THE PRESIDENTIAL LEADERSHIP DILEMMA

Between the Constitution and a Political Party

Edited by
Julia R. Azari, Lara M. Brown, and Zim G. Nwokora

The Presidential Leadership Dilemma

SUNY series in American Constitutionalism
———————
Robert J. Spitzer, editor

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Preface

As with all books, a journey was involved in the completion of this one. It traces its origins back to a conversation between two junior scholars about the role of presidents as both adept politicians and august constitutional executives. Over a postpanel coffee at the 2007 Midwest Political Science Association meeting, Julia Azari and Lara Brown contemplated how it was that some presidents had successfully cultivated images as statesmen hovering above the fray of party politics, while others were generally remembered as crafty politicians. Yet we observed that all presidents must engage in both statesmanship and politics. In short, Harry Truman's comment in 1951 deserved investigation: "I have an old definition for a statesman, a very old one: A statesman is a dead politician."[1]

A few years later, after a Presidency Research Group meeting at the American Political Science Association conference, Julia suggested to Lara that we assemble a panel for the 2010 Midwest Political Science Association meeting on the topic of presidents as party and national leaders. We recruited an excellent slate of panelists and appointed ourselves the discussants. That spring, the panel provoked such lively discussion and such interesting papers that we decided to pursue the project as an edited volume. Warmly welcoming Zim Nwokora as an additional editor on the project, we again availed ourselves of the offerings at a certain national coffee chain and wiled away much of the afternoon talking about the possibilities for a volume. A book was born.

At this point it is not only necessary, but also a pleasure to suspend this storytelling and thank our contributors who took this presidential leadership question seriously, produced quality scholarship, and believed in the possibility of an edited volume. We are grateful for your efforts and your encouragement.

While the crafting of the manuscript took only a short time, its duration has coincided with an eventful period in American political history.

When we began, a Democratically controlled Congress afforded President Barack Obama occasional prime ministerial indulgences, and the main impediment to his legislative goals was lax party discipline. When we completed the first full draft about eighteen months later, Obama faced a hostile Republican majority in the House of Representatives and a diminished Democratic majority in the Senate. As the partisan conflicts over taxes and federal spending brought the nation to the brink of a government shutdown and debt default, we felt the salience of this volume grow. That only multiplied when President Obama repealed the "Don't Ask, Don't Tell" policy in the U.S. military, succeeded in killing Osama bin Laden, and encouraged the protestors abroad who brought about an Arab Spring. Each of these instances invited new questions about presidential leadership. We also realized that it was vitally important to investigate not only Obama, but the ways in which all presidents, as both chief executives and party chiefs, grapple with this structural leadership dilemma. The dynamic political context under which we have been working has forced some of our contributors to reconsider their content, and we are grateful to them for their astute handling of these changes.

Before acknowledging our amazingly efficient publisher, we must first thank one of our contributors, Nancy Kassop, who suggested the State University of New York Press as a possible home for this manuscript. Were it not for her wise counsel, we might still be lost in the publishing wilderness. We are truly grateful to Senior Acquisitions Editor Michael Rinella and American Constitutional Series Editor Robert Spitzer for their willingness to take on a project edited by three junior scholars and for their thoughtful guidance through the review process. We would also like to thank the two anonymous reviewers who provided us with both excellent feedback and generous praise.

These years were eventful ones in our lives, as well as in politics. Our work on this manuscript has literally coincided with a wedding, a hurricane, and a funeral. Fortunately, in August 2011, Zim was able to complete his editing tasks at least a week before his wedding. During this same time, Lara stayed dry as Hurricane Irene hit Philadelphia. Even though Julia continued to inundate her with last minute questions about submitting the manuscript, she dutifully answered, presumably by candlelight, as the power dwindled on her smartphone. For Julia's part, she fondly remembers her husband's late grandmother, Charlotte Fett, and regrets that she cannot present her with a copy of this book. These events have left us grateful for the support and encouragement of our friends and family as we weathered the ups and downs of this project.

Note

1. Harry S. Truman, *The Presidency Project* (January 11, 1951; see http://www.presidency.ucsb.edu/ws/index.php?pid=14061).

Introduction

A Rock and a Hard Place

Between a Party and the People

Julia R. Azari, Lara M. Brown,
and Zim G. Nwokora

> I think it's tempting not to negotiate with hostage takers, unless the hostage gets harmed. Then people will question the wisdom of that strategy. In this case, the hostage was the American people and I was not willing to see them get harmed.
>
> —President Barack Obama, Block and Raz,
> "All Things Considered"

On December 7, 2010, President Barack Obama held a news conference to push back against the criticism leveled at him by congressional Democrats and liberal media commentators for compromising on tax legislation with congressional Republicans. Even though Obama offered an analogy placing Republicans in the role of "hostage takers," he chided his fellow partisans, saying that Democrats were being "sanctimonious" for failing to see that their principles would result in economic policies that would harm the American people.[1] Obama's admonishment to Democrats, which came less than nine months after his signature health care reform bill (the

Patient Protection and Affordable Care Act) passed with a single Republican vote, illustrates the fraught and contingent nature of presidential leadership in a polarized era.

After sweeping Republican victories in the 2010 midterm elections, including a net gain of sixty-three seats in the U.S. House of Representatives, Obama was faced with the task of working on expiring tax legislation with a "lame duck" Democratic Congress and an emboldened Republican minority leadership. An ailing economy and a restive public mood completed the dismal backdrop for the negotiations. Unwilling to cede his relevance in future policy debates, Obama intentionally sought to compromise with congressional Republicans so as to reposition himself as the nation's leader, despite his party's electoral "shellacking," as the president described it.[2] Still, his agreement to extend the Bush-era tax cuts in exchange for an extension of unemployment benefits prompted fierce resistance from congressional Democrats, including a call for an "old-fashioned" filibuster by liberal Senator Bernie Sanders (I-VT).[3] Senator Tom Harkin (D-IA) accused the president of "caving."[4]

The countervailing pressures on President Obama during the legislative debate and the public criticisms from across the partisan spectrum over his decision once he agreed to a compromise exemplify the leadership dilemma at the heart of the presidency, the tension between party priorities and national imperatives. As Sidney Milkis explains, "Obama's political difficulties have stemmed from his efforts to reconcile two competing approaches to presidential leadership—a venerable method of executive leadership exalting nonpartisan administration of the welfare and national security states, and an emergent style of partisan presidential leadership featuring vigorous efforts to accomplish party objectives."[5] Yet this tension is not new. James MacGregor Burns observed similar pressures for midtwentieth-century presidents. "The President," wrote Burns in 1965, "must be more than administrative chief or party leader. He must exert leadership in behalf of the whole nation."[6] As the only elective office chosen by the entire country, presidents, at least since Andrew Jackson began making his plebiscitary claims in the 1820s, are expected to represent the collective will of the people. Yet as Woodrow Wilson also noted in 1908, "The role of party leader is forced upon the President by the method of his selection . . . He cannot escape being the leader of his party . . . because he is at once the choice of the party and of the nation. He is the party nominee, and the only party nominee for whom the whole nation votes."[7] The express purpose of this volume is to explore this friction between national and partisan leadership: its sources and con-

sequences, and how presidents maneuver in response to these pressures. Thus, as the challenges that Obama faced during the tax cut extension debate demonstrate, institutional structures and leadership expectations bind presidents both to their political parties and to the American people.

Although more visibly pronounced in recent history, owing to the partisan polarization gripping the nation's capital, the tension between party and national leadership has its origins in the American Founding. Seen as a source of division, parties are absent from the United States Constitution and its formal institutional design. The Framers, fearful of "cabal, intrigue, and corruption," and the "dangerous vice of faction," established the Electoral College as the mechanism for selecting presidents, or at minimum, the nominees for the office should no candidate receive a majority of electoral votes.[8] Even though the delegates at the Constitutional Convention possessed varying expectations for the presidency, in part because of their differing beliefs about the proper role of an executive within a republic, they substantially agreed on the notion that presidents would be thought "successful in the degree to which they subdued or transcended partisanship."[9]

The Constitution, theoretically designed "to control and counteract parties," soon came to depend on them, especially to cohere the purposes of the legislature and executive and as vehicles for the expression of divergent opinions.[10] In the early Congresses these divisions mainly concerned the role and scope of the new federal government regarding the states, the economy, and foreign relations with Britain and France. As these issues came to dominate the national political debate, the parties gave structure to the contest between rival viewpoints. The parties, therefore, became the avenues through which lawmakers in Congress bargained over legislation and coordinated voting activity; the channels that connected the separate, yet interdependent, legislative and executive institutions; and the basis for the nomination and selection of presidential and congressional candidates.[11]

Although presidents have been grappling with partisan pressures since George Washington's first presidential term, the birth of the modern administrative state transformed the relationship between presidents and parties. At the turn of the twentieth century, Woodrow Wilson noted, "It is . . . becoming more and more true, as the business of the government becomes more and more complex and extended, that the President is becoming more and more a political and less and less an executive officer."[12] Hence, the more duties delegated to the president by the Congress and the more prominent the president has become within the federal pano-

ply of elective representatives, the more trenchant the leadership dilemma and the more elusive governing success have become for the president.

Taking together these historical developments, this volume argues that much of the shape of presidential politics in this contemporary era beset with partisan polarization and expansive presidential claims arises from this need for presidents to serve as both defenders of the national interest and as the leaders of their political parties. Even though there are many challenges to effective presidential leadership, the most fundamental of these is to reconcile the demands of national and partisan leadership. The constitutional structures of governance implore presidents to transcend political divisions, but the politically developed structures of selection ensure the president's involvement with one of the major parties. These structural conditions compel presidents to both unite and divide, or more precisely, to forge coalitions between elements they have sought to divide in their attempts to win office. We call this tension between the president's service as a party's leader versus the nation's leader the *leadership dilemma*.

Although this tension persists through the history of presidential politics, it seems to push and pull with greater force in the contemporary era. We believe this is the case for two reasons. First, as discussed, the national demands on presidents are greater than ever—a result of path-breaking events, such as the Great Depression and World War II, which inflated expectations of presidential involvement in public affairs (e.g., Milkis 1985).[13] Second, a renewed level of polarization between Democrats and Republicans at the national level has exacerbated the partisan pressures that presidents confront (e.g., Fiorina and Abrams 2008).[14] This, in turn, makes it more difficult for presidents—as well as aspirants to the office—to reconcile the claims of their partisan base with their perceptions of the nation's needs. Thus, presidents currently bear intense demands in their dual roles as national and partisan leaders.

Analyzing the Presidential Leadership Dilemma

Leadership is the essence of the presidency. But effective presidential leadership must balance national demands against partisan pressures. Hence even though the Constitution tasks the president with the responsibility to implement federal laws and nominate high-level national officials, the institutions of presidential selection require aspirants and incumbents to build a partisan coalition of supporters. As presidents grapple with

this *leadership dilemma*, how can we assess their choices? The literature on the presidency suggests two broad approaches, which are embodied, respectively, in the following questions: What are the requirements of presidential leadership? What does it take for a president to succeed?

The first question deals with the structures within which presidents operate and in particular the nature of the expectations surrounding their exercise of power. Scholars addressing this question emphasize that comparisons of presidential leadership should consider both the opportunities and the constraints that presidents face. *Presidential Leadership: The Vortex of Power*, edited by Bert Rockman and Richard Waterman (2008), offers a recent investigation into this subject. In its discussion of scholarly surveys ranking the presidents in the introduction to this volume, Rockman and Waterman posit that conceptions of presidential leadership have changed over time as the expectations of the presidency changed. As a result, "the more activist presidents of the twentieth century" fared better than their more passive predecessors on the qualities assessed in modern surveys.[15] Further, they argue, these changes in expectations combine a linear trend—an increase over time as the institution grew in stature—with a cyclical pattern. Following Skowronek (1997), they also assert that the cyclical pattern depends on a president's political identity in relation to the established political regime. "Presidents," Skowronek explained, "attempt to build all sorts of nuance and subtlety into this relationship, but stripped to its essentials, it comes in two forms: opposed and affiliated."[16] Both forms alter the expectations of a new president, but they depend on the perceived success of the prevailing political regime and his identity as an affiliate or opponent. Thus, according to Rockman and Waterman, "time"—linear and cyclical—affects expectations, and in turn, these leadership expectations affect the judgments of a president's success in office.

The second question—what does it take for a president to succeed?—has been addressed by scholars who focus on the president in office. The most renowned contributor in this tradition is Richard Neustadt, whose classic book *Presidential Power and the Modern Presidents* analyzed how presidents use, acquire, and maintain "power" or "effective personal influence."[17] For Neustadt, power derived from four sources: formal authority, professional reputation, prestige or public standing, and human qualities (that are "fashioned from experience and temperament").[18] Yet even with multiple sources, power remained fragile: "hard to consolidate, easy to dissipate, rarely assured."[19] For the purposes of this volume, Neustadt's analysis suggests that presidents may vary in terms of how they use power and whether they do so effectively.

Erwin Hargrove (1966) focused similarly on the individual differences between presidents. But while Neustadt's approach was rooted in the "politics of perception,"[20] or how presidents are viewed by other politicians, voters, and professional political observers, Hargrove concentrated on a president's personality or character traits. Contrasting "Presidents of Action" with "Presidents of Restraint," Hargrove described how "the skills of leadership are rooted in political personality,"[21] and as such, he identified "four variables" for assessing a president's personality: needs, mental traits, values, and the ego, or the unifying agent, which joins the first three factors into a recognizable personality.[22] Hargrove stressed that "leaders seek to gratify their needs in the playing of political roles. They find some roles more congenial than others and shape roles to fit their predispositions of need, mentality, and ability."[23] This suggests that presidents do not choose between national leadership or party leadership solely on the basis of exogenous factors (institutional constraints or political circumstances). Instead, because the office is "in some senses . . . shapeless, and each President fills it out to suit himself," whether or not a president pursues partisan leadership or national leadership may depend on his view of the office and his beliefs about his leadership duties.[24] Thus, while we have mostly addressed this leadership tension as stemming from institutional structures, historical developments, and timing, it cannot be dismissed that this tension may also arise from the president himself.

The contributions to this volume, therefore, consider not only the influence of structure, but also that of agency in several ways. Most obviously, each piece inquires—implicitly or explicitly—about whether approaches to the *leadership dilemma* are driven by structure, development, and context (exogenous), or by the individual factors specific to each president (endogenous). Recurring structural factors, as briefly suggested, include time (historical, electoral, or Skowronekian political), party control of the elective branches of government (divided or unified), and the president's role as executive officer. Time not only presents presidents with opportunities and constraints, but, as Rockman and Waterman noted, it has altered the leadership expectations for them. In addition to secular time, both electoral time and political time determine the ability of the dominant regime or majority party to address national problems and maintain their coalition. Thus, through understanding a president's place in electoral and political time, we may learn about both his approach to his own party and his approach to leadership. During his first term in office, is the president focused on his national standing or on his party's electoral success in the Congress? More generally, do

presidents alternate between party leader and national leader as electoral cycles progress in ways that are similar to senators alternating between the representational roles of trustee and delegate? Further, once installed, is the president charged with the task of creating and defining a new political coalition, in the mold of reconstructive leaders such as Thomas Jefferson, Abraham Lincoln, and Franklin Roosevelt, or is his expected project one of maintaining a fissiparous party coalition, as articulative and disjunctive leaders face? Finally, how do the "third-way" presidents of the preemptive form who inherit a complicated relationship with their own parties navigate and incorporate elements of the opposition into their own party, so as to undermine the dominant regime? Each of the contributions in this volume examines how presidents address these structural leadership dilemmas inherent to their own moments in time.

The incentives and constraints posed by party control of government are somewhat more straightforward. Placing interbranch relations at the center of the presidential leadership dilemma, comparing divided and unified government allows us to ask several theoretically important questions. First, do presidents have an advantage when negotiating with a Congress controlled by their own parties, or do they simply face different challenges? Second, does an opposition Congress inspire presidents to take a more moderate and bipartisan approach, or do they increasingly rely on unilateral resources to achieve policy ends?

Finally, the president's unique constitutional responsibilities create cross-pressures to further party goals and to transcend partisanship. Again, as Woodrow Wilson presciently noted, "The makers of the Constitution constructed the federal government upon a theory of checks and balances . . . [but] leadership and control must be lodged somewhere; the whole art of statesmanship is the art of bringing the several parts of government into effective cooperation for the accomplishment of particular common objects,—and party objects at that."[25] The expansive administrative functions involved in executing the law allow presidents to make decisions about personnel, structure, and ultimately the degree to which the administration will embrace a model of partisan responsiveness, or alternatively, of "neutral competence" and bipartisan expertise.[26] Similarly, the expansion of the presidential war powers obliges incumbents to represent the nation's security interests, but presidents' decisions in this policy area have become increasingly subject to the same partisan polarization as the president's domestic agenda.[27]

Amidst these structural constraints and opportunities are the complex and flawed individuals who occupy the office of the president, whose

unique characteristics can ultimately shape leadership styles.[28] In this volume, the contributors include investigations into temperament, skill, style, and policy ambitions in order to assess some of the different presidential approaches to the leadership dilemma. These analyses parallel many of the questions posed by classic lines of scholarship in presidential studies. How well did presidents make use of the resources available to them or the political experiences possessed by them? How did they create new opportunities and cultivate new resources? This emphasis on opportunity and obstacle is particularly important for our understanding of the leadership dilemma. Presidents do not bargain with no one. They inhabit an arena of shared and contested powers. They must also choose with whom they will bargain and whether or not their optimal strategies involve their fellow partisans. Hence, to the extent that parties constitute a resource for presidents to exploit effectively, they also, by using this resource, run the risk of appearing "too partisan." Conversely, if a strong opposition party numbers among the obstacles faced by a president, we might expect there exists an opportunity to lead a bipartisan coalition and appear "above the fray." Clearly, success in each of these scenarios depends not only on a careful balancing act, but also on a specific combination of political circumstance and presidential behavior.

The chapters in this volume progress roughly from campaigning to governing and explore one or more of the roles in which presidents contend with this leadership dilemma: coalition-builder, chief executive, and "bully pulpit" communicator. In each of these roles, presidents not only engage in characteristic tasks of the office and grapple with a leadership path, but they are also faced with varying constraints and opportunities to exercise agency. Hence, the choices that presidents make in pursuit of national or party leadership are conditioned by context and time. Circumstances, in turn, shape the way presidential choices are received in the political environment. Thus, the leadership dilemma remains inextricably linked to questions of structure as well as agency.

From Aspirant to President: Three Roles

President as Coalition Builder

"Does Barack Obama have a problem with the white working class?" asked the *New York Times* in the middle of the Democratic race.[29] This query reflected widespread—and at the time growing—doubts about

Obama's appeal among noncollege-educated white voters. But it also reflected a fundamental maxim of presidential campaigning: the need to build broad coalitions. This imperative lies at the center of aspirants' strategic thinking and practical choices. Yet it is also a basic requirement for presidents engaged in policy-making politics, as illustrated in Obama's struggles to enact legislation extending the Bush tax cuts. As a result, the challenge of uniting disparate groups with competing interests and values acquires much of its complexity because presidents—and aspiring presidents—build coalitions in markedly different arenas. And even though the dimensions of coalition building can appear sequential—party nomination followed by general election and then policy making—in practice they merge. As a result, campaigning aspirants look ahead to the election and future legislative battles. Incumbent presidents look across—at Congress, as well as behind—at the constituencies from which they garnered support in the past, and down the road, in anticipation of their reelection campaigns or the verdicts of history. For presidents, therefore, the best coalitions are those that allow them to thread the needle through each of these distinct demands.

The literature has explored the range of tools available to aspirants and presidents as they seek to forge coalitions and the constraints that they face as they try to do so. Aspirants tailor their campaign messages to attract the attentions and approval of the media and key constituency groups.[30] Both aspirants and incumbents try to dominate interpretations of their context and emphasize issue areas where they are comparatively strong over their rivals.[31] Presidency scholars also highlight presidents' capacities to use their political skills and resources to forge coalitions[32] and the effects from "going public"—over the heads of law makers—to increase their leverage in bargains with congressional leaders.[33] Presidential vetoes can also be used for coalition-building purposes. For instance, as Edwards discusses, Clinton's vetoes in 1995 and 1996 not only led to the government shutdowns, but also undermined the coalition supporting congressional Republicans and reinforced the president's standing.[34] Despite their array, however, the use of these tools confers few guarantees: in election contests each aspirant faces rivals with nearly identical ambitions and sometimes formidable resources; absent a majority in Congress, coalition-building in the legislative arena is more likely than not to end in failure.[35]

Four chapters in this volume examine closely the challenges of building coalitions in distinct political arenas. Nwokora looks at how aspirants construct coalitions in nomination politics. He asks how

important the candidates are in the construction of winning coalitions in nomination races. He argues that we can distinguish between candidate-dominated paths, in which candidates forge coalitions to support their candidacy, and alternative noncandidate-dominated paths, where media, political, or financial elites representing distinct constituencies coalesce on a candidate. He presents two case studies—the Democratic race of 1924 and the Republican race in 1980—to illustrate these paths in operation. Brown focuses her attention on the nexus of electoral and governance politics, in particular, the problem incumbents face as they aim to *rebuild* a winning electoral coalition. Brown interprets the reelection strategies of Clinton and Bush not only as attempts to build support sufficient to win reelection, but also as platforms for the pursuit of unique historic legacies. Thus, although both presidents were comfortably reelected, the different strategic paths that they pursued set the stage for profoundly different historical legacies: Clinton as a centrist and Bush as an ideologue.

The possibilities for coalition-building in legislative politics are explored in the chapters by Goren and by Copeland and Farrar-Myers. Goren's case study on the politics of closing military bases examines how attempts to purposefully strip partisan considerations from a policy-making problem impact presidential leadership challenges. She finds that politics seeps in through the cracks: presidents can and have involved themselves in the political side of base closures even as they emphasize their national leadership. Copeland and Farrar-Myers focus on the issue of gays in the military as they explore the coalition-building efforts of presidents Clinton and Obama. They examine the distinct ways that these presidents approached a political problem that has great potential for divisiveness, explaining why Obama succeeded at building a coalition for change while Clinton did not.

President as Chief Executive

In *Federalist 70*, Alexander Hamilton explained, "Energy in the Executive is a leading character in the definition of good government. It is essential to the protection of the community against foreign attacks; it is not less essential to the steady administration of the laws; to the protection of property against those irregular and high-handed combinations which sometimes interrupt the ordinary course of justice; to the security of liberty against the enterprises and assaults of ambition, of faction, and of anarchy." Hamilton's defense of a strong national executive rested on the

idea that "a government ill executed, whatever it may be in theory, must be, in practice, a bad government."[36]

Modern presidents have become involved in the policy-making process at several stages. In addition to the choices they make about how to implement laws, from signing statements to executive branch management, presidents have gone beyond the duties prescribed by Hamilton in the *Federalist* to actively promote preferred legislation. Two chapters in this volume examine how party control of Congress influences how presidents behave as chief executives, leading on policy issues. Ponder explores how the president's place in the context of the political system affects legislative success. His concept of "presidential leverage" captures the president's standing as compared with the public assessments of the government as a whole, and his analysis demonstrates that leverage helps to explain variation in the passage of presidential proposals. Kelley, Marshall, and Watts evaluate presidential choices at a later stage in the policy process through the study of rhetorical, as opposed to constitutional, signing statements as a form of political posturing and policy making under divided and unified government. Their findings illustrate that while presidents are not always able to persuade Congress, they have resources at their disposal to react to legislation and set the stage for future debates.

President as "Bully Pulpit" Communicator

In a comparison between Ronald Reagan and George W. Bush, journalists Lou and Carl Cannon noted a consequential distinction between different kinds of advice received by the two presidents about this "uniter-divider dilemma." Reagan's chief of staff, James Baker, admonished, "You can't always govern by appealing to the base, sometimes you have to govern by reaching to the center—by reaching a consensus." By contrast, a common understanding in the Bush administration was that policy choices were made in terms of "playing to the base," a strategy frequently attributed to senior advisor Karl Rove.[37]

The process of "appealing" to either the center or the base involves not only choices on policy trade-offs, but also choices on how to assert, frame, and define political problems and potential solutions. Communications scholar David Zarefsky contends that presidential rhetoric "defines political reality." Expanding on this function, Zarefsky notes, "Naming a situation provides the basis for understanding it and determining the appropriate response. Because of his prominent political position and his access to the means of communication, the president, by defining a

situation, might be able to shape the context in which events and pro-
posals are viewed by the public."[38] By shaping political reality, presiden-
tial rhetoric can frame political issues and emergent events in ways that
inspire unity and invoke widely held national values, or it can evoke ideas
that will be received very differently by partisan supporters than by politi-
cal opponents. Political context, as well as rhetorical choices, play a role
in how these messages are received and translated into "political reality."
How do these attempts at persuasion and definition affect the leadership
dilemma?

When presidents attempt to define political reality, they can draw
on national symbols in an effort to unify the audience and transcend
partisan divisions. Their effectiveness at this task may be contingent, at
least in part, on structure and timing. Skowronek finds that presidents
who are able to effectively "reconstruct" the political order are not only
successful party builders and managerial organizers, but they are also
able to frame new policy directions in terms of basic national values;
presidents in the mold of Thomas Jefferson, Abraham Lincoln, and Frank-
lin Roosevelt "retrieve from a far distant, even mythic, past fundamental
values that they claimed had been lost in the indulgences of the received
order."[39] Carolyn Kohrs Campbell and Kathleen Hall Jamieson identify
unifying the audience as a key feature of Inaugural Addresses, and, like
Skowronek, suggest that reaffirmation of past heroes and commitments
allows presidents to "rehearse national values."[40]

Jeffrey Tulis similarly argues that the expansion of the president's
rhetorical role has allowed presidents to have unique influence over the
scope and stake of political conflict, although rhetorical choices can prove
divisive. The ways in which presidents define issues can both influence
policy and undermine deliberation with Congress, as Tulis explains in
the example of Lyndon Johnson's War on Poverty, in which policies were
designed within the executive branch around the "war" rhetoric and pre-
sented in an address to Congress "designed to arouse a general disposition
of support" rather than invite a dialogue with Congress on the merits of
the proposed policies.[41] Although Tulis' point does not deal directly with
party divisions, the key insight is that presidential efforts to frame policy
within a specific and highly public metaphor ultimately impair one of the
key processes by which presidents can engage in bipartisan collaboration:
deliberation. As a result, presidential rhetoric can play an intrinsically
divisive role. Presidential rhetoric can also invoke party and partisanship
in a more straightforward way. In a systematic study of presidential rheto-
ric during the first terms of Dwight Eisenhower, Jimmy Carter, Ronald

Reagan, and George W. Bush, John Coleman and Paul Manna find that modern presidents "link themselves rhetorically" to the party system with relative frequency, and that while divided government does not seem to influence the decision to use party rhetoric, audience and proximity to an election have a significant influence on the use of references to the "virtues of partisanship."[42] In sum, a substantial body of scholarship on presidential rhetoric connects the president's choice of words, particularly on key occasions, to efforts at unifying the nation; at the same time, ample evidence exists for the divisive potential of presidential rhetoric.

Two chapters in this volume assess presidential decisions about rhetorical style as well as the ways in which structural factors, particularly electoral pressures and divided government, affect these choices. Kassop and Goldzwig look at counterterrorism policy in the Obama administration and analyze how Obama's campaign rhetoric has shaped and constrained his policy options and choices in office. The administration, the authors show, has struggled to reconcile the dilemmas that derive from the president's dual roles as partisan and national leader. The chapter tracks the consequences of the presidential dilemma in this context: how the president has compromised his stances and reversed campaign pledges; the conflict between advisers with opposing motives; and the disappointment of his party members.

Azari explores the ways that presidents use election victories to support their legislative agendas and invoke electoral mandates to justify their policy choices. This chapter begins with the broader theoretical question of why some elections are framed by presidents as primarily partisan mandates, while others are framed in less partisan terms. By examining the election interpretation rhetoric of Bill Clinton, George W. Bush, and Barack Obama, Azari examines how newly elected presidents with unified party control of government manage the leadership dilemma and use mandate rhetoric to frame and promote their policy agendas.

Overall, the contributions in this edited collection explore a recurring *leadership dilemma* for presidents. Presidents serve as both defenders of the national interest and as the leaders of their political parties; as will be shown, these roles are often incompatible. Through the numerous contributions in this volume, the authors examine how the competing institutional demands between governance structures and selection methods shape the strategic choices that presidents make and the contexts in which they make them. Bridging the gap in the existing literature by focusing on the leadership trade-offs for presidents, it offers a new perspective on presidential leadership by including, rather than omitting, party. Although

this theme fuses together the volume, each chapter makes its own distinctive contribution as the authors use a variety of methods and cases to look closely at how the parts of this leadership dilemma play out in different situations with different presidents. Finally, this volume addresses not only the exogenous pressures constraining presidents, but also the endogenous factors unique to each president, which may drive their choices. Thus, our intention is to provide both a holistic and an intersectional view of the presidential leadership dilemma.

Notes

1. Altman, "Can Obama Sell the Tax-Cut Deal to His Own Party?"
2. Madison, "Obama's 2010 'Shellacking' Is like Bush's 2006 'Thumping.'"
3. Breutler, "Unhappy Dems Mull Obama-GOP Tax Cut Deal."
4. Malcolm, "Cave In or Compromise, Obama's Tax Cut Deal with Republicans Could Win Him Much, Cost Him Little."
5. Milkis, "What Happened to Post-Partisanship? Barack Obama and the New American Party System."
6. Burns, *Presidential Government: The Crucible of Leadership*, 121.
7. Wilson, *Constitutional Government in the United States*, 60, 67.
8. Hamilton, *Federalist 68*.
9. Ketcham, *Presidents above Party*, 4.
10. Hofstadter, *Idea of a Party System*.
11. Aldrich, *Why Parties?*; Brown, *Jockeying for the American Presidency*; Landy and Milkis, *Presidential Greatness*; Elkins and McKitrick, *Age of Federalism*.
12. Wilson, *Constitutional Government*, 67.
13. Milkis, "FDR and the Transcendence of Partisan Politics."
14. Fiorina and Abrams, "Political Polarization in the American Public."
15. Rockman and Waterman, *Presidential Leadership*.
16. Skowronek, *Politics Presidents Make*, 34–35.
17. Neustadt, *Presidential Power*, ix.
18. Bowles, *Nixon's Business*, 17.
19. Neustadt, *Presidential Power*, ix.
20. Bowles, *Nixon's Business*, 29.
21. Hargrove, *Presidential Leadership*, 1.
22. Ibid., 3.
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26. Moe, "The Politicized Presidency"; Rudalevige, *Managing the President's Program*; Burke, *Institutional Presidency*; Skinner, "George W. Bush and the Partisan Presidency"; Cameron, "Studying the Polarized Presidency."

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37. Cannon and Cannon, *Reagan's Disciple*, 84.

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39. Skowronek, *Politics Presidents Make*, 37.

40. Campbell and Jamieson, *Presidents Creating the Presidency*, 36–37.

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Pathways to the Nomination
An Analytic Framework

ZIM G. NWOKORA

As discussed in the introduction, the presidential selection process is a key reason for the existence of the leadership dilemma. The selection mechanisms force presidents to develop strategies to win in an intraparty contest and an interparty contest, before they may govern for the entire nation. This chapter examines the first stage, the nomination contest. The chapter aims to identify the distinct pathways that can lead to a candidate's victory in a nomination race. How nominees win may impact their chances in the general election and their prospects in office. Therefore, identifying the pathways to victory provides useful tools that may be used to consider the impact of nominations on the leadership dilemma. This chapter aims to elucidate a theoretical framework that identifies these distinct pathways. The framework is developed as a typology. Typologies are classification schemes derived from theories.[1] The typology proposed here integrates existing theories of how nominations are won to identify four distinct pathways to victory in a race.

The chapter has three further goals that go beyond the construction of this classification schema. First, it shows how real-world races may be categorized using the typology. Second, it identifies the circumstances when the different pathways are likely to occur. Third, drawing on the

typology, the chapter presents hypotheses on the relationship between the pathways and outcomes in general elections and presidential politics.

Most of the chapter is committed to the task of developing the analytic framework and showing how it can be applied to actual races. In the first section, I present the typology. This is followed by two case studies of races that differ in the typology's dimensions. These case studies are used as the basis for inferring when the different pathways are likely to arise. The final section outlines testable hypotheses connecting the framework to outcomes in general elections and presidential politics.

Winning Paths in Nomination Politics

There are many routes to victory in a nomination race. However, we can broadly distinguish between those paths where candidates' choices and actions determine the outcome of a race from those where the winner emerges for other reasons that are unrelated to the competing candidates' decisions. We can also distinguish between races where the initial front-runner maintains his lead to the finish line and those where the initial front-runner is overturned by an underdog candidate. Combining these distinctions yields a typology of four distinct "types" of winning pathways. This typology subsumes several existing theories of nominations within a more general framework.

The major dimension in the typology concerns whether a race takes its overall form mainly from its candidates' activities or from their structural context. In the first case, when the politics of a race are driven mainly by the candidates, the race takes its overall form from *candidate agency*. In contrast, the race is predominantly *structural* when the most significant influences on contests are the choices of noncandidates, such as party elites, or exogenous shocks, such as an economic crisis.

This distinction between agency-dominated and structure-dominated races is an important theme in the literature on nominations. In standard accounts, the reforms associated with the McGovern-Fraser Commission in the 1970s, which encouraged the spread of presidential primaries, transformed nomination races.[2] Before these reforms, nominations were dominated by party elites whose preferences and actions determined outcomes. Structural factors were predominant. After the reforms, candidates became much more important. Struggles between candidates determined the contours of a race and the identity of its victor. Postreform races were "candidate centered," that is, dominated by candidate agency.[3]

Recent research has resurrected this structure-versus-agency question while challenging the standard story. Marty Cohen and colleagues in *The Party Decides* argue that even in the postreform context party elites continue to be the decisive actors. "The support of party insiders," they explain, "helps determine which of many potential candidates become actual candidates and which of the actual candidates can mount strong campaigns."[4] Yet their thesis is challenged in recent candidate-centered accounts of nomination politics, which emphasize candidate agency in both pre- and postreform races.[5] For instance, Lara Brown argues that serious candidates have always been "opportunists [who] do not stop striving. They know well that if they do, then they will not be made the party's nominee just because some 'leaders' (or 'groups') favor them in the presidential contest."[6]

The second dimension focuses on whether the winner began the race as its front-runner or as an underdog candidate. At issue here is who is favored by the status quo at the start of the race. The front-runner has an inherent advantage: if the ordering of contestants remains unchanged, that is if the contest remains stable, he will win. The momentum effects that operate in nomination races, and that mean that money and supporters are drawn to likely "winners," strengthen the front-runner's advantaged position.[7] In contrast to the front-runner, the path to victory for a race follower requires a transformation of the initial ranking of contestants. Such a transformation may be due to the actions of the candidates (i.e., candidate agency) or the result of some structural factor (e.g., party elite bargaining).

Like the structure-agency dimension, the front-runner/underdog dimension has been used regularly in nominations research.[8] William Mayer argues that the modern nomination process is "front-runner-friendly" and shows that knowing the identity of the front-runner at the start of a race offers a reliable way to predict its eventual outcome.[9] Other scholars have qualified this result by identifying some of the circumstances when underdog candidates stand a good chance against the front-runner, even in modern races.[10] For instance, Berggren shows that Republican front-runners are more formidable than Democratic ones. Berggren suggests two potential explanations. First, the Democratic Party struggles to achieve consensus on a candidate because it is more demographically diverse and has a party culture that is more tolerant of dissent and division. Second, the Republican Party has had more candidates of high reputation, who are "nationally known and popular with party leaders and the rank and file."[11]

The typology that combines these two dimensions identifies four winning pathways in nomination races (see table 1.1). In the first cell (top, left), the initial race leader maintains (or regains) an early lead. He succeeds due to candidate agency. The front-runner is able to impose his winning path on the dynamics of the race. Therefore, I call this pathway the *politics of imposition*. The front-runner's control of the race's dynamics may be consistent—that is, from start to finish—or the front-runner may temporarily lose his preeminent status and regain it later in the race. In either situation the politics of imposition culminates in the candidate-driven triumph of the initial race leader.

If, however, the success of the front-runner is instead predominantly a result of structural factors, such as the activities of party elites, his victory is by accession—a consequence of his political environment rather than his own choices and actions. In this case the triumph of the winning candidate exemplifies the *politics of accession*, a situation in which the race front-runner emerges from the contest as its victor but it is not he who shapes the winning path. Instead the race outcome is predominantly a result of structural factors, such as the activities of party elites.

When a front-runner's lead is overturned by the purposeful activities of an underdog, we see the *politics of rupture*. The winning pathway is forged by candidate agency, as in imposition, but in this scenario a combination of effective choice making by underdog candidates and unproductive decisions by the front-runner transforms the race. The initial front-runner cedes control of the race's dynamics to one of his rivals, who drives its dynamics to achieve his triumph.

If, however, an underdog wins because of structural factors, and not because of candidate agency, this is the *politics of providence*. Here the underdog's triumph looks like a chance event. In this pathway the initial competition's standing of the candidates is altered by structural factors in ways that foster the success of one of the underdog candidacies.

