

Presidential Leadership

Politics and Policy Making

Fifth Edition



George C. Edwards III

Stephen J. Wayne

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Texas A & M University

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To Carmella and Cheryl

PROLOGUE

THE SCANDALOUS PRESIDENCY

Most presidents have had their share of scandals. Harry Truman had to contend with the underhanded tactics of some of the Missouri cronies he brought into the White House. Dwight Eisenhower's chief of staff, Sherman Adams, was accused of exercising improper influence on behalf of a New England businessman who was also his friend and benefactor. Lyndon Johnson was embarrassed when long-time aide, Walter Jenkins, was arrested by the FBI for propositioning another man in the basement of a YMCA. Richard Nixon had his plumbers, Watergate burglars, dirty tricksters, and political henchmen who shook down wealthy executives for political contributions. Ronald Reagan had a secretary of urban affairs, whose name he couldn't even remember, whose department awarded contracts as political rewards; an attorney general whose behavior bordered on the unethical; and two National Security Council aides who diverted public money to one of the president's favorite causes, the Nicaraguan Contras. George Bush had a chief of staff who used government transportation for visits to his dentist and to add to his stamp collection. Bill Clinton had five cabinet secretaries who at one time or another were under investigation for illegal activities and unethical behavior before or during their government service; a senior White House aide who fired career travel office employees and then invited the FBI to investigate their financial irregularities; and a lower-level aide who collected FBI files on principal Republican opponents. The list goes on!

For the most part, however, the scandals that have embarrassed presidents have involved aides and executive branch appointees. Occasionally, a federal judge has also been the source of unfavorable publicity, such as when Judge Alcee Hastings (currently a member of Congress) was accused of accepting bribes and was later impeached for corrupt behavior, or when Judge Harold Baer Jr., after a huge public outcry, had to reverse a ruling in a drug case that the evidence seized was inadmissible in court because police did not have probable cause.

Although embarrassed by the behavior of their appointees, presidents have usually stayed above the fray. It was not their personal behavior, *per se*, that was at issue; instead it was their supervisory skills or political judgments that were called into question. During the Nixon and Clinton administrations, however, presidential behavior was *the* issue. Public attention during the Watergate scandal, the Senate investigation of the 1972 presidential campaign, and the House impeachment proceedings focused on the

president himself: What did he order? What did he know? And when did he know it? Three of “the high Crimes and Misdemeanors” with which the House Judiciary Committee charged the president—obstruction of justice, abuse of power, and contempt of Congress—were directed at Nixon himself.

Bill Clinton has also been subjected to attacks for his judgments, decisions, and personal behavior. These attacks have concerned some of his appointees like Zoe Baird and Kimba Wood for attorney general, Lani Guinier for assistant attorney general for civil rights, Jocelyn Elders and Henry Foster for surgeon general, Anthony Lake for head of the CIA . . . to name but a few of the most controversial. The president’s judgment on issues, such as gays in the military and universal health care, and a host of activities involving campaign fund-raising and expenditures have also been subject to considerable scrutiny and negative commentary. But all of this has paled in comparison to the media frenzy surrounding the independent counsel’s investigation of Clinton’s sexual relationships, particularly with a 21-year-old White House intern, Monica Lewinsky.

The president initially denied a sexual relationship with Ms. Lewinsky during a deposition in a case charging Clinton with sexual harassment while governor of Arkansas. Subsequent investigation by independent counsel Kenneth Starr provided evidence that a relationship did exist and that the president had not been candid about it when questioned under oath by federal investigators (see Appendix D). The president’s judgment, his integrity, his candor, and his moral turpitude were all at issue. His presidency was threatened.

The investigation of Bill Clinton’s behavior as president has had and will continue to have a profound effect on the institution of the presidency, on the power of the president (not only Bill Clinton’s but that of his successors), on contemporary politics and policy, and on the legacy of the Clinton administration. Moreover, the scandal is bound to affect media coverage of the presidency, public expectations of the president and the office, and evaluations of job performance, both now and in the future.

No person, especially the president, is above the law. That was the basis of the Supreme Court’s decision in *United States v. Nixon* when the Court compelled the president to provide tape recordings of White House conversations to the Congress which was investigating his actions in the Watergate affair. That is also the basis of the Court’s decision in *Clinton v. Jones*, where it held that a sitting president could be subjected to a civil suit. Although federal judge Susan Wright Weber later dismissed the sexual harassment case against Clinton, the principle that the president is subject to civil law like anyone else is firmly established.

