, Congress?" What happened is that the centrist president often got the upper hand politically over the Republicans. From a policy standpoint, however, much depends upon whether the centrist positions stem from principles or political opportunism. The authors believe the latter produces bad public policy, dependent upon fluctuations in public taste. They suggest that Clinton's centrist stance has had more to do with political opportunism than with principles.

In their chapter, "Engaging the World: First Impressions of the Clinton Foreign Policy Legacy," Emily O. Goldman and Larry Berman ask whether Clinton has "left a legacy others can build upon, develop more fully, articulate more clearly, and implement more effectively?" They note that "articulating a coherent foreign policy vision at this historic moment is fraught with difficulty" and that this problem is not exclusively endemic to the United States or to Clinton. The old certainties are gone. Providing conceptual traction for the present and future is a formidable task. On some matters, especially but not exclusively those of international financial management, Clinton leaves a positive legacy. On others, especially those likely to engage U.S. military involvement and the relationship between force and political objectives, clarity and decisiveness (but apparently not luck) appear to be lacking.

Judging "Clinton in Comparative Perspective," Graham Wilson asks what will "Clinton's *political* legacy be to the repertoire of leadership strategies in advanced democracies?" Clinton and Tony Blair, the "New Labour" Party prime minister in Britain, have been advocates of "the third way," defined as the space between big-state welfare commitments and protections and an unmerciful capitalism. The old way, for sure, meant that there was no way these political leaders could be elected. There is both uniqueness and portability in the Clinton style of perpetual campaigning, positioning, and spinning. Two conditions, the necessity of a lengthy period of right-wing leadership to incubate the "new" photogenic and articulate centrist leaders of "old" left parties and institutions that give prominence to a central executive leader, limit the portability of the Clinton style to only a few countries, most notably to Britain. Still, governing in an age of constraints, according to Wilson, makes centrist positions more attractive because increased public commitments are perceived to be unfeasible.

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Finally, in his chapter, "Cutting *With* the Grain: Is There a Clinton Leadership Legacy?" Bert Rockman asks what Clinton's options really were and whether his leadership will leave a legacy. Rockman notes that Clinton was inclined to cut *with* the grain rather than against it. His legacy, if there is one, is likely to be less in policy than in politics. Clinton has been an agile, skilled political leader. The main question is, given these qualities, has he fended better for himself than for his policy agenda? Given that he was dealt a weak hand, how well did he play it? And could he have played it differently? With what consequences?

Clinton already has achieved a certain dubious repute thanks to Ken Starr, Henry Hyde and the House Judiciary Committee Republicans, and, of course, to his own scandalous behavior. That legacy is not the one Clinton wanted to leave, but it is likely to be the matter for which his presidency will be most noted. Clinton faced an uphill climb to make his mark. Political tacticians, even ones as keen as Clinton, get us through the moment and then slip from memory. What did Clinton stand for? What was, as James Carville liked to put it, "his sacred ground"? Did he have any other than political survival? Political pragmatists tend to go easily into history, leaving only faint traces behind. We often prefer the heroic gesture as worthy of a legacy. Good times, however, do not make for grand gestures. Clinton presided over good times, and that may be his legacy. One could ask for worse things.

But one also could ask for better things. No doubt, the Clinton administration deserved praise for bringing a balanced agenda of greater fiscal responsibility on both the revenue and expenditure sides, and possibly as well for signing on to the Republicans' balanced budget proposal. At least psychologically, these factors are among those that have helped sustain growth, prosperity, low unemployment, and low inflation. But the Clinton administration did little to address the needs of those on the bottom rungs of society who had become unfashionable and thereby dispensable. The New Democrats knew the votes were with the broad middle-class base of society, and that, understandably, is where Clinton and his key strategists went hunting. It is conceivable that the real legacy of the eight years of Clinton's presidency is that the Democrats and Clinton managed to become presidential winners by sacrificing society's losers.

On the other hand, the conditions of general prosperity have been relatively kind to the disadvantaged, and that in turn provides the fault lines for debate within the Democratic Party. Traditional liberal Democrats *talked* about doing things for the poor and, indeed, frequently did do them. But in so doing, they

made themselves unpopular. Clinton, by contrast, has thrown the unfortunate to the wolves when occasion demanded—and on matters such as welfare reform he was followed by many of his party's traditional liberals as well. Ironically though, Clinton's policies, some of which have generated little fanfare, such as the Earned Income Tax Credit and the conditions of full employment that have benevolently wrapped themselves around his administration, have helped those in the lifeboats without drawing attention to them as a special interest of the Democratic Party. This, too, may be a distinctive contribution of the Clinton years and Clinton's effort to reformulate the Democratic Party. This effort has been remarkable for not losing its core constituencies at the polls while gaining the support of newer middle-class interests at least temporarily turned off by the moralizing appeals (with their antilibertarian implications) of much current Republicanism. For the short term, Clinton and the Democrats have found a winning formula. That can only be good for Clinton's reputation. But Clinton's reputation, beyond impeachment, is likely to have—as most presidential reputations have—only a short shelf life.

To the memory of our cherished friend, Ed Artinian,
whose legacy will never be in doubt

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