Table 1.1. The Politics of Nomination Races

		Predominant Cause of Race's Shape	
		Candidate Agency	Structural Factors
Competitive Position at Race's Start	Front-Runner	Politics of Imposition	Politics of Accession
	Underdog	Politics of Rupture	Politics of Providence

Analyzing Real-World Races

What factors make it likely that a race will follow one pathway instead of another? For questions such as this, which explore why one circumstance occurs instead another, case studies "enjoy a natural advantage" over other methods.[12] Within-case analysis involves tracing the actual linkages in a causal chain that leads to a particular outcome. Though such "process tracing" cannot yield a definitive set of factors that determines one pathway instead of another, it can suggest plausible possibilities. When more than one case is analyzed, process tracing can be supplemented with cross-case comparisons. If the cases differ in the typology's dimensions, comparing the cases may suggest some of the sources of these differences. Diverse-case analysis is particularly useful for this purpose.[13] This case selection strategy involves choosing cases that differ in each of the typology's dimensions. Diverse case analysis enables a fuller exploration of the typology's dimensions than other case selection methods. The pathways identified above are "ideal types," to use Weber's terminology, but real-world races can be shown to resemble these ideal-type pathways.

In the sections that follow I present two cases that differ in the typology's two dimensions; they are diverse cases. The first case is the 1924 Democratic race. John W. Davis, the winner, began the race as a distant underdog, far behind the contest's initial front-runner, William Gibbs McAdoo, as well as the strongest challengers at the start of the race, Al Smith and Oscar W. Underwood. Structural factors were the predominant cause of Davis's victory. This race, therefore, approximates the providence pathway. The Republican race in 1980 is the second case, and it differs in both the front-runner/underdog dimension and the agency/structure dimension. Ronald Reagan was the contest's initial front-runner and eventual victor, and the decisive twists and turns in this race were due more to candidate agency than structural factors. This race therefore approximates the imposition pathway.

Before summarizing these races it is necessary to outline the method that I use to classify actual races as one of the four types. There are two basic requirements: first, identifying the major turning points, or "critical events," in a race; second, analyzing the causes of these critical events. The critical events in a race are the moments when there is a clear shift in the competitors' standings in that race.[14] Joining the series of critical events in a race maps its overall *shape*—who is up, who is down, and when this changes. The observations of contemporary analysts and historians may be used to identify the critical events in a race. Using a broad base

of historical sources, including archive material, I flag an event as "critical" when at least two commentators convey this in their assessment of that event's importance to the outcome of a particular race. The second task is to consider the causes of each critical event. Here I ask: was the predominant cause candidate agency or a structural factor? I analyze how candidates' choices (including their campaign staffers') and noncandidate factors contributed to the event's impact on the race; and although these effects may be a joint result of candidate agency and structural factors, I consider as determinative or predominant the factor whose absence would likely have resulted in a different outcome.[15] A race takes its overall shape from the cause of the bulk of its critical junctures or, in the event that candidate and noncandidate factors are determinative of an equal number of critical events, then from the cause of the final critical event.

Winning by Providence: John W. Davis in 1924

In the 1920s Democratic Party politics was riven by divisions between progressives and their opponents, whom they labeled conservatives—two competing groups who professed different ideals, especially on federal government activity.[16] While the progressives saw the federal government's future as one where—emboldened and empowered—it intervened in society to protect citizens against new and dangerous concentrations of economic and political power, conservatives remained more wedded to a Jeffersonian distrust of federal initiatives. Although the Democratic progressives probably outnumbered their conservative rivals,[17] there was no guarantee that this numerical advantage could be straightforwardly translated into political power in the 1924 nomination race. The crucial obstacle was the party's requirement that a winning nominee must obtain two-thirds of delegates' votes at the national convention. This meant that the conservative bloc, mobilized behind one of its leaders, would likely hold sufficient strength to veto progressive candidates it deemed unacceptable. More generally, the high threshold increased the chances of deadlock at the convention as a consequence of either a blocking coalition or the scattering of votes among several candidates.

It was within this institutional and ideological context that the race unfolded. It began in earnest after the midterm elections of 1922 when William Gibbs McAdoo—Woodrow Wilson's son-in-law and former secretary of the treasury (1913–1918)—launched his presidential campaign.[18] McAdoo quickly ascended to a leadership position in

the contest on the back of his early organizational efforts and his impressive, and devoutly progressive, achievements as part of the Wilson administration, which included his prominent role in creating the Federal Reserve to centralize monetary policy and weaken New York's money trusts.[19] Commentators assessed his campaign to be particularly strong in the South, where McAdoo—a Georgian by birth—could be a unanimous choice, and the West, which was drawn to McAdoo as the natural heir to not only President Wilson but also William Jennings Bryan.[20]

However, nearly as soon as states began to formally select their delegations to the national convention, the McAdoo movement was rocked by allegations of his involvement in the Teapot Dome scandals, in which high government officials were found guilty of accepting bribes from oil companies in exchange for cut-price federal land leases. On February 1, 1924, Edward L. Doheny, indicted for involvement in the scandals, revealed that he had been paying McAdoo a twenty-five-thousand-dollar per annum retainer for legal advice since McAdoo left the cabinet. Despite McAdoo's protestations, suspicions lingered that he was hired to pressure his former Washington colleagues on Doheny's behalf. As J. Leonard Bates writes, McAdoo "faced at best the imputation of guilt by association."[21] And his standing in the Democratic race fell rapidly as commentators highlighted the potential contradiction of a Democratic Party campaigning against endemic Republican corruption but led by tainted McAdoo. William Jennings Bryan was one of several members of the Democratic establishment to pronounce McAdoo's campaign "seriously, if not fatally" damaged.[22]

With McAdoo's standing undermined by the Doheny revelations, the race became more competitive. Spurred by McAdoo's troubles and diminishing prospects, Alfred E. Smith and Oscar W. Underwood launched active campaigns.

Led by Tammany boss Charles F. Murphy, prominent Eastern conservatives rallied behind New York governor Smith, who—although he sponsored limited progressive reforms—was anathema to many Southern and Western Democrats because of his urban, Irish, Catholic roots.[23] His anti-Tammany, politically (although not personally) dry, and Protestant campaign manager, Franklin D. Roosevelt, mitigated these reactions, even though Smith's staunch opponents labeled Roosevelt a "false front."[24]

By late 1923 Senator Underwood had formed a campaign organization, which took off after the McAdoo oil revelations. As a consistent supporter of the League of Nations, Underwood could claim credibly to be "Wilsonian" in foreign affairs, but as a strong advocate of state's rights, he opposed the centralizing tendencies of the Wilson administration.

Several "favorite son" candidacies, aspirants without mobilized support beyond their home states, also sprung up to take advantage of McAdoo's fall from grace.[25] Most conspicuous were John W. Davis of West Virginia, a former congressman and later solicitor general and UK ambassador; Carter Glass from Virginia, who preceded McAdoo at Treasury and was a strong supporter of his successor's presidential run until the Teapot Dome scandals; and Samuel Ralston, a moderate former governor of Indiana.

The unexpected Doheny revelations also triggered a rethinking of McAdoo's nomination strategy by the candidate and his intimates. Some of his advisers counseled that he withdraw from the race while continuing to press at its margins for progressive principles.[26] To do so gracefully, McAdoo was told, might also improve his chances of a successful presidential run in 1928. McAdoo, however, remained determined to win in 1924. Indeed, facing greater competition in the aftermath of the Doheny revelations, McAdoo resolved to seek delegate commitments in primary elections more aggressively than he had initially intended. He planned to use a strong level of committed support to demonstrate his viability and thereby foist previously sympathetic delegations back into the McAdoo fold. Yet McAdoo's strategy was risky in two ways. First, his desperate attempts to compete for every delegate would cause friction in his future dealings with leading party bosses who, rather than bringing pledged delegations to the convention, preferred to maintain their autonomy and flexibility by leading "uncommitted" delegations. Second, for McAdoo to maximize his preconvention delegate return he would need to sweep the South. To do so, however, risked alienating Northern delegations who might fear that he was a Klan sympathizer if he won in states where the Klan permeated Democratic Party politics.[27]

These risks became realities in the primary elections in Georgia and Ohio. McAdoo had highlighted Georgia, his state of birth, as the ideal location to bounce back from the Doheny affair. Underwood also highlighted the state's primary election on March 10, 1924, which for him stood out as a chance to establish a Southern challenge to McAdoo's nomination; and he entered the state confidently having beaten McAdoo's mentor, Wilson, there in 1912. The results in the primary, however, revealed an "unexpectedly large" McAdoo win with a two-to-one majority over Underwood.[28] Yet observers detailed a campaign that became unexpectedly one-sided because McAdoo had covertly courted support from Georgia's Ku Klux Klan. In particular, McAdoo exploited Underwood's well-known opposition to the Klan to undermine his support in

the state and in the South more generally. So, while Underwood lambasted the Klan as "an agency of intolerance in American life, organized as a secret society expounding white supremacy and nativism," for McAdoo the Klan's future should remain an issue for individual states—a position that guaranteed Klan survival in the South.[29]

McAdoo maintained his stance on the Klan and succeeded in dominating Southern primary contests against Underwood's fading challenge. His sweep of the region's delegations was nearly comprehensive with only Underwood's home state (Alabama) and Arkansas and Virginia, both of which sponsored favorite sons that were favorable to McAdoo, remaining beyond McAdoo's grasp. Yet while stealthy associations between the Klan and his campaign improved McAdoo's prospects in the South, they distanced the Georgian from northeastern Democrats. This was especially critical in Ohio, where McAdoo's mix of aggressive campaigning and Klan sympathies alienated state boss James Cox, who became the decisive makeweight in Davis's nomination. Prior to the state's primary election on April 29, Cox had planned to take an uncommitted delegation to the national convention, but McAdoo's frontal assault on these plans solidified Cox's anti-McAdoo sentiments.

By the time the convention opened at Madison Square Garden, New York, on June 24, McAdoo's haul of delegates from the South and West squared off against Smith's northeastern delegations and a host of favorite sons. In the first round of balloting, McAdoo scored 431.5 and Smith 241, both far short of a simple majority (550), never mind the 732 delegates required for a two-thirds majority.[30] Clearly, therefore, unless most of the favorite sons withdrew and concentrated their support on one candidate, neither McAdoo nor Smith could muster the necessary two-thirds of delegates' votes. Yet despite their teams' best efforts to trade patronage promises for delegate votes, the favorite sons were generally unyielding, and by the fifteenth round, McAdoo had gained only 47.5 votes and Smith 64.5. The stalemate persisted, and each new attempt to forge a winning coalition—a boomlet for favorite son Samuel Ralston, McAdoo's attempt to abrogate the convention's two-thirds rule, and new rules to winnow the number of candidates—ended in failure.[31] Only in advance of the seventy-fourth ballot did the likely form of an end to the deadlock become clear.

At this stage, Roosevelt met with several representatives of the favorite sons and persuaded them to "loan" to Smith the number of votes sufficient to give him a veto. Although Smith held out little hope of the nomination, he was determined to also deny it to McAdoo; and Roosevelt reasoned—correctly—that proving Smith's veto power was the only way

to persuade McAdoo that his nomination was impossible. When, on the seventy-fourth to seventy-seventh rounds, Smith posted 364, 366, 368, and 367 (the exact number required for a veto), an important psychological threshold was crossed: even McAdoo's convention managers now realized that both he and Smith were through, and McAdoo later issued a formal release of his delegates from their commitments to him.[32] The contending groups' representatives set up a "harmony conference" that provided a forum to discuss compromise candidacies as the rounds of balloting continued. James Cox, who arrived in New York to try to salvage a nomination from the three-week deadlock, threw his—and Ohio's—support behind John W. Davis in advance of the 101st ballot, and this move triggered momentum in support of Davis even among delegations pledged to McAdoo and Smith. So, finally, on the 103rd ballot Davis secured 844 votes to win the Democratic nomination.

This narrative depicts the shape of the 1924 race as comprising five distinct phases that are delineated by six critical events. The first phase in the race was the period of dominance by its initial front-runner (McAdoo). The congressional elections of 1922 marked the start of this phase because after this event McAdoo moved to establish a campaign organization that would thereafter lead the chase for delegate votes. The second critical event was the Teapot Dome scandals, with which McAdoo became connected, and which halted the momentum building in favor of his candidacy. The scandals undermined McAdoo's standing and also resulted in a plethora of new entrants; both developments complicated McAdoo's plans to forge and lead a united progressive front. Because it marked a significant transformation in the race's shape, the revelations of McAdoo's links to Doheny marked the start of a second phase of the race, a period in which the front-runner reassessed his campaign strategy to cope with new rivals looking to take advantage of his diminishing prospects. Crucially, while the effects of the first critical event, the 1922 congressional elections, resulted from the purposive activities of a candidate (McAdoo) and therefore candidate agency, the second critical event was due mainly to structural factors: the illegal activities of the protagonists in the Teapot Dome scandals, none of whom was a candidate in the 1924 race.

In the third phase of the race the candidates competed for votes in primary elections, and McAdoo realized both the potential gains and liabilities in his revised strategy. With his relentless drive for delegates, he secured the pledged commitments of more delegates than any of his rivals. However, McAdoo's tactics also harmed his candidacy, and these liabilities were made apparent in the midprimary season campaigns in Georgia and

Ohio. In these states' primary elections, McAdoo's standing in the race took a decisively downward turn. His tactics are, for this reason, critical events and, because these consequences resulted from McAdoo's choices, their effects are due to candidate agency.

The fourth phase of the race captures the period of prolonged deadlock at the Democratic National Convention. This phase ended only when, on the seventy-fourth ballot, it became clear to McAdoo that his nomination was no longer possible. This round therefore heralded a new round of post-McAdoo solutions to the deadlock that culminated in Davis's nomination. The two critical events that bookended this phase were both dominated by the activities of party elites, yet because the first of these critical events was due to the activity of a candidate's (Smith) representatives, its effects derive from candidate agency. Thus, McAdoo became convinced of the impossibility of his nomination only because of the successful blocking tactics of Smith lieutenants at the convention (and especially Roosevelt). In contrast, the decisive actions to lead convergence on Davis were taken by James Cox, a party elite who was not a candidate in 1924; the final critical event in the race therefore resulted from a structural cause.

In sum, the overall shape of the 1924 race approximates the politics of providence. First, its eventual winner (Davis) started the race as a distant underdog and, second, structural factors predominate as causes of the race's critical events. This is because, even though the number of critical events due to candidate agency and structural factors are equal (three each), the final critical event—which acts as a tiebreak—was due to a structural cause.

Ronald Reagan's Imposition: The Republican Race in 1980

In an article on the parties' prospects in the 1980 presidential election, the *Philadelphia Inquirer* discerned a set of conditions that favored the Republican Party:

> For the first time in years, the major political issues are breaking in the Republicans' favor. It seems almost inevitable that the country will be struggling through an energy shortage, a recession and double-digit inflation—a grim combination for the Democrats . . . Despite his success [in foreign affairs]—establishment of full relations with China, the Mideast peace

accords, the Panama Canal treaties and completion of the
Strategic Arms Limitation Treaty (which awaits ratification)—
those same achievements have stirred fears that the United
States is losing strength and leadership in the world.[33]

Leading the Republican charge in this most promising of settings was
Ronald Reagan. Endowed with an unswerving conservative identity that
rejected the foundations of the weary liberal state,[34] and with high visibility
and prestige from running strongly against President Ford in 1976, Reagan
was widely viewed as the heir apparent among both elite and rank-and-
file Republicans. More than any other event, Reagan's surprising victory
against President Gerald Ford in the North Carolina primary election in
1976 set in motion a revival in that contest that also established him as
the front-runner in 1980.[35]

However, his seemingly inexorable path to his party's nomination
was complicated by crippling management feuds and tactical mistakes that
created opportunities for former UN ambassador George Bush to produce
an unexpected defeat for Reagan in the Iowa caucuses. This in turn
jolted Reagan from his previously complacent attitude to his campaign's
mismanagement of his candidacy. Most pertinently, Reagan replaced
John Sears, who had controlled the campaign's operations and strategy,
and returned to his conventional close-contact mode of campaigning—a
style that he believed suited his strengths as a candidate, but one that
Sears thought too risky.[36] These decisive maneuvers helped Reagan to
restore his advantage over Bush in New Hampshire, and Reagan's victory
in this state's primary election ensured his return to a dominant position
in the race. In contrast to Reagan's resolve under competitive pressures,
Bush rebuffed suggestions from his strategists that he attack Reagan more
aggressively to recapture his own campaign momentum. So, although
Bush's candidacy continued, neither he nor Reagan's more marginal
opponents—John Anderson and John Connally—was able to overturn
the return of grassroots support for Reagan.

The Republican race in 1980 followed a path that differed markedly
from the Democratic contest in 1924. While Davis's nomination approxi-
mated the providence pathway, Reagan's triumph in 1980 resembled the
imposition pathway. Accordingly, the race's initial front-runner (Reagan)
won in a race that took its shape principally from the choices of its can-
didates. Reagan's imposition in 1980 unfolded in four distinct phases,
which were punctuated by five critical events. And, in contrast to the mix
of structural and agency determinants of the critical events in 1924, each

of the critical events in the 1980 race was predominantly a consequence of candidate agency, and especially the choices of the front-runner (Reagan) and his main contender (George H. W. Bush).

The first phase was Reagan's emergence and consolidation as the race's front-runner. The critical event marking the start of this period was the North Carolina primary election in the 1976 Republican race, which restored Reagan's viability in that race and, crucially, elevated Reagan ahead of his potential rivals in the 1980 race. Against a backdrop of significant defeats and amid rumors of his imminent exit, Reagan's prospects prior to North Carolina appeared bleak. North Carolina, however, drastically altered the shape of the race, and his victory in this state was followed by successes in Texas, Indiana, Alabama, Nebraska, and Georgia.[37] Although it ended in defeat, Reagan's late surge forced a close result in his challenge of incumbent President Ford. The result, Peter Hannaford confirmed, was that Reagan "left [the Republican Convention in] Kansas City not as a defeated candidate but as the leader or a large segment of his party and with the respect of those who had not supported him."[38]

The outcome of the North Carolina primary was dominated by the activities of the rival candidates in the 1976 race.[39] In particular, Reagan's shocking 52–46 victory over Ford reflected especially his campaign's strategic shift of focus to Ford's foreign policy weaknesses. Prior to its foreign policy turn three weeks before the North Carolina primary, the Reagan camp had tried—largely unsuccessfully—to exploit perceptions that Ford was a clumsy executive and weak leader. But Reagan's attacks on the Ford administration became more penetrating with Reagan's greater concentration on the unpopular Nixon-Ford détente with the Soviet Union, the supposed deterioration of America's military capabilities, and Ford's willingness to give up American control of the Panama Canal.[40]

Reagan's strong North Carolina showing triggered an upturn in his prospects in 1976, but it also helped to establish him as the "overwhelming favorite" in the 1980 race.[41] To buttress this standing further, in the period between the Kansas City convention and the official start of the 1980 contest, Reagan gave regular public lectures, contributed radio and newspaper commentaries, and committed the $1.5 million surplus from his 1976 campaign to the creation of a political action committee (Citizens for the Republic) to support the advance of conservatism in the Republican Party.[42] By 1980, Jack W. Germond and Jules Witcover thought, Reagan's political assets were "formidable."[43]

Yet, they cautioned, "he still must prove that he can function effectively as the front-runner against whom all other candidates will be

measured."[44] The Iowa caucuses suggested, moreover, that Reagan's front-runner standing was far from impregnable. Bush's surprising two-point win over Reagan marked a critical event because it established Bush as a potentially serious challenger to Reagan and suggested a more fluid race than commentators had initially anticipated. This result was a consequence of candidate agency and, specifically, the tactical choices of the Bush and Reagan campaign teams. John Sears, Reagan's campaign manager, decided to keep his candidate away from high-risk events, including the all-candidate debate in Iowa organized by the *Des Moines Register and Tribune*. So, even though Reagan made appearances in the state on eight separate days, his presence was so fleeting that Bush could brag—quite credibly—that he had spent more days in Iowa than Reagan had spent hours.[45] Bush's reply to Reagan's "imperial candidacy" was a vigorous campaign in which he made fifty-nine stops and cultivated an extensive grassroots operation to contact, persuade, and mobilize potential supporters.[46]

If Iowa destabilized his campaign, Reagan's sense of momentum was quickly reestablished in the New Hampshire primary. Iowa had raised serious questions within and outside the Reagan campaign about his tactics and indeed the true strength of Reagan's candidacy, but New Hampshire settled these emerging doubts. Again, the result turned on the choices of the candidates at this juncture. Here, Reagan insisted on more active campaigning tactics that included extensive touring of New Hampshire and participation in public debates. As Cannon tells it, Reagan's defeat in Iowa "freed him from the shrouds in which his managers had wrapped him, permitting him to campaign as a natural candidate drawing on the resources of his personality."[47]

Buoyed by his Iowa performance, Bush entered New Hampshire level with Reagan in a poll of the state's Republicans and benefited from a recent surge in campaign contributions. Yet his improving prospects also meant that Bush's campaign was subjected to more intense scrutiny, which "caused him trouble" among rank-and-file Republics for whom Bush's bland speaking style and knee-jerk resort to vague generalizations compared unfavorably to Reagan's energy, clarity, and conviction.[48]

These impressions suggested that support for Bush was soft, and, therefore, vulnerable to shock events that might lower his standing. The Nashua candidate debate, three days before the polls opened, initiated such a jolt. The format of the debate had been disputed, and when it eventually began with all candidates seated, Bush—who had wanted a head-to-head against Reagan and therefore opposed the inclusion of the other Republican aspirants—was roundly castigated as a spoilsport. Bush

froze in shock like "a small boy who had been dropped off at the wrong birthday party," commented William Loeb of the *Union Leader*.[49] Bush's "paralysis on the stage in Nashua," Timothy Naftali explains, "wiped out his front-runner status for good."[50] Reagan won New Hampshire by a resounding twenty-seven points, a victory that marked the return of the perception that Reagan's momentum was unstoppable. In contrast, "Though he denied it publicly, Bush recognized that the best he could hope for was the second spot on a Reagan ticket."[51]

Bush remained in the race until its conclusion, but his defeat in New Hampshire marked a new phase. After this critical event, Reagan's campaign moved to eliminate John Anderson and John Connally, two early rivals who could yet complicate Reagan's path to the nomination. The goal of clearing these contenders from the contest was achieved at two critical events, which had been flagged by these opponents as chances to break Reagan's stranglehold on the race. In Wisconsin, Reagan's confident and well-organized operation again reiterated the foreign policy issues that had reaped rewards elsewhere and forced Anderson's exit from the Republican race. And, similarly, in South Carolina, Connally, despite endorsements from the state's most significant political notables (including Senator Strom Thurmond and former Governor Jimmy Edwards), was comfortably beaten and announced his withdrawal.

Applications of the Typology

The typology and empirical cases may be used to investigate the circumstances that produce the different winning pathways and to consider how these different pathways may impact outcomes in general elections and in presidential politics. These insights are exploratory conjectures rather than rigorous findings. The aim is to use the typology and cases to generate new questions and potentially interesting hypotheses that can be elaborated and tested in future research.

When Do the Different Types Arise?

Within-case analysis and comparison of the two cases suggest circumstances when the different pathways are more or less likely to occur. The cases suggest two circumstances that make it more likely that structural factors will cause a critical event. These circumstances make it more likely that a race will approximate the accession or providence pathways, where

structural factors are the predominant cause of most critical events, instead of imposition or rupture, which are the candidate-dominated pathways.

First, a structure-dominated race is more likely to occur when the initial front-runner begins the race with a weak reputation. A candidate's reputation refers to his overall standing in the party. When this is high, the front-runner's lead is well grounded and he is more able to maintain his leading position following an external event that might potentially impact the race. However, any front-runner's lead is less robust if his reputation is thin. This contrast can be observed by comparing the initial front-runners in the two cases, McAdoo in the 1924 Democratic race and Reagan in the 1980 Republican race. In the 1924 case, an exogenous shock, the Teapot Dome oil scandals, eroded McAdoo's appeal and boosted his rivals' prospects. In contrast, Reagan's campaign was robust in the face of external factors that may have harmed his prospects. While any race that is subjected to a large shock may be transformed, these cases suggest that not all leads are equally fragile. Some front-runners are more likely to be shaken up by external shocks; McAdoo's front-runner status was more precarious than Reagan's. A key difference between their candidacies was that Reagan benefited from a good fit between his conservative identity and his party's dominant ideology, whereas the ideological divisions in the Democratic Party in 1924 limited McAdoo's appeal. Additionally, Reagan enjoyed a higher profile in national politics than McAdoo, in part because of his strong but unsuccessful 1976 campaign, whereas McAdoo would probably not have been the front-runner in the 1924 race had Franklin Roosevelt been available as a candidate.[52] These considerations suggest that a front-runner who enters a race with a strong reputation, due perhaps to the congruence of his political identity with his party's ideology and his national popularity, is well placed to survive external shocks with race-changing potential. The strong reputation acts as a buffer against these structural factors.

The second circumstance that fosters structural dynamics is a tie-break situation. Here, party elites play a special role by acting to solve a coordination dilemma: the party needs a nominee but is divided between the contenders. Elite mobilization in support of one candidate instead of another may be decisive. In 1924, the indecision at the Democratic convention was ended only when elites, led by influential party boss James Cox, coordinated on Davis as the nominee. The deadlock required a tie-breaker, and the party's elites assumed this role.

It follows that those factors that make a tiebreak situation more likely also make races more structural, that is less candidate-centered,

and more likely to follow the accession or providence pathways. The 1924 case shows that a super-majority requirement, such as the Democrats' two-thirds rule, makes it more difficult for any candidate to forge a supporting coalition that is large enough to win a decisive majority. More generally, rules that produce closer outcomes in candidates' delegate shares are more likely to lead to a tiebreak situation where elites may determine the winner. For instance, proportional allocation rules in primary elections lead to closer outcomes in these contests, increasing the chances of a tiebreak situation where elites may be decisive. While rules may contribute to closer results, which may require elite tiebreakers, such scenarios also depend on the candidates' competitive standings. When there are considerable disparities in the front-runner's resources and reputation compared to those held by the chasing pack, a tiebreak situation is less likely, and the race will more likely follow the candidate-driven imposition pathway. Conversely, when there is little to separate the race leader from the race followers then there is more chance of a tiebreak scenario where elites choose the nominee.

Thus, institutional rules and the pattern of competition between candidates can foster tiebreak situations where elites may act as decisive kingmakers, and such races are more likely to follow one of the structural pathways (accession or providence) rather than the candidate-centered pathways (imposition and rupture). Yet the party elite king-making role is most direct when it is institutionalized through the creation of "superdelegates" who hold votes because of their elite status in the party and not because of caucus and primary results. The superdelegates may be decisive in tight races, like in the 2008 Clinton-Obama contest.

The discussion so far has examined the two circumstances that make a structure-dominated race more likely. These are when a front-runner has a weak reputation and when, for various reasons, a tiebreak situation occurs. The first of these factors, the front-runner's reputation, also accounts for the circumstances that support a front-runner victory (i.e., the imposition and accession pathways instead of rupture or providence). Front-runners are more likely to win when they enter the race with a high reputation. However, the case studies also suggest some of the ways that a front-runner can be overturned. When this occurs, a race that would have approximated the imposition or accession pathways may follow the rupture or providence pathways. A small-scale yet highly visible and unexpected result can help a challenger to fracture the front-runner's momentum. For instance, Reagan's surprising victory over Ford in the North Carolina race in 1976 triggered a surge in his prospects in

that race and set him up as the front-runner in the 1980 race. In the 1980 race, Bush's reversal of Reagan in Iowa slowed Reagan's momentum and established Bush as a viable contender. In these two situations, it was largely the candidates' activities that caused the turning points; the candidate-driven successes of the underdog in these races made the rupture pathway more likely. However, such turning points may also be due to structural causes. As the Teapot Dome scandals in 1924 showed, an exogenous event can destabilize the front-runner and create opportunities for underdog candidates. These structure-driven transformations of the race make providence a more likely pathway.

Implications for the Leadership Dilemma

The preceding analysis suggests some possible connections between the pathways identified in this chapter and the leadership dilemma. The dilemma is the result of the competing pressures of party and nation. I conjecture that the nomination pathways may affect this dilemma because of the varying roles of political skills, candidate reputation, and party elites in the different pathways.

First, the candidates who succeed via the candidate-dominated pathways (imposition and rupture) are likely to be highly skilled politicians compared to those who win through the structure-dominated pathways (accession and providence). The victors in these candidate-centered contests have won because they were able to defeat their rivals at key moments in the race and to sustain momentum in the face of external factors that had the potential to destabilize their winning trajectory. Their skills make it more likely that such politicians will be strong general election candidates and more able to navigate the leadership dilemma in office. Prima facie, there are similarities between the skills required for candidate-driven success in a nomination campaign and the successful navigation of the leadership dilemma in the general election and in office. These skills include an ability to reconcile the competing demands of different groups while anticipating and seizing opportunities. In contrast, in the structure-dominated pathways, the winning candidate's choices are less important compared to exogenous shocks and the choices of noncandidates. In these races the winning candidate's skills are more marginal to the outcome of the race. This suggests the following hypothesis: imposition and rupture, the candidate-dominated pathways, produce more skillful nominees who are stronger general election candidates and more able to navigate the leadership dilemma in office.

As noted in the previous section, front-runners are more likely to win when they enter a race with a high reputation in their party and in the nation. Front-runners with a high standing are in a particularly strong position to navigate the leadership dilemma because this standing reduces the pressures that they face from their party. Their actions are more likely to be interpreted as representing their party's best interests; their party base will be more willing to accept the narratives offered by these candidates to explain their decisions; and such candidates can draw on more entrenched support. In contrast, an underdog winner will likely have succeeded by challenging parts of his party's establishment. Under-dog victory requires the dismantling of the coalition that initially backed the front-runner. This can be either the result of the candidates' activities, in the rupture pathway, or a consequence of structural factors, in the providence pathway. Yet in either case, a key task for the underdog winner is to reassemble the party's main constituencies into a winning coalition in the general election and to try to maintain their support in office. For underdog winners, therefore, the challenge of maintaining party support is likely to be more of a struggle than for front-runner winners who gain the nomination without overturning the race's initial shape. These considerations suggest the following hypothesis: front-runner nominees, who win via the imposition and accession pathways, succeed without challenging the party establishment and are therefore better positioned than underdog nominees to navigate the leadership dilemma in office.

The final consideration is the role of elites in a nomination race. Elites can play a decisive role in structure-dominated races (accession and providence), whereas in the candidate-dominated pathways (imposition and rupture), their impact is more marginal. A plausible conjecture is that when party elites are decisive players in a candidate's nomination, this places him in a more difficult bind in the forthcoming election and in office.[53] This is because the candidate may be required to appease, persuade, and compromise the same elites who were decisive in her nomination. This suggests a final hypothesis: imposition and rupture, the candidate-dominated pathways, provide winners with more leeway from their party establishment and therefore greater flexibility in their efforts to navigate the leadership dilemma.

In sum, these three hypotheses imply a rough ranking of the nomination pathways in terms of which route places a candidate in the best position to navigate the leadership dilemma. The imposition pathway is the optimum route. It requires highly refined political skills; nominees are not required to destabilize the initial front-runner's coalition in order to

win; and winning candidates may be able to act more independently of party elites once in office. The providence pathway combines the opposite characteristics and is therefore likely to pose the most trouble for nominees in their attempts to handle the leadership dilemma. The rupture and accession pathways fall between these poles. Although barely a test of these ideas, the fortunes of the winning candidates in the cases under examination, John W. Davis (providence) and Ronald Reagan (imposition), are consistent with these expectations. While Davis fell at the general election hurdle, Reagan emerged from his nomination in a strong position, won in the general election, and embarked on a presidency widely regarded as "transformative."[54]

Notes

1. George and Bennett, *Case Studies and Theory Development in the Social Sciences*, 235.

2. For instance, see Polsby, *Consequences of Party Reform;* Marshall*, Presidential Nominations in a Reform Age.*

3. Wattenberg, *The Rise of Candidate-Centered Politics*.

4. Marty Cohen et al., *The Party Decides*, 5.

5. Brown, *Jockeying for the American Presidency*; Kamarck, *Primary Politics*; Nwokora, *Do the Candidates Matter?*

6. Brown, *Jockeying for the American Presidency*, 24.

7. Bartels, *Presidential Primaries and the Dynamics of Public Choice*; Mayer and Busch, *The Front-Loading Problem in Presidential Nominations.*

8. For instance see Gurian, "Resource Allocation Strategies"; Mayer and Busch, *The Front-Loading Problem in Presidential Nominations.*

9. Mayer and Busch, *The Front-Loading Problem in Presidential Nominations*, 66; Mayer, "Forecasting Presidential Nominations or, My Model Worked Just Fine, Thank You."

10. Berggren, "Two Parties, Two Types of Nominees, Two Paths to Winning a Presidential Nomination, 1972–2004"; McSweeney, "The Front-Runner Falls: The Failure of Howard Dean."

11. Berggren, "Two Parties, Two Types of Nominees, Two Paths to Winning a Presidential Nomination, 1972–2004," 209.

12. Gerring, *Case Study Research*, 39.

13. Ibid., 97.

14. This idea builds on Aldrich's idea of "event time" in nomination politics, in which it is the significant political events that comprise relevant time markers. Aldrich considers only primary elections as potential event time markers. But this excludes too much, for perceptions of who is leading and who is following shift

at moments other than at primary elections, and many—indeed most—primaries do not appreciably alter the ordering of competitors in a race. Instead, therefore, we should consider as relevant time markers any moments when a race's shape is clearly and decisively altered, that is, when there is a transformation in who is leading and who is following. See Aldrich, "A Dynamic Model of Presidential Nomination Campaigns," 654.

15. These claims rely on implicit counterfactuals, but highly reasonable ones because my causal analysis depends on considering the probable effects of removing only one variable. For instance, see Lebow, "What's So Different about a Counterfactual?"

16. For instance, see Cashman, *America in the Twenties and Thirties*; Craig, *After Wilson*; Hofstadter, *Age of Reform*.

17. Nwokora, *Do the Candidates Matter?*

18. Allen, "The McAdoo Campaign for the Presidential Nomination in 1924."

19. Dunleavy and Benzing, "William Gibbs McAdoo and the Development of the Federal Reserve"; Willis, "The Federal Reserve Act in Congress."

20. Allen, "The McAdoo Campaign for the Presidential Nomination in 1924."

21. Bates, "The Teapot Dome Scandal and the Elections of 1924," 306.

22. Burner, *Politics of Provincialism*, 109.

23. Murray, *The 103rd Ballot*.

24. *New York Times*, May 2, 1924, "Smith Won't Fight Any Favorite Son."

25. Murray, *The 103rd Ballot*.

26. Burner, *Politics of Provincialism*; Murray, *The 103rd Ballot*.

27. Chase, *William Gibbs McAdoo*, 237; Palmer, *The Twenties in America*, 105.

28. *New York Times*, March 21, 1924, "Charge Klan Swung Georgia to McAdoo."

29. Goldman, *National Party Chairmen and Committees*, 313.

30. Democratic Party, *Official Report of the Proceedings of the Democratic National Convention, 1924*.

31. Murray, *The 103rd Ballot*; Prude, *William Gibbs McAdoo*.

32. Murray, *The 103rd Ballot,* 200.

33. *Philadelphia Inquirer*, November 4, 1979; Reagan 1980 Campaign Papers, Box 358.

34. Glenn and Teles, *Conservatism and American Political Development*; Lowi, *End of Liberalism*.

35. Cannon, *Governor Reagan*, 406; Hannaford, *The Reagans*, 142; Kolodny, "The 1976 Republican Nomination," 594.

36. Hannaford, *The Reagans*, 223.

37. Teeter, "The Republican Nomination," 44.

38. Hannaford, *The Reagans*, 137.

39. By the criteria that I outlined earlier, only Reagan (and not Ford) counts as an agent. Ford's impact in the 1980 race, because he was not an avowed candidate (though this was nearly not the case), was structural.

40. Bonafede, "About That 11th Commandment"; Schulzinger, *Decline of Détente*.

41. Germond and Witcover, *The Washington Star*, November 14, 1979. Reagan 1980 Campaign Papers, Box 358.

42. Chagall, *The New Kingmakers*, 167.

43. Germond and Witcover, *The Washington Star*, November 14, 1979. Reagan 1980 Campaign Papers, Box 358.

44. Ibid.

45. Cannon, *Governor Reagan*, 456.

46. Hannaford, *The Reagans*, 227; Trent and Friedenberg, *Political Campaign Communication*, 43.

47. Cannon, *Governor Reagan*, 458.

48. *Time*, "Reagan's Rousing Return."

49. Broder*, Behind the Front Pages*, 43.

50. Naftali, *George H. W. Bush*, 37.

51. Chagall, *The New Kingmakers*, 177.

52. FDR was struck down by polio in 1921. See Brown, *Jockeying for the American Presidency,* 180.

53. Note this conjecture is the opposite of Lara Brown's second hypothesis (see chapter 3).

54. Skowronek, *Politics Presidents Make*.

Presidential Mandates and the Leadership Dilemma

William J. Clinton, George W. Bush, and Barack H. Obama

Julia R. Azari

The presidential mandate involves more perception than reality. Discerning the true intentions of voters or distilling a central meaning out of millions of votes almost always proves impossible.[1] As a result, presidents enjoy substantial freedom to offer their own interpretations of the electoral "mandate." Scholars have linked the effectiveness of mandate claiming to the magnitude of the president's election victory,[2] as well as to the creation of a convincing mandate narrative by political elites and news media.[3] However, examination of how Bill Clinton, George W. Bush, and Barack Obama used mandate rhetoric to promote and frame their policy agendas reveals a more complicated story. The policy success of George W. Bush in 2001 suggests that winning a majority is not the most important factor in creating a convincing mandate narrative. Obama's experience illustrates that mandate rhetoric may sometimes be effective in the short term while later impeding the president's ability to redefine the terms of political conflict.