The independent counsel’s inquiry into the Whitewater land development deal, the testimony taken during the Jones deposition, and subsequent questioning of the president, his aides and acquaintances, and government

Secret Service employees about Clinton's relationship with other women aimed a legal spotlight at heretofore behind-the-scenes White House activities.

The administration responded to information requests by stonewalling the investigator and impeding his investigation with various appendages of the institutional presidency. *Executive privilege*—the term used to describe conversations between the president and his advisers that are not subject to public revelation or part of the official record—was asserted to prevent two senior aides from being forced to answer questions before a grand jury. When the courts ruled that executive privilege could not be invoked to deny information sought in a criminal inquiry, the White House resorted to a claim of lawyer-client relations to prevent Bruce Lindsay, a presidential counselor and a lawyer, from testifying. But again, the courts held that an attorney employed by the government does not have the same privileged status and relationship as one employed by the president to advise and defend him on personal legal matters. An attempt to prevent current and former Secret Service agents from testifying about the president's activities was also thwarted by judicial decision. Together, these court rulings have narrowed the scope of the presidency's authority: They have reduced the president's claim of executive privilege to discussions of public matters between presidents and their advisers in which there is no alleged criminal activity involved, narrowed the president's claim of attorney-client relationship to that involving private matters between the president and his personal counsel, and removed the claim that forcing Secret Service agents to reveal information might undermine their protective mission. Moreover, the president himself was forced to answer questions before a grand jury, although he gave his testimony at the White House while the grand jury watched from another location.

Not only has the scandal shrunk the presidency's legal authority, it has also weakened presidential influence in policy and politics. It reduced the president's ability to set a policy agenda and build support for it; it made the president more dependent on his partisan supporters in Congress whose backing would be needed in any impeachment proceeding. At the same time, it initially encouraged congressional supporters to distance themselves from the president, put them on the defensive for the next election, and opened the party to a potentially divisive fight for its forthcoming presidential nomination.

Naturally, the scandal has conversely benefited opposition party members. It has unified them and their constituency, provided an incentive and rationale for voting in the next election, and enabled them to place Clinton's behavior as the lead item on their campaign agenda. However, their perceived partisanship on the Clinton matter engendered a backlash from those who thought the Republicans too harsh.

The scandal has also accelerated the “lame duck” effect that afflicts incumbents in their second term. It has forced the president to assume more of a ceremonial, head-of-state role. Since the investigation began, public relations has replaced domestic policy making as the preeminent White House activity, and the president has been traveling more than ever before.

One of the more interesting aspects of the Clinton presidency has been the president’s continued high standing in presidential approval polls despite his personal behavior and Americans’ conclusions that he is not trustworthy. Most citizens have compartmentalized their evaluations of the president, emphasizing the performance of the economy while viewing the independent counsel’s charges as dealing with purely private behavior. Many have criticized the intrusiveness of the independent counsel and questioned his motivations as political vendetta. At the same time, the opinions of elites in the media and in and around government have been considerably more negative about the president. Those in the Washington establishment and the media have viewed the president’s behavior as a betrayal of the public trust and a failure to “take care that the laws be faithfully executed.” The divergence of opinion between elite and mass attitudes toward the president has also made it more difficult for the president’s critics in Congress to pursue impeachment as vigorously as they might like.

President Clinton has repeatedly complained about the intrusiveness of the investigation into his private life. It is clear, however, that the distinction between the public and private lives of presidents has become blurred. There may be little left to a president’s “private” life. One of the implications of this blurring may be to discourage people from running for president. Even those with blameless lives may resist the loss of privacy and being subjected to continuous investigation.

President Clinton’s problems also raise the question of whether a president who has been found to be engaging in immoral behavior in the Oval Office can exercise moral leadership. For example, President Clinton declared that he wanted to precipitate a great national debate on overhauling the financing of Social Security, the federal government’s largest program. The options include higher taxes, lower benefits, working longer before receiving benefits, and investing funds in the stock market. Each option requires the American people to make sacrifices or take risks. Can a president whom the people do not trust successfully make such requests and can his statements about the consequences of his policy proposals be believed?

Naturally, the role of the media has been questioned, especially by the White House. When allegations of the president’s affair with Monica Lewinsky first surfaced in January 1998, there was a media frenzy such as the nation had seldom seen. Attention to the issue drove out virtually all

other news. This frenzy temporarily subsided when the president made a dramatic denial of the affair. Media attention rose dramatically in August, however, when Ms. Lewinsky reached an immunity agreement with Kenneth Starr and testified before a grand jury. Soon the president also testified and then admitted to the American people that he had misled them in January. Polls showed that people felt that the media and Congress were devoting too much attention to the scandal, even while news shows focusing on the scandal enjoyed record ratings.