As presidents seek to interpret elections and use those interpretations to frame their policy agenda, they face several choices. While it

may be tempting after a victory to claim a party mandate, presidents also face pressures to remain "above the fray" of party politics. Presidential scholar Charles O. Jones describes the "ideal conditions" for claiming a presidential mandate: "publicly visible issues, a clear difference between the candidates, a substantial victory for the president and his party in Congress, and a post-election declaration of party unity."[4] Yet, once they have taken office, presidents must also represent the entire nation. Can national leadership be reconciled with the idea of a party mandate? In addition to the party question, presidents must also make decisions about the scope of the policy issues linked to the election, choosing whether to claim that they were elected to accomplish specific, narrow policy goals, or they can claim electoral mandates for broad—even vague—agendas. These frames serve to define presidential agendas and to set the political tone for the administration.

Even after historic landslide elections, different presidents have taken divergent positions on this question. After the 1936 election, Franklin Roosevelt claimed in a Fireside Chat on March 9, 1937, that his efforts to change the Supreme Court served to fulfill the mandate of the election, referring to the Democratic platform as well as the "overwhelming majority" that had elected a Democratic president and a Democratic Congress.[5] In contrast, after Lyndon Johnson was elected to Congress in a Democratic sweep of similar magnitude, he proclaimed the result a "mandate for unity."[6] The contours of this dilemma are different for more recent presidents, and not only because of their more modest electoral circumstances. Polarization changes the stakes of presidential politics and makes unity more elusive. At the same time, political journalist Matt Bai recently pointed out that while politicians may perceive the elections that brought them to power as "validating an ideological argument," voters may not share elite attachments to ideological vision. Instead, voters may view politics in terms of "competent versus incompetent," in the words of New York Governor Andrew Cuomo.[7]

The purpose of this chapter is to explore how presidents construct electoral mandates in the aftermath of the election. I find that Bill Clinton, George W. Bush, and Barack Obama employed three distinct strategies for linking their leadership choices to their campaigns and election results. Clinton began by arguing that the election had been a mandate for unity and gradually developed a more partisan interpretation as he encountered Republican resistance to his proposals. Bush, in contrast, combined Republican priorities with a narrative about how he had been elected to exhibit strong, decisive leadership. Finally, Barack Obama embraced a

partisan interpretation of the 2008 election, framing it as a "rejection" of Republican ideas.

These narratives were not the most obvious readings of election results. In the 2008 election, Obama won the largest share of the popular vote for a Democrat since Lyndon Johnson, and congressional Democrats picked up seats across the nation. The challenge for interpreting the 2008 election, however, emerged in the search for a positive story about the election as an endorsement for Democratic policies, rather than as a rejection of the Bush administration. When George W. Bush took office in 2001, his objective chances at claiming a mandate looked bleak. After an election that ended in a tie, Bush took office after a protracted battle over recounting votes in Florida, a Supreme Court decision, and an Electoral College result that differed from the popular vote. Bill Clinton faced a less dramatic but also challenging situation after the 1992 election. While the contest produced the first unified Democratic government since Carter, Clinton had fallen short of a majority, garnering only 43 percent of the votes. Pundits, scholars, and Clinton himself puzzled over what to make of the election result. Had Clinton only won because H. Ross Perot, running as an independent, had acted as a "spoiler" and drawn votes away from incumbent George Bush? Or was the result really indicative of a "mandate for change," as the cover of *Time* maintained?[8] Nevertheless, all three presidents worked to frame the election result in favorable terms and to link the will of the electorate to their own policy priorities. Each instance required a decision about whether to emphasize the partisan dimensions of the election or to focus on more unifying themes.

Comparison of Clinton, Bush, and Obama highlights how mandate claiming carries different risks and implications for Democratic and Republican presidents. Republican presidents have more latitude to present themselves as strong, decisive leaders. In contrast, Democratic presidents face a dilemma. As the "war on terror" progressed, foreign policy emerged as an important distinction between the two parties. On the campaign trail in 2008, Obama "sought to assure the nation that an Obama presidency would be more open, more cooperative, less prone to war, and more committed to alternative ways of keeping the peace," as Nancy Kassop and Steven Goldzwig describe in chapter 8. These stances and promises have proved at odds with strong declarations of executive power, a disparity that is particularly important given one of the conclusions of this chapter: that mandate rhetoric about decisive, principled leadership offers presidents a third alternative to claiming a mandate for party or claiming a mandate for national unity.

Methods

To assess presidential mandate claims, I looked at presidential speeches and news conferences available through the American Presidency Project. The communications in the analysis include acceptance speeches and other addresses made by presidents-elect before taking office, as well as their early speeches in office, beginning with the Inaugural Address and going through March 31. This period falls within the "first hundred days," a benchmark created by Franklin Roosevelt's extraordinary first term in 1933. These early weeks have subsequently been associated with the efforts of newly elected presidents to use political capital and pursue ambitious policy agendas. These early communications frame the president's agenda, set the tone for the administration, and identify priorities.

In order to be considered a mandate claim, a statement had to meet two criteria: it had to refer to the election, the campaign, or the intentions of the voters; and it had to connect these to a specific policy or area of policy. These claims generally fell into one of several categories. Some mandate rhetoric sought to link policy with an idea about "what the election was all about," highlighting themes of change and renewal. Other statements justify presidential action as fulfilling a campaign commitment, and a third category of claims emphasizes the will of the voters. Each of these strategies involves different ways of describing the relationship between the president and the voters and different ways of balancing the president's commitments to party and national leadership.

The analysis compares the use of mandate rhetoric by these three presidents in their first terms. I chose to focus on the first term because of the emphasis in the mandates literature on the theme of change. Each of these presidents represented a change in party control of the White House, and all three presidents entered their first terms with unified party control of the executive and legislative branches.

The "New Democrat"

In the 1992 election, the former governor of Arkansas defeated incumbent president George H. W. Bush by a six-point margin, but the candidacy of H. Ross Perot (who won nearly 19 percent of the vote) deprived Clinton of a majority and defied the two-party logic that usually defines presidential races. Perot's independent candidacy stressed centrism, and Clinton presented himself as a "New Democrat" with an agenda distinct from

the liberalism of Walter Mondale and George McGovern. Bush, whose conduct of a brief war in the Persian Gulf earned him record public approval ratings, had negotiated a presidency of divided government and in the 1992 primary faced a challenge from the Right. With three candidates competing for the center, the ideological message of the election remained unclear.

The central issue of the campaign, however, was clear. Economic issues nearly always dominate presidential elections, and the 1992 contest was no exception.[9] Clinton's campaign slogan, "It's the Economy, Stupid," vividly illustrates this point. Data on voter attitudes suggests this statement was not farfetched; 64 percent of voters surveyed cited the economy and unemployment as the most important problem facing the nation, a higher percentage than in any year since 1976.[10] With an ailing economy the Clinton campaign invited voters to evaluate the incumbent in light of their own circumstances. Clinton's most influential campaign advisers, including Paul Begala, encouraged him to emphasize the weak economy rather than to respond to Bush's attacks on his lack of experience. For example, the campaign aired an advertisement "recounting Bush's economic promises and asking sardonically at the end, 'How ya doing?' "[11] These retrospective cues appeared to resonate with voters, many of whom rated Bush unfavorably on economic issues.[12]

Accentuating the negative proved effective for the Clinton campaign. However, it offered little in the way of concrete policy promises. It appeared the electorate had registered its dissatisfaction with the policies of the Bush administration, particularly its handling of the economy. But what had they voted for? Clinton's first year in office was marked by controversies and false starts, including an unsuccessful effort to end policies preventing gays and lesbians from serving in the military (which Benjamin Copeland and Victoria Farrar-Myers describe in greater detail in chapter 6). In an even more visible political blunder, the new president failed to persuade Congress to vote on, much less pass, his healthcare reform proposal. In early weeks of 1993, however, economic issues continued to loom large. During this time, Clinton's mandate rhetoric built on the economic themes of the campaign as well as his promise to govern as a new—more centrist—kind of Democrat.

Clinton experienced two central challenges in establishing a mandate narrative: he had not won majority, and his campaign had lacked a clear, positive message. Tension between the promise of change (however vague and unspecified) and the promise to govern from the center formed the crux of Clinton's leadership dilemma. Pledges for change pitted Clinton

against both his Republican predecessor and many important forces with-
in his own party, including labor and traditional liberals, exemplifying
the "pre-emptive" president whose political strategies involve "crafting
hybrids that confound the standard labels."[13] As James MacGregor Burns
recounts, a joke about the Clinton administration asked, "How do you
stump a liberal? Ask him or whether Bill Clinton is one." In an analysis of
Clinton's first term, Burns says, "Though Clinton donned the Democratic
party garb, many of his positions and tactics were markedly different from
the policies traditionally pursued by Democrats," yet some of the agenda
items, especially those pursued before the 1994 midterms, represented
ideas more commonly associated with liberal Democrats.[14] Clinton tried
to translate this idea into a message about unity. But his efforts to redefine
himself and his party came up against entrenched party divisions.

Following the election, Clinton told an audience in Little Rock,
Arkansas, that "America has called upon me to be our next President.
But our forebears call on all of us at this moment to honor their efforts,
their sacrifices, their ideals and their lives by working hard and working
together to improve this good and great nation as much for our children
and our children's children as those who preceded us did for us."[15] This
statement, which eschewed partisanship and invoked the past as a symbol
of unity, was Clinton's first effort to interpret the meaning of his victory.
In other parts of the address, Clinton stressed his commitment to bipar-
tisanship in foreign policy.

In his Inaugural Address, Clinton's depiction of the election was less
subtle. Although the statement below, followed by a call for the people's
participation in bringing about "American renewal," does not mention
party or partisanship, it does suggest that the message of the election was
about changing the direction of governance. In Clinton's own words: "The
American people have summoned the change we celebrate today. You
have raised your voices in an unmistakable chorus. You have cast your
votes in historic numbers. And you have changed the face of Congress, the
Presidency, and the political process itself. Yes, you, my fellow Americans,
have forced the spring. Now we must do the work the season demands.
To that work I now turn with all the authority of my office. I ask the
Congress to join with me. But no President, no Congress, no Government
can undertake this mission alone."[16] Inaugural Addresses generally carry
more symbolic significance than policy substance. However, as Karlyn
Kohrs Campbell and Kathleen Hall Jamison explain, the functions of the
Inaugural Address include "unif(ying) the audience by reconstituting its
members as the people" and "set(ting) forth the political principles that

will govern the new administration."[17] In this case, Clinton's references to the "historic numbers" and "unmistakable chorus" painted the picture of a popular movement behind the new administration and offered an image of a government that would fulfill its responsibilities to such a movement.

As symbolic speeches gave way to policy reality, the search for a political direction is evident in Clinton's rhetoric about the election. Instead of constructing a unified narrative about the policy meaning of the 1992 contest, Clinton connected it to many different policy ideas and initiatives. Between inauguration and the beginning of March, the president claimed to answer the demands of the electorate for fulfilling campaign promises by creating a White House Office of Environmental Policy;[18] reducing the number of White House staff in order to cut costs;[19] "to change America, to create jobs, try to raise incomes, to face the health care crisis, to try to liberate the government from special interests and turn it back to the people, and to try to reduce the deficit and put America on a path to long-term health and recovery, bringing the American people together";[20] to pursue a new technology policy;[21] and to enforce the Americans with Disabilities Act.[22]

In addition to connecting the election to many different policy areas, Clinton also worked to construct a mandate for his "third way" idea. At a meeting with the Cabinet, Clinton made reference to the "budget mess that we have inherited," and presented a narrative of the election similar to that in the Inaugural Address: "The people demand and deserve an active Government on their side. But they don't want a Government that wastes money, a Government that costs more and does less. They voted for change. They wanted a literal revolution in the way Government operates, and now you and I must deliver."[23] In the context of a statement on the budget (typically a Republican issue), Clinton argued that the people had endorsed his candidacy because it represented a new political option, different from the parties' traditional positions. Although Clinton's claims hardly added up to a unified narrative about the meaning of the 1992 election, these disparate statements often suggested that the election had constituted a noteworthy expression of public sentiment rather than an ordinary election. Furthermore, although the president suggested that the public had demanded change, the rhetoric was devoid of overt references to party. In late March, Clinton introduced a more comprehensive narrative about the election's policy implications. This narrative emerged in connection with a comprehensive proposal for new economic policies, targeted toward some of the economic problems decried during the campaign.

The first announcement of the economic plan came in the State of the Union Address on February 17, 1993. Subtly invoking the election that had occurred three months prior ("Americans have called for change"), Clinton introduced an economic plan that included deficit reduction as well as economic stimulus. The president's "third way" politics was on display in the speech: "Tonight I want to talk with you about what Government can do because I believe Government must do more. But let me say first that the real engine of economic growth in this country is the private sector, and second, that each of us must be an engine of growth and change. The truth is that as Government creates more opportunity in this new and different time, we must also demand more responsibility in turn."[24] This offered a combination of priorities and themes from both parties: Clinton embraced the Republican ideas of accountability and private sector growth, while maintaining that government could play a positive role in national life.

As the proposal made its way through Congress, Clinton began to publicly claim a mandate for the economic reforms included in the plan. Despite Clinton's efforts to incorporate ideas from both parties into the policy agenda, voting on the plan in Congress followed party lines. While Clinton made no specific reference to the election as a Democratic mandate, his references to the "mandate for change" began to take on a different tone. In remarks to the House of Representatives after the bill passed in that chamber without a single Republican vote,[25] Clinton praised the legislators for fulfilling the expectations of the people: "And I want to thank, of course, most of all, all of you for what you did yesterday. And I want to thank your constituents, the people who made this possible. If it hadn't been for the American people voting for a change in direction in this country, communicating that to you, and telling you that they would stay behind you if you made the tough decisions, none of this would have been possible."[26] This message became a standard component of Clinton's speeches as he began his public campaign to promote the bill's passage in the Senate.

In his weekly radio address on March 20, Clinton praised the House passage of the economic stimulus and said that it "reaffirmed why I came to Washington: to deliver the kind of change you demanded when you cast your ballots last November."[27] Similarly, in remarks at the beginning of a press conference on March 23, Clinton noted that "the change the American people voted for is now beginning."[28] Policy change dominated the part of this message devoted to domestic issues, which referred to "our effort to reinvent government." Although this argument continued to

develop themes co-opted from Republicans (such as efficiency and eliminating government waste), congressional Republicans refused to sign on.

Furthermore, Clinton's overall mandate message became increasingly muddled. Clinton's earlier rhetoric about "the people's demand for change" was clearly linked to the idea of changing previous governing patterns of both parties. Despite the effort to find common ground, mandate claims during the economic stimulus debate took on a more partisan tint as it became clear that new coalitions had not formed in Washington. In an interview with Dan Rather on March 24, the president acknowledged this by casting the debate in terms of majority and minority:

> We plainly got the votes to pass it as it is or with very minor modifications. What most Americans don't know is that of the 100 Members of the Senate, if you have one more than 40 you can shut everything down. And you know, there's been some discussion that the Republicans may try to filibuster the stimulus program and may try to stop us from trying to create any new jobs. They have 43 Republican Senators, and they may be able to hold 41 of them. And if they do, you know, they can indefinitely postpone a vote. Well, there's some speculation about that. I would hate to see that happen, and I think it would not serve them well. The American people did not elect any of us to perpetuate the kind of partisan gridlock we've had for the last several years, and particularly to have a minority of one House do that. So, I'm hopeful that that won't occur. I do hear that.[29]

Ultimately, however, the cloture measure to end debate on the stimulus failed, effectively killing the stimulus portion of Clinton's economic plan. The unfolding Senate debate on the proposal exemplified several challenges to presidential leadership. First, Clinton was confronted with the challenge of maintaining the support of his own party. Twenty-two Democrats in the House had joined the Republicans in voting against the proposal. In the Senate, a culture of individualism, weak party discipline, and super-majoritarian procedures made such defections both more likely and more significant. This struggle illustrates a fundamental principle of the leadership dilemma: while presidents cannot escape their association with and dependence on their own parties, their influence over their own partisans is limited. In a test vote held on April 20, five Democratic senators voted against the stimulus measure, diminishing the

Democratic majority to fifty-two votes. The second, and related, challenge lies in the possibility that even if presidents develop a message that integrates principles from both parties, the partisan dynamics of Congress remain in place. During the debate over Clinton's stimulus plan, Senate Republicans pointed to the "differences in principle" between the two parties. Their statements highlighted another dimension of the leadership dilemma: because the two parties differ on governing ideology, fostering unity and eschewing partisan conflict is more than a mere matter of presidential will.

A Narrow Victory for a Faithful Republican

The next election to produce unified government was even less decisive than that of 1992. The controversial and protracted 2000 election left the country with an evenly divided Senate (with Vice President Dick Cheney casting the deciding vote for Republican control) and a presidential stalemate that dragged on for several weeks. Because Bush won fewer popular votes than his Democratic opponent, Al Gore, the possibilities for establishing a presidential mandate were downplayed by pundits and scholars. Although a mandate appeared out of reach, the impulse to interpret the public mood remained as strong as ever. Like Clinton, Bush ran for office with the promise to pursue a new version of his party's traditional agenda. Bush's chosen label during the 2000 campaign, "compassionate conservative," suggested a more centrist approach to governing, along similar lines to Clinton's self-characterization as a "New Democrat." However, it also represented the ongoing debate within the Republican Party over the legacy of Reagan-style conservatism. A Republican president elected in 2000 would carry the responsibility of applying the principles of the Reagan "revolution" to new circumstances.[30] In this sense, we should expect Bush's efforts to interpret the forces that brought him to office in 2000 in partisan terms, even after the election concluded in a draw.

The dilemma of nation and party played out somewhat differently for Bush than for Clinton. The close partisan divisions, as well as Bush's campaign pledges to govern as a "compassionate conservative," created expectations of centrism and conciliation. During the 2000 campaign, Bush famously identified himself as a "uniter, not a divider." Given these promises, he might have framed the election as a mandate for the best ideas of both parties, as Clinton tried to do. Yet, Bush's place in political time and need to maintain the support of the party base implied that more partisan

appeals might reap political benefits. The circumstances for crafting a post-election narrative for Bush were as distinct as they were confounding. Bush was the first president since 1888 to win in an Electoral College reversal of the popular vote, and although the modern era has featured a few very close races (such as 1960 and 1968), no modern election had stretched on for more than a month and involved the Supreme Court. These electoral circumstances did not lend much legitimacy to the Bush presidency. Nevertheless, the 2000 election produced a government narrowly controlled by a single party.[31] Furthermore, the administration displayed confidence early on that it governed with a policy mandate because its policy stances had been clear and distinct during the campaign.

Only four days after his inauguration, Bush made the case for a partisan mandate in these terms. In response to a question by a reporter about the president's (seemingly wavering) commitment to bipartisanship in education reform, the new president responded, "It is in recognition of what a Presidential campaign is all about. I don't believe Dick and I would be sitting here had we not taken strong positions on key issues. And I told the American people if I had the honor of being the President, I would submit those positions I was campaigning on to the legislative branch, and that's exactly what I've done."[32] In this statement, Bush introduced his narrative about the 2000 election, and it was quite distinct from Clinton's "third way." Instead, Bush suggested that the source of his electoral mandate was not the result, but the promises during the campaign.

Despite this somewhat unorthodox definition of the electoral mandate, several aspects of Bush's rhetoric did conform to conventional expectations. Bush made fewer election references in the first few months of 2001 than Clinton did in a comparable timeframe in 1993. He never made exaggerated claims about the magnitude of the victory; more surprisingly, he did not try to frame the election in terms of change. Instead, Bush's interpretations stressed two themes: his distinct stances during the campaign, and his willingness to act decisively. Bush made these claims to a diverse array of audiences, elite and nonelite, partisan and nonpartisan. In remarks at a Republican congressional retreat on February 2, the new Republican president offered a message consistent with his statement to a reporter in January:

> I also want to remind members of both parties that I am able to stand before you as the President because of an agenda that I ran on. I believe the fact that I took specific stands on important issues is the reason I was able to win. The fact that

I took on the Social Security issue in as clear language as I could be, with innovative thinking, I believe, was part of the reasons why people came our way . . .

. . . I'm going to take that same positions I took on Social Security and other issues, and try to get them on the floor of the House and the Senate and get something done. It's a positive agenda. It's one that I believe, when we apply our principles to it, will make a huge difference for America. The agenda is going to require a lot of patience and a lot of time and a lot of work. But I want you to know, this is not a lot of items. I believe I've got a limited amount of capital, and I'm going to spend it wisely and spend it in a focused way.[33]

Like Clinton, Bush eventually developed a mandate narrative around a single, signature issue: tax cuts. Just a few days after the Republican retreat, Bush addressed a "tax family reunion" with the following message:

I have one message for all the folks that were our tax families and all the folks from across the country: You helped me make my case, and now I intend to make good on my promise. I want it to be said that ours is a plan that fulfills a campaign promise. And that's important. A lot of people look toward the political process and say, "Oh, these candidates just say something and really don't mean it." When I campaigned for meaningful tax relief, I meant it. And tomorrow I'll submit a plan based upon exactly what I said on the campaign trail. I look forward to working with Congress to get the plan passed.[34]

In late March, before an audience at Western Michigan University, Bush offered the same sentiment. In his remarks on the economy, the president mentioned the tax plan and argued, "I got elected because the people want the President to act, and that's exactly what I'm going to do."[35] This statement added presidential decisiveness to the narrative connecting the 2000 election to the tax cut proposal.

In the ensuing debate over tax cuts, Bush's approach and fortunes were quite different from Clinton's experience with the economic stimulus. Clinton sold the election as a mandate for a new direction and sought common ground between the parties, whereas Bush claimed a victory for political principle and declared his intention to move forward accordingly. Clinton's plan failed to win any support from House Republicans and

disintegrated in the Senate. In 2001, party divisions were still in evidence as the House voted on Bush's tax plan, although twenty-eight Democrats voted in favor of the proposal. Bush's claims, however, were more compatible with the reality of party politics. Unlike Clinton, Bush did not use mandate rhetoric to try to lead both parties, focusing instead on fleshing out Republican themes and highlighting his commitment to strong, decisive leadership. But as Bush framed the tax cuts around essentially Republican ideas and promises, he also worked with individual Democrats in the Senate to achieve passage of the legislation.[36] Bush also benefited from an imbalance in party discipline; Democratic support for the tax cuts came mostly from moderate senators who hailed from "red" states as well as an unusually disciplined Republican Party in the House.[37]

The comparison between Clinton and Bush is enlightening. Both entered office after less than decisive elections but sought to claim electoral mandates for their proposals. Both enjoyed brief windows of unified party government. But while Clinton enjoyed a larger (if less disciplined) party majority in Congress than Bush, his efforts to use a mandate narrative to persuade Congress appear to have been less successful. The analysis here shows that their mandate narratives differed in ways that appear related to legislative outcomes. Clinton initially tried to claim a mandate for a "third way," failing to unify his party around a core set of principles. When he encountered Republican resistance to the economic stimulus plan in Congress, he changed the narrative to embrace party themes. Bush stressed themes that would shore up conservative support, while attracting some sympathetic Democrats.

Despite early bipartisan successes, the Bush presidency has been identified by pundits and scholars alike as a contributing factor in the polarization of national politics.[38] This effect is often associated with the administration's approach to the Iraq War, the introduction of social issues during the 2004 election, and the administration's behavior in general in the second term. The examples of mandate rhetoric above suggest that from the very beginning of the Bush presidency, he and his communications team conceptualized the office as a means for pursuing core Republican goals. However, Bush's statements about the "reasons I got elected" reveal an additional dimension of the leadership dilemma. In making the argument that his policy stances were the reason he had won office, Bush emphasized the decisiveness that would become a polarizing trademark later in the presidency. As controversial as this idea of the presidency would later become, it offered a clear definition of what it means to be "presidential." This elusive adjective is sometimes contrasted

with party leadership to suggest that partisan statements or actions are unworthy of the office.[39] Bush's arguments attempt to reconcile this tension by suggesting that taking strong stances (in this case, associated with party ideology) and acting on those promises once in office constitute the kind of decisive strength that qualified as presidential. In this sense, Bush's ideas were compatible with the political reality of party divisions yet, identified him as an actor distinct from the contours of congressional debates.

Hope for a New Era?

Barack Obama's circumstances after the 2008 contest bore only passing resemblance to those of Clinton or Bush. Like his predecessors, Obama represented a change in presidential party control and a return to unified government after two years of deadlock between a Democratic Congress and the outgoing Bush administration.

   Unlike Clinton, Obama's mandate rhetoric placed little emphasis on "unity" or on developing an alternative to previous patterns of partisan conflict. This is not surprising. Public response to the Obama administration divided along party lines almost immediately.[40] In this sense, Obama's words simply reflected the reality of political circumstances. In contrast with 1992 and 2000, the 2008 election ended with a majority victory for the new president, as well as substantial majorities in the House and Senate. However, a closer look at Obama's mandate rhetoric reveals that, despite these advantages, the forty-fourth president neglected to offer a compelling story about the policy meaning of a Democratic mandate.

   Although the 2008 election was more decisive than that of 1992 or 2000, it offered no shortage of potential interpretations. The election result seemed to indicate that the electorate felt ready to break with the past. Obama and his Republican opponent, John McCain, were perceived as highly distinct in their ideological and policy stances, and the outgoing president, Bush, had public approval ratings well below 40 percent during the campaign. The economic crash of 2008 might also have provided impetus for a new approach to politics. On the question of whether the nation had really called for fundamental change, evidence remains ambivalent. The president, along with Democratic leaders in Congress, brought about the biggest health care reform legislation since the Great Society. However, Republican victories in the 2010 midterm elections suggested that an era of Democratic dominance had not yet begun.

Partisan dynamics informed Obama's rhetoric about economic issues at the start of his presidency in 2009. The economic stimulus legislation and several government "bailouts" of troubled industries dominated the policy conversation. In remarks promoting the American Recovery and Reinvestment Act on February 4, Obama argued that the bill would maintain credit flows and promised that "my administration will do whatever it takes to restore our financial system." The speech also offered one of the president's first public interpretations of the 2008 election. Obama began by identifying his adversaries and their economic ideas (lowering taxes) and used the election result to distinguish himself from them. He stated, "I reject those theories, and so did the American people when they went to the polls in November and voted resoundingly for change."[41] Obama included this argument in several other speeches, including his remarks on signing a bill reauthorizing the Children's Health Insurance Program,[42] after his predecessor had twice vetoed legislation authorizing a similar program.[43]

Although reflective of the polarized state of the nation, Obama's emphasis on how the electorate had "rejected" old ideas about governance was not entirely consistent with his campaign. One of the main campaign themes had been change, but the speech that brought Obama into the national spotlight suggested that this change would reinvent the patterns of partisan politics. Obama's 2004 address to the Democratic National Convention had painted a picture of common ground between Democrats and Republicans, and in the 2008 campaign he had promised to find it and govern accordingly.[44] His victories in erstwhile "red states" such as Virginia, North Carolina, and Indiana demonstrated a coalition that went beyond the traditional Democratic base. Casting the election in negative and clearly partisan terms was at odds with previous commitments.

Furthermore, while the speech attacked Republicans on a theoretical level, it defended Democratic ideas on a pragmatic level. Despite the opportunity to offer new governing philosophies, Obama declined to define a compelling positive vision of the election. This neglect reflected the polarized politics of the moment. Unlike Clinton, Obama did not try to offer a narrative fundamentally at odds with congressional reality. However, Obama's version of the leadership dilemma was arguably the most difficult of the three cases presented here. Stuck between his promises to change the tone of partisan politics and the polarized reality of both Congress and the electorate, Obama's obstacles to unifying the nation were substantial. At the same time, Obama had strong incentives to make broad appeals. George W. Bush's presidency had since demonstrated the pitfalls

of relying too heavily on one's "political base." Furthermore, shoring up the Democratic base would not be sufficient for Obama's presidency to thrive. Obama's 2008 coalition comprised centrists and independents, typical Democratic voters and swing states, and Democratic strongholds. Veering too far to the left or overinterpreting the election as a Democratic mandate could risk alienating those voters.

Obama's first two years in office produced many legislative successes. However, policy success did not lead to political triumph; in the 2010 midterms, the Democrats lost sixty-three seats in the House of Representatives and five in the Senate, as well as numerous losses at the state level. The Obama administration provided an effective source of energy and mobilization for the Right; it faltered at maintaining its own base. The exclusion of the public option in the health care debate frustrated the Left, as did the failure to close down the detention facility at Guantanamo Bay. Both of these policies were viewed by supporters as central campaign promises. As Jane Hamsher, founder of the liberal blog Firedoglake.com described, "I think [the compromise on health care] was always coming, and I think they were foolish not to see it coming. He campaigned on a public plan, and people are really attached to it."[45] The pledge to close the Guantanamo Bay facility was even more prominent in the campaign, and perhaps even more symbolically significant. Because Obama had campaigned on both changing the tone of partisan discourse and taking up progressive priorities like health care and the treatment of terror suspects, Obama exacerbated the leadership dilemma by creating conflicting expectations. All presidents have to reconcile their campaign promises with the reality of obstacles and coalition brokering once in office. For Obama, this challenge was especially daunting because he had promised so much and because he had made conflicting promises.[46] Almost any policy direction would entail breaking a major campaign commitment or disappointing some segment of his support coalition.[47]

In order to resolve this dilemma, Obama would need to offer a compelling vision of how progressive priorities were compatible with finding common ground beyond old partisan divisions. Stephen Skowronek's political time typology identifies this kind of leadership as "reconstructive" because of its potential to integrate new ideas with long-standing national values.[48] Marc Landy and Sidney Milkis call this presidential role the "conservative revolutionary," for its ability to "reconcile change with American constitutional traditions and purposes."[49] Such leadership requires a clear break with the past, and despite Obama's rhetoric about rejecting Republican economic philosophy, he was not able to follow

these statements with the full force of action. As Skowronek points out, "Candidate Obama had joined the deliberations on the bank bailout in the final days of the Bush administration, and lent them support. From that moment, the traditional boast of the reconstructive leader—the claim that he could address the crisis with clean hands—was compromised."[50] Attaining this level of success would have required Obama to balance the countervailing pressures from within his support coalition. Instead his mandate rhetoric took on a negative and exclusive tone, while several of his policy actions alienated the liberal base.

The timing of the Obama presidency also impeded the president's potential for leadership and vision. The popularity of the Tea Party movement, with its rallies against government spending and taxation, demonstrated that the conservative ideas of the "Reagan revolution" still resonated strongly, at least with some segments of the electorate. Furthermore, Obama faced formidable opposition from both congressional Republicans and Republicans in the electorate. A study in 2009 found that 42 percent of Republicans thought Obama had not been born in the United States.[51] Under these conditions, it is no surprise that the president failed to produce a unifying vision of the 2008 election that justified policy change and recast public debate in new terms.

The second obstacle to constructing a presidential mandate in 2009 concerns the contrast between Democratic and Republican ideas about executive power in the wake of the "War on Terror." One of the specific objections that progressives raised against the Bush presidency was the approach to executive power, embodied in the "unitary executive" theories espoused by Vice President Richard Cheney, and the presidency-centered ideas about war powers expressed in the now-infamous "torture memos" written by the administration's legal counsel.[52] The Bush philosophy of presidential leadership was perhaps best embodied by his statement, in response to a reporter's question about whether he would replace Donald Rumsfeld as secretary of defense, "I'm the decider."[53]

Obama promised to approach the office, and the nation's problems, in a different way. During his campaign for the nomination, Obama spoke out against unilateral measures of presidential power, such as signing statements.[54] This approach came to signify a great deal about Obama's candidacy. His previous work in community organizing and his background in law created a very different image of how he would operate as president, with an emphasis on listening and adjudicating rather than deciding. As Jonathan Alter explained, "some advisors said that his greatest talent wasn't giving a speech but chairing a meeting, where he balanced

Socratic dialogue with a hardheaded search for rational, if less than ideal solutions."[55] These qualities were critical in defining the difference between Obama and Bush. However, when it came to establishing middle ground between a party mandate and claims of national unity that would be seen as clearly at odds with political circumstances, Obama's options were substantially more limited. If Obama had claimed, as Bush did in 2001, that he had been elected to act decisively and in accordance with his own principles, this would have contradicted the carefully cultivated image that had appealed to progressives suspicious of too much presidential power.[56]

As David Remnick observes in *The Bridge*, the people around Obama have often seen in him a reflection of their own principles and priorities, and he has considerable experience reconciling disparate identities and worldviews.[57] Developing a narrative around the 2008 election required this reconciliation once again, as Obama had promised both progressive governance and transcendence of old partisan divisions. Yet the timing and context conspired against the newly elected president's ability to blend these commitments effectively. Despite a promising election result, Obama's efforts to construct a mandate narrative did little to appeal to his political base, reach out to centrists and independents, or otherwise frame his presidency in a compelling way. After several major policy successes, the Obama administration has struggled to frame its successes and its relationship to the polarized American public.

Conclusion

By comparing how three presidents framed the elections that brought them to office, we learn several things about the politics of presidential mandates. These case studies suggest that political actors have a relatively narrow window in which to establish a mandate narrative. Once a mandate narrative has taken hold, it proves to be relatively "sticky," resistant to presidential efforts to recast the mandate as political circumstances shift. Each of these presidents initially came into office with unified party government, and each brought a change in party control to the White House. However, their election circumstances differed. The substance and impact of their mandate claims diverged as well. These outcomes run counter to the conventional wisdom that has been developed by scholars of presidential mandates in the past. Previous studies have focused on whether the election itself bore the hallmarks of a mandate. These case studies suggest, however, that successfully framing an election as a

policy mandate may require astute strategy more than outstanding election results. When Clinton claimed a mandate for his economic stimulus plan in 1993, he described voters' demand for common ground between Republican and Democratic ideas. However, the congressional response to the proposal defied the message of unity; the only thing that was unified was Republican opposition to the measure. On the other end of the leadership spectrum was Obama, whose mandate claims about the 2008 election were not only partisan but also negative, accurately describing the situation in Congress. As a result, Obama risked appearing, in the words of Fareed Zakaria, "less like a president and more like a prime minister."[58] While Obama enjoyed policy success during his first two years in office, failure to recast the terms of debate exacted a high political cost in the 2010 midterm. In terms of the leadership dilemma, Clinton claimed a "third-way" mandate that was easily belied by divisions in Congress. Obama erred too far on the side of partisanship, describing party divisions without seeking to reframe them.

In contrast, after losing the popular vote in 2000, George W. Bush created a successful narrative around the 2000 election. By speaking about the principles articulated during the campaign, Bush deemphasized the long battle over the final vote counts that stretched through November and December of 2000. Furthermore, by claiming a mandate to act decisively in accordance with those principles, he responded effectively to the leadership dilemma, neither denying party politics nor allowing them to define his tax cut proposal. The final lesson from this comparison is that the leadership dilemma presents different challenges for Democratic and Republican presidents. Political cycles account for some of this difference. During an era of Republican dominance, it is easier for Republican presidents to tie party ideas to more widely accepted notions about governance. This distinction also relates to the two parties' disparate philosophies about the presidency, a factor that was particularly salient in light of the Bush administration's pursuit of the war on terror.

For presidents, claiming an electoral mandate can frame policy debate and potentially persuade members of Congress. Such claims, however, can pose the risk of taking the "party mandate" too far and appearing less than presidential. Alternately, claiming a mandate for national unity does little to help presidents define and navigate party politics. Beyond their policy implications, mandate claims made in the first weeks of a new administration can shed light on presidents' attitudes toward leadership. These attitudes not only shape the policy battles of the first hundred days; they also portend the characteristics and attitudes that ultimately define

presidencies: Clinton's willingness to embrace Republican ideas; Bush's concept of a decisive and ideological presidency; Obama's struggle with party polarization. In this way, the significance of presidential mandate claims extends far beyond interpreting the election.

Notes

1. Jones, *Presidency in a Separated System*, 180–81.
2. Conley, *Presidential Mandates*, 17.
3. Grossback, Peterson, and Stimson, *Mandate Politics*, 28.
4. Jones, *Presidency in a Separated System*, 185.
5. Roosevelt, "Fireside Chat, March 9, 1937."
6. Johnson, "Radio and Television Remarks, November 4, 1964."
7. Bai, "Mandate? Not Really."
8. *Time*, November 16, 1992.
9. Abramson, Aldrich, and Rohde, *Continuity and Change in the 1992 Elections*, 173.
10. Ibid., 174.
11. Goldman, DeFrank, Miller, Murr, and Mathews, *Quest for the Presidency*, 504.
12. Abramson, Aldrich and Rohde, *Continuity and Change in the 1992 Elections*, 212–13.
13. Skowronek, *Politics Presidents Make*, 451.
14. Burns, *Dead Center*, 166.
15. Clinton, "Excerpt of Remarks at Little Rock, November 4, 1992."
16. Clinton, "Inaugural Address, 1993."
17. Campbell and Jamison, *Deeds Done in Words*, 15.
18. Clinton, "White House Office on Environmental Policy, February 9, 1993."
19. Clinton, "Reduction and Reorganization of the White House Staff, February 9, 1993."
20. Clinton, "Town Meeting in Detroit, February 19, 1993."
21. Clinton, "Question-and-Answer Session with Silicon Graphics, February 22, 1993."
22. Clinton, "National Service at Rutgers University, March 1, 1993."
23. Clinton, "Meeting with Cabinet Members, February 10, 1993."
24. Clinton, "Address to Joint Session of Congress, February 17, 1993."
25. Calmes, "House Passes Stimulus Plan with No GOP Votes."
26. Clinton, "Breakfast for Members of the House of Representatives, March 19, 1993."
27. Clinton, "President's Weekly Radio Address, March 20, 1993."
28. Clinton, "President's News Conference, March 23, 1993."

29. Clinton, "Interview with Dan Rather, March 24, 1993."

30. Skowronek, *Presidential Leadership*, 134.

31. Republican control of the Senate was interrupted by Vermont senator James Jeffords' decision to leave the Republican Party in May 2001. Repulicans resumed control in January 2003.

32. Bush, "Meeting with Bipartisan Congressional Leaders, January 24, 2001."

33. Bush, "Republican Congressional Retreat, February 2, 2001."

34. Bush, "Tax Family Reunion, February 7, 2001."

35. Bush, "Western Michigan University, March 27, 2001."

36. Fortier and Ornstein, *President Bush*, 148.

37. Ibid., 150.

38. Jacobson, *The Public, the President, and the War*, 246.

39. Coleman and Manna, *Above the Fray,* 402.

40. Jones, *Presidency in a Separated System*.

41. Obama, "National Economy, February 4, 2009."

42. Obama, "Signing the Children's Health Insurance Program Reauthorization Act, February 4, 2009."

43. Pear, "Senate Approves Children's Health Bill."

44. Jenkins and Cos, "A Time for Change and a Candidate's Voice," 186–88.

45. Balz, "Obama Now Hearing Criticism from the Left on Health Care."

46. Ruggeri, "Barack Obama Faces Historically High Expectations as President."

47. Malcolm, "Obama and Guantanamo: A Chronology of Broken Promises."

48. Skowronek, *Presidents Politics Make*, 37.

49. Landy and Milkis, *Presidential Greatness*, 4.

50. Skowronek, *Presidential Leadership*, 180.

51. Public Policy Polling, Obama's Approval Steady.

52. Fisher, "Lost Constitutional Moorings: Recovering the War Power," 1234.

53. Bush, *Remarks on the Nomination of Robert J. Portman to Be Director of the Office of Management and Budget and Susan C. Schwab to Be United States Trade Representative and an Exchange with Reporters.*

54. Savage 2007, *Barack Obama's Q and A.* December 20, 2007.

55. Alter, *The Promise*, 17.

56. Newport, *Public Wants Congress to Approve Military Action, Bombings.* This Gallup report shows that Americans generally favor the idea of presidents seeking congressional approval before initiating military action. However, as in many other issue areas, the difference between self-identified Republicans and Democrats was considerable. When asked, "Do you think the president should or should not be required to get the approval of Congress before sending United States armed forces into action outside the United States?" 92 percent of Democrats responded "yes," compared with 62 percent of Republicans. Similarly, 83 percent of Democrats responded positively to a question about whether the president "should be required to get the approval of Congress before . . . using Air

Force or Navy plans to bomb suspected terrorists," while only fifty-two percent of Republicans said yes. Respondents' ideology was not included in the report.

57. Remnick, *The Bridge*, 410–11.

58. Zakaria, "Obama Should Act More like a President Than a Prime Minister."

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Playing for History

The Reelection Leadership Choices of Presidents William J. Clinton and George W. Bush

Lara M. Brown

> Clever politicians do not take the political world as they find it. If that world possesses no conventional equilibrium, they engage in search behavior to find a preferred outcome that can defeat the status quo. If that world does possess an equilibrium then by definition there is nothing within the conventional framework to be done. But this does not prevent a politician from finding some new way to accomplish what is blocked by existing ways of doing things.
>
> —Shepsle, "Losers in Politics (And How They Sometimes Become Winners): William Riker's Heresthetic"

Leadership is not about inflamed ambitions, lofty visions, or extraordinary times. Rather, leadership is about *how* a president pursues his aims and reacts to other political actors, events, and circumstances.[1] Considering this volume's interest in whether presidential leadership derives more from "structure" or more from "agency," this chapter contends that even though exogenous conditions and institutional structures (e.g., time, constitutional precedents, divided government) set the stage for presidential

leadership—offering opportunities, imposing constraints, and favoring some strategies over others—how a president chooses to burnish his reputation and wield his authority, or how he resolves the *leadership dilemma* is endogenous to the individual who fills the office. Leadership, therefore, is rooted in each president's "opportunism," or more specifically, in each president's inclination and ability to not only perceive the possibilities before him, but also capitalize on the events and conditions that surround him.[2] Thus, presidents noted for successful leadership are "opportunists" who advantageously transform political transactions—however large or small in scope, enduring or fleeting in effect, profound or superficial in meaning.[3]

More generally, this chapter extends the notion that successful politicians are "herethesticians," who as William Riker argued, understand strategic maneuvering and "win because they have set up situations in such a way that other people will want to join them—will feel forced by circumstances to join them—even without any persuasion at all."[4] These political leaders also know how to "work with contingency" and "add craft to accident."[5] Hence, as I suggested above and discussed more fulsomely in *Jockeying for the American Presidency*, successful politicians are "opportunists" who, through "some combination of innate temperament . . . and learned abilities . . . [as well as] strategies acquired through their experiences," prevail in what Stephen Skowronek aptly described as the unceasing "contest to control the meaning of actions that are inherently disruptive of the status quo ante."[6] In sum, although presidents are presented with varying opportunities and constraints structured by institutional and historical circumstances (e.g., events, as well as secular, electoral, and political time), successful presidents manage to resolve *leadership dilemmas* to their political advantage. Importantly, there is no consistently right choice as to whether a president should don the mantle of party leader or national leader.[7] There is only the right choice for that moment—the "prudential" choice, which takes into account, as Aristotle explained, both the "universals" and the "particulars"—and this is why each president's choice matters within its context.[8]

Even though presidents are confronted with this *leadership dilemma* throughout their tenure, a president's third year in office is particularly complicated. While interpreting the results of their first midterm election and assessing their party's political strength across the nation, they must decide on a leadership course that will help them not only win what is sure to be a fiercely competitive reelection campaign, but also place them on a governance trajectory that will help them define their presidency

and frame their legacy. For although campaigning and governing may require presidents to act differently, as James E. Campbell noted, "from a very practical political standpoint, those who supported the president and the reasons why they supported him in the campaign provide the basis for both the president's electoral victory and his governing constituency."[9] Thus, how a president navigates the *leadership dilemma* over the course of his third year in office, including the strategic positioning and rhetorical commitments adopted for his reelection effort, in many ways, makes his presidency.

This chapter explores the leadership decisions made and the strategies pursued by President Bill Clinton in 1995 and President George W. Bush in 2003. Even though both presidents were reelected, they chose starkly different leadership paths to success. This study contends that their respective choices were structured exogenously by the midterm election results and endogenously by each president's "opportunism," which again should be understood as not only a disposition, but also the accumulated biases (e.g., favored abilities and strategies) or the lessons learned from political experience.[10] In this third year, an incumbent's opportunism is likely informed by his past experience with his political party. Hence, this research concludes that midterm elections delineate the boundaries within which a president makes his decision, but his opportunism (disposition and acquired knowledge) regarding his political party determines how a president resolves his third-year *leadership dilemma* and whether he succeeds.

Prior to detailing the partisan experiences of Clinton and Bush and their different leadership choices, it is important to address political time. For although it is possible that Clinton and Bush were successful in their respective choices because they pursued courses of action that were aligned (structured) more deeply with their particular places within the dominant political regime at the time of their presidencies, it seems unlikely that any president, given the difficulty of the selection process, the rigors of the office, and each of their similar levels of "progressive ambition" would attempt to be anything other than a "reconstructive" leader.[11] Said another way, it seems fair to assume that most presidents plan to "reconstruct" the political regime. Bush admitted as much in his autobiography: "When I entered politics, I made a decision. I would confront problems, not pass them on to future generations. I admired presidents who used their time in office to enact transformative change. I had studied Theodore Roosevelt . . . I had also learned from Ronald Reagan . . . One of the lessons I took from Roosevelt and Reagan was to lead the public,

not chase the opinion polls. I decided to push for sweeping reforms, not tinker with the status quo. As I told my advisors, 'I didn't take this job to play small ball.' "[12] If Skowronek is correct, however, then not all of them can be this type of leader. Most presidents probably try and fail. Some, as a result of their failings and through subsequent opportunistic searching, stumble upon another form of leadership (e.g., "preemption," "disjunction," etc.), which happens to align with their place in the political regime. These fortunate failures may also experience success. But their success arose from making lemonade from a delivered basket of lemons, and not from cultivating lemon trees. Consequently, this chapter argues that successful presidents are opportunists who may not fully appreciate their place within political time, but do understand how to make the most of their times. Thus, this research does not reject the profound influence of Skowronek's time on presidential leadership, but it does suggest that his "recurrent structures of political authority" with their corresponding leadership types (e.g., "reconstructive," "disjunctive," "articulation," "preemptive") are more descriptive rather than predictive patterns.

Figure 3.1 displays the above-mentioned variables and their relationships in a model of the third-year presidential leadership choice. Notably,
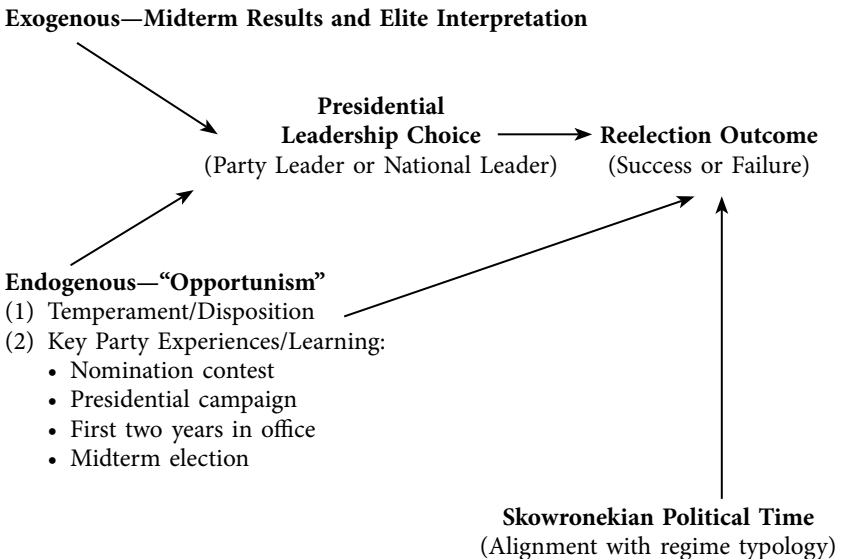

Figure 3.1. Model of the Third-Year Presidential Leadership Choice

the midterm election is an exogenous variable that frames the president's leadership choice (reveals opportunities and constraints), but it is also one of the four recent partisan learning experiences that affects the endogenous variable in this third-year context. The exogenous aspect is the interpretation of the midterm's results by political elites. While not specifically addressed in this study, it is reasonable to assume that the conventional wisdom (i.e., what elites believe the president should do given the results of the election) provides the context for a president's leadership decision. The endogenous aspect is the experience a president had with his party (i.e., whether he was engaged in congressional campaigns and whether his participation was helpful in mitigating his party's losses, or in rare instances, contributing to its gains) during the election cycle, which then plays a role in his strategic assessment of his leadership choice. Andrew E. Busch discerned well the complexity, attending midterms: "Consideration of what follows midterm elections is as important as consideration of what precedes them . . . [They] are not merely products of the past, neither are they divorced from the past . . . [T]hey are an integral part of the chain of political events.[13] Midterm elections, therefore, structure a president's leadership choice and contribute to the president's experiential knowledge about how to best achieve future success.

The View from the Rose Garden: Presidential Experiences, Political Learning, and Opportunism

> Nothing that a man has done or gone through, only what he has specifically learned, is much good to him in the White House.
>
> —Rexford Tugwell, "The Preparation of a President"

Before delving into the case studies, it is necessary to further describe the endogenous variable. As mentioned above and as shown in figure 3.1, this chapter primarily argues that the president's opportunism, particularly his more recent experiences with his own political party, determines both his leadership choice and whether his decision leads to reelection success. Offering a conceptual framework, this research categorizes a president's partisan experiences and the accumulated biases (lessons learned) that inform his opportunism.

Table 3.1 lists four experiences a president in his third year has recently had with his party (two as an aspirant and two as an incumbent)

Table 3.1. Framework of a President's Past Partisan Experiences on His or Her Leadership Choice

Partisan Experience	Leadership Choice	
	Party Leader	National Leader
Nomination Contest		
Easy	X	
Hard		X
Presidential Election		
Enthusiastic	X	
Dutiful		X
First Two Years in Office		
Supportive	X	
Critical		X
Midterm Election		
Pleased	X	
Displeased		X

and divides each into two mutually exclusive descriptive possibilities. Hence, these past partisan experiences are categorized as emotionally evocative, discrete events in the president's political career. The four experiences are as follows: (1) the presidential nomination contest; (2) the presidential election; (3) the president's first two years in office, including his relationship with members of his party in Congress and with partisans (e.g., interest groups and activists) in the electorate; and (4) the midterm election cycle. Each is then defined by a pair of opposites. As such, the framework queries: was the president's road to winning his party's nomination "easy" or "hard"? Was his party "enthusiastic" or "dutiful" during his presidential campaign? Was his relationship to his party in Congress and other partisans in the electorate during his first two years "supportive" or "critical"? Last, was his activity during the midterm cycle (e.g., fundraising and travel for congressional candidates and lower-level partisans seeking office) helpful to his party, and was he "pleased" or "displeased" with the results? For although it is likely that most presidents expect their party to lose seats in the midterm cycle (following historical trends), their

assessment of their participation and its results (i.e., did they help mitigate electoral losses or contribute to them?) surely matters.

Although this conceptual framework is overly simplified, and neither does it represent the complete range of experiential interactions a president likely has with his political party, nor does it allow for more nuanced characterizations of those experiences, it is useful in generating falsifiable hypotheses relating to the president's leadership choice. Detailed below are the two hypotheses investigated in this chapter's case studies.

> **H1:** If a president's nomination path was "easy," if his party was "enthusiastic" during his election, if his relationship with his fellow partisans in Congress and those in the electorate over the past two years was "supportive," and if he was "pleased" with the midterm cycle, then he will resolve the leadership dilemma in favor of *party leader*.

> **H2:** If a president's nomination path was "hard," if his party was "dutiful" during his election, if his relationship with his fellow partisans in Congress and those in the electorate over the past two years was "critical," and if he was "displeased" with the midterm cycle, then he will resolve the leadership dilemma in favor of *national leader*.

Accordingly, if a president's more recent experiences with his political party have taught him that he can count on their support, then he dons the mantle of party leader; if his past experiences suggest that his party can be a fickle friend, then he dons the mantle of national leader.[14] Said another way, presidents decide in favor of national leader when they believe their political survival depends on going over the heads of their fellow partisans and appealing directly to the American people. For an incumbent president knows that to prevail in the Electoral College, he will need, at minimum, either his party or the nation to solidly back his efforts. He leans *towards* the path of lesser resistance because it already—before doing any additional work—presents him with an advantage over his opponent, who does not yet possess the institutional standing or the symbolic apparatus of a party's presidential nominee or the chief executive.

That said, absent all prior experiences, the expectation is that a president prefers to resolve the *leadership dilemma* in favor of party leader. The reason for this is that the president joined his political party long before he won the White House. He largely agrees with and, in most instances, directly shaped the policy platform pursued by his party. Ergo,

the president's leadership preferences should incline him toward his party over the nation, even though the Constitution (and a few "great" presidential exemplars, such as George Washington and Abraham Lincoln) implores him to act otherwise. Last, though other hypothetical permutations (e.g., "easy" nomination, "dutiful" election, "critical" first two years, and "pleased" midterm cycle) exist and may prove useful in future research, this chapter investigates only the two most straightforward possibilities (see table 3.1).

The case studies on Clinton and Bush follow a similar format. Prior to detailing the four experiences of each president and placing them in the framework, I describe the general relationship each president had to his party over the course of his political career. I then explore each president's leadership choice and the strategies they pursued to realize their choices during their third year. I conclude that while each was successful in their reelection campaigns, there are costs associated with each type of leadership, and neither guarantees historical "greatness."

Through the Briar Patch:
President William J. Clinton's National Leadership Choice

> If you see a turtle on a fence post, chances are it didn't get there by accident.
>
> —President William J. Clinton in, for example, Jehl,
> "The Campaigner in Chief Alternately Defends
> His Record and Looks Ahead"

Despite having started in politics early, Bill Clinton was rarely the favorite to win office. Even at sixteen, when he won his first election as a senator of Arkansas Boys State, he pursued that position because "he had little chance at the [more prestigious] governorship . . . [because] the most respected and well-connected student leader in Arkansas was running . . . Mack McLarty of Hope." Additionally, losses often intermixed with Clinton's wins. In 1974, Clinton ran for a House seat against an incumbent and lost. Rebounding in 1976, he won the election for attorney general. Two years later, Clinton "swept the state with 63 percent of the vote and became the youngest governor in the United States in four decades." In 1980, he lost reelection. In 1982, he retook the governor's office. By the time Clinton ran for president in 1992, he had been a can-

didate on the ballot in Arkansas in seven election cycles and had been the "underdog" in at least three. In the main, Clinton scratched his way through his party's politics as though he was wading through a briar patch. Even though his national leadership decision helped him find a clearing (reelection), he also emerged from the bramble with a fair share of lacerations.

After nearly three decades of involvement with the Democratic Party, Clinton ran for president, traversing a tough road to his party's nomination in 1992. To be sure, some of the boulders in Clinton's path were mistakes from his past (e.g., his extramarital affair with Gennifer Flowers and his "draft dodging" during the Vietnam War). Even so, Clinton was not the horse most of his fellow partisans bet on that year. Iowa Senator Tom Harkin was a "favorite son" going into the Hawkeye State's caucuses, Massachusetts Senator Paul Tsongas was the "front-runner" ahead of New Hampshire's primary, and New York governor Mario Cuomo was the "dream candidate" who never ran for scores of national Democrats. Still, Clinton worked hard, and his hard work "made him lucky."[15] When he finished second in the New Hampshire primary, the media dubbed him the "Comeback Kid." During February and early March, he won contests across the South and in Illinois and Michigan. The race, however, was not yet his. On March 24, former California governor Jerry Brown won the Connecticut primary, relaunching his momentum. Clinton and Brown went head to head in New York on April 7, but Clinton's hard work again prevailed.[16] Clinton also won Kansas, Minnesota, and Wisconsin that day, effectively sealing his "hard-won" presidential nomination.

Clinton's general election campaign was not any smoother. In fact, with the mercurial Texas billionaire H. Ross Perot running as an independent candidate in the race, it was possibly even rockier. Perot splashed onto the presidential stage on *Larry King Live*, and "by late May, he hit 35 percent, and was leading the field."[17] As such, Clinton was tasked with defeating both the incumbent, George H. W. Bush, and this well-funded national sensation. Making things more challenging was the liberal wing of the Democratic Party, who became outraged when Clinton criticized rapper Sister Souljah ("for talking like a black David Duke") at Reverend Jesse Jackson's Rainbow Coalition meeting in June.[18] Fueling more drama, Perot exited the race in July, only to decide in early October that he wanted back in. Clinton, however, scored a major triumph in the second "town-hall" style debate on October 16. As *Washington Post* journalist David Broder explained: "He cannot be defeated in such encounters. He is relaxed, lively, informative and personal—talking policy in specific but

anecdotal fashion."[19] On Election Day, Clinton swept the Electoral College (370 to 168), but he did not secure a majority of the popular vote (43 percent). Subsequent exit poll and statistical analyses demonstrated that Perot increased turnout and pulled nearly equally from both Clinton and Bush voters, including Democrats (particularly educated, white male voters).[20] Although Clinton did well with young voters, his Democratic support going into the presidency seemed more "dutiful" than "enthusiastic."[21]

Clinton's first two years in the White House neither began with the traditional honeymoon, nor were they without controversy. In the opening days of his administration, he was forced to withdraw two nominations for attorney general (Zoe Baird and Kimba Wood); he made an "off-the-cuff remark that he advocated lifting the ban on gays in the military [which] sparked an uproar in the media;" and he "was treated to a gruesome description of the stakes" of the growing budget deficit, which "could strangle the economy."[22] Further, according to Paul Herrnson, "parts of [Clinton's] agenda had a history that was destined to make them unpopular with congressional Democrats." He "overloaded the system" and "developed major policy initiatives in the White House, inviting only limited input from members of Congress."[23] When it came to passing his 1993 economic plan, he twisted nearly every arm in the House Democratic caucus and relied on Vice President Al Gore's tie-breaking vote in the Senate. Clinton's historically high legislative success rates (more than 86 percent in both 1993 and 1994, higher than Ronald Reagan's 82 percent and 72 percent in 1981 and 1982) came with high costs.[24] Clinton's first two years were shaky; he elicited sustained "criticism" from Democrats.

Clinton fared no better with his party during the midterm election cycle. Herrnson noted: his "declining popularity, ethical problems, the clouds of controversy surrounding his administration, and his failure to enact his two core campaign promises—health care reform and a middle-class tax cut—encouraged many congressional Democrats to distance themselves from the White House when campaigning for re-election in 1994." Clinton advisor Dick Morris had recommended that Clinton "stay off the campaign trail," but he did not follow his advice, and later, he admitted that "going back on the campaign trail . . . was a mistake." He wrote: "Ironically, I had hurt the Democrats both by my victories and my defeats. The loss of health care and the passage of NAFTA demoralized many of our base voters and depressed our turnout. The victories on the economic plan with its tax increases on high-income Americans, the Brady bill, and the assault weapons ban inflamed the Republican base

voters and increased their turnout. The turnout differential alone probably accounted for half of our losses."[25] Clinton's own take-away from his party losing majority control in *both* chambers of Congress was that while he had been engaged, his involvement was not helpful. His party's losses were among the worst for a president's first midterm election since the Great Depression (see table 3.2).

Taken together, these experiences ("hard" nomination, "dutiful" election, "critical" first two years, and "displeased" with the midterm)

Table 3.2. Seats Lost/Gained for the President's Party in Congress in First Midterm Election

Year	Sitting President	President's Party (PP)	Net gain/loss for PP—1st Midterm*	
			House	Senate
2010	Barack Obama	Democratic	−63	−6
2002	George W. Bush	Republican	+6	+2
1994	Bill Clinton	Democratic	−52	−8
1990	George H. W. Bush	Republican	−8	−1
1982	Ronald Reagan	Republican	−26	+1
1978	Jimmy Carter	Democratic	−15	−3
1974	Gerald Ford*	Republican	−48	−5
1970	Richard Nixon	Republican	−12	+2
1966	Lyndon Johnson*	Democratic	−47	−4
1962	John Kennedy	Democratic	−4	+3
1954	Dwight Eisenhower	Republican	−18	−1
1946	Harry Truman*	Democratic	−45	−12
1934	Franklin Roosevelt	Democratic	+9	+9

Source: Gerhard Peters. "Seats in Congress Gained/Lost by the President's Party in Mid–Term Elections." *The American Presidency Project*, ed. John T. Woolley and Gerhard Peters. Santa Barbara: University of California, 1999–2011. Available at http://www.presidency.ucsb.edu/data/mid–term_elections.php.

*Harry Truman ascended to the office on the death of Franklin Roosevelt in 1945, and Gerald Ford ascended to the office after Richard Nixon's resignation in 1973. As such, neither Truman nor Ford was elected to the office but they were incumbents during these midterm elections. Although Lyndon Johnson also ascended to the presidency after the assassination of John F. Kennedy in 1963, he was elected in 1964 and he was eligible to run in 1968. Thus, all three presidents experienced midterm elections, even though Truman and Ford had each only served for slightly more than one year, while Johnson had served for over three years.

influenced Clinton's choice to turn away from rallying his party around his presidency to win reelection. He likely understood that unless he began acting like the president of the United States (a revered national leader), his political party would not likely go to the trouble to help him keep the job. It would begin casting about for his successor. (Clinton was governor of Arkansas when Senator Ted Kennedy challenged President Jimmy Carter for the Democratic nomination.) Clinton knew his best option was to exploit the constitutional and informal powers of the presidency and grow to become the nation's leader. He wagered that once he was the nation's leader, his party would rally to his cause.

Through his opportunism, Clinton transformed his leadership during his third year in office, which not only placed him on a winning electoral trajectory, but also began securing his historical legacy as an ideological "centrist." Although Clinton's transformational strategy is often referred to as "triangulating," that is not sufficient to encompass his leadership choices. Rather than a strategy, triangulating is one of many tactics that may be pursued by a president aiming to be perceived as a national leader. Said another way, triangulation is a form of national leadership, but not all national leadership is triangulation. The reason is that to gain a reputation for national leadership, presidents must also take risks by running counter to public opinion or elite consensus. For instance, when Mexico's currency was falling in early 1995, Clinton learned from treasury secretary Robert Rubin that the country needed a loan to prevent a financial collapse. Grasping the potentially severe consequences, Clinton called the Republican leaders in Congress, who agreed to help, but soon found they could not. There was not enough support on the Hill to pass legislation authorizing $25 billion for a foreign country. Inventively, Rubin said monies from the Exchange Stabilization Fund could be used,[26] but he warned that it was risky because Mexico might default on the loan. The American public was against helping (a *Los Angeles Times* poll showed that 79 percent were opposed, while 18 percent were in favor). Still, Clinton agreed to it. Reacting to the survey, Clinton said: "So a year from now, when we have another million illegal immigrants, we're awash in drugs from Mexico, and lots of people on both sides of the Rio Grande are out of work, when they ask me, 'Why didn't you do something?' What will I say? That there was a poll . . . This is something we have to do." The final package assembled for Mexico included about $20 billion from the U.S. Treasury, $18 billion from the International Monetary Fund, and $2 billion from other countries. Within seven months of the loan, Mexico was trading in the financial markets with a sound currency; the Mexican government repaid the loan

in full in 1997.[27] In short, to be seen as the nation's leader, a president must not only "triangulate" partisans and meet public expectations, but also take risks and demonstrate courage, so as to elevate his or her political reputation and burnish his or her historical legacy.

Although some of the events in 1995 included the assassination of Israeli prime minister Yitzhak Rabin, stepped-up military action in Bosnia, and the start of Clinton's extramarital affair with White House intern Monica Lewinsky, this case study considers three political transactions (one rhetorical event, one unexpected crisis, and one policy debate), illustrating Clinton's opportunism: the State of the Union address, the Oklahoma City bombing, and the budget battle with Republicans. Clinton altered each one by assuming a "larger" stature, which is intriguing, given that he was weaker than when he had begun his presidential term. Thus, he rose above the partisan fray, became the nation's leader, and began filling out the coat that is the presidency.

On January 24, Clinton focused on rhetoric, delivering the State of the Union address before a newly minted Republican Congress. Prior to that night, he had solicited advice from liberal elites (scholars and Democratic leaders) who suggested that he be careful not to adopt an "appeasing tone," which might reinforce that he had been beaten.[28] Clinton, however, trusted his instincts (as well as Dick Morris's) and strove for a tone that would not be construed as either strident or arrogant by "those voters he knew despised him."[29] After the greetings, he began:

> Again we are here in the sanctuary of democracy, and once again our democracy has spoken. So let me begin by congratulating all of you here in the 104th Congress and congratulating you, Mr. Speaker. If we agree on nothing else tonight, we must agree that the American people certainly voted for change in 1992 and in 1994. And as I look out at you, I know how some of you must have felt in 1992. I must say that in both years we didn't hear America singing, we heard America shouting. And now all of us, Republicans and Democrats alike, must say, "We hear you. We will work together to earn the jobs you have given us." For we are the keepers of a sacred trust, and we must be faithful to it in this new and very demanding era.[30]

By equating the 1992 and 1994 elections, Clinton placed himself on the same level with the Republicans, suggesting that their mandate of "change" was an extension of his mandate rather than a repudiation of his first

two years in office. Transforming that moment with humor and humility, he was able to move beyond the elections to governance. He also reminded the members of the new Republican majority that they would need each other to succeed with a subtle threat underlying his good-natured remarks: "If you don't keep your electoral promises, you, too, will be reprimanded in the next election." This opened the door for Clinton to acknowledge the policy areas where he and Republicans might find ways to work together, such as welfare reform.[31] Even though the commentary afterward was unfavorable because the speech was long, "the overnight polls showed that the viewers loved the speech's content and did not mind the length at all."[32] Clinton had succeeded—at least for one night—in finding a way to reconnect with the American people and their perennial desire for a government that works. Clinton did it by sending a dual message to the Congress, which contained both a compliment and a warning. Message duality was the hallmark of all three transformations he performed.

On April 19, bombs ripped through a federal building in Oklahoma City. Upon hearing the news, Clinton leapt into action, directing the government's efforts from the situation room.[33] When he spoke to the American people that afternoon, he displayed anger and resolve: "Let there be no room for doubt, we will find the people who did this . . . [and] when we do, justice will be swift, certain, and severe. These people are killers and they must be treated like killers."[34] He showed no concern about his rush to judgment. He presided over the situation, as if he were a stern father, assuming the responsibility that comes with dispensing punishment. Four days later, on Sunday, Clinton went to Oklahoma City to attend the memorial service for the 168 people who had died. Changing his tone and appeal, he focused on the victim's families and the community, saying: "You have lost too much, but you have not lost everything. And you certainly have not lost America, for we will stand with you for as many tomorrows as it takes."[35] NBC News and the *Wall Street Journal* conducted a poll afterward and found that 84 percent of respondents approved of how Clinton had handled the crisis. His public displays of deliberate rage and heartfelt sympathy—a dual message—elevated his presidential leadership.

In June, Clinton gave a televised address to the nation where he announced his plan to balance the budget in ten years rather than the seven years that had been proposed by the Republicans. Clinton received criticism from Democrats who thought he was "selling out" and cynicism from pundits who thought he was trying to frustrate the GOP. Clinton

blew up at Morris when he suggested the latter: "I did this because it's the right thing to do, Dick. I did it because it's the right thing to do."[36] He explained: "If I later had to veto Republican budget bills, I wanted to do so after demonstrating a good-faith effort to make honorable compromises. Besides, in New Hampshire [at a town hall meeting], the Speaker and I had pledged to work together. I wanted to hold up my end of the bargain."[37] Again, Clinton sought to be "bigger" than politics and more magnanimous than his opponents.

The budget battle did not climax until the end of the year, when the Republicans sent a continuing resolution to Clinton to sign that included Medicare premium increases. Clinton refused, and then spoke out against it in his Saturday morning radio address. On November 13, Clinton reversed course and agreed to meet with the Republican leadership to negotiate a deal. But when Representative Dick Armey (R-TX) complained about the television advertisements that the Democratic National Committee was running against the Republican proposal, Clinton shot back: "If you want to pass your budget, you're going to have to put somebody else in this chair. I don't care what happens. I don't care if I go to five percent in the polls. I am not going to sign your budget. It is wrong. It is wrong for the country."[38] The Republicans, surprised by Clinton's resolve, responded with a threat that they would shut the government down. The meeting ended. Clinton vetoed the continuing resolution, along with a bill to extend the debt ceiling. The shutdown began.

Within days, the polls showed that the American people were blaming the Republicans in Congress. On the defensive, Gingrich committed a gaffe by justifying his stridency as a response to Clinton's "rudeness" on the trip to attend Rabin's funeral (Clinton had not brought up the budget on the *Air Force One* flight to Israel or back; Gingrich had to deplane from the rear of the aircraft when it arrived home). The media interpreted Gingrich's behavior as petty, especially after the White House released a picture of Clinton talking with Gingrich on board the plane. Over the next six weeks, Clinton signed six of the thirteen appropriations bills into law, but kept vetoing those he had issues with. On January 6, 1996, after two separate shutdowns and under the threat of a third, the Congress and the president finally resolved to work on balancing the budget in seven years, and Clinton signed the continuing resolution. Journalist Major Garrett revealed an important truth about this battle in *The Enduring Revolution*: "Bill Clinton did indeed outmaneuver the Republicans during the budget showdown, which energized the Clinton White House and left Republicans demoralized . . . But Clinton's victories were *tactical* rather than substan-

tive . . . In some ways, the tactical analysis . . . has the situation exactly
backwards. While Clinton is generally regarded as the figure of strength
in the budget battle, he was mostly weak, continually giving ground to
the GOP on key budget concepts. The secret of his tactical success was
that he was more pliable than the House Republicans."[39] As noted earlier,
Clinton's weak position is what led him to reach for the lofty mantle of a
national leader who places compromise, comity, and the country, before
party and principle. Thus, what allowed him to win—the tactics and the
perception—was the fact that he appeared reasonable, and his concerns
seemed legitimate when compared with the bunch of small-minded, stub-
born yahoos charging down Pennsylvania Avenue from the Capitol.

   As before, Clinton had maintained a dual position (a willingness
to compromise and an unwillingness to bend on some issues), which
kept the Republican leadership uncertain. His reputation as an "appeaser"
helped him in this negotiation because the Republicans assumed he would
eventually give in.[40] The congressional Democrats' negative reaction also
likely worked to his advantage because it made him appear to be even
more of an "appeaser" than he was. Hence, his "approach the opposition
and then stand firm" strategy turned the Republicans into petty politicians
and made him "bigger." Clinton likely understood that his visible efforts
(e.g., proposing an alternative, signing some bills, meeting with Repub-
licans, and hosting Gingrich on *Air Force One*) would be perceived by
most people as "fair" and "right," given the circumstance. His opportun-
ism allowed him to proceed down two roads simultaneously, to authenti-
cally and credibly sustain two seemingly opposite positions. This not only
confounded his opponents and convinced the public he was doing all he
possibly could in his position as chief executive, but it transformed the
political transactions in which he was engaged into contests between the
president—the nation's leader—and all those who challenged his author-
ity and stature. The price he paid was relinquishing his party's principles.

On a Bed of Roses: President George W. Bush's Party Leadership Choice

"This is an impressive crowd—the haves and the have-mores. Some
people call you the elites; I call you my base."

—President George W. Bush, CBS News,
"Bush and Gore Do New York"

President of the United States was not a position George W. Bush believed he would have for most of his life.[41] Even though he had met Lyndon B. Johnson when Johnson was a colleague of his grandfather in the Senate and had witnessed his father's rise from House member to president, politics was not the career Bush sought. He had gone to business school at Harvard so that he might be prepared for other presidencies, including one at a company of his own.[42] Political ambition found him—in the right place, at the right time, with the right name, and the right connections.[43] Although Bush, like Clinton, had lost a congressional race in the 1970s and was considered an "underdog" when he later ran for statewide office, Bush did not experience the thorny partisan politics that marked Clinton's career. As Bush explained in his autobiography when he decided to run for governor of Texas in 1994, "the Republican field was wide open. Nobody wanted to challenge [incumbent Governor Ann] Richards, so I could immediately turn my attention to the general election."[44] More broadly, until his second presidential term when he had spent nearly all of his political capital, Bush glided through his party's politics and the first two years of his presidency on a bed of roses.[45] Notably, the tragic events of September 11, 2001, and his "bullhorn moment" (this will be discussed in more detail later) atop the rubble at Ground Zero three days later kept aloft his presidential reputation and his party's fortunes through the 2002 midterm election. Bush's party leadership decision brought him sweet-smelling success (reelection), but it also seems as though it planted weeds in the garden of his presidential legacy.

Long before Bush announced his presidential campaign in March 1999 he had been the front-runner for the Republican presidential nomination. As *New York Times* journalist Nicholas Kristof descriptively noted, "Bush's candidacy began like a rumor, evanescent and insubstantial but growing on thousands of tongues."[46] He was seen as a bridge builder and a new kind of conservative who bore little resemblance to the angry, radical Republicans leading Congress under Speaker Newt Gingrich.[47] To his credit, Bush did more than bask in the glory of his early presidential boom. As Judith Trent detailed, "before the primaries began, Bush had raised $23 million . . . [and] had collected endorsements from 23 of the 31 Republican governors and 169 of 277 Republican members of Congress.[48] Stanley A. Renshon also explained: Bush "orchestrated the removal of all his potential Republican opponents. He did it quickly with a series of rapid behind-the-scenes maneuvers . . . It was over before most people realized it was happening."[49] As a result, by the time of the contests, Bush

had only one serious competitor: Senator John McCain of Arizona. Bush won the Iowa caucuses with 41 percent of the vote. McCain pulled off an upset in New Hampshire, garnering eighteen percentage points more than Bush (48 to 30 percent). Bush's advisors, however, believed that McCain would "have little time to take advantage of that momentum [from an early win] and mount an effective campaign in other states, where Bush ha[d] an overwhelming money and organizational advantage."[50] With the support of evangelical Christians,[51] Bush "romped to a decisive victory . . . in the South Carolina presidential primary."[52] McCain went on to win six more states, but Bush won the rest of the early contests, including the delegate-rich states of California, New York, and Ohio, which secured him the nomination. Bush was "the guy"—the affable, optimistic, nonpolarizing Texas governor from a well-respected political family—the Republicans wanted to lead their party to the White House in 2000.[53] In the history of nominations, Bush's fight was "easy."

While the general election was incredibly competitive, it did not become a thrilling rollercoaster ride of dueling campaigns until after the candidates nearly tied on Election Day. Still, throughout the summer and early fall, neither candidate could keep a lead. Most thought Gore would win the debates, which would clinch the election, but Gore failed in those head-to-head contests.[54] Over the month of October, Bush edged ahead in the polls, while Gore lost his way, running "a populist-style, 'people, not the powerful' campaign better suited for a candidate challenging an incumbent in economic hard times than for a vice-president seeking to extend his party's control of the presidency in good times."[55] On Election Day, the race came down to the winner in Florida, whose popular vote that night had Bush ahead by a margin of 1,784 votes out of nearly 6 million cast. Without Florida's 25 electoral votes, each candidate was short of the 270 needed to win (Gore 267, Bush 246). Thus began a series of recounts and legal challenges. A Supreme Court ruling on December 12 effectively allowed the certified popular vote count to stand as final, making Bush the president by virtue of his winning Florida by 537 votes.[56] Although Bush lost the national popular vote, he drew more people into the GOP than his Republican predecessor, Robert Dole. Whereas Dole earned just 21 percent of the Hispanic vote, Bush won 35 percent. More women supported Bush than had backed Dole (43 to 38). Whites had split between Clinton and Dole (44 to 46), but they solidly chose Bush over Gore (54 to 42). Further, as Steven Schier noted, "Bush's performance was well above that predicted in the election models developed by political scientists . . . [even though] approximately four million Christians,

whom the Bush campaign had been counting on, did not turn out to vote." Although Bush's support was modest when compared with his 2004 campaign, there was likely more GOP "enthusiasm" for his candidacy than there had been for any Republican nominee since 1984.