Both the Nixon and Clinton presidencies suffered from scandal-related fallout. Both were forced to curtail their policy agendas, retrench their political bases, broaden their ceremonial and public activities, and devote more time and attention to foreign affairs as their domestic options shrunk. Nixon left the institution weaker than when he entered it. Clinton probably will do so as well. In trying to exert leadership, both fell victim to the vicissitudes of the office: unreasonably high expectations of their public, and now private, performance, multiple and often conflicting political forces and policy agendas, deep-seated and complex economic and social issues, and a public with an ambivalent view of government as untrustworthy but essential.

Under such circumstances, it was difficult for them, as it would be for any president, to exert strong leadership. Yet that is precisely what we demand of our presidents and it is often the criteria by which we evaluate their performance in office. This book is about that leadership dilemma.

PREFACE

The presidency is a much praised, much damned institution. During the early 1960s, it was seen as the major innovative force within the government. People looked to the president to satisfy an increasing number of their demands. Presidential power was thought to be the key to political change.

By the late 1960s and early 1970s, this power was seen as a serious problem. Scholars blamed presidents and their excesses for involvement in the war in Southeast Asia and for Watergate and other scandals. Restrain the “imperial” presidency became the cry.

Presidents Ford and Carter responded to this plea by attempting to deimperialize the office. Ford opened the White House to opposing views; Carter initially reduced the size, status, and perquisites of presidential aides. Both were careful not to exceed their constitutional and statutory powers.

Growing institutional conflict between Congress and the presidency and within the executive branch raised questions about the possibility of effective governance. Worsening economic conditions, increasingly scarce resources, and a series of foreign policy crises produced a desire for more assertive, more directive leadership. The presidency was seen as imperiled; weakness, not strength, its problem. Disappointment in presidential performance replaced fear of presidential abuses.

The Reagan presidency led scholars once again to reevaluate the workings of the system and the role of the president within it. Reagan’s ability to achieve some of his major policy goals at the beginning of his administration indicated that stalemate need not paralyze the government. But it also gave rise to fears, particularly after the Iran-Contra affair, of the dangers that improperly exercised power can produce.

During the Bush and Clinton presidencies, the need for change, accompanied by the difficulty of achieving it within a divided government, reemerged. Both presidents were frustrated in their attempts to govern, particularly within the domestic arena, and the public expressed its own disillusionment—first in defeating Bush and then in putting the Republicans in power in both houses of Congress for the first time in forty years. Yet, in the midst of defeat, Clinton rejuvenated himself, his presidency, and his party, winning the 1996 presidential election but lacking a clear policy mandate and a governing majority.

And then, amidst a scandal involving Democratic fund-raising during the Clinton-Gore reelection campaign, the president and Congress reached agreement on a balanced budget, proving once again that divided government works quite well during periods of economic prosperity, social tranquility,

and world peace—when the government does not face increased demands, and especially when \$250 billion of unexpected revenues are predicted over a five-year period.

As he began his second term, the president was popular but not necessarily powerful. Clinton's popularity seemed to be a product of several factors: prosperous economic conditions, successful White House public relations, and good role-playing by a president who had finally learned how to take advantage of the prestige and status of his office. But the president's popularity was soon to be tested again, this time by charges of sexual improprieties. Although Clinton's popularity may have survived this test, his presidency was weakened by it and the president's own credibility was undermined.

There has always been some tension between the personal and the institutional presidency. Presidents are elected in part on their personal leadership experience and potential, on who they are, what they have done, what they promise to do, and whether their promises are believable and seem to address the nation's problems. But once they get into office, the institutional dimension plays a larger role in influencing whether they are able to achieve their policy and political goals. Environmental conditions—economic, social, and political—as well as events and decisions over which they have little or no control also affect their leadership.

This is a book about that leadership, the obstacles to it and the skills necessary to overcome those obstacles. We posit two models of leadership: the president as director of change and the president as facilitator. In the director of change model, presidents lead the nation by dominating other political players; in the facilitator model, they work, bargaining and pleading, at coalition building, to further the attainment of their goals and the goals of their constituencies. These models provide the framework within which we assess leadership in the modern presidency and evaluate the performance of individual presidents.

We offer no simple formula for success, but we do assess the costs and consequences of presidential leadership in a pluralistic system in which separate institutions are forced to share powers. We believe that effective, responsible presidential leadership can play a vital role in providing the coherence, direction, and support necessary to articulate and achieve national policy and political goals.

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George C. Edwards III
Stephen J. Wayne

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