Given the closeness of the election (out of about 100 million ballots cast, Gore earned approximately 500,000 votes more than Bush, or less than 0.5 percent of the total) and the evenly divided Congress (House: 221 Republicans, 212 Democrats, 2 Independents; Senate: 50 Republicans and 50 Democrats), many believed Bush would bridge the partisan divide as he had in Texas and govern as a moderate. But, as Schier explained, "Bush did nothing of the sort . . . Bush conceived of his relations with the legislature in hierarchical, managerial terms . . . [and] during his first term, a Republican-controlled Congress accepted its role as a junior partner in an executive-led national GOP regime."[57] He forcefully pushed for a large tax cut favored by conservatives. His adamancy carried a price: Senator Jim Jeffords, a Republican from Vermont, announced on May 24 that he was leaving the Republican Party and becoming an Independent who would caucus with the Democrats.[58] Still, as Schier stated, "analysts of national legislative-executive relations had not seen such a unified partisan coalition in action in recent decades."[59] The attacks on the World Trade Center and the Pentagon on September 11, 2001, "dramatically altered" Bush's standing among the public, as a rally-round-the-president effect took hold.[60] Under the mantle of commander in chief, Bush responded sympathetically to the victims and aggressively toward the perpetrators. On September 14, at the site of the former Twin Towers, while standing on a pile of metal, Bush yelled through a bullhorn: "I can hear you! I can hear you. The rest of the world hears you. And the people who knocked these buildings down will hear all of us soon."[61] Jacobson deftly described: "The president was now to be evaluated as the defender of the nation against shadowy foreign enemies rather than as a partisan figure of dubious legitimacy."[62] This perception is what provided Bush the latitude to pursue his partisan leadership. Over the next fourteen months, it also silenced any "criticism" aimed at Bush and his administration. Bush's first two years were strongly marked by "support" from not only Republicans, but also the nation and the world.

On the night of the midterm elections, Republicans picked up six seats in the House, extending their majority to double digits, and two in the Senate, restoring their majority control. It was the first midterm election since 1934 where the president's party gained seats in *both* chambers of Congress. Bush had also campaigned heartily for Republican candidates

across the country.[63] Schier detailed: "Spearheaded at the White House under Karl Rove . . . Republicans succeeded in raising substantially more funds than Democrats . . . GOP turnout efforts outstripped those of the Democrats . . . [and] President Bush embarked on a whirlwind tour during the final two weeks of the campaign . . . [S]uch presidential attention to a midterm campaign was unusual in its length and thoroughness."[64] Given Bush's involvement in the midterm election and the cycle's results, it is unlikely Bush was "displeased" with the outcome (see table 3.2).

Taken together, these experiences ("easy" nomination, "enthusiastic" election, "supportive" first two years, and "pleased" with the midterm) influenced Bush's choice to pursue further the role of party leader. He readily believed that since his party was loyal to him, he should be loyal to his party. Bush may have also thought that since he presently had the nation in his corner, and he had lost the popular vote in 2000, then it would be prudent for him to court those "4 million Christians" who had not turned out in his presidential election. Beyond this, he may have further calculated that by generating more enthusiasm among conservatives for the Republican Party, then he would not only be reelected in 2004, but he would be able to achieve the governance legacy he hoped: "to enact transformative change" (see full quote above).[65]

Through his opportunism, Bush transformed his leadership during this third year in office. Doing so placed him on a winning electoral trajectory but also fostered his legacy as a "conservative ideologue." As with Clinton's example, this case study considers three political transactions (one rhetorical event, one unexpected crisis, and one policy debate), illustrating Bush's opportunism: the "Mission Accomplished" speech, the Valerie Plame-CIA leak investigation, and the Medicare prescription drug coverage debate. Bush altered each one by assuming a "smaller" stature and a more political posture. Unlike Clinton, who in both words and deeds maintained a dual position, Bush's duality was that his words and actions were not aligned. His words were often presidential, but his actions during that third year in office were political and partisan. Each interaction diminished his presidential reputation. But concomitantly, the more embattled he became, the more lionized he was by his fellow partisans who sought to defend him against "spiteful" Democrats. Thus, Bush's actions energized like-minded ideologues and became his party's "superhero," known simply as "W."

On March 19, 2003, a coalition led by the United States invaded Iraq. Less than one month later, on April 9, Baghdad fell, and Saddam fled. On May 1, Bush gave a speech from the flight deck of an aircraft

carrier under a banner that read, "Mission Accomplished." As was often the case with Bush, the event was not notable for the words he said. He primarily focused on the men and women of the military (e.g., "For all the men and women who wear the uniform of the United States: America is grateful for a job well done") and the cause of liberty (e.g., "Our commitment to liberty is America's tradition, declared at our founding, affirmed in Franklin Roosevelt's Four Freedoms, asserted in the Truman Doctrine and in Ronald Reagan's challenge to an evil empire").[66] The president's actions, however, excited partisans on both sides of the aisle who felt he was appropriating national symbols and making them part of the Republican brand. By donning a military uniform, Bush embodied the "commander in chief" title. By landing a jet on an aircraft carrier and celebrating with the deck crew afterward, Bush became America's "Top Gun." The aircraft carrier was the USS *Abraham Lincoln*, named after the president most identified in American history with the cause of liberty. Further, the "Mission Accomplished" banner suggested that the Iraq War had been won when many knew it was far from over. Last, at the end of the speech, there was an appeal to evangelical Republicans. Equating the mission of the Iraq War with a Divine mission, Bush said: "And wherever you go, you carry a message of hope, a message that is ancient and ever new. In the words of the prophet Isaiah, 'To the captives, come out; and to those in darkness, be free.' " For a patriotic military recognition ceremony, the event was loaded with political—and what would become partisan—content.[67] This was truly the start of Bush's reelection campaign. He was running as not only a victorious war president, but also an "action hero," protector of freedom. As Gary Jacobson noted, the partisan divide in support for the Iraq War grew during the electoral cycle, reaching "an average of about 63 percentage points in the last quarter of 2004."[68]

On July 14, Valerie Plame's "role as a CIA spy tracking weapons of mass destruction (WMD) was revealed by columnist Robert Novak after two Bush Administration officials leaked her identity to him."[69] Inciting controversy in intelligent circles in Washington, the leak led to a special investigation conducted by the Justice Department that reached into the White House. But as *Time* Reporter Michael Duffy explained, the scandal went "far beyond the destruction of one covert officer's career. The charge on the table [was] that the White House leaked her name as an act of revenge, to punish her husband Joseph Wilson for suggesting in public that the Bush Administration had stretched the evidence about Saddam Hussein's nuclear arsenal in order to justify a new kind of war."[70] Despite Bush publicly stating that he welcomed the investigation, the FBI was

not authorized by the Justice Department to investigate until September 26. Further, it was not until December 30 that Attorney General John Ashcroft appointed Patrick Fitzgerald as the special counsel and recused himself from the investigation. It was also later revealed in testimony before the U.S. House Oversight Committee that the administration had not followed President Bush's own Executive Order detailing the handling of security breaches.[71] In short, despite Bush saying that he wanted "to know the truth. Leaks of classified information are bad things,"[72] his administration had delayed inquiry into the matter for over five months. Bush's actions, not words transformed this event. Bush sent the signal that when it comes to winning in political combat, there are no limits. As before, Bush's "say one thing and do another" strategy incensed Democrats. His duality effectively dared his opponents to call him a liar and accuse him, the commander in chief, of engaging in treason for political gain. Bush likely knew that if the Democrats did, then he would appear innocent thanks to his patriotic reputation. Further, the Democrats would appear reactionary and hysterical, maybe even paranoid. His maneuvers also made Republicans want to defend him against the "unwarranted attacks" leveled by Democrats.

In late November, the Medicare Prescription Drug, Improvement, and Modernization Act passed Congress. The Republican leaders in the House went to extraordinary measures to deliver this bill to the White House. They scheduled the vote for three o'clock in the morning and kept open the roll call for nearly three hours, strong-arming members who were against not only this expansion of government, but also the large projected cost of about $400 billion over ten years.[73] Although the American Association of Retired Persons (AARP) supported the legislation, Democrats decried it as a corporate "giveaway," owing to the subsidies for large employers and the prohibition on the government negotiating drug discounts.[74] In addition to making calls aboard *Air Force One* to Republican House members who were on the fence,[75] Bush led the political effort. He made sure that if it was an expensive new government entitlement program, then it was going to be a Republican piece of legislation. In *Decision Points*, Bush explained: "Before announcing my plan publicly, I previewed it with Republican leaders in the House . . . my Medicare team worked closely with Senate Majority Leader Bill Frist and Finance Committee Chairman Chuck Grassley of Iowa . . . Just nine House Democrats voted for a benefit they had demanded for years . . . the razor-thin House margin [216–15] made it essential that the House and Senate bills be recombined in a way that retained Republican support." It did not seem to

cross Bush's mind that if he moved the bill further to the left, rather than to the right, he would pick up more Democratic support in the House and make the bill a bipartisan effort. (The bill already had bipartisan support in the Senate; it passed 76–21.)

Bush, however, did not want a bipartisan win that elevated his national leadership. He was instead interested in "taking an issue away from the Democrats, who had long been favored in public opinion on health care issues."[76] Notably, Gore had used this issue against Bush in the 2000 election.[77] Bush surely believed that if he passed the legislation in a partisan fashion and campaigned on it, then senior citizens would support the Republican Party and his reelection. While Bush noncontroversially told the public that "all seniors should be able to choose the health care plan that best fits their needs, without being forced into an HMO,"[78] he also told conservative House members that "this is a helluva lot better deal than you're going to get from any other president."[79] Bush let his fellow partisans know that, just as in the "War on Terror," they could either be "with him or against him."[80] Hence, Bush transformed his national leadership into party leadership over the course of his third year in office. Through his actions, not his words, he energized his conservative base and cornered Democrats. Bush shrunk as president, but he grew as his party's leader; the more Bush sided with the conservatives in the GOP, the more the Republicans supported his presidential reelection.

The Grass Is Always Greener: Implications and Conclusions

This research has exposed the decision-making process for a president faced with the *leadership dilemma* during his third year in office and shown that a president may be successful following either a national or a party leader strategy. Put simply, success does not necessarily hinge on the decision. It hinges on whether a president's opportunism (disposition and accumulated biases) assists him to make the right choice and capitalize on his decision.

The case studies confirmed the two hypotheses put forward. Clinton and Bush pursued different strategic paths that not only set the stage for profoundly different reelection campaigns, but also laid out different governing commitments for their second terms. While both Clinton and Bush were likely particularly sensitive to the midterm results because of the conditions under which each came to office (neither garnered a popular vote majority in his first election) and the historic midterms each

experienced (Clinton's party lost *both* chambers for the first time in forty years, whereas, Bush's party gained seats in *both* chambers for the first time since 1934), they were opportunists; their opportunism was the critical factor in their leadership decisions.

Importantly, their different leadership choices also began the process of cementing their different historical legacies. It is arguable about whether it is normatively better to be thought of as a national leader (a "centrist") or a party leader (an "ideologue"). The two presidents most revered—George Washington and Abraham Lincoln—rose above their parties and were national leaders. Still, three highly partisan presidents—Andrew Jackson, Franklin Roosevelt, and Ronald Reagan—are often thought to be "great" leaders. Even though it may perhaps be better to be seen as a national leader, this does not come without a price. The cost of being the nation's leader (the one who rises above politics and helps the country navigate its differences through compromise) is relinquishing one's own political principles. It is, therefore, no coincidence that many Lincoln scholars expend ample time justifying his ideological evolution from arguing in favor of the South's right to sustain (but not spread) slavery to the Emancipation Proclamation, which abolished slavery in all of the states that had seceded from the Union. To get around this, many claim that Lincoln's true principle was "antislavery"; thus, he was not "unprincipled," but was adapting to events and circumstances. Of the "big name" presidents, who are far beyond the scope of this chapter but most interesting to consider is Thomas Jefferson because he seems to have been the only one who was able to thread the needle between national and partisan leadership. Reflecting more generally on the lessons from this research, it seems that for most presidents the grass is almost always greener on the opposite side of the leadership equation.

Notes

1. Landy and Milkis *Presidential Greatness*, 230. Presidents who are able to achieve a great deal because they enjoy favorable political conditions (large partisan majorities in Congress, or high public approval ratings) or face drastic circumstances (wars or economic panics or depressions), and happen to possess grand ambitions are not necessarily the presidents who exhibited the greatest leadership. For instance, the three presidents who are often considered great or successful leaders (Washington, Lincoln, and F. Roosevelt) are thought great precisely because they artfully managed the adversity and uncertainty, not because

of the circumstances by themselves. Thus, while their political aims were laudable from a normative perspective, or "morally-right" (to establish the union, to save the union, and to save the people), their greatness resides not in their aims, but in the ways that they pursued their aims. On this, I agree with Richard Neustadt, who, as Erwin Hargrove noted, likely thought that "a lofty purpose is useless if it is not served by skillful politics." *President as Leader*, 31.

2. Brown, *Jockeying for the American Presidency*.

3. Much of the literature on presidential leadership makes distinctions between presidents who engage in transactional behaviors (i.e., bargaining) versus those who engage in transformative behaviors (i.e., rhetoric). Opportunists do not make such distinctions because they believe that all politics is about transformation, or altering the political dynamics, so that all transactions favor them. They also would not commit themselves to solely using bargaining or rhetoric as their primary political strategy. For them, these are merely different arrows in one's political quiver, and circumstances (e.g., to whom one is speaking) dictate their use. For further discussion see Brown, *Jockeying for the American Presidency*; Riker, *Art of Political Manipulation*.

4. Riker, *Art of Political Manipulation*, ix.

5. Hyde, *Trickster Makes This World*, 139.

6. Skowronek, *Presidential Leadership*, 11.

7. In "Presidential Politics in a Polarized Nation: The Reelection of George W. Bush," James E. Campbell similarly noted that there may not even be a normatively right choice: "Whether presidents govern for their base or for the center can be either praised or disparaged depending on one's political views . . . The fact is there is no one right way to govern. No one size fits all. There are benefits and costs to both approaches, and no president appeals exclusively to one side of the constituency spectrum" (ibid., 25).

8. For a discussion on "prudence" see Brown, *Jockeying for the American Presidency*.

9. Campbell, "Presidential Politics in a Polarized Nation."

10. Brown, *Jockeying for the American Presidency*, 20, 44, 58 n 13.

11. Schlesinger, *Progressive Ambition*; Skowronek, *Politics Presidents Make*.

12. Bush, *Decision Points*, 272.

13. For a more complete treatment of the many ways in which midterm elections are important for presidents, see Andrew E. Busch, *Horses in Midstream*.

14. In chapter 1, Zim Nwokora posits the reverse: when an aspirant has had a difficult time winning a nomination and/or the general election, then she leans toward her party more because she owes them fealty. Neither Nwokora nor I offers conclusive evidence, and as such, this may an interesting puzzle for future research to explore.

15. Clinton often noted the connection between work and luck. On May 19, 2000, in "Remarks at the Mayer Sulzberger Middle School in Philadelphia," he said, "I've noticed the harder I work, the luckier I get."

16. Brown, *Jockeying for the American Presidency*, 230–41.

17. Goldman, DeFrank, Miller, Murr, and Matthews, *Quest for the Presidency 1992*, 430.

18. Ibid., 275.

19. Broder, David S. "Smooth Sailing for Clinton," *Washington Post*, October 17.

20. U. C. Davis, "Analysis on Perot Voters"; Lacy and Burden, "The Vote-Stealing and Turnout Effects of Ross Perot in the 1992 U.S. Presidential Election."

21. *Chicago Tribune*, "Did 'Youth Vote' Boost Clinton? Clear Answer: Definite Maybe."

22. Herrnson, "Bill Clinton as Party Leader," 75; Harris, *The Survivor*, 19.

23. Herrnson, "Bill Clinton as Party Leader," 76.

24. Ibid., 81.

25. Clinton, *My Life*, 629.

26. According to Clinton: "The fund was created in 1934, when America took the dollar off the gold standard, and was used to minimize currency fluctuations; it had about $35 billion and could be used by the Treasury secretary with the President's approval." Clinton, *My Life*, 643.

27. Ibid., 641–45. See also Harris, *Survivor*, 158–59.

28. Clinton, *My Life*, 159–60.

29. Ibid., 159. See also Barber, *Truth of Power,* 97.

30. *Public Papers of the Presidents: William J. Clinton* (Washington, DC: The U.S. Government Printing Office, 1995), vol. 1, 75.

31. Clinton, *My Life*, 640.

32. Harris, *The Survivor,* 160.

33. Ibid., 179.

34. Ibid.

35. Clinton, *My Life*, 652.

36. Ibid., 186.

37. Ibid., 659–60.

38. Harris, *The Survivor*, 216; Clinton, *My Life*, 682.

39. Garrett, *Enduring Revolution*, 107–08.

40. Klein, *The Natural,* 146–50.

41. Portions of this case study are drawn from two previous works that I have written on George W. Bush's presidential election in 2000 and his presidency; see Brown, "Reactionary Ideologues and Uneasy Partisans: Bush and Realignment"; Brown, "A High Speed Chase: Presidential Aspirants and the Nomination Process."

42. Bush, *Decision Points*, 9–24.

43. In understanding how well connected Bush was, his Yale application provides a good indicator. In his autobiography, he explained: "One time-consuming part of the application was filling out the blue card that asked you to list relatives who were alumni. There was my grandfather and my dad. And all his brothers. And my first cousins. I had to write the names of the second cousins on the back of the card," in Bush, *Decision Points,* 13.

44. Bush, *Decision Points*, 53.

45. For a superb analysis of Bush's rise and fall, see Schier, *Panorama of a Presidency*, 2010.

46. Kristof, "For Bush, His Toughest Call Was the Choice to Run at All."

47. LaBerge, *George W. Bush,* 22.

48. Trent, "And They All Came Calling: The Early Campaign of Election 2000," 26.

49. Renshon, *In His Father's Shadow*, 50.

50. Neal, "Bush Campaign Counts on Vast Network."

51. Jacobson, *A Divider, Not a Uniter*, 51.

52. Barabak, "Bush Defeats McCain in South Carolina Primary."

53. Berke, "Bush Brothers Provide Light to Republicans after a Dreary Election."

54. Milkis and Nelson, *American Presidency*, 407. An ABC News/*Washington Post* poll from September showed both candidates earning the support of 47 percent of likely voters. See http://abcnews.go.com/images/pdf/827a1PostLaborDayPoll.pdf (accessed August 7, 2008).

55. Schier, *Panorama of a Presidency*, 34–35; Milkis and Nelson, *American Presidency*, 406.

56. Crotty, "The Election of 2000: Close, Chaotic, and Unforgettable," 36–78; Milkis and Nelson, *American Presidency*, 409–11.

57. Schier, *Panorama of a Presidency*, 75.

58. Though Jeffords left the Republican Party for a number of reasons, including the belief that his views were not respected, he was initially opposed to Bush's $1.6 trillion tax cut proposal, which he said was "too expensive." See Mitchell, "Two Moderate Republicans Oppose Bush Tax Plan as Democrats Offer Their Own." See also Gellman, *Angler*, 61–80; Ceaser and Busch, *Red over Blue*, 37; Jacobson, "Terror, Terrain, and Turnout," 72.

59. Schier, *Panorama of a Presidency*, 76.

60. Brody, "The American People and President George W. Bush: The Fall, the Rise, and Fall Again."

61. Bush, *Decision Points*, 149; Ceaser and Busch, *Red over Blue*, 41.

62. Jacobson, *A Divider, Not a Uniter*, 80–82.

63. Jacobson, "Terror, Terrain, and Turnout: Explaining the 2002 Midterm Elections"; Lemann, "The Controller"; Sabato, *Midterm Madness*.

64. Schier, *Panorama of a Presidency*, 38.

65. While Republicans heavily favored Bush in 2004, his support among Independents fell. See presidential approval by party at http://www.gallup.com/poll/116500/Presidential-Approval-Ratings-George-Bush.aspx#2 (accessed August 15, 2011). See also Campbell, "Why Bush Won the Presidential Election of 2004," 234; Jacobson, *A Divider, Not a Uniter*, 91–94.

66. CNN Online, "Bush Makes Historic Speech Aboard Warship."

67. While I have no doubt that Bush is a patriot, it is also clear that in hindsight, his administration used patriotic themes as covers for partisan maneuvering. For further discussion, see Crotty, *A Defining Moment*.

68. Jacobson, *A Divider, Not a Uniter*, 131.

69. Duffy, "Leaking with a Vengeance."

70. Ibid.

71. House Oversight Committee, "Waxman Questions White House Security Practices."

72. CNN Online, "Bush Welcomes Probe of CIA Leak."

73. Schier, *Panorama of a Presidency*, 110–11; Bush, *Decision Points*, 281–84.

74. Echoing Democrats during the debate, California State Democratic Party Chair Art Torres called the prescription drug benefit a "corporate giveaway" on August 30, 2005. See Sterngold, "Bush Plugs Drug Plan, Iraqi Charter."

75. Bush, *Decision Points*, 285–86.

76. Schier, *Panorama of a Presidency*, 109.

77. Dizike, "Bush Unveils Medicare Plan."

78. Loughin, "Bush, Democrats Outline Ideas for Prescription Drug Benefit."

79. Bush, *Decision Points*, 285.

80. On September 20, 2001, in an address to a joint session of Congress, Bush said, "Either you are with us, or you are with the terrorists."

4

Presidents, Leverage, and Significant Public Policy

Daniel E. Ponder

The year 1994 was not good for President Bill Clinton. The failure of health care reform early in his administration helped spawn political weakness, an example of which was his inability to pass any sort of health care bill, his top domestic priority. This was particularly stinging since his party, the Democrats, controlled Congress. During midterm election years, a presidential appearance at a copartisan's congressional campaign event is often coveted as a boon for that Member of Congress (MC), for it leaves voters with the impression that their MC is an important player in Washington and has an "in" with the president. But 1994 was no politics–as–usual year, and Clinton's perceived ineffectiveness and low public approval (which had free–fallen fifteen points in the course of the year) forced him to endure the public humiliation of several Democrats asking him to not campaign for them as they clawed and scratched to keep hold of their seats. For those members, it seemed, an appearance by the unpopular president would hurt their reelection prospects. Sure enough, the year culminated in a near–historic beating for the president and his party. Democrats lost fifty–four House seats and ten in the Senate, thereby losing majority control in both chambers. The loss of the House

was particularly hard to endure, as it had not seen a Republican Speaker since Dwight Eisenhower lived in the White House.

After the election, Republicans, particularly new Speaker Newt Gingrich (R–GA), dominated national politics. Barely three months into the 104th Congress the president was asked if he thought he could be heard above the din of the new Republican majority as it sought to turn campaign rhetoric into public policy. Clinton's answer was telling. In what must be considered a low point in his presidency, Clinton responded weakly, "The president is relevant. The Constitution gives me relevance."[1] Bill Clinton and his presidency lacked a foothold in which to regain his footing, save for constitutional prerogatives such as the veto. His comment about relevance begged the question: how would he govern from such a weak position? In his memoirs, Clinton wrote that he looked for ways to compromise and negotiate with Republicans, but that he would wield the veto pen when he disagreed.[2] Would he move to the left in seeming defiance of the electoral outcome? Move further to the right? Stake out a middle ground as part of his "triangulation" strategy?

As it turned out, events and partisan politics would soon spur a reversal of the president's political fortunes. The very next day, the nation was rocked by the tragic bombing of a federal building in Oklahoma City. Clinton's formidable political skills were on full display as he reassured a stunned, scared, and grieving nation. The rally effect bolstered his approval ratings, and he hovered in the mid–to–upper 40s and lower 50s for the rest of the year. At the end of 1995, two government shutdowns that the public seemed to blame on the Republicans,[3] and the president's political resurrection was in full throttle. Barely a year after his "still relevant" plea, he enjoyed a healthy 56 percent approval rating. In 1994 Clinton lacked political leverage (while many in his party abandoned him). Not only did he reclaim it in 1995 and 1996, but the public's verdict conditioned his resurgence.

While presidents can and do use both the threat and the actual veto in governing, it is rarely a good thing for them long term (Gerald Ford leaps readily to mind). Indeed, these constitutional tools helped Clinton in the fight over the budget and government shutdown, but they are not the only things.[4] Presidents seek approval, and they employ resources such as polling to try to increase their numbers if their standing is down.[5] While approval is something presidents can seek for any number of reasons, the context in which they act relative to other institutions is telling. Though Clinton's approval declined dramatically during 1994, public confidence in the presidency declined 5 percent from 1993 levels, while confidence

in Congress (never high) was up in 1994 and 1995, but declined slightly into 1996.[6] But where public trust in government was down steadily in 1995 and 1996, Clinton's stock grew both personally (approval) and institutionally (confidence in the presidency). In short, and in the language to be employed in this chapter, Clinton had little leverage in 1994 and early 1995, but it increased dramatically in the latter part of that year and into the crucial election year following. Thus, in the larger context of American politics, President Clinton's leverage began to increase in 1995, continued into 1996, and culminated in his easy reelection over Bob Dole.[7]

This example illustrates a classic dilemma at the heart of this book, namely, the pull between leading from the middle, doing what one perceives is "right" for the country,[8] or tilting toward party interests, leading and being led by concerns of the president's party base and voters.[9] In particular, the timing and nature of presidential leadership was conditioned on the necessity of uniting a country. While it was clear that something big had happened in 1994, the country remained somewhat polarized, and the election postmortems that the country had inexorably moved to the right were stalled as Clinton was reelected in 1996 by a margin of 8.5 percent in the popular vote and 70 percent of the electoral college vote—the Democrats picked up three seats in the House while losing two in the Senate.[10] By 1998, the Democrats failed to lose any congressional seats, the first time a president's party had not lost seats in the midterm since 1934.

As the editors of this volume wrote in the introduction, "much of the shape of presidential politics [is] beset with partisan polarization and expansive presidential claims." This chapter considers both elements of this presidential dilemma. When it comes to creating significant, large–scale public policies, the stakes are high. The political context (e.g., divided or unified government), which can influence individual bargaining circumstances, condition the likelihood of success on key issues.[11] Presidents are hampered by inflated public expectations, and those almost invariably hold him and his party responsible for "bad" systemic conditions such as the economy,[12] but they can also work to a president's benefit. If presidents are held responsible for the bad, they are often given excess credit for good political and economic climates. To be sure, presidents bring their own skills (or lack thereof) to the table, but uniting or dividing the country via partisanship may be contingent on the political circumstance in which they find themselves. This chapter explores the president's success in delivering on "expansive presidential claims" via significant public policy *vis à vis* Congress. The forthcoming analysis measures that ability in the context

of what I call "presidential leverage," which places the individual president in context of the government writ large, specifically public attitudes toward trust in government.

My conception of leverage most closely follows the *Encarta Dictionary* definition, which is the "power to get things done," such as exerting power over people with an advantage that is not openly referred to.[13] How presidents fare in this circumstance has a significant impact on the stamp they can put on large, enduring public policies. This chapter proceeds as follows. First, I briefly describe the idea of macropolitics and policy. Second, I describe a concept of presidential leverage, which links the public evaluation of the president to that of trust in government. Third, I offer some thoughts for linking presidential leverage with macropolitical outcomes. Fourth, I describe the data and report the findings of the empirical analysis. The final section is a conclusion.

Presidents and Policy

The linkage between American politics and public policy is the subject of a burgeoning literature on the output of the American political system and has come to be known as "macropolitics."[14] The study of macropolitics is concerned at its most basic level with measuring the type, tenor, and aggregate level of policy output produced by the institutional players on the national stage and has focused most prevalently on Congress.[15] So far, the macropolitics literature makes no a priori claim that one institution is "more important" than another. Even the "least dangerous branch" enters the debate, as the opinion of many is that courts do indeed "make policy."[16] Presidents, of course, take their place in the pantheon of lawmaking and policy–producing institutions. Presidents play a pivotal role in producing, proposing, advocating, pushing, prodding, defending, passing, and defining public policy.[17]

In exploring macropolitical outcomes, scholars have employed variables such as public approval, political and policy ideology, and partisan control of government as key indicators of policy output. I take up the question of presidential macropolicy and employ as a predictor a measure of a president's "place" in the public mind, nested in the public's trust in government. Specifically, I am concerned with determining how, if at all, presidential place (which I call "leverage") bears on presidents' public policy activities in the area of significant legislation that was developed in the White House, as opposed to Congress.

Presidential Leverage: Theoretical and Measurement Issues

Elsewhere I have argued that one telling way to understand where the president is situated in the political system is by observing how his approval ratings fare relative to public assessments of government, rather than simply looking at the rise and fall of presidential approval.[18] This places approval in context. The motivation for that insight derives most directly from Stephen Skowronek's observation that "Presidents stand preeminent in American politics when government has been most thoroughly discredited, and when political resistance to presidency is weakest, presidents tend to remake the government wholesale."[19] When government action as a whole has left the public wanting, distrustful, and skeptical, presidents may enjoy leverage over competing institutions, become emboldened and increase the variety of their policy proposals as well as success in the legislative arena. That is, presidential leverage reflects how presidential approval fares against public trust in government. When the public lacks trust or confidence in government writ large, and the president can rise above that, he builds distance between himself and others, perhaps sensing that he has more of a warrant for action than is actually the case.[20]

So how do we know when the president has leverage? I measure this by gathering indicators of, first, the president's standing with the public, and, second, a measure of public trust in government. The first is simply the level of presidential approval. Using presidential approval allows for a snapshot of the public evaluation of the president at a particular time, and provides the individual component of presidential leverage.

The second component, political trust, is the denominator and provides the larger, systemic context within which to locate the individual president. As Elaine C. Kamarck has it, "the evolving American state is being powerfully shaped by negative attitudes towards government among Americans."[21] In a separated system, trust provides the context for political action.[22] Marc Hetherington argues that trust is not just a matter of public attitudes toward government, but also has real policy implications.[23] For example, political trust drives support for policies that target underprivileged sectors of society such as the poor, and if trust is lacking, the political will to address issues such as race, health care reform, and spending is similarly lacking.[24] Luke Keele has developed a measure of public trust, and I use his data in the measure.[25]

All of the above has been somewhat technical, but simply put the concept of presidential leverage measures the president's "place" in the political system. Unlike approval, for which presidents invest great

amounts of time and effort to acquire, leverage measures a "feeling" or a situation, placing the individual president squarely within the political system. I discuss below what this means politically, but here note that presidential leverage also reflects the degree to which the public distinguishes between the president, the presidency, and the government as a whole, affording a glimpse at a president's public place in this relationship.

So why does leverage matter for presidents? Well, leverage indicates a potential strategic advantage for presidents to maximize their power potential. Indeed, at one level, presidential leverage can be conceived of as having a familial resemblance to Skowronek's "warrant" for power, by which he means a kind of license or authority to put political power into action.[26] Skowronek argues that these warrants are contingent on the political time in which presidents serve. Leverage is similar in that it systematically measures or quantifies this contingency and identifies when a president truly does "stand preeminent" in American politics. This state of affairs obtains when the coefficient of presidential leverage is high.

Leverage focuses on the public dimension of presidential action, and presidents with considerable leverage can further veer "off course" and take advantage of the "feeling," however temporary, that they are "first among equals" with the leverage to set the course of American politics.[27] Leverage, broadly conceived, derives from and builds upon these insights into presidential authority. The concept of leverage is not antagonistic to "warrants" or what Charles O. Jones calls "leeway,"[28] but rather as part of a cumulative process that helps explain presidential action where presidents can assert, however intuitively, leverage over the course of American politics and public policy.

One caveat should be noted and made clear. I do not offer leverage as "better" or a stronger predictor than simple presidential approval as traditionally conceived and measured. Rather, leverage is a more nuanced view of the president within the American political system. While my concept of presidential leverage does have a more substantial predictive capacity than presidential approval, I make no claim that this will always be the case, or that scholars should abandon the study of approval. The purpose of this article and the larger study from which it derives is to explore the contours and nuance of contextualizing approval this way, where it helps us understand the presidency, and where its limitations lie, both empirically and theoretically.

Having outlined the broad strokes of presidential leverage, I turn now to the simple schematic diagram in Figure 4.1, which illustrates the
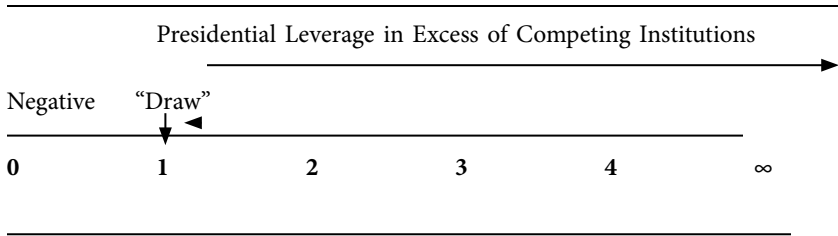
Presidential Leverage in Excess of Competing Institutions

Negative   "Draw"

| 0 | 1 | 2 | 3 | 4 | ∞ |

Figure 4.1. A Schematic Depiction of Presidential Leverage

dynamic of leverage. As noted, leverage is the ratio of a president's approv-
al to the public's level of trust in government as a whole, and expressed as

$$\text{IPL} = \frac{\text{President's Approval}_t}{\text{Public Trust in Government}}$$

IPL is the Index of Presidential Leverage, President's Approval is
an extracted score of presidential approval ratings, and Public Trust in
Government is from Keele, and is a measure that combines opinion polls
measuring various aspects of public trust.[29] This formulation yields presi-
dent–specific leverage coefficients in a given time period, such as a month,
quarter, or year. The index has a domain of 0 to positive infinity. The
higher the coefficient, the more the president stands "paramount" in the
American political system, and thus the more leverage he enjoys. Lower
values of the coefficient mean less leverage. For example, if the index of
presidential leverage falls below 1.0 (IPL < 1.0), then the president is in
a range of "negative leverage," with the public exhibiting a higher degree
of trust in other institutions than it approves of the president. As the
value of the coefficient approaches 1.0 (IPL >> 1), the position of the
president is roughly equivalent to competing institutions; he has no real
leverage, but nor is he particularly disadvantaged or in negative leverage.
I label this area at about 1.0 a "draw." Finally, if leverage climbs above
1.0 (IPL > 1.0), the president enjoys positive leverage wherein the public
places him above and perhaps distinct from the level of trust it places
in the government writ large. The higher the value of the coefficient, the
more leverage he has and the more government has been laid bare, to
paraphrase Skowronek, and the more the president stands preeminent.

Tracking Leverage through Presidential Time

How does the concept of leverage map onto what we know about the environment of presidential activity? To answer this, I examine data on trust and approval between 1958 and 2000. The trust data are from Luke Keele,[30] and to calculate the approval series, I used all measures of presidential approval as reported at the American Presidency Project,[31] and I used the WCALC algorithm to extract the scores.

Recall that the approval series is the numerator, and the trust series is the denominator. Figure 4.2 tracks the annual coefficients of presidential leverage from 1958 to 2000. Note that presidential leverage is relatively low early in the series during the Eisenhower, Kennedy, and early Johnson administrations. This reflects the fact that while approval of each president may have been high, so too was public trust. Presidents such as Eisenhower and Kennedy did not register high on the leverage scale because trust in government was similarly high, giving each man no special standing

Source: Calculated by author.

Figure 4.2. Presidential Leverage, 1958–2000

from which to claim outstanding warrants for action. Leverage is relative measure, meaning that high approval ratings are neither necessary nor sufficient for high leverage. Presidents with lower approval measures can still have high leverage if public trust in competing legitimacies is low.[32] Like the raw approval measure, the lowest leverage value registers in the last year of Nixon's presidency. But unlike the approval and trust series, the index's first peak appears in 1977, the first year of Jimmy Carter's term, which is explained by the fact that Carter was the first truly post–Watergate president. His pledge, "I will never lie to you" brought with it a new resonance of presidential hope to a weary polity. Congress had by this time tried to scale back presidential power with the passage of the 1974 Budget and Impoundment Control Act and the War Powers Resolution, which passed when Congress overrode President Nixon's veto. Still, government trust was relatively low in 1977, registering an extracted score of 42.78, well below the series average of 48.81. Carter's average extracted approval that year was just under 62 percent, producing a leverage index of 1.5. Thus, when placed in context, the observation that Carter registered the third highest leverage score behind George H.W. Bush in 1991 and Bill Clinton in 1998 and 1999 (ironically, during his impeachment process) is not terribly surprising, especially as the coefficient declines throughout the rest of his term, reflecting continuing public dissatisfaction with his presidency, high oil and gas prices, stagflation, and the Iranian hostage crisis, all of which culminated in his defeat by Ronald Reagan.

The index finds its second (and highest) peak in 1991, the year of George H. W. Bush's triumph in the Gulf War. In that year, government trust was even lower than in Carter's first year, scoring 41.78, but Bush's average extracted approval (having a Gallup approval rating of 89 percent, its zenith in April of that year) was 73.3, yielding a score of 1.75, a rating not approached by any other president. At the height of the impeachment process in 1998 and 1999, Clinton enjoyed high leverage ratings. His extracted approval in 1999, for example, was 61.4 percent, the second highest reading of his administration. However, public confidence in Congress was abnormally low, and the measure of trust, fueled by this low confidence in Congress, dipped more than four points as a whole, and his leverage score was 1.55. Thus, even during impeachment, Clinton had a score in 1998 and 1999 that exceeded even Jimmy Carter's 1977 score, but still did not eclipse Bush's 1991 leverage rating.[33]

Comparing approval, trust, and leverage, the index fluctuates throughout the Reagan years, dips as expected during the Iran–Contra affair, and again at the very beginning of the Bush administration. However, as already noted, it increases again in 1991 in response to the Gulf War,

but plummets soon afterward, making possible Bill Clinton's ascension to the presidency. The leverage coefficient is subject to some fluctuation, but generally increases over time, with Watergate an obvious exception. By placing approval into institutional context, we get a more nuanced picture of how presidents compare not only to other institutions at any one time in the course of history, but also how they compare to one another over time.

In reflecting these dynamics, the measure captures some of what Skowronek and others have elaborated, namely, the relationship in the public eye of the president to his institutional counterparts. By utilizing presidential popularity, it captures essential features of the interaction between the public and the president; by utilizing the trust measures, it considers global institutional assessments, be they crude or sophisticated.[34] This ratio thus captures one (though certainly not the only) element of the *individual* in relation to the *institution*, especially the institutional context of the public, the president, and the rest of government. As the president becomes more preeminent as measured by the coefficient, his prestige relative to competing institutions grows, and the more his power, or more directly, the creative and judicious use of the tools of office, flow from the White House into the whole of American politics.[35]

Presidential Leverage and the Politics of Significant Policy Creation

In prior research, I found leverage to be systematically related to components of presidential activity such as agenda size and use of an administrative presidency strategy.[36] However, in the models of agenda size, I found that the higher the president's leverage, the *less* they try to accomplish *in terms of overall agenda size*. Conversely, the lower their rate of leverage, the *more* they try to do. This finding was robust under a number of different specifications and temporal periods. Some plausible arguments were advanced, but not systematically tested. This chapter seeks to extend that research to determine whether macropolitics (specifically large–scale, enduring policy) plays a role that, left unmeasured, may obscure important relationships about the relationship.[37]

Specifically, I explore whether the negative finding is driven by the possibility that high–leverage presidents, while perhaps working on a somewhat smaller overall agenda, develop a set of proposals that includes bigger or "more important" legislation.[38] Presidents with high leverage might be more likely to see important issues pass as part of the overall governmental

agenda. Since much of the literature on presidential approval and success in Congress leads to contradictory and therefore inconclusive conclusions,[39] I explore whether presidential leverage has any impact on policy, specifically those policies identified by political scientist David Mayhew as important issues.[40] In his work, Mayhew employs a two–stage sweep to uncover policies that have withstood the test of time, remaining important both at the time of their approval and still considered highly or unusually important. In particular, I look at the proportion of significant issues identified by Mayhew that were not only presidential priorities, but were *developed in and proposed by the White House* (as opposed to those that were congressional initiatives). Most presidents get a fair amount of what they want enacted in Congress, but it is not always exactly what they want. Leverage theory as I have outlined it here leads to the expectation that high–leverage presidents are more likely to see large–scale policy enacted into law, rather than simply pad their records with smaller, less significant issues or those originated elsewhere, such as Congress, and were likely to pass.[41] I want to see whether presidential leverage influences the proportion of important legislation that was originally suggested by the president, and not simply the result of presidents taking positions on popular items proposed by Congress. Are presidents with high leverage able to use their standing with the public to exploit what Jones calls "leeway?"

Thus, I test whether the proportion of significant laws that originated in the White House is positively related to presidential leverage. As leverage increases, so will the proportion of significant legislation that begins on the president's agenda. While I do have some expectations as to the direction of the relationship (discussed below), my purpose is more modest, to further explore the seemingly counterintuitive finding in Ponder.[42] In the next section, I describe the variables used to test these hypotheses.

Data and Methods

In this section, I specify in some detail the elements of the model that will be tested against competing explanations for presidential creation of significant public policy.

Dependent Variable

The variable to be explained is measured as the *proportion* of "important" legislation identified by Mayhew that was put forth by presidents.[43] For example, I do not count the increase in the minimum wage during Carter's

administration as a presidential proposal, even though he supported its passage, because it was a pet project of congressional Democrats, and Carter fell in line behind it. He afforded it important presidential support to be sure, but it was not a proposal that he developed. In order to determine whether significant policies were proposed by the president, I cross–referenced every important policy identified by Mayhew with the comprehensive list of presidential proposals compiled by Andrew Rudalevige.[44] If the legislation deemed important in Mayhew was also on Rudalevige's list of presidential proposals, I counted it as a presidential victory and included its calculation in the numerator. I then calculate the proportion by dividing the total number of pieces of significant legislation that was presidential in origin by the total number of significant pieces of legislation in a year. I then multiplied that number by 100 to get each president's score. For example, in 1970 Mayhew identified a total of sixteen significant pieces of public policy, eleven of which were presidential in origin. Thus, 11/16 equals .6875. That number is then multiplied by 100 to yield a percentage of 68.75, which is used as the value for that year. This method is repeated for every year of the study.

Independent Variables

INSTITUTIONAL

As I have detailed above, the main variable of interest is presidential leverage, calculated as the ratio of the president's annual approval rating and a summary measure of public trust in government. The larger this difference, the larger the coefficient associated with its measurement. Presidential leverage has a theoretical linkage to both the size of the agenda and the proportion of large, important legislation that is of presidential origin. Since the agenda–setting process is sometimes months if not years in the making, I lag presidential leverage one year and expect a positive relationship with the dependent variable.

Contextual Variables

Though primarily interested in the theoretical and empirical impact, if any, of presidential leverage on agenda activity and success, I am also interested in exploring the larger dynamics of these processes, specifically related to presidential time. In order to do so, I control for political/ contextual and economic indicators.

POLITICAL/CONTEXTUAL

Many theories of presidential activity and power, including many in the chapters of this volume, argue that a president needs to be cognizant of the historical circumstances in which he serves and accurately understand the relationships inherent in the times in which he governs.[45] In addressing these concerns, I construct a set of contextual variables that tap some of the dimensions of the political and contextual landscapes within which the president moves.

First, I employ James Stimson's concept of public *Mood*.[46] The inclusion of this variable highlights the mood of the public for activist or conservative policy change. Ponder found Mood to be a significant predictor of the total size of the presidential agenda.[47] Here I employ mood to assess its influence on passing important legislation.[48] Mood is one measure of time, as the public's tolerance for policy innovation waxes and wanes.[49] I expect Mood to exhibit a positive relationship with Proportion.

Next, I control for the time of a president's term in which he proposes or passes legislation.[50] I include a variable for *New President*. This takes the form of a dummy variable measuring if a president is in his first year of office. Since I employ this simply as a control capturing an intercept shift, I am agnostic as to the direction of its effect. I also include a variable for *New Regime*. While not exactly the same as Skowronek's conception of regimes, this variable takes on a value of 1 for the first two years (up until the first midterm) when a new president comes to office *and* control of the White House changes parties. For example, this variable assumes a value of 1 in 1961 and 1962 since John F. Kennedy was (a) a new president and (b) of a different party than the outgoing Republican, Dwight Eisenhower. However, a president such as George H. W. Bush in 1989 is coded 0 for his entire four–year term because while he was (a) a new president, he was of the *same* party as Ronald Reagan, the exiting president. This simply controls for a change in the political control of the White House, a type of political time. Since presidential parties may have policy ideas pent up from their time in the political wilderness, I expect this variable to be positively associated with Proportion. I expect a positive relationship between New Regime and Proportion.[51]

As the editors noted in chapter 1 of this volume, divided government and polarization are important considerations in presidential politics. Indeed, one of the hallmarks of the macropolitics literature is the inclusion of a measure of partisan control of government. This is so important and pervasive in American politics that I model the effects of

presidential relations with Congress in two ways. First, I control for simple institutional differences by including a dummy variable for Divided Government (1=Divided; 0=Unified). Second, I take into account the finding that a relatively large number of presidential copartisans in Congress is neither a necessary nor sufficient condition for presidential success.[52] Mayhew's work shows that divided government is not a particularly good indicator of the numbers of important legislation and investigations that take place. Since presidents cannot necessarily count on partisan support even when they have a majority (e.g., Jimmy Carter), I employ an alternative measure of presidential "strength," namely, ideological compatibility with Congress. A president who is ideologically compatible with Congress may do better at seeing a greater proportion of the important legislation passed that was proposed in his administration. Therefore, I measure Congressional Compatibility as the absolute value of the president's NOMINATE score from that of the median member of Congress.[53] Given previous research cited above, I am generally agnostic about the direction of the relationship (indeed, if results fit with previous findings, we may well observe no significant result). Nonetheless, given the degree of political contagion that may accompany divided government, or presidents ideologically distant from the median member of Congress, I expect a negative sign on both coefficients.

BUDGETARY CONSTRAINT

Finally, I control for the effect of economic conditions, specifically, the size of the budget deficit or surplus. The reasoning is straightforward: As deficits grow, presidents become more constrained in what they can legitimately propose, especially in the way of major, long–term policy innovations. In times of budget retrenchment, politicians (not just presidents) may adjust their policy strategies accordingly, especially in light of the findings that the public often sees the economy as its most important problem, and the budget is one important way of at least symbolically dealing with economic conditions. Thus, I include a control for *Deficit*, which is simply the size of the budget deficit as a percent of GDP,[54] and expect a negative sign.

I use regression analysis to test two different models, first with *Divided Government* and then with *Congressional Compatibility*. I could not estimate them together because of statistical issues, but I estimate them separately and, as noted below, find them basically equivalent.[55]

FINDINGS AND ANALYSIS

Table 4.1 displays the two models, one estimating the effects of presidential leverage lagged one year, the contextual variables, and institutional contagion with Divided Government, the other with Congressional Compatibility. The results bode well for leverage theory and go some distance toward explaining the puzzle left from previous research.

Results: Presidential Leverage and Significant Policy

The models presented in table 4.1 support the theory of presidential leverage and its impact on the proportion of significant public policy passed in a given year. The substantive results of the models 1a and 1b adduce evidence that lagged leverage has an enormous impact on the proportion of significant legislation that was initiated and developed by the White House. Table 4.1, model A, shows that a one–unit increase in leverage (say from 1.0 to 2.0) raises the proportion of presidential policy by more almost 40 percent. The fact that lagged leverage has an impact makes sense given that presidents often make decisions on the scope and context of their policy agenda and actually present legislation prior to the year in which the legislation becomes law. Thus, while Mayhew reports the year in which the legislation actually passed and became law, cross–referencing his list with Rudalevige's comprehensive list of all presidential proposals takes account of this; presidents often propose legislation in the year prior to them actually becoming law. This is well accounted for by the finding that leverage, lagged one year, exhibits a strong and positive impact on the proportion variable.[56] Leverage has a strong, significant impact on the proportion of significant policy that originates in the White House.

A key part of leverage theory is context, which very definitely includes congressional context. The variables for institutional contagion are inconclusive. As noted, I do not jointly estimate the two in the same model. When both are included, neither is significant, and they exhibit opposite signs. The strongest model is Model A, with the dummy variable representing divided government. However, it is only slightly stronger than the congressional compatibility measure. There seems to be significant evidence to show that institutional contagion does affect the president's ability to increase the proportion of significant legislation that was developed in his White House rather than Congress. It has to await future research to sort this out.[57]

Table 4.1. OLS Analysis of Proportion of Significant Public Policy Originating with the President

Independent Variable	Model A Leverage (Divided Government)	Model B Leverage (Congressional Compatibility)
Constant	60.25 (47.46)	65.64* (49.10)
BUDGET CONSTRAINT		
Budget Deficit as Percent of GDP	4.71*** (1.73)	4.01** (1.84)
PUBLIC MOOD		
Mood	−.70 (.70)	−.76 (.72)
INSTITUTIONAL CONTAGION		
Divided Government	−15.52** (7.56)	−−−−−−−−−−−−
Congressional Compatibility	−−−−−−−−−−−−−	−48.92** (25.95)
PRESIDENTIAL TIME		
New Regime	8.27 (7.19)	10.97* (6.93)
New President	18.96** (9.07)	21.13*** (9.18)
LEVERAGE		
Presidential Leverage (Lagged one year)	39.65*** (15.04)	49.36*** (16.49)
Durbin–Watson	2.18	2.17
Model Fit		
Adjusted R^2	.33	.32
Standard Error of Estimate	20.89	21.07
N	42	42

Cell entries are OLS regression coefficients with standard errors in parentheses. All estimates are one–tailed tests. Dependent variable is proportion of significant public policy that originates in the White House as opposed to Congress.

***Significant at .01 **Significant at .05   *Significant at .10

When the deficit increases as a percent of GDP, presidents get a larger percentage of the significant legislation. Deficits do generally provide a constraint on the size of the agenda. The deficit as percent of GDP actually leads to a higher proportion of presidential proposals making up the entire list of significant legislation. As the deficit becomes a bigger constraint on what government can do, presidents seemingly find in those times opportunities to pass their programs. However, this finding should not imply that deficits produce a greater amount of legislation. In work not reported here, I find the impact of the deficit is negatively related to the proposal of the overall number of specific, high–impact pieces of legislation.[58] Significant legislation does not by itself imply that large appropriations are necessary; but many do have high price tags. Therefore, it is not surprising that deficits appear to work as the system implies; as deficits grow, the presidents respond by proposing slightly less than they might in terms of large, significant legislation, and Congress similarly seems less willing to go out on that limb. Still, the results in table 4.1 show that when deficits are high (measured as percent of GDP), presidents are able to produce a greater proportion of the significant legislation, perhaps as the system turns to them for leadership.

Rounding out the picture and in keeping with evidence that new presidents both propose and are more successful in passing legislation early in their terms, the variable for New Regime is both strong and positive, but only in Model B, lending some support to the hypothesis that party shifts in control of the White House are significant opportunities for presidents to move large, significant policy through the policy arena, at least up until their first midterm. Similarly, new presidents (and new regimes) seize the opportunity to make their mark with lasting, high impact legislation in keeping with well–documented evidence that they are more successful early in their administration.[59] In short, these models adduce strong evidence in favor of the leverage framework. Strongly leveraged presidents are better able to use their place in the American political system to enhance leeway,[60] warrants,[61] and something extra, the ability to get things done that is not referred to directly or openly. Leverage measures that institutional state of affairs that places presidents directly in context of their government. When they are stronger situated, they are seemingly better able to get big things done.

Conclusion

This chapter has built on the insights of scholars who examine the degree of latitude that presidents derive from the public and/or the political system.[62]

Presidential leverage is a concept that explores presidential opportunity that is not necessarily mentioned (i.e., presidents likely do not go looking to increase their "presidential leverage" in the same way that they might look for ways to exploit approval or constitutional prerogatives). But the concept is derived from the idea that presidential approval, measured in isolation from public consideration of competing institutions, is not a sufficient predictor of presidential activity. Presidential leverage unfolds and reveals policy and political possibilities that presidents have based on their particular place in American politics at a given time. One of the hallmarks by which epochs of presidential history are measured is the nature and types of public policy that pass into law and maintain a lasting impact. While big, important, lasting pieces of legislation are often controversial, they can also be conceptualized as big answers to large and/or enduring questions. As such, stronger leveraged presidents might be interpreted as leading so as to try to unite the country. However, such a conclusion must be tempered by the fact that regardless of how one measures institutional contagion, there is a strong and significant party factor at work. In periods of divided government as well as increased ideological distance from the congressional median, presidents do encounter partisan obstacles in loading the agenda with large and significant policy. Still, the impact of presidential leverage indicates that strong presidents can mitigate these obstacles and make lasting and significant contributions to the policy epochs characterizing presidential history. While presidents can and often try to work to unite the country, they may divide it as well, or at least play partisanship.[63] This conclusion is further buttressed by the impacts that a new regime and new presidents make, as with some caveat, these presidents so situated in time also make a lasting impact on the macropolitical regime.

The evidence presented in this chapter supports the theoretical argument that to understand a president's place in the system, one needs to understand how that "place" situates the president in relation to public perception and trust in the government as a whole. When presidents make their mark on American politics, they are emboldened on the front end of the agenda–setting process and more successful at making their impression on American politics with substantively important, lasting policy legacies.

Notes

at various stages of this chapter's preparation. Davin Montgomery and Michael Means provided first–rate research assistance.

1. Harris, *The Survivor*, 178. Clinton refers to the press conference in his memoir, but he does not reference his "relevance" quote. He does point out that he agreed with some parts of the contract, that there were places on which he and the Republicans could compromise, but that he could use the veto if no agreement could be reached. See Clinton, *My Life*, 650.

2. Clinton, *My Life*, 650.

3. A series of opinion polls attest to this conclusion. For example, a Trust in Government Poll taken in November showed 52 percent felt that Republicans were jockeying for political gain, while 57 percent felt Clinton was standing up for what he believed in. There was plenty of negativity to go around, but in December 49 percent felt more negative toward Clinton because of the shutdown, while 62 percent were more negative to congressional Republicans. And a January 7 ABC News/Washington Post poll pegged public blame on the Republicans by nearly 2 to 1 with 50 percent blaming Republicans, 27 percent blaming the President, and 20 percent blaming both. Polls accessed from the Roper Center data base, http://webapps.ropercenter.uconn.edu/ (accessed 29 July 2011).

4. See Neustadt, *Presidential Power;* Howell, *Power without Persuasion*.

5. See Eisinger, *Evolution of Presidential Polling*.

6. Ragsdale, *Vital Statistics on the Presidency*, 250–51.

7. I draw on the measure of trust in government from Keele, *In Whom Do We Trust?* I trace these developments and describe the empirical and quantitative properties of leverage below.

8. Erikson, MacKuen, and Stimson, *The Macro Polity*.

9. Wood, *Myth of Presidential Representation*.

10. Stanley and Niemi, *Vital Statistics on American Politics*, 21, table 1–7; 30, table 1–10.

11. See Neustadt, *Presidential Power*.

12. Norpoth, "Divided Government and Economic Voting."

13. Microsoft Encarta 2002.

14. Adler and Lapinski, *Macropolitics of Congress*; Cooper and Brady, "Toward a Diachronic Analysis of Congress"; Erikson, MacKuen, and Stimson, *The Macro Polity*.

15. Adler and Lapinski, *Macropolitics of Congress*; Cooper and Brady, "Toward a Diachronic Analysis of Congress."

16. Cf. Dahl, *How Democratic Is the American Constitution?* 153–55; Canes–Wrone, "The Influence of Congress and the Courts over the Bureaucracy: An Analysis of Wetlands Policy."

17. See Erikson, MacKuen, and Stimson, *The Macro Polity*; for a recent application to the presidency specifically, see Ponder, "Presidential Leverage and the Presidential Agenda."

18. Much of what follows in this section is derived from Ponder, "Presidential Leverage, Partisanship, and the Politics of Policy Formulation" 4–12.

19. Skowronek, *Politics Presidents Make*, 37.

20. Ibid.

21. Kamarck, "The Evolving American State: The Trust Challenge," 1.

22. Jones, *Presidency in a Separated System*.

23. Hetherington, *Why Trust Matters*.

24. Ibid., especially chapters 5, 6, and 7.

25. Keele, *In Whom Do We Trust?* The survey instruments Keele used included questions about the ability of government to "do the right thing" or whether the respondent felt that government was run by "big interests." Using these instruments, Keele was able to combine several questions, all tapping the same underlying dimension (ibid., chapter 2). It is this measure, aggregated annually, that I employ as the denominator in the ratio of presidential approval to public trust in government.

26. Skowronek, *Politics Presidents Make*, especially chapters 2 and 3.

27. I explore this in considerable detail in a book manuscript I am preparing on the subject of presidential leverage. In that manuscript, I explore the causes and consequences of leverage for variance in agenda setting, administrative or unitary action, macropolicy outcomes, and interinstitutional relationships.

28. Jones, "Reinventing Leeway: The President and Agenda Certification."

29. The algorithm that combines these polls is called an extraction and employs James Stimson's WCALC program to calculate the coefficients. The WCALC software, which Stimson uses to calculate his measure of public mood, is available at his website, http://www.unc.edu/~jstimson/Software.html. I want to thank Professor Stimson for making the software available. See Stimson, *Public Opinion in America*.

30. Keele, *In Whom Do We Trust?*

31. See www.presidency.ucsb.edu (accessed 15 July 2011).

32. Keele, *In Whom Do We Trust?* Since leverage is equal to approval divided by trust, it is not surprising that leverage tracks strongly with each. Given the theoretical justifications, ceritus paribus, leverage increases as trust decreases ($r=-.41$, $p=.006$) and is positively associated with approval ($r=.61$, $p=.002$).

33. This combination of low government trust score and high approval rating was likely due to public dissatisfaction with Kenneth Starr's investigation and public distaste for Starr himself, coupled with skepticism about Republican efforts to impeach Clinton. Additionally, John Zaller shows that the public's perception of Clinton's competence as president trumped their disgust for his relationship with the White House intern Monica Lewinsky (Zaller 1998).

34. Presidential popularity and its functional components have been the subject of a deep, rich, and voluminous literature. I will not attempt here to provide a comprehensive set of citations, but see Kernell (1978); Ostrom and Simon (1985); and Erikson, MacKuen, and Stimson (2002) for attempts to model the dynamic properties of presidential approval.

35. See a somewhat similar treatment of this general idea in James, "Historical Institutionalism, Political Development, and the Presidency," 59–60.

36. Ponder, "Presidential Leverage and the Presidential Agenda."

37. I replicated that analysis and extended the time period from what was reported in Ponder, "Presidential Leverage and the Presidential Agenda." Poisson regression confirms the previous finding of a statistically significant (p=.000) negative relationship between leverage and total number of legislative requests. Results are available from the author.

38. I explain my operationalization choices below.

39. Edwards, *At the Margins*; Bond and Fleisher, *The President in the Legislative Arena*; Peterson, *Legislating Together*; Ponder and Moon, "A Tale of Three Variables: Exploring Alternative Measures of Presidential Approval on Congressional Voting."

40. Mayhew, *Divided We Govern*, data updated at http://pantheon.yale.edu/~dmayhew/, accessed 15 July 2011

41. See Peterson, *Legislating Together*.

42. Ponder, "Presidential Leverage and the Presidential Agenda."

43. Mayhew, *Divided We Govern*, and updated.

44. Rudalevige, *Managing the President's Program*.

45. For instance see Skowronek, *Politics Presidents Make*; Hargrove, *Power of the Modern Presidency*; Hargrove and Nelson, *Presidents, Politics, and Policy*.

46. Stimson, *Public Opinion in America*.

47. Ponder, "Presidential Leverage and the Presidential Agenda."

48. Mood is further useful because scholars such as Keith Krehbiel use it as a proxy for the public's revealed preferences, and it reflects Mayhew's idea of "public purpose. See Krehbiel, *Pivotal Politics*, and Mayhew, *Divided We Govern*.

49. See also Erikson, MacKuen, and Stimson, *The Macro Polity*; "Public Opinion and Congressional Policy: A Macro–Level Perspective."

50. In estimates not reported here, I measured the temporal environment that corresponds to the president's year in office at the time the dependent variable was measured with a simple term counter, numbered consecutively to reflect the president's year in office. A secular trend shows that presidents tend to propose much at the beginning of their terms and decline throughout. In order to assure that any findings were not driven by this trend, I include the measure to control for its effects. In no instance was this variable a significant predictor of significant presidential policy. Results are available from the author.

51. I also included a dummy variable for First Term, which reflects the tendency of presidents to both propose more and enjoy more congressional success in their first terms (Light 1991; Peterson 1990). The theoretical justification for doing so is that presidents are more likely to offer and succeed more in their first term, not accounting for this tendency may bias the results. Thus, the variable assumed a value of 1 if the president is in his first term and 0 for any years served in a second term. However, in none of the estimations was this significant. Since I have other time–varying measures capturing various parts of a president's term and the dynamics of new presidents, I am dealing with a degrees of freedom issue, and inclusion of the variable did not change the substantive results, I excluded it from the analysis. Results are available from the author.

52. For instance, see Jones, *Presidency in a Separated System*; Bond and Fleisher, *President in the Legislative Arena*; Mayhew, *Divided We Govern*; Krehbiel, *Pivotal Politics*.

53. I did wish to create chamber–specific measures, but collinearity diagnostics revealed substantial problems with including those terms together, so I created a summary measure by averaging the median scores of each chamber. Data on presidential NOMINATE scores can be found at Keith Poole's website (www.voteview.com, accessed 26 July 2011) in the legislator files. For an explanation of congressional estimates and their application, see Poole and Rosenthal, *Congress*.

54. My thanks to Matt Eshbaugh–Soha for providing these data.

55. A couple of methodological explanations are in order here. First, I do not estimate the Divided Government and Congressional Compatibility variables together. They are highly correlated (.69), which skews the results. Second, while these are basically time series data, none of the standard problems was detected. As a further check, I added a lagged value of the dependent variable to each of the estimates. At no time did that change the results or perform at anything approaching statistical significance. Finally, constructing the dependent variable sometimes appears to inflate the resulting values of the dependent variable. For example, in 1960 there was a total of two significant pieces of legislation, one of which was presidential in origin, yielding a raw value of .50. As noted, .50 multiplied by 100 gives Eisenhower a score of 50 percent for that year. In 1968, ten pieces were deemed significant, four of which began in the LBJ White House. His score was thus .40, multiplied by 100 for a score of 40 percent. To correct for these discrepancies, I added a control that captured the total number of significant legislation. Again, in none of the estimations did the variable come close to statistical significance or change the substantive results. Thus, I excluded it from the analysis. Results are available from the author.

56. The inclusion of leverage substantially increases the power of the models over and above a baseline estimate not reported here. That model included only the contextual variables. Once leverage was added to the estimates, the adjusted–R^2 increased substantially both models.

57. I am already attempting to do just that. One of the problems with the way the compatibility measure is modeled is that it uses the NOMINATE data, which generally are quite good and very widely used. The biggest problem is that the estimating procedure yields only one score per president. In other words, even if a president is in office for two full terms, he or she has the same NOMINATE score for each of those eight years. In other work, I have used a variant of the procedure suggested by Groseclose, Levitt, and Snyder, "Comparing Interest Group Scores across Time and Chambers," which uses an inflation–adjusted estimator to report congressional ADA scores across time and chambers that are directly comparable. George Krause created a method of using these congressional data, which are available on a yearly basis rather than by congress, and I updated his data through 1996. I am in the process of updating those data through 2007

and beyond, and will employ them in future models. Those estimates should be preferable to either the divided government dummy since by their nature dummy variables yield only minimal information, and the NOMINATE procedure, which is widely used but limited by the one estimate with no variation across years or even congresses, regardless of number of years served in the White House. Those estimates will be reported in Ponder, *Presidential Leverage*, and after that will be made publicly available.

58. Ponder, *Presidential Leverage*.

59. For instance, see Light, *President's Agenda*. I also ran the models using approval and lagged approval. Directional properties of the coefficients (though not magnitude) were substantially the same, though I stayed with the leverage specification since it incorporates more information in the data. Results are available from the author.

60. Jones, "Reinventing Leeway: The President and Agenda Certification."

61. Skowronek, *Politics Presidents Make*.

62. For instance see Skowronek, *Politics Presidents Make*; Jones, "Reinventing Leeway: The President and Agenda Certification."

63. See Wood, *Myth of Presidential Representation*.

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The Base Realignment and Closing Commission

Difficult Choices, Electoral Considerations, and the Future of National Leadership in a Partisan Age

Lilly J. Goren

In 1995, President Bill Clinton faced an opposition Congress, newly elected in the GOP wave of 1994, an economy that was still recovering from the recession in the early 1990s. With his 1996 reelection in mind, Clinton was confronted with the legislative mandate that came out of PL 101–510, which established three rounds of domestic military base closures, slated for 1991, 1993, and 1995, led by the Base Realignment and Closing Commission, commonly known as the BRAC.[1] The 1995 closures would be the fourth round of closures over a period of six years—with the Pentagon looking for cost savings in consolidating some domestic military bases, realigning others, closing down outdated or otherwise less "useful" bases, and generally trying to match the domestic basing structure to the military's strategic and security needs and requirements.

In the decade that preceded the work of the first BRAC in 1989, the Pentagon had advocated for a variety of closings and realignments, but to no avail. No domestic military base had been closed or realigned for

eleven years, from 1978 through 1989. With the creation of the BRAC, Congress and the president established a mechanism to make the decisions about which bases to shut and to also shoulder the blame for those decisions. The Base Realignment and Closing Commission was designed to evaluate and select domestic military bases for closure or realignment; they were to transmit a list of the bases for realignment and closing to the president, who could choose either to support the work of the BRAC and pass the list, as a whole, forward to Congress, or choose not to support the entire package and thus stop, in that action of not supporting the entire package, the round of base closures from moving forward. These were the president's only options, as designed by the legislation creating the BRAC. Congress, if it receives the list of recommendations from the president, can then choose to vote down the list and thus stop the bases from actually being closed by the Department of Defense, or Congress can essentially do nothing and the base-closure recommendations go into effect. In 1995, true to form, President Clinton found a "third way" forward in regard to two specific bases slated for closure on the list recommended by the BRAC.

The BRAC process was created in order to overcome a number of difficulties that had presented some rather serious impediments to domestic base closures in the United States. Toward the end of the 1980s, the end of the Cold War and the general move both on Capitol Hill and in the executive branch to shrink (or curtail the growth of) the defense budget facilitated a trend toward closing military bases. However, because these closures amounted to "dedistributive" policy, they proved difficult politically. There were six distinct components within the political landscape that directly contributed to the inability of the Pentagon to move forward with base closures, because every time the secretary of defense proposed bases for closure, Congress repeatedly denied these requests. These components included a general lack of consensus among decision makers—especially within Congress and between Congress and the executive branch and high levels of partisan conflict within and among the houses of Congress and also between the Congress and the executive branch—classic divided government behavior; the constraints imposed by the large federal deficit that grew during the 1980s and the search for areas that contribute to deficit reduction; and the legacy of the congressional reforms of the 1970s that sought to reaffirm the role of the legislature in decision-making arenas—traditional turf protection behavior that had been reinvigorated following Watergate. The Capitol Hill culture of blame avoidance for decisions that have the potential for adverse

or painful economic or political impacts served as an obstacle to base closures as well. The BRAC was specifically designed to assist Congress in circumventing these behavioral issues; the executive branch was also included in the design because of the institutional role of the president and the secretary of defense in making and implementing decisions with regard to domestic military bases and because the president, especially in a first term, would be subject to much of the same political blame as are members of Congress—perhaps not quite as immediately or locally based, but the president is regularly held responsible for difficult economic situations, and base closures can contribute to such outcomes. Thus, the BRAC is an interesting—and discrete[2]—case study to explore the role of the president in the context of "dedistributive" decisions and in regard to a category of "automatic" processes that circumscribe political interference from interested elected officials.

This chapter addresses how the president interacts with an automatic process, the goals of which he has indicated that he supports: namely, efficiency and effectiveness within the Department of Defense, especially in regard to the way domestic military bases need to support and complement the strategic goals of the United States military and overall national security policy. Within the BRAC process, the president, through his secretary of defense and other political appointees within the Defense Department, has significantly more input in the base-closure decision-making process than do national legislators or elected officials in states and localities. Stephen Skowronek lays out the theoretical tension that exists with regard to presidential action and the sweep of institutional power, which, to a degree, characterizes the president's role in regard to base-closure decision making: "The institutional power of American presidents almost always exceeds their political authority; it is easier for presidents to do things than it is for them to sustain warrants for the actions they take and the changes they instigate. Presidential agency— the efficacy of political action in the presidential office—is primarily a legitimation problem. Incumbents are engaged in a context to control the meaning of actions that are inherently disruptive of the status quo ante."[3]

In exploring the role of four presidents as they interacted with the base-closure committee, as well as examining how these decisions were made and implemented prior to the establishment of the BRAC process, we can explore the tension that Skowronek outlines in action, as Ronald Reagan, George H. W. Bush, Bill Clinton, and George W. Bush all contended with the way in which their institutional power had been circumscribed by this quasiapolitical process. We can also contrast the ways

in which these presidents acted in response to the BRAC, a process that defined the president's role as more statesmanlike but that, in the case of Bill Clinton in 1995, proved far more political in execution.

The particular role of the president, as designed by the BRAC process, is one of national leader; the president, as commander in chief, is to be able to stand "apart" from the push and pull of local politics and argue that the national interest and the safety and security of the United States depend on a rational and efficient basing structure. As strategic demands change, the president can ague, military bases will need to be closed, realigned, and consolidated. Presidents are also insulated from direct blame by the process itself. The BRAC process essentially moved the president back into the role he had previously inhabited in this particular issue area. At the same time, though, the BRAC process provided Congress with a means to establish institutional powers that somewhat rival the president's powers by making the institutional role of Congress in the decision-making process more coherent. Much of the political science literature on the BRAC has focused, in large measure, on the role of Congress and how the creation and the implementation of the BRAC solved entrenched congressional difficulties around dedistributive decision making.[4] Most of the interest in the BRAC as a decision-making instrument has been from the perspective of understanding legislative behavior. Much of this research has paid only brief attention to the role of the executive branch in regard to the BRAC process because the president's position (and the secretary of defense's position) in the BRAC process, interestingly, was fairly consistent with the role of the president (and secretary of defense) prior to the establishment of the BRAC. Namely, determinations about base closures have been understood as an institutional responsibility of the president, delegated to the secretary of defense, who will derive his information from the uniformed services' expert opinions and strategic analyses.

Originally, the initial decisions with regard to which bases to close or realign were made by the Department of Defense, under the direction of the secretary of defense and in consultation with the national security advisor and National Security Council, and the president signed off on those decisions and was responsible for those decisions given his position as commander in chief. In this capacity, the role of the president in regard to military base decisions was interpreted by presidents (and their secretaries of defense) as institutional, derived from the strategic demands and needs of the U.S. military. This is not to say that presidents (and secretaries of defense) eschewed the opportunity to place bases in politi-

cally advantageous places or to target bases for closure where it might impact the political fortunes of their partisan rivals. Rather, the role of the president in this process was based much more on the institutional power of presidency, designating the president's role as a national leader and statesman, not as a partisan (or locally inclined) political actor. This role is in keeping with James MacGregor Burns' contention that presidents "must exert leadership on behalf of the whole nation."[5]

Some Background Information about
Domestic Military Bases

For much of the history of the United States, the driving force behind decisions to open, close, or realign a military base was the analysis made by the secretary of war, subsequently the secretary of defense, in regard to the U.S. military posture. Military bases, in the more modern period (Cold War and post-Cold War periods), are also not seen as "piecemeal" items, or at least much less so than during previous periods; bases contribute, all together, to the successful capacity of the United States Armed Forces. As the Department of Defense has also become more amalgamated, it has become obligatory that the domestic bases take on more integrated roles and missions—often serving more than one service. This amalgamated and strategic analysis took into account, generally, who or what we were fighting against (Germany, the Soviet Union, Vietnam, Iraq, etc.), what areas within the United States needed to be defended (from Native Americans, from Communists in Central America, from attacks across the Atlantic or Pacific, etc.), and geographic considerations (viable ports, access to the former Soviet Union, etc.). The secretary of defense would advocate to the president for military base decisions, often in consultation with the senior or ranking members of the House and Senate Armed Services committees and with the leadership of each chamber.

Thus, the process, which has always been parochial in that members of Congress want to funnel Defense Department dollars to their states and districts, had been a responsibility of the executive branch but with some congressional input during the early Cold War period. Once Congress became fully integrated into the process, the responsibility for these decisions became more diffuse, and the executive branch became yet one more elected representative in a chorus of elected representatives protesting the closure of military bases, while the president and the secretary of defense were simultaneously also advocating for the strategic need to

close and realign military bases. The complicating issue is the one that
only the president faces, in his dual position as both commander in chief
(and thus responsive to the requests of the military and the strategic con-
cerns of the Pentagon) and as the only nationally elected representative
in the United States. This position is further complicated by the manner
in which the president is elected, through the state-based Electoral Col-
lege system. Because of this, presidents, when running for reelection, pay
attention to what is going on in a particular state—especially swing states
that may have sizeable electoral vote counts. As a result, the base-closure
situation, with the BRAC, becomes the same sort of "political football" for
a president as it is for a senator or representative. This dynamic creates
a potentially contradictory position for the executive branch—highlight-
ing the simultaneous role of national leader and of a partisan politician
running for reelection. Members of Congress are put in the same con-
tradictory position, but it is expected that they will operate in a more
parochial and localistic way—especially when it comes to keeping jobs
in their districts or states.

The BRAC was the solution to a classic example of "dedistributive"
decision making and policy making. The simple task of closing a base is
dedistributive because it will lead to job loss and at least some economic
hardship for the community. Instead of allocating or *distributing* federal
dollars, closing or realigning domestic military bases removes federal
funds and jobs from states and communities. Congress scholar James
M. Lindsey explains the inherent difficulty in congressional base-closure
decision making over the past two decades, noting that all members of
Congress, regardless of partisan affiliation, political leanings, or ideol-
ogy, have contributed to stymieing the process: "Military bases constitute
one area of the defense budget where the parochial imperative clearly
motivates Congressional behavior . . . [M]embers of Congress, be they
Democrats or Republicans, hawks or doves, junior or veteran legislators,
fight for military installations in their districts and states . . . [having]
effectively suppressed the ability of the executive branch to close military
bases, regardless of military necessity or efficiency."[6]

Dedistributive is the opposite of what most members of Congress
like to do for their districts or states, which is to allocate and distribute
federal dollars and jobs to constituents, states, and regions.[7] Dedistribu-
tive policy is also *not* the kind of policy that Congress likes to take a
lead in making, especially in the context of a highly partisan atmosphere,
an unsteady and recession-racked economy, highly critical omnipresent
media, and unrelenting interest group pressure[8]—all of which charac-

terized the period when the Pentagon was requesting the closure and realignment of obsolete and unnecessary military bases.

In the late 1980s (especially) and into the early 1990s, Congress and President Reagan (and then George H. W. Bush) overcame party differences in order to agree that there was a distinct need and opportunity to eliminate excessive military bases. This would allow the Department of Defense to save money, to streamline the base structure, and to eliminate waste or excess. The three rounds of base closures in the 1990s were all produced from a single piece of legislation, which would help to capitalize on the end of the Cold War and what was considered to be the "peace dividend" of paring back the defense budget based on new strategic emphases. While this collaborative approach existed between the two branches as an appropriate goal, the individual lawmakers operated more or less as they always did, not particularly interested in having to actually vote for a base closure in their own state or district.

The military base issue has been an avenue for Congress to contribute to defense policy. There are few other defense-related policy areas where Congress, as a body, and the particular individual members can have as great an impact. The BRAC process allows the Congress as an institution and individual members of Congress to exercise power, flex their muscles, and display a certain amount of institutional strength without incurring heavy political fallout.[9] The president did not necessarily lose institutional power when the BRAC was established. The power shifted in a sense, since the BRAC would make the decisions about the entire list of bases for closure or realignment, but the original analysis and the initial list would still come from the Pentagon, and thus the bulk of the process would remain institutionally within the executive branch. Congress, in the new process, was provided with three types of political "coverage": being able to individually declare that it voted against the BRAC proposals (if a base in its state or district was slated for closure); being able to claim deficit-reducing/budget efficiency actions because the list passed, and unnecessary or excess bases were closed and thus saved federal dollars; and finally, the Congress was a co-equal participant in what was once solely the purview of the executive branch.

The Evolution of a Process

Congress chose to become more involved in the base-closure decision-making process during the post-Vietnam period. Prior to that, during

the periods of military contractions (following World War I and World War II), Congress had been much less directly involved at the microlevel of decision making in this policy area and had deferred to the president and the leadership in the Defense Department (or Department of War as it was known until about 1949).[10] As American responsibilities increased during the Cold War, especially as involvement in Southeast Asia intensified, there was a "strong policy consensus within the United States that Communism needed to be contained, and that the military had to be prepared for that mission."[11] Within this context, President John Kennedy's secretary of defense, Robert McNamara, "compiled extensive lists of closures and did not feel particularly threatened by objections from Capitol Hill."[12] This policy process would continue to evolve during the Cold War, clearly establishing "the role of the Pentagon and the executive as *the* locus for making military policy decisions and choices."[13] Thus, the president's role in this area was one that included, for a time, institutional power matched with policy and political authority.

During the Johnson administration, Congress made a slightly more coordinated effort to become involved in base-closure decision making by requiring—through the Department of Defense budget approval process—that the Pentagon publically announce which base/s it planned to close at least thirty days before closure. President Lyndon Johnson vetoed this effort, explaining that it violated the "separation of powers between the legislative and executive branches of government."[14] The second half of the 1960s saw a significant increase by the U.S. military in Southeast Asia, specifically in Vietnam and, later, in Cambodia. Much of the change during this time was with regard to either expansions or realignments, thus not drawing all that much congressional attention to the process.[15] As American military action in Vietnam began to decrease, there were also a number of other events that contributed to a decline in the president's political power to autonomously continue to make base-closure decisions; these events included "the breakdown of the Cold War foreign policy consensus, the general frustration with regard to U.S. involvement in Vietnam, the deterioration of the Pentagon's reputation and subsequent loss of trust therein, a similar loss of trust and reputation in respect to the president, partisan-divided government with a Republican president [Nixon, Ford] and a Democratic Congress, and the commensurate resurgence of congressional power and attempts at broad policymaking."[16] All of these components would join together to essentially prevent the president and the secretary of defense, by the mid-1970s, from being able to move forward with domestic base closures. In 1973, Secretary of

Defense Elliot Richardson proposed closing or realigning 274 military bases. The response from Congress was an "unusually great uproar."[17] There were a number of factors for this concerted response—some more anecdotal than verifiable—but the suggestions are that powerful members of Congress would be losing bases in their states or districts and that the Nixon administration had targeted some of their "enemies" in making the list, closing bases as political punishment.[18] By 1976, Congress was really "ready to rumble" with the executive branch over base closings, so when the Department of Defense proposed 147 bases for closure or realignment, then majority leader of the House Tip O'Neill introduced an amendment to the fiscal 1977 military construction bill (HR12384) that required the secretary of defense to include a variety of justifications, including the "estimated fiscal, economic, environmental, and operational effects" of any significant closure or realignment.[19] A version of this proposal was eventually passed.

Congress also started to require that the military comply with the National Environmental Policy Act. Most NEPA studies of any particular base that might be selected for closure would likely take at least a year, allowing members to rally to the defense of any bases that were slated for closure and allowing them substantial time to organize local support for keeping the base open while also providing sufficient time for members to coordinate efforts within the House and the Senate to block these bases from being closed. By instituting these various requirements in regard to base closures themselves, "Congress established a clear means of overseeing the selection of bases for closure from at least three different perspectives: by instituting DOD compliance with NEPA, by requiring DOD to submit written notification to Congress when a base becomes a candidate for closure, and by requiring DOD to submit written justifications for such decisions."[20] In this regard, Congress, while always having this institutional power according to the Constitution, no longer deferred to the executive branch in an area where he had, until recently, both institutional power and political authority—and thus Congress entered into the role of "micromanaging the Department of Defense during the late 1970s and into the 1980s."[21] Political scientists Thomas Cronin and Michael Genovese note the difficulties that Presidents Ford and Carter had during the 1970s because of the national mood in regard to the most immediate past, explaining that "[i]n the aftermath of Vietnam and Watergate, the public turned against the government and presidential power, and we questioned everything a president did. Thus Presidents Ford and Carter were restricted in their opportunities to exercise power."[22] The

constraint had been put on the exercise of political power—and both President Ford and President Carter had been complicit in the constraints by signing the defense budget authorizations that included these various new requirements. It would take the coordinated efforts by the Defense Department, a number of members of Congress, various members of the Reagan administration, and a rising budget deficit to finally change this policy dynamic—a decade later.

The Military Buildup and Subsequent Peace Dividend

The United States military, initially going through a bit of a contraction during the mid-1970s, saw increases in its budget requests in the late 1970s, first under the Carter administration and subsequently, and more dramatically, during the first Reagan administration. Since the Congress had established itself as a real "partner" in military base decisions, and because Congress was also being called upon to approve these sizeable increases in the defense budgets, it became politically untenable for the Reagan administration to push for military base closures. As I have not-ed elsewhere, congressional Democrats, particularly in the House, would only agree to vote for extensive defense budgets if they could share in the wealth, as it were. This meant that they wanted to keep their bases open."[23] The Defense Department, during this period of expansion, was also geographically and politically generous. Defense dollars were distributed throughout the country as the strategic imperatives had changed from the 1960s and 1970s with the advent of ICBMs and SLBMs. This policy had two central objectives: to build up military establishments where, previously, there had been fewer (in the Southwest, in California, etc.) and to take advantage of better weather conditions for more consistent training and equipment upkeep. Thus, under President Ronald Reagan, classic log-rolling behavior was the norm in terms of decision making around military policy: executive branch requests for congressional support for increased Department of Defense budgets come with congressional requests for local attention, being able to bring federal dollars in some capacity to a district or state.

Reagan's second secretary of defense, Frank Carlucci, took office in 1987 after much of this expansion and at a point when the federal deficit was climbing and when there was a push for at least some contraction within the Defense Department. The goal was to shrink the U.S. defense budget from approximately $290 billion to roughly $240 to 250 billion.

Thus, he turned to one of the places where a secretary of defense can always find some savings: closing redundant, unnecessary, or excessive military bases. Having been in the Department of Defense for part of the Reagan administration already and also working as a political appointee at the CIA in the 1980s, Carlucci knew that he could not just take a list of bases to be closed to Congress and expect that Congress, led by the opposition party, would happily accept these proposals. Carlucci did spend a lot of time advocating to Congress that they probably should find a way to make these decisions, and he got some assistance from some partisan allies in the House, most prominently from then-Representative Dick Armey.

The initial 1988 commission was successful in completing its task because it included a number of key characteristics, including conducting the process behind "closed doors," being a "one-shot deal," having the capacity to enforce consensus on both branches of government and both partisan sides, being a nonpartisan commission itself, and providing some kind of "scapegoat" for this particular issue area. It was particularly dominated by the means of overcoming two of the original political problems: lack of consensus and blame avoidance. The BRAC legislation addressed all six of the main problems that had arisen around base-closure decision making: blame avoidance behavior, partisanship, deficit politics, lack of consensus, divided government, and turf or institutional protection. Blame avoidance and enforced consensus stood out as the main legacies of the commission, however, and the new legislation sought to replicate those features in subsequent rounds of base-closure decision making. Between 1988 and 1995, the various incarnations of the Base Realignment and Closing Commission selected a total of approximately 534 domestic military bases for closure and/or realignment.[24] While the bulk of this figure is made up of smaller closures and realignments, each round of selections and recommendations did strike at major installations, with nearly one hundred major bases being slated for closure or significant downsizing through this process.[25]

The BRAC Works!

Each round of closures also saw a greater reduction in the domestic base structure itself (the entire size and number of domestic military bases), with a total reduction over seven years of nearly 20 percent of the entire domestic base structure. The estimate of actual dollars saved by the closures can only be calculated over a period of time, since each round of

closures also demands an initial one-time expenditure to actually pay for what is necessary to close down the bases selected.[26] But in total, according to estimates, in 1998, the "cumulative savings of the four [BRAC] rounds completely offset the cumulative costs to date."[27] Through 2001, base-closure savings reached $14 billion total, with annual savings of $5.6 billion in 2002 and each subsequent year thereafter.[28]

Given these significant cuts in the domestic base structure, the BRAC was seen by most elected representatives as having successfully executed a tough, dedistributive decision-making process. It did so in a manner that spared most members of Congress and the president from being blamed for the hardship visited upon their constituents as a result of these cuts. Essentially, the BRAC did what it was intended to do—make decisions and spare elected representatives from being blamed for those decisions. Congress had long faced a number of difficulties in terms of making these dedistributive decisions and had sought a solution that would provide some political protection for members while not ceding the job to the president. The president was also not necessarily interested in shouldering all the blame for the closures. Congress confronted a host of political problems when trying to compel itself to make these decisions and determined that in order to change their behavior and actually make some decisions on base closures and realignments, an effective decision-making process would have to incorporate some broad political solutions to ongoing problems. To solve the perennial blame-avoidance behavior issue, the BRAC insulated congressional members and the president from being blamed for the outcomes. In an effort to compel efficiency in the federal budget, the BRAC composed a list of bases to be closed or realigned that could only be acted upon as a unit, and Congress and the president were proscribed from changing the list. There were no amendments allowed on the legislation as it moved through both houses of Congress, thus overcoming problems usually associated with divided government. Because the BRAC, once established, worked for a number of rounds in a kind of "automatic pilot" fashion, it was able to circumvent battles over protecting "turf": both political and institutional. The BRAC provided a path toward consensus where there had been none previously and circumvented a highly partisan atmosphere through omnibus legislation.

The presidents under whom the legislation was passed or amended (Reagan, G. H. W. Bush, and G. W. Bush—amended) all signed the legislation and did not indicate objections to the construction of the BRAC as the means to make recommendations for base closures. If Congress and the president consent to the list recommended by the BRAC, the closure

process commences. This automatic implementation then takes over and cleans up the land and moves forward with the closing or realigning of the individual base structure. Once members of Congress and the president saw the successful execution of the BRAC process in 1988, there was almost no turning back. In classic path-dependent behavior, they were essentially locked into the successful process they had invented. Presidents were not necessarily interested in taking the lead in this dedistributive issue area once the process that obscured blame proved to be successful. There has been no turning back, since base-closure decision making has only been discussed and pursued, subsequently, in context of the re-creation and implementation of more versions of the BRAC (or, most recently, the newly titled "Efficient Facilities Initiative" that was part of the Defense Department's 2002 fiscal year request and subsequently passed by Congress).[29]

In 1990, Secretary of Defense Dick Cheney, under President George H. W. Bush, made an attempt to bring forward base closures in the "regular" course of the military budget, but Congress was not particularly interested in making these dedistributive decisions the "old way" and immediately defeated that attempt by the executive branch to select and close military bases on its own.[30] Instead, Congress moved forward with new BRAC legislation that would essentially make a minor institution of the commission by setting in motion three rounds of closure decisions and establishing a mechanism within the legislation for future rounds through requests for reauthorization from the secretary of defense. Thus Secretary of Defense Donald Rumsfeld, in 2001, requested that Congress authorize another round of base closures under the 1990 legislation (PL 510–101). Congress consented and authorized a round of closures for 2005. Congress also amended parts of the legislation based on what had happened in the 1995 round of closures.

The commission did not end up seeing itself as the most appropriate institutional mechanism for making base-closure decisions. The BRAC itself, in commenting on the process, thought that the Defense Department should be autonomously in charge of these decisions, noting that the Department of Defense is "best suited to execute the nation's base management responsibilities, including the acquiring and disposing of real estate, and realigning and rearranging the base structure."[31] This is because the Defense Department is more able than the BRAC to "preserve the linkages among strategy, force structure, and base structure." This is a call for coherence in defense policy and leadership by the executive branch; the BRAC did not quite think itself to be the most capable entity in this regard. Some members of Congress were in agreement with the

commission on this point—as were a number of secretaries of defense. The BRAC had a somewhat more difficult time working with the Defense Department in 2005, after the list of bases had been submitted by Secretary of Defense Rumsfeld. Since the 2005 round was more or less a "stand alone" round, the BRAC had to start "from zero" in moving forward with its evaluations. The window of time during which those evaluations would take place was more condensed than it had been in previous rounds (approximately four months), and the list of bases was greater than it had been in previous rounds. This was combined with some "footdragging" on the part of the Defense Department in providing the BRAC with all the necessary evaluative and analytical information that it had used to determine which bases to close or realign. Members of Congress, also quite interested in the process, actually needed to subpoena the information from the Pentagon.[32] The next round of decision making, expected between 2013 and 2015, will be made via the BRAC process, since the presidents who have worked with the BRAC have not been all that interested in battling with Congress over this process, accepting the BRAC as the way in which these decisions are now going to be made.[33]

Over the years there has certainly been room for various improvements in the BRAC's decision-making processes and in its institutional images. Subsequent BRAC legislation responded to some of the complaints that had been made about the early legislation and function of the BRAC in an effort to help to smooth out the system. BRAC preparation time was extended, public hearings and travel to installations were mandated, the number of military staff detailed to the commission was decreased, and civilian staff increased, GAO audits were integrated, and many other rough edges were sanded down. The Base Realignment and Closing Commission did precisely what it was supposed to do: it managed to get Congress to vote to close a number of major domestic military bases, and it compelled the executive branch to follow through on those recommendations. In this regard, Representative Armey's creation worked rather well. The BRAC was supposed to "jump start" the base-closure process that had lain dormant for approximately eleven years. The BRAC had functioned, even with complaints, in many of the ways that it was designed to function. Members who faced base closures in their states or districts had a "place to hide." They were able to "fight the good fight" and not worry that constituents would *blame* them if jobs disappeared because of closures.[34] Most of those who had to fight on behalf of their districts or states could also be assured, as with other omnibus legislation, that Congress would overwhelmingly pass the BRAC recommendations. The

president and the Department of Defense could be assured that at least some of the bases proposed for closure would ultimately be closed and that they might be able to impose some rationalization on the domestic military base structure. And thus the consensus on base closure was sustained in context of the BRAC construct.

The Influence of Domestic Politics on the BRAC Process

This consensus on base closures—at least the process—was undermined by President Bill Clinton when the final recommendations arrived in the Oval Office in 1995. There were some bases on the list for closure that had not been on the list that the secretary of defense had presented to the BRAC in this particular round of closures. In response, President Clinton presented overt and vocal critiques of the BRAC recommendations. But, like members of Congress and previous presidents, he was not inclined to completely scuttle the base-closure process and withhold consent for the commission's recommendation. Instead, faced with the 1995 BRAC recommendations to close "two maintenance depots: McClellan Air Logistics Center near Sacramento, CA, and Kelly Air Logistics Center in San Antonio, TX," Clinton "proposed having private contractors take over maintenance work at the sites."[35] The problem was that the BRAC had not "[recommended] or [authorized] 'privatization-in-place' at Kelly or McClellan."[36] Thus, in this case, Clinton circumvented the direct recommendations of the BRAC in his capacity as commander in chief, but he did it because Texas and California were electorally important in his strategy to win reelection in 1996. Following this action, Congress, at this point with a Republican majority, particularly in the House, refused to even pass BRAC-authorizing legislation until after the 2000 election. "Republicans charged that Clinton could not be trusted to respect the apolitical nature of the process."[37] Clinton's secretary of defense, in his second term, former senator and Republican from Maine, William Cohen, repeatedly requested BRAC authorization from Congress, but after 1995, Congress refused. Between the overtly political appointment of Alan Dixon as chair of the 1995 BRAC and the subsequent response to the list of closures with the "privatization in place" in Texas and California, Clinton's actions in regard to at least the 1995 BRAC can be seen as political and keenly partisan, connected directly to his pursuit of reelection.

These actions, especially the privatization in place in Texas and California, can be directly connected to the president as party leader or

political leader, undermining his position as national leader. Of course, military-base closures have always been characterized as this double-edged sword: elected representatives are always looking for ways to curb spending and eliminate government waste, but not when it directly impacts their constituents. And because of the federal nature of the Electoral College, highlighting the importance of certain states over other states, increasing the unemployment rates and jobs dislocation of a sizeable group of citizens in California (and, to a lesser degree, Texas) was a bridge too far for Clinton to cross as a national leader in 1995, leading in to the reelection campaign in 1996.

As I have observed in an earlier work, "[b]y 1995 the Commission itself was even a bit more political, with former Illinois senator Alan Dixon at the helm."[38] While the BRAC had been led—in the past—by former members of Congress, especially former senators, "none of them had the same history as Mr. Dixon with regard to the Commission's operations and decisions. Mr. Dixon had been one of the loudest critics of the 1988 commission and its decisions, and he had attempted to hold up the implementation of those decisions through the appropriations process."[39] Dixon's appointment by Clinton, given Dixon's outspoken opposition to the 1988 BRAC and some of his attempts to undermine the commission's capacity to execute its legislated mission, undercut the nonpolitical quality of the BRAC. Dixon was famous for his highly political interactions with the BRAC—both the decision-making process and the implementation of those decisions. "Well known to be an adamant opponent of the process when his state lost bases, and later a spiteful supporter of the process when others suffered a fate similar to his own, Dixon would not be an unbiased or non-political member of this body. Not only had the decision-making process become more laden with politics and interest group pressures, but the Commission now had at its helm an avowed critic of the BRAC itself."[40] Representative Armey, no shrinking political or partisan "violet," criticized Dixon in 1988 for Dixon's opposition to the BRAC, noting that it was likely the senator's opposition was based in the probability that Illinois would lose Ft. Sheridan in the round of closures. Dixon, along with a number of other elected representatives, wanted the BRAC to also consider foreign bases as it went through and selected bases for closure and realignment. Armey, in turn, responded to Dixon's advocacy, noting: "If the Senator is serious about reviewing the foreign base structure, then he should formulate a piece of legislation . . . But that's not what the Senator is interested in. He is being a

good politician and laying the groundwork for arguing against closing domestic bases."[41]

In 1995, Senators Daniel Patrick Moynihan (D-NY) and Alfonse M. D'Amato (R-NY) held up the appointment of the rest of the commissioners for the BRAC in an effort to protest the previous base closures in New York State.[42] "This particular delay by the two senators from New York was also similar to the original attempts, in 1988, by legislators (including Senator Dixon) to delay or undermine the process by trying to deny the appropriations necessary to close down the bases selected by the BRAC."[43] As the base-closure decision-making process became more institutionalized and familiar to both sides of Pennsylvania Avenue, the process became more subject to politics and traditional attempts to delay or even bring the entire process to a halt.[44]

At the point at which the 1995 commission was evaluating bases for closure, the process had become fairly familiar to those who were interested in it. The means to try to "influence the outcomes" had been identified by elected representatives, members of the executive branch, communities that sought to keep their bases open, and, it should be noted, members of the military as well. "Thus, the BRAC could no longer be seen as a system where politics had been exorcised from the process because the players were unfamiliar with the terrain. The terrain was, at this point, rather familiar to all who wanted to "tread upon it."[45] Members of Congress and the president had taken their own creation—of which they were initially quite enamored—and reintroduced politics and strategic partisan behavior into the process. Granted, not all members of Congress had operated as Moynihan, D'Amato, and Dixon (while he was in office), and Clinton's response to the 1995 commission was certainly more of a magnitude of difference than his response in 1993. In 1995 Clinton, in many ways, acted as if he were the third senator from California, moving from his institutional role as a nationally elected representative to a position with much more in common with the two other senators from and the governor of California. He vocally expressed his concern about job loss and economic weakness in California and Texas. In July 1996, Clinton made his fourth trip to Sacramento as president, noting in his remarks to the community that he enjoyed working with the mayor "on developing a new plan for the future of McClellan and for dealing with a lot of your other defense and base-closing issues in this community."[46] Clinton even made a stop, that same day, at the McClellan Air Force Base Local Redevelopment Authority where he briefly spoke about efforts to retrain local workers and keep parts of the base functioning, without cooperation from Congress.[47]

California, during the military buildup in the 1980s, had become home to substantial infusions of defense dollars—either directly, through the military bases themselves, or indirectly, through companies that were making hardware for the military. Thus, when the defense budget started to contract, California was particularly hard hit. The California economy was still fairly weak going into the 1996 election season, and Clinton, while president of the entire country, paid particular attention to California, given the large cache of electoral votes, and the overall weakness of the economic and employment numbers in that state. By highlighting his connection to California, and his willingness to undermine the BRAC decision process by privatizing in place the two depots that had been moved on to the list by the commission, Clinton also drew political attention to his actions—to some degree characterizing himself much more like members of Congress favoring particular localized interests, and therefore much less as a national leader. In this case, as well, Clinton moved from the position that the BRAC process had reestablished for the president, which was the context in which the secretary of defense and the Pentagon compile, over the course of a two-year study, a list of bases to be closed or realigned based on the strategic and national security outlines as established by the sitting president and his national security team. Under the BRAC process, this list is then transmitted to the commission for analysis and consideration. The commission has latitude to change the list, as they have done a number of times, but essentially the list is coming from the executive branch under directives from the presidentially appointed officials in the Defense Department. Clinton's actions in 1995, initially following the path of presidential authority in the military decision-making context, moved to following a path that many legislators had pursued, in terms of critiquing the BRAC process and conclusions and then as president, with the capacity to direct the Pentagon, to instruct the Defense Department to more or less negate decisions made by the BRAC process in regard to Texas and California Depots. Clinton went to San Antonio in October 1995 and gave a speech at Kelly Air Force Base, explaining what would happen both there and in Sacramento at McClellan:

> We call this plan Privatization in Place. It means that for 5 more years, Kelly will keep the jobs that would be here if closure had not been recommended, and even 8 years from now, more than two-thirds of Kelly's jobs will still be here, working for the Department of Defense. But at the same time, we'll create even more jobs. We've seen this work already in other places. For example, at the Sacramento Army Depot

in California, private investment there has actually produced thousands of more jobs than the base had at the time it was closed. If you look at this incredible resource here, we can do that and more.[48]

Clinton explained in the speeches in both Texas and California that this plan would protect many of the jobs already in place and would likely expand the number of jobs. Every modern president knows that domestic defense dollars usually mean jobs[49]—though it is rare that this is stated as clearly and directly as Clinton did in 1995 and 1996 in regard to these two bases and the plans to work around the BRAC closure recommendations for Kelly and McClellan.

The original BRAC was not to allow the economic concerns of a community or state excessively to influence their decisions. With each successive BRAC round, the economics of the affected area became more of a consideration, and the means were integrated into the decision-making process to make sure that those considerations were evaluated with as little bias as possible. The 2005 commission was also instructed to take into consideration multiple uses of any particular base. This newly established criterion came out of the Defense Department's drive to implement more cross-usage not only of military bases but across the entire armed forces structure. As the process has evolved, the commission can rely on the legitimacy of economic and military evaluations and defend their own decisions and evaluations on those grounds. The commission also relayed this information to elected representatives who were then able to use it to defend themselves and the decisions made by the commission, whatever the outcome for a particular community. This was yet another form of insulation for the decision-making process and for all those involved with the process. The evolving BRAC process became more and more professional over time. Not only did the process itself become more refined through additional evaluation techniques—economic analyses, GAO audits, clearer criteria, and so on—but those operating outside the commission, trying to influence its decisions, also became more professional in the way they went about exercising that influence.[50]

Summary and Conclusion

Initially, the Base Realignment and Closing Commission provided a rather elaborate mechanism to get the base-closing process started after its long dormancy. And in a comparison of the two acts that created the BRAC,

it is easy to see the simplicity of the first act compared with the complexity and sophistication of the second act. A number of political dynamics came out of the BRAC creation, particularly the institutionalization of consensus. The consensus was centered on the imperative to close bases. Once this consensus was applied to the process, there was some progress made in terms of closing bases. And the BRAC made that consensus the foundation upon which it operated and made its decisions. This was also tacitly agreed to by both the Congress and the president through the passage of the initial BRAC legislation. Thus, the BRAC can be seen as a kind of "special interest buster," particularly in its first incarnation. Interested parties had always been able to stop or slow the process at its inception—when the bases were being suggested for closure. BRAC changed all that, enabling decisions to be made and implemented. The interested parties were simply left to suffer the consequences.

Suffering those consequences was not something that either elected representatives or concerned citizens were inclined to do, even in the face of this new decision-making process. When the second BRAC was written into legislation, some of the closed avenues, such as public hearings, were reopened to both the public and the elected representatives. Also with the subsequent legislation came a familiarity with a system that had earlier been rather foreign. Concerned parties and interested groups began to move back into a system that was designed to keep them out.

The BRAC successfully insulated base-closure decisions from political pressures for a brief period. But once the system had been in place for a while, the options were clearer to those concerned. And those who hoped to influence the decisions being made by the BRAC pursued such options aggressively. All of this, again, was in the context of enforced consensus. Very shaky unified fronts were created for brief periods of time, only to be disturbed when the list of bases was finally announced and individual members would drop their cooperative efforts to work for the singular benefit of their district or state. The presidents who presided over the process all cooperated with it and signed off on the list of closures recommended by the BRAC, but not all presidents operated in the same manner, nor did their secretaries of defense.

Many lawmakers reverted to their behavior as independent operators, offering up bases in other districts as more worthy of being closed or downsized than the one selected from their district. The president could not quite pursue the same path in an effort to encourage certain bases not be listed by the BRAC, because the president's role in the process was somewhat different than the role of members of Congress. As previously noted, President Clinton, in at least one instance, pursued mechanisms

that circumvented the BRAC's decisions. Presidents before Clinton did not interfere with the process in the way that Clinton did in 1995. The 2005 round of closures transpired during President W. Bush's second term operated much like the 1988–1989 round that transpired during the closing days of the Reagan administration, thus reverting to the old operating procedures. President W. Bush made few comments about the BRAC and left the process to Secretary of Defense Rumsfeld.

Members of Congress also pursued the usual routes of trying to "get what they want" by holding up appointments to the commission and trying to frustrate the appropriations process where and when possible. With these political maneuvers in the House and the Senate came some political maneuvering by the White House, selecting more overtly political and partisan appointees for the commission and offering up less controversial lists from the Defense Department of bases to be closed. In addition, fewer bases were selected for closure in the run up to the election year (1996), and there was an attempt to avoid base closures in states that have some political weight for the presidential election or for the primary season. And, of course, an attempt was made to use the courts to reverse unpopular base-closure decisions.[51]

As the BRAC process became better known, all of its hidden pressure points came to the surface and were tested by interested parties who had adopted new ways of doing business. But there was a force from the other direction that mitigated some of the encroaching politics. This was the evolving professionalization of the entire decision-making process. The second BRAC legislation had gone far to try to make sure that the fundamental operations of the commission were beyond reproach, integrating into the process a variety of oversight mechanisms that helped to make the whole undertaking much more professional. This professionalization of the process also contributed to trying to eliminate bias in decisions made either by the armed services in their recommendations or by the secretary of defense in his final recommendations to the BRAC. As one observer noted:

> I think it is more a very realistic assessment of the obstacles of the past and acknowledgement of the dynamics that members of Congress and the administration were subject to in trying to fashion the system that would neutralize as much of that as possible and create a transparent process that by which not only members of Congress could swallow it, but perhaps more importantly, that the public could swallow it cause they're the ones who are ultimately affected.[52]

Despite the continuing encroachment of some political considerations, the entire process was much more open and thus more acceptable to all concerned.

This is probably the most significant lesson from the BRAC experience or process. The BRAC has much merit in terms of its ability to implement policy decisions where it had not been possible to do so before. It is easy to see why this sort of decision-making mechanism appears attractive to those who would like to try analogous structures for making other politically difficult or dedistributive policy decisions in areas such as deficit reduction or entitlement reform. While the BRAC was not able to remain completely "free of politics," its decision-making process did enjoy acceptable success and effectiveness. In context of the way that both legislative and executive branch elected officials acted, in regard to the BRAC process, it had a leveling affect: they all acted the same way in reaction to the BRAC. In one form or another, members of Congress, senators, governors and the president all "lobbied" for their particularistic interest, most of which revolved around keeping jobs in a particular state or district. By the fourth round of BRAC recommendations, the president's behavior was not substantially different than that of other elected representatives. Some issues will always be more parochial than others, and base closures certainly fall into that category. But even with a national platform on which to stand and articulate the general welfare that will be served by eliminating excesses in the Department of Defense, President Bill Clinton, in 1995, chose to try to have it both ways. He emphasized streamlining the United States military and basing structure while making sure that California and Texas would at least get to keep some jobs that had otherwise been slated for elimination by the BRAC recommendations. In this case, the mechanism by which we elect the president and the mechanisms by which the initial basing decisions were made (during the military build-up of the 1980s) came together to undermine the president's capacity to take on more substantial national leadership in this situation.

Notes

1. The initial BRAC legislation, PL 100–526, established a "one time only" base-closure commission to make decisions in 1989. Congress subsequently passed PL 101–510 in 1990; this legislation mandated three rounds of closures in the early 1990s and allowed for subsequent rounds as requested by the secretary of defense and authorized by Congress. The 2005 round of closures was put

in motion through this process, though parts of the legislation were amended to prevent some of the actions that President Bill Clinton pursued in regard to the privatization in place of two bases that were slated for closure by the BRAC.

2. It is discrete because it has a very confined policy scope: domestic military bases. The BRAC is not to be in the business of determining strategic or military policy, nor is it supposed to be excessively concerned with economic impact or environmental issues. At the same time, the BRAC needs to evaluate those particular issue areas (economic impact, environmental clean-up) in determining the ultimate costs and savings involved with any base closure. The BRAC itself has also noted that the base-closure decision-making process should proceed after the Department of Defense has performed its quadrennial defense review (QDR), not prior to it (as happened in 2005).

3. Skowronek, *Presidential Leadership*, 11.

4. Goren, *Politics of Military Base Closings*; Goren and Lackenbauer 2001, 2003; Mayer 1995; McCubbins, 1999; Twight, 1989.

5. Burns, *Presidential Government: The Crucible of Leadership*, 121.

6. Lindsay, "Congress and the Defense Budget," 180.

7. See Mayhew, *Electoral Connection*; Fenno 1978; Light 1985; Weaver 1987, 1988; Davidson 1992.

8. These very same qualities characterized the political landscape during the summer of 2011 as Congress and the president debated raising the debt ceiling, and the ultimate outcome of that deal included a mechanism to remove Congress from the decision-making process that will occur subsequently.

9. Goren, *Politics of Military Base Closings*, 10.

10. See ibid., chapter 3. See also, Casimir David Hadwiger, *Military Base Closings*. Secretary of Defense Frank Carlucci made a similar point in his testimony in front of the House Armed Services Committee in May and June 1988 in support of the BRAC proposal. See Goren, *Politics of Military Base Closings,* 132, endnote.

11. Goren, 38.

12. Ibid.

13. Goren, *Politics of Military Base Closings*, 39. Hadwiger, *Military Base Closings*. 54. Schilling, Hammond, and Snyder, *Strategy, Politics, and Defense Budgets,* specifically Schilling's section of the book.

14. Charlotte Twight, "Department of Defense Attempts to Close Military Bases," 242. Also Goren, *Politics of Military Base Closings,* 40.

15. Goren, *Politics of Military Base Closings*, 40–41.

16. Ibid., 43.

17. Ibid.

18. Ibid.

19. Ibid., 44.

20. Ibid., 45.

21. Ibid., 46.

22. Cronin and Genovese, *Paradoxes of the American Presidency*, 94.

23. Goren, *Politics of Military Base Closings*, 48.

24. The 1988 BRAC selected 86 bases for closure, 16 of them major installations, and 59 bases for realignment, 11 of them major installations. The 1991 BRAC selected 34 bases for closure, 26 of them major installations, and 48 bases for realignment, 19 of them major installations. The 1993 BRAC selected 130 bases for closure, 28 of them major installations, and 45 bases for realignment, 13 of them major installations. Finally, the 1995 BRAC selected 132 bases total for either closure or realignment. See Defense Base Closure and Realignment Commission, *1995 Report to the President*, Previous Base Closure Rounds, subsection chapter 4.

25. Most bases are quite important to the community in which they are situated, but a major base is substantially more important economically because it potentially contributes to the economy of an entire region or area, not just the particular community in which it resides. The Philadelphia Naval Shipyard is a classic example of a "major base"—employing seven thousand individuals at the time that it was slated for closure, with connections to industries surrounding it in three or four different states (Pennsylvania, Delaware, New York, and New Jersey). A "major military installation" is an installation "which has 5000 or more US service members, US DoD civilian employees, and/or other tenants[.]" http://www.globalsecurity.org/military/facility/intro.htm.

26. The BRAC had been instructed to take this calculation into effect when making its decisions, since the bases that are selected are to reach a point of savings instead of expenditures within a five- or six-year period.

27. Defense Base Closure and Realignment Commission, *1995 Report to the President*, v.

28. Ibid.

29. National Defense Authorization Act for Fiscal Year 2002.

30. See Goren, *Politics of Military Base Closings*, 80–82, for a more detailed discussion of the response by Congress to Cheney's independent request for base closures.

31. Secretary of Defense's Commission on Base Realignment and Closure, *Base Realignments and Closures: Report of the Secretary's Commission*, 32–33.

32. Scully, "Affected Parties Still Awaiting Full Release of BRAC Info.," 10–12. Military and Government Collection, *EBSCOhost* (accessed July 26, 2011).

33. It is likely that the BRAC legislation will again be amended so as to make sure that the Defense Department provides the necessary information in a more timely manner than did the Rumsfeld DoD.

34. "Caught off Base," *National Journal*.

35. See http://www.globalsecurity.org/military/facility/brac.htm (accessed April 14, 2010).

36. See ibid.

37. See ibid.

38. Goren, *Politics of Military Base Closings*, 103.

39. Ibid.

40. Ibid.

41. "Closing Opposed for Bases Abroad," *New York Times.*

42. Goren, *Politics of Military Base Closings*, 103.

43. Ibid.

44. Ibid., 103–04.

45. Ibid., 104.

46. Clinton, "Remarks to the Community in Sacramento, California, July 23, 1996."

47. Clinton, "Remarks to the McClellan Air Force Base Local Redevelopment Authority and an Exchange with Reporters in Sacramento, July 23, 1996."

48. Clinton, "Remarks to the Community at Kelly Air Force Base in San Antonio October 17, 1995."

49. Much has been written about the conscious geographical and political distribution of domestic military dollars during the defense buildup in the late 1970s and into the 1980s. See Lilly Goren (2011) "The Politics of Military Bases," *The Forum* 9, no. 3, article 7; Ann Markusen, Peter Hall, Scott Campbell, Sabina Deitrick, *The Rise of the Gunbelt: The Military Remapping of Industrial America* (New York: Oxford University Press, 1991); David Sorenson, *Shutting Down the Cold War: The Politics of Military Base Closures* (New York: St. Martin's, 1998).

50. Goren, *Politics of Military Base Closings,* 104. See chapter 6 for a much more in-depth discussion of the professionalization of the process around appeals to the BRAC itself.

51. See *Dalton v. Specter*, 511 U.S. 462 (1994), which went all the way to the Supreme Court—only to have the Court tell Congress (or members thereof led by Senator Arlen Specter, who argued the case before the Supreme Court) that it would have nothing to do with the political creation by Congress to solve a political problem.

52. Interview with Robert Bayer, Arlington, Virginia, May 5, 1998.

The Paradoxes of Presidential Leadership in Pursuing Policy Goals

Don't Ask, Don't Tell and the Lifting of the Ban on Gays and Lesbians in the Military

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The president of the United States is the leader of his or her political party, and, at the same time, the head of the nation. These two jobs often come in conflict with each other, and frequently this conflict affects how a president deals with inherited agendas and other changes in policy that the president desires. Bill Clinton and Barack Obama each faced this conflict on the issue of gays in the military. Both Clinton in 1992 and Obama in 2008 campaigned to end a ban on gays and lesbians serving openly in the military and subsequently attempted to fulfill that campaign promise early in their first terms. The results of their efforts, however, turned out to be quite different. The Clinton administration settled on accepting the "Don't Ask, Don't Tell" (DADT) policy as a compromise, but the Obama administration successfully had the ban repealed. This study looks at the paradoxical leadership dilemma that both President Clinton and President

Obama faced with the issue of gays in the military as each attempted to satisfy the wants of his political base, while also trying to lead the nation.

The structure of the presidency in some ways drives this leadership dilemma and the many roles it plays in the American political system. Starting with the presidential nomination system, a presidential candidate must first appeal to his or her political party's base.[1] During the primary and caucus season, candidates often espouse policy positions that are closer to the party's median position and that are designed to please the party base. As the general election gets underway and then, more importantly, once in office, the president may be hard pressed to satisfy these campaign promises as the roles of the presidency dictate that other considerations are taken into account.

For example, the role of chief legislator requires the president to be actively involved in key legislative matters, even though the institution's actual legislative powers are limited.[2] One of the presidency's greatest legislative tools comes from another role the president plays—that of party leader. This tool works best if the president can keep his party unified in support of his position. If the president is unable to keep the party unified in this manner, however, then he is at a particular disadvantage as the policy change hoped for is likely all but lost.

In the role as chief executive, the president serves as the head of the federal bureaucracy. In doing so, however, she must still be careful to take into account the attitude and opinions of this "fourth branch" of government. Scholars have repeatedly found that the bureaucracy exerts tremendous pressure on the policy-making process.[3] Thus, presidents must contend with bureaucratic institutions that may not necessarily support the chief executive when she is attempting to change policy.

In addition to these intragovernmental roles, the president must satisfy Americans' expectations that he will lead the nation as a whole and not just be his party's leader. As the only nationally elected officeholder, the president must also be the national leader. In this role, presidents are acutely aware of national opinion and the sentiment or mood of the nation.[4] Should the president advocate a policy position that runs contrary to the wishes of the majority of the American people, then he does so at the risk of undermining the success of achieving his policy goals and the electoral fortunes of himself and other party members.[5]

Finally, a president also may have personal goals in mind for his or her legacy when attempting to set policy agendas and goals. Presidents are mindful of their legacy and the long-term perception of their administration in history[6] and in many cases set legislative agendas and goals

with that legacy in mind. These personal goals add another layer onto the many roles that a president plays.

The presidency's many and sometimes paradoxical roles of party leader, national leader, chief legislator, chief executive, and a leader who leaves a lasting legacy often result in tremendous friction. The issue of gays in the military demonstrates how this friction can play out in discrete policy issues. President Clinton in 1993 and President Obama in 2010 each sought to exhibit presidential leadership to achieve a policy change ending a ban on gays and lesbians from openly serving in the military. This study examines the context surrounding each president's efforts and why he achieved such diametrically different results. Ultimately, as will be seen, exogenous, or external, factors combined with different approaches for addressing endogenous, or internal, factors provide the best explanation for why the Clinton administration failed to rescind the ban while the Obama administration was able to do so some seventeen years later.

Presidential Leadership and Achieving Policy Change: Examining the Factors of Failure and Success

President as Party Leader in Congress

With the souring economy in 1992, then Arkansas governor Bill Clinton's campaign for the presidency mainly focused on domestic issues, believing that to be the best way to unseat an incumbent president with a successful foreign policy agenda.[7] Clinton was short on foreign policy experience, but he promised to end the military's prohibition of gay and lesbian service members in order to help secure the Democratic nomination and to appear to have some knowledge of military matters.[8] In making this pledge, the Clinton campaign focused on two main objectives. First, Clinton needed to please his liberal base in order to shore up support in the primary elections, in terms of both votes and campaign contributions.[9] This campaign promise would ostensibly put a small but rather vocal constituency group, the gay and lesbian community, firmly in his corner. Second, and just as important, this promise would show the electorate that Clinton was in fact well informed on issues surrounding the military while also fitting into his overall domestic-focused campaign strategy.[10]

Prior to 1993, gay and lesbian interest groups had lobbied on behalf of homosexuals in general for years. They made little progress, however, in allowing homosexuals to serve openly in the military.[11] In 1992, during the

heat of the presidential election, shipmates murdered a homosexual navy petty officer, which prompted a renewed focus on the issue.[12] The Clinton campaign recognized and seized an opportunity to appeal to its liberal base. Clinton was careful, however, to walk the tight rope between being too "liberal" for moderates and independents and not being liberal enough for far left members—and thus potentially losing in the 1992 general election. Instead, Clinton hedged his campaign rhetoric and assured those voters that he did not favor teaching homosexuality in public schools, nor did he intend to force the Boy Scouts to lift its ban on gay scoutmasters, but that he did intend to end the ban on gays and lesbians in the military.[13]

Once Clinton assumed office in early 1993, he quickly attempted to make good on his campaign promise.[14] Perhaps thinking that the change would be an easy first victory for his administration and a signal to the party faithful that he would fulfill his promises, the Clinton administration proposed to issue an executive order to lift the ban.[15] Although Congress has the constitutional power to regulate the army and navy,[16] with the Democrats controlling both the U.S. House of Representatives and the U.S. Senate, the Clinton administration did not think its congressional party members would go against the new Democratic president—especially after his rise to office ended twelve years of Republican domination of the presidency.

However, Clinton's proposition was stopped cold when the powerful Senate Armed Services Committee chairman Sam Nunn (D-GA) opposed the policy change.[17] Senator Nunn and others who were against allowing gays and lesbians to serve openly in the military were successful in including language in the 1994 defense appropriation that banned gays and lesbians from the military.[18] The Clinton administration had been astonished by the push back from within the Democratic Party and began to seek an alternative to an executive order that would still achieve the policy goal of lifting the ban.[19] By this point, however, opponents to the policy led by Senator Nunn smelled weakness.

The Clinton administration recognizing this decided to compromise instead and to save political capital for future policy debates.[20] The compromise struck by the Clinton administration and opponents in the Congress kept the ban on gays and lesbians serving in the military, but it did not allow the military to ask service members or prospective recruits to reveal their sexual orientation—that is, "don't ask."[21] Additionally, members of the armed forces were not allowed to disclose that they were homosexual and could not engage in homosexual activity throughout their tenure in the military—that is, "don't tell."[22]

Fifteen years later, in 2008, Barack Obama also made a similar campaign promise to his base while running for the Democratic nomination for president.[23] He promised to end the DADT policy still in effect since the Clinton administration.[24] Much like Clinton before him, Obama sought to appeal to his party's base—and in particular the gay and lesbian community—by making this campaign promise.[25] Once assuming office, like Clinton before him, Obama enjoyed a unified government and—unlike Clinton—an almost filibuster-proof U.S. Senate.[26]

President Obama, however, decided to pursue a different legislative strategy. The Clinton administration originally decided to use an executive order to lift the ban since it was only a military policy. Congress, however, had codified the DADT policy at the end of 1993 and, therefore, the Obama administration would need to shepherd legislation through Congress before the ban could be lifted. Thus, just nineteen days after being elected, then President-elect Barack Obama announced that he would delay an effort to repeal DADT, which allowed him to line up support.[27] Obama ordered the military to conduct a "comprehensive review" of the policy and to issue a formal report on the policy and the possibility of repealing DADT.[28] This report, finally issued in November 2010, after the midterm elections, offered Congress, and in particular moderates in his own party, political cover in discussing the controversial policy change when members were questioned by their constituents.

The military's comprehensive review conducted several polls and interviews of military personnel, and found that allowing gays and lesbians to serve openly in the military would not have a substantial effect on the overall mission of the military.[29] This pronouncement by the military, along with the change in public opinion since the enactment of DADT, discussed later, gave moderate members of Congress, on both sides of the aisle, the ammunition to refute constituents who opposed the repeal and to argue that lifting the ban would not harm the military. This finding was important to the Obama administration, as well as other party leaders, because they had learned from the 1993 attempt to repeal DADT that many moderate members of Congress were unwilling to support allowing open service by gays and lesbians if their constituents thought it would harm the military. Thus, it would be that much more difficult for those individual members of Congress to be reelected without some kind of reasonable assurance that public opinion had changed and that the military and its mission would not be adversely affected.

In the meantime, the Obama administration worked to prevent lawmakers and the courts from lifting the ban prematurely.[30] This delaying

tactic and the Obama administration's efforts to work with the military and Congress to lift the ban brought much criticism on the Obama administration from activists who felt that they were not working fast enough to repeal DADT.[31] In December 2010, however, Congress, including a number of Republicans, passed and Obama signed a bill that ended DADT and allowed gays and lesbians to serve openly in the military.[32]

Though not with clear sailing, the Obama administration was eventually able to secure the repeal of DADT and a lifting of the ban on gays and lesbians serving openly in the military. The approach that the Obama administration took in dealing with Congress was vastly different from the Clinton administration's efforts seventeen years earlier. Obama sought to work with and build up support in Congress, in particular among members of his own party, and to build a case supporting the policy change. Clinton, on the other hand, seemed to have assumed his party's support on the issue, particularly in light of the context of a unified Democratic government for the first time since the Carter Administration. He instead pushed for the policy change without shoring up support within Congress. What is more, he neglected to effectively engagea highly visible, respected, and knowledgeable senior member of his party.

One can see the contrasting leadership styles by both Clinton and Obama in trying to shepherd this controversial issue through Congress, and in particular, to keep their party's members in Congress in line with and in support of the president's position. Obama's approach to leadership in Congress on the issue of gays in the military was one of consensus building, while Clinton tended to blaze a path that others, he believed, would follow. While one style may work better for some matters and/or presidents than others, the issue of gays in the military demonstrates one of the paradoxes of presidential leadership: a leadership style that might appeal to the party base in the electorate may not work as well with fellow partisans in Congress.

President as Chief Executive

A president must be mindful that, even though he is the chief executive, the bureaucracy can exert tremendous power in the policy-making process.[33] This issue of gays in the military offers a perfect illustration of a chief executive's need to deal with and successfully lead the bureaucracy when the president wishes to change policy parameters that affect that individual bureaucratic agency or department. In addition, this particular issue also brings another of the president's roles into the equation,

that of commander-in-chief, which obligates the president to lead the nation's military.

In 1993, as noted above, the Clinton administration decided to lift the ban on gays and lesbians serving in the military by unilaterally issuing an executive order.[34] Similar to the failure of the Clinton administration to work with members of Congress on this policy change, it also failed to work with the military—the very bureaucratic organization that would be affected by the policy change. In 1993, General Colin Powell served as the chairman of the Joint Chiefs of Staff. At that time, Powell opposed gays and lesbians serving openly in the military.[35] Powell's opposition and the opposition of the service chiefs led to one of the most powerful arguments that congressional opponents used against the president—the lack of material support by the military in lifting the ban. In fact, Powell worked with Senator Nunn against the president. Together, they were ultimately able to keep the ban intact by having it included in the 1994 defense appropriation and negotiating with the White House on the DADT policy.[36] The Clinton administration saw that members of its own party in Congress and military leaders were against them in this policy goal and, understanding that they would be defeated on this issue, wisely decided to preserve political capital for other policy goals.

Over the seventeen years during which DADT was the operative policy, Powell and many former leaders of the military, including former chairman of the Joint Chiefs of Staff John Shalikashvili, former secretary of defense William Cohen, and twenty-eight other retired military generals and admirals, came out against DADT.[37] These prominent former military leaders combined with the then-current leaders, chairman of the Joint Chiefs of Staff Michael Mullin and Secretary of Defense Robert Gates, changed the debate on this issue in favor of repealing DADT.[38] This type of support by many former and current military leaders weighed heavily in influencing the thinking of presidential candidate Barack Obama and certainly played a role in President Barack Obama's bringing up the issue again and actively working to have it repealed. This support, however, had to be weighed against those current and former military leaders who advocated against repealing DADT including the former chairman of the Joint Chiefs of Staff Peter Pace, and three out of the four military service chiefs.[39]

Additionally, military leadership slowed down the rate of discharges for violating the DADT policy after the 9/11 attacks in 2001. Overall, from 1994 to 2007, the military discharged approximately 12,340 service members for violating DADT.[40] After 9/11, however, the number of service

members discharged fell precipitously.[41] This decrease may be attributed to troop shortages in the midst of two wars in Iraq and Afghanistan.[42] Whatever the reason, military leaders had to accept homosexual service members for the sake of the missions at hand, which likely led to the easing of negative feelings in the military over gay and lesbian military service.

The Obama administration seemed to learn from the mistakes of the Clinton administration and not only decided to include Congress in this attempt to lift the ban, but also sought the military's input. One can conclude that this was done as a direct result of analyzing the Clinton administration's failure. One of the arguments put forth by the military in 1993 was that the Clinton administration did not consult them enough.[43] In fact, Colin Powell, the chairman of the Joint Chiefs at the time, who gained much respect both in political circles and from the general public for his involvement in the successful first Persian Gulf War, threatened to resign.[44] However, Obama's first step in the process was to make the military a key part in evaluating the potential policy change. The military's report on the attitude of the armed forces toward allowing gays in the military and the likely consequences that may result should DADT be repealed and the ban lifted was generally favorable and showed a low risk of disruption to the military and the military's mission.[45] Likewise, the Obama administration stated in the 2010 State of the Union address that it would also work with Congress and the military to repeal DADT.[46] This required the Obama administration to forestall early attempts by some Democratic congressional members to defund DADT,[47] but also required him to satisfy the military in such a way that the military leadership would support the change in policy. In addition, this comprehensive review gave the military input into how the policy would be phased in and implemented so that it would have the least detrimental effect on the military's mission.

Although the president has the constitutional responsibility to lead the military, Clinton's and Obama's attempts of presidential leadership on the issue of gays in the military mirrors that of their party leadership in Congress. Clinton sought to forge a path on the assumption that others would follow his lead, and Obama worked to bring together a consensus of military leadership on the policy and how it would be implemented. The presidents' respective interactions with the military highlight another paradox of presidential leadership: the formal powers that accompany the president's roles as chief executive and commander-in-chief do not mean that those who implement the president's directives will wholeheartedly agree with the policy changes he seeks to implement.

President as National Leader

For electoral purposes, whether the president's own or the president's
party's members in Congress, presidents pursue policy positions that
appeal to their party's base supporters. Nevertheless, presidents also are
expected to rise above partisan politics and do what is best for the Ameri-
can people. The 1993 attempt by the Clinton administration shows this
paradox clearly, as the mood of the nation did not support the idea of
allowing gays and lesbians to serve openly in the military. However, by
2010, public opinion swayed toward much greater acceptance of allowing
gays and lesbians to serve openly in the military.

     When the Clinton administration first tried to take this issue
on, most public opinion surveys showed that a majority of Americans
opposed allowing gays and lesbians to serve openly in the military. In
May of 1993, a Princeton Survey Research Associates poll found that
53 percent of those surveyed either opposed or strongly opposed lift-
ing the ban on gays and lesbians.[48] Only 36 percent of those surveyed
favored or strongly favored allowing gays and lesbians to serve in the
armed forces. Interestingly, a July 1994 survey also conducted by Princ-
eton Survey Research Associates, showed that 52 percent of respondents
favored or strongly favored allowing gays and lesbians to serve openly in
the military.[49] Just 44 percent said that they opposed or strongly opposed
their service. This change represented a 16 percent increase from just one
year prior. To measure if there was in fact an emerging trend in Ameri-
can attitudes toward allowing gays to serve in the military, a series of six
opinion surveys conducted by Princeton Survey Research Associates was
tracked (see figure 6.1).

     Figure 6.1 shows a trending viewpoint of Americans from May
1993 to January 2010. In 1993, only 36 percemt of those surveyed either
favored or strongly favored allowing gays or lesbians to serve openly in
the military. By January 2010, however, that number rose to 61 percent.
On the other hand, those who opposed or strongly opposed allowing gays
and lesbians to serve openly in the military fell precipitously. Of those
surveyed in 1993, 53 percent did not agree with lifting the ban, but by
January 2010 that number dropped to 27 percent.

     Other similar opinion surveys that were conducted by Gallup in
which respondents were asked if they believed homosexuals should be
allowed to serve in the military were looked at to see if a comparable
trend could be found.[50] The surveys showed that in 1977 only 51 percent
of respondents believed homosexuals should be allowed to serve. By 1992,
this opinion rose slightly, but only to 57 percent. By 1999, however, a full
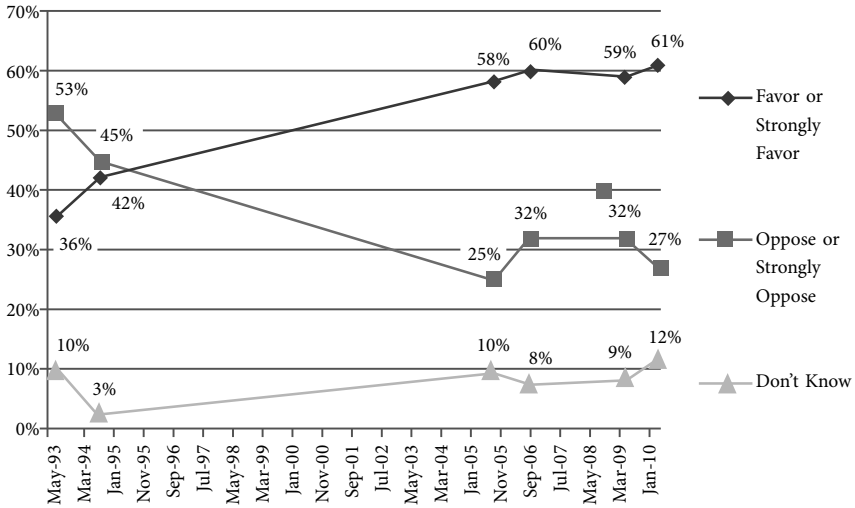
Survey interviews conducted by Princeton Survey Research Associates May 1993; July 1994; January 2005; September 2006; March 2009; and February 2010. Retrieved May 9, 2010, from the iPOLL Databank, The Roper Center for Public Opinion Research, University of Connecticut. http://libproxy.uta.edu:2527/data_access/ipoll/ipoll.html

Figure 6.1. "Do you Strongly Favor, Favor, Oppose, or Strongly Oppose Allowing Gays and Lesbians to Serve Openly in the Military?"

70 percent of respondents believed that the armed forces should allow gays and lesbians to serve. Likewise, in a NBC/*Wall Street Journal* poll conducted in 1993, attitudes toward this issue showed that only 40 percent of Americans favored allowing openly gay and lesbian service members, and 52 percent opposed.[51] By 2004, 63 percent of respondents favored allowing such service as shown in a CNN/*USA Today*/Gallup poll that asked the same question.[52]

These data show a clear change in attitudes by the American people as to whether or not to allow gays and lesbians to serve openly in the military. In 1993, when the Clinton administration first decided to tackle this issue, the data indicated that public opinion tended toward being against lifting the ban. As national leader, the president must effect consensus and not necessarily push for what the party would like him to do, if he wants to be seen as a successful leader.[53] Thus, when the Clinton administration realized that public opinion was not on its side, a paradox arose as to what should be done. Should Clinton attempt to make good on

his promise and work toward the lifting of the ban, or should he abandon his promise and abide by the wishes of the American people? When both roles of the presidency lead to positions that would be in conflict with each other, presidents usually attempt to find a way to mollify both parties, but rarely find actual success. Therefore, the president, and in this case President Clinton, had to choose the best course of action taking into account various factors, including the salience of the issue and the intensity of feeling held by both party faithful and the general public, the proximity of the next election, other policy goals, and his legacy when deciding what to do. For Clinton, these factors led his administration to accept the DADT compromise.

In 2009 and 2010, President Obama faced a substantially different circumstance when he came into office. Instead of a distinct opposition by the majority of Americans on the lifting of the ban on allowing gays and lesbians to serve openly in the military, President Obama found that a majority of Americans now supported repealing DADT and a lifting of the ban altogether. Such public support was a luxury that President Clinton did not have. Thus, the paradox that prevailed in 1993 was not as pronounced in the 2010 successful attempt by the Obama administration. Although Obama still needed to be cognizant of the minority of the population that did not support his position, the demands of being national leader and party leader, at least with respect to the issue of gays in the military, were more congruent.

Thus, in any examination of presidential leadership, particularly as it pertains to policy making, one must take into consideration the mood of the country. This combined with juggling the many presidential roles, such as party leader, chief legislator, chief executive, commander in chief, and national leader makes for navigating a tricky policy enactment minefield. President Clinton seemed to fail to some degree making these various roles work together to accomplish his desired policy change, whereas President Obama seemed successfully to overcome the paradoxes of presidential leadership to obtain his policy objective in repealing the ban on gays in the military.

Overcoming the Paradoxes of Presidential Leadership: Combining the Factors to Achieve Policy Success

While presidential candidates may find it easier to appeal their base in primary elections and in some cases even in the general election, they must exercise presidential leadership once elected to fulfill those prom-

ises. Each president must lead his or her party and keep its members in Congress together in order to achieve the policy goal set forth. He or she must lead the bureaucracy that will implement any new policies to ensure that the president's policy objectives are actually followed in practice. Furthermore, the president also must contend with being the national leader, in particular the difficult task of trying to achieve his or her policy aims when public opinion is not behind the measure. Thus, one can see from this case study that presidents face tremendous pressure to balance all their various and sometimes paradoxical roles in the political system when attempting to achieve their policy goals.

At the outset of Clinton's and Obama's respective attempts to rescind the ban on gays and lesbians from openly serving in the military, the two faced similar situations: they both made campaign promises to appeal to their base party constituency, were elected president following an extended period of Republican domination of the White House, had Democratic majorities in both chambers of Congress, and started the process of addressing the issue early in their presidencies. Both Presidents Clinton and Obama also realized once they were elected, however, that presidential leadership required more and was much harder than just unilaterally lifting the ban, and this is where the similarities of the two cases end. Once in office, the two presidents took different routes for addressing the same basic issue, took different approaches toward interacting with other governmental actors, faced a crucial difference in terms of a key exogenous factor, and learned important lessons about presidential leadership at different stages in the policy process.

Although President Obama was ultimately successful in achieving this policy goal, both presidents ran into critics from their own party in Congress. One key difference between the two attempts was President Clinton's inability to persuade his own party—notably Senator Sam Nunn—to go along with lifting the ban. President Obama, however, was able to quell the dissent in his own party and at the same time rally all of the members of his party to wait on the legislation until the military published its report.

Similarly, just as the Clinton administration failed to ensure that his party was behind him, he also did not substantially include the military in his attempt to lift the ban. The president must also lead as the chief executive. Although the president is not required to include the bureaucracy in attempting to change policy that affects them, and the presidency has the unilateral powers to do so, Clinton's strategy with the military proved an

unwise proposition. Perhaps out of inexperience or overconfidence, the Clinton administration seemed to bypass the military leadership in its 1993 attempt to change the military policy. While Secretary of Defense Les Aspin was on board with the proposed change, and perhaps was picked in part based on his support for lifting the ban, the Joint Chiefs and heads of the separate branches were not on board.[54] The chairman of the Joint Chiefs, Colin Powell, worked vigorously against the president by teaming up with members of Congress.

The Obama administration, alternatively, decided to include the military from the very beginning. President Obama was even willing to risk criticism from members of his own party in order to include the military in the policymaking process. Further, by giving the military the time to study the policy change and make a complete report, the president garnered the support of several top military leaders on this issue. Thus, unlike in Clinton's case, the military leadership did not work with opponents in Congress to defeat the president's policy goal of lifting the ban.

Being able to lead effectively as both head of his political party and as chief executive contributed to President Obama's ability to successfully achieve the repeal of DADT. Perhaps the most important factor, though, was in fact exogenous. The data presented show that one important change between the times this issue surfaced in 1993 and when it was revisited in 2009 and 2010 was the increased support by the American people to lift the ban. As national leader, President Clinton was placed in a precarious position. First, while on the campaign trail, Clinton made a promise to the American people, which truly was geared to appeal to members of his base, that he would lift the ban if elected. When he was elected, one can say that he reasonably thought that he had a mandate to make good on his promise. When public opinion was not found to be behind him on this issue, however, and calls came in from the public not to lift the ban—combined with congressional pushback and military opposition—the Clinton administration recognized the inability to win and negotiated to preserve political capital. Being the national leader and advocating the lifting of the ban on gay and lesbian service in the military were at odds with each other at that time.

The Obama administration did not have this liability. Being the national leader and advocating the repeal of DADT was generally a harmonious proposition. Many former members of the military also recognized this, including former chairman of the Joint Chiefs Colin Powell, and changed their mind on the policy. Thus, the timing was very

important, and President Obama recognized that in his attempt to lift the ban. Also important to note were the Obama administration's efforts to include members of its own party and of the military in Congress, all of which were very crucial to the success of this endeavor. Even with public opinion on his side, had moderate members of Obama's own party supported Republican opponents in Congress and this was combined with military opposition, the repeal likely would not have been successful.

Thus, in studying both cases, one can see both institutional learning within presidential administrations and institutional memory within the executive branch across administrations. The Clinton administration learned a lesson about consensus building and timing, even with partisan support in both chambers of Congress, but the lesson came too late to save the president's efforts to repeal the ban on gays in the military. Clinton learned that a president must preserve good relations with members of his own party in Congress. When one policy goal seems lost or hopeless, it is wise for a president not to dig in and become entrenched on that policy; instead, an eye must be kept on the future and on future policy debates. As members of the Clinton administration aptly pointed out, once they realized that they would not have the support of the majority of Congress on this issue, they decided to close ranks, negotiate, and preserve political capital on what the administration saw as more pressing policy concerns. As we later saw, the Clinton administration was much more interested in healthcare reform and welfare reform. Thus, perhaps with a look toward the future, the Clinton administration was unwilling to push the issue of gays in the military much further and took whatever it could get, the result of which became DADT. In other words, timing is also an important part of presidential party leadership—and indeed in all presidential leadership.

The Obama administration seemed to have contemplated the difficulties experienced by the Clinton administration in 1993. Certainly one can easily deduce that the Obama administration wanted to avoid a similar controversy as it attempted to successfully lift the ban. Even though Obama had stronger public opinion support for his position than Clinton did, the Obama administration took a decidedly different strategy toward the issue. It did not try to rely exclusively on executive power and pursue an immediate success, but instead bided its time to ensure that those who could defeat them on the issue—party members in Congress and the military—were supportive enough to ensure the president's legislative success.

Conclusion

Both the Clinton and Obama administrations made campaign promises, designed in part to capture their party's nomination, to allow gay and lesbians to serve openly in the military. The strategies to make this policy change, however, could not have been more different, and as a result, the outcomes were quite different. The Clinton administration failed to manage the sometimes paradoxical jobs required of a U.S. president to obtain certain policy outcomes in this case. As party leader, Clinton assumed that Democratic control of both the Senate and the House would ensure support of his party's members in Congress in his attempt to fulfill his campaign promise. Clinton's first attempt to repeal the ban was a unilateral one by trying to issue an executive order—thereby bypassing Congress altogether. This plan backfired on President Clinton as moderate members of his own party actively worked against him to defeat the policy proposal and were largely successful.

Likewise, President Clinton made little attempt to garner the support of the military. Instead, the military leaders felt that the Clinton administration was forcing a policy change on them that would have a detrimental effect on the military's primary mission—to defend the nation. Thus, the military worked with moderate Democrats in Congress who also opposed the move to allow gays and lesbians to serve openly in the military. This coalition ultimately forced the Clinton administration to take what it could get and negotiate—resulting in DADT.

Finally, President Clinton failed in his role as the nation's leader. Clinton pushed for the policy change notwithstanding the general public's stance on the issue and was additionally unable to sway public opinion to his side. Instead, public opinion helped to fuel the opposition of members of Congress—either out of fear that they would displease constituents if they went along with the policy change and thus be voted out of office or out of moral obligation. Some moderate Democrats justified their unwillingness to go along with the president on the military's opposition and the public's disapproval.

Thus, when the Clinton administration attempted to repeal the ban on gays and lesbians serving in the military, one can see a confluence of leadership failures. As party leader, Clinton was unable to line up the needed support from his party's members of Congress to repeal the ban. Further, as chief executive, Clinton did not materially involve the military in the decision-making process. Instead, he seemed to want to disregard

the military's input and was surprised to find that the military successfully worked with moderate Democrats in Congress to defeat the legislation. Finally, Clinton was unable to leverage the minority of the general public who supported his stance or otherwise sway public opinion on this issue. As the data presented shows, a majority of Americans were against allowing gays and lesbians to serve openly in the military. Opponents seized upon and used the mood of the nation to combat the president's legislative agenda.

Conversely, the Obama administration seemed to learn from the mistakes of the Clinton administration and successfully juggled these challenges of leadership to obtain the policy change sought. As party leader, Obama was able to engage members of his own party and in some cases even restrain them in order to obtain favorable timing to bring up the issue. This was an obvious change from Clinton's approach in 1993 on trying to fulfill his campaign promise within the first week of taking office. Obama was adamant about pushing legislation through Congress and not unilaterally trying to end the ban. Furthermore, Obama did not want nor did he support a repeal of DADT through the federal courts. Thus, in this instance, Obama demonstrated excellent party leadership skills by restraining members of his own party and forcing the policy to go through the Congress, not the courts, at an optimal time. From this study, one can see a great deal of institutional learning on the part of the Obama administration from the Clinton administration's blunders in 1993.

From the standpoint of leadership as the chief executive, Obama also took away an important lesson from Clinton's 1993 experience. Clinton did not involve the military to any real degree. Obama, however, allowed the military to take a leading role in lifting the ban. He ordered a comprehensive review to be conducted by the military to determine what impact, if any, repealing the DADT ban would have. As a result, the military became more cooperative in the endeavor, and many of the military leaders supported the repeal. Likely, the Obama administration learned from the failure of executive leadership in 1993 on this issue and was determined not to repeat the same mistake.

Finally, the mood of the country had changed from 1993 to 2010. A majority of the American people supported lifting the DADT ban by 2010. With public opinion on his side, Obama likely saw an increased chance of success to lift the ban. He was acutely aware, however, of those who were not behind lifting the ban and worked to consolidate support from members of his own party as well as from the Republican members in Congress and the military. This strategy helped to defeat any momentum

that the opposition would have been able to muster in order to keep the ban in place. This approach seems to have been undertaken in direct contemplation of the failure of the Clinton to be seen as a national leader while at the same time working to secure a policy that he promised to his base during the previous presidential election.

From this case study on the attempts to lift the ban of allowing gays and lesbians to serve openly in the military, one can see a great deal of institutional memory that spanned administrations. The Obama administration learned from the failures in leadership of the Clinton administration. This is perhaps not a rare occurrence. Indeed, one could make the argument that the Obama administration also learned from the failures of the Clinton administration on healthcare reform and other policy goals that it wanted to achieve. Regardless, this examination demonstrates the often paradoxical leadership difficulties faced by the president when attempting to achieve policy goals. Many of these difficulties are structural in nature. However, a successful president must recognize the leadership complexities of the presidency and adequately juggle these different jobs in order to navigate legislative objectives.

Notes

1. Stone and Abramowitz, "Winning May Not Be Everything, But It's More Than We Thought," 945–46; Bartels, "Expectations and Preferences in Presidential Nominating Campaigns," 812

2. Moe and Howell, "The Presidential Power of Unilateral Action"; Black, Madonna, Owens, and Lynch, "Adding Recess Appointments to the President's 'Tool Chest' of Unilateral Powers."

3. LeLoup, *Budgetary Politics*; Wildavsky, *Politics of the Budgetary Process*; Aberbach, Putnam, and Rockman, *Bureaucrats and Politicians in Western Democracies*; Meier, *Politics and the Bureaucracy*; Rourke, *Bureaucracy, Politics, and Public Policy*.

4. Voeten and Brewer, "Public Opinion, the War in Iraq, and Presidential Accountability."

5. Brody, *Assessing the President*; Voeten and Brewer, "Public Opinion, the War in Iraq, and Presidential Accountability."

6. Cohen, *Presidential Responsiveness and Public Policy-Making*; Light, *The President's Agenda*; Canes-Wrone, "The President's Legislative Influence from Public Appeals."

7. Goldman, et al., "Obama 'Don't Ask, Don't Tell' State of the Union Pledge: Gays 'Applaud' Call to Repeal Policy," 710–12.

8. Bailey, Lee, and Sigelman, "Presidential Persuasion on Social Issues: A Two-Way Street?"

9. Frank, *Unfriendly Fire,* 53–54. The Clinton campaign received an estimated $3 million from gay donors and lobbying groups in the 1992 presidential election.

10. Goldman, et al., "Obama 'Don't Ask, Don't Tell' State of the Union Pledge: Gays 'Applaud' Call to Repeal Policy," 710–12.

11. Herek, "Sexual Orientation and Military Service: A Social Science Perspective."

12. Frank, *Unfriendly Fire*, 26–54; T. Martin, 3–4.

13. Frank, *Unfriendly Fire,* 43.

14. Schmitt, "Joints Chiefs Hear Clinton Again Vow to Ease Gay Policy"; Herek, "Sexual Orientation and Military Service: A Social Science Perspective."

15. Frank, *Unfriendly Fire*.

16. U.S. Constitution, Article I, Section 8.

17. Brown and Ayers, "The Inclusive Command: Voluntary Integration of Sexual Minorities into the U.S. Military" 121–50; Frank, *Unfriendly Fire,* 121–50.

18. Frank, *Unfriendly Fire*.

19. Ibid.

20. Ibid.

21. Herek, "Sexual Orientation and Military Service: A Social Science Perspective"; Frank, *Unfriendly Fire*.

22. Ibid.

23. Associated Press, "Obama: Repeal of 'Don't Ask.'"

24. Ambinder, "Outing the Debate: An Inside Account of the Struggle to End 'Don't Ask, Don't Tell.'"

25. Ibid.

26. Senator Al Franken (D-MN) defeated incumbent Norm Coleman in a close election that saw Franken win by only 312 votes. The mandatory statewide manual recount, along with the legal wrangling after, delayed Franken's swearing in to the U.S. Senate. He finally did so on July 7, 2009 giving the Democrats fifty-eight members in the U.S. Senate and two Independent members who caucused with the Democrats, giving them a filibuster proof majority for a time. See Hulse, "Senate Repeals Ban against Openly Gay Military Personnel."

27. Scarborough, "Obama to Delay 'Don't Ask, Don't Tell' Repeal."

28. Ambinder, "Outing the Debate: An Inside Account of the Struggle to End 'Don't Ask, Don't Tell.'"

29. See generally, U.S. Department of Defense, Report of the Comprehensive Review of the Issues Associated with the Repeal of "Don't Ask, Don't Tell."

30. Clark, "Lawmaker Backs Off Effort to Fight 'Don't Ask, Don't Tell'"; Jakes, "Court Rejects Challenge to 'Don't Ask, Don't Tell.'"

31. Bender, "Continued Discharges Anger 'Don't Ask, Don't Tell' Critics."

32. Hulse, "Senate Repeals Ban against Openly Gay Military Personnel."

33. LeLoup, *Budgetary Politics*; Wildavsky, *Politics of the Budgetary Process*; Aberbach, Putnam, and Rockman, *Bureaucrats and Politicians in Western Democracies*; Meier, *Politics and the Bureaucracy*; Rourke, *Bureaucracy, Politics, and Public Policy*.

34. Frank, *Unfriendly Fire*.

35. DeYoung, "Colin Powell Now Says Gays Should Be Able to Serve Openly in Military."

36. Frank, *Unfriendly Fire*.

37. Shanker and Healy, "A New Push to Roll Back 'Don't Ask, Don't Tell.' "

38. Dropp and Cohen, "Acceptance of Gay People in the Military Grows Dramatically."

39. Thompson, "Reexamining 'Don't Ask, Don't Tell.' "

40. Associated Press, "Admirals, Generals: Let Gays Serve Openly."

41. Ibid.

42. Herek, "Sexual Orientation and Military Service: A Social Science Perspective."

43. Frank, *Unfriendly Fire*.

44. Ibid.

45. While the secretary of defense, chairman and vice chairman of the Joint Chiefs, chief of Naval Operations, and commandant of the Coast Guard all favored repealing DADT, it should be noted that the top generals for the army, air force and marines all opposed repealing DADT citing that it would cause an undue stress to military personnel engaged in combat.

46. Goldman, et al., *Quest for the Presidency*.

47. Clark, "Lawmaker Backs Off Effort to Fight 'Don't Ask, Don't Tell.' "

48. Survey by Times Mirror. Methodology: interviews conducted by Princeton Survey Research Associates, May 18–May 24, 1993, and based on 1,507 telephone interviews. Sample: national adult. Another survey also conducted by Princeton Survey Research Associates, May 28–June 6, 1993, reported separately, repeats the participation questions.

49. Survey by Times Mirror. Methodology: interviews conducted by Princeton Survey Research Associates, July 12–July 25, 1994 and based on 3,800 telephone interviews. Sample: national adult. The main sample of 3,800 included an oversample of 197 black adults. The results are weighted to be representative of the national adult population.

50. Newport, "Some Change over Time in American Attitudes towards Homosexuality, but Negativity Remains."

51. Kiefer, "Gays in the Military: Public Says Go Ahead and Tell."

52. Ibid.

53. Barrett and Eshbaugh-Soha, "Presidential Success on the Substance of the Legislation."

54. Frank, *Unfriendly Fire*.

Taking Credit and Avoiding Blame

The Politics of Rhetorical Signing Statements under Unified and Divided Government

Christopher S. Kelley, Bryan W. Marshall, and
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In June 2009, President Obama acted like many of his predecessors: he assembled a mix of politicians and regular citizens to stand behind him as he signed an important piece of legislation into law. The bill, the Family Smoking Prevention and Tobacco Control Act, was designed to blunt the consequences of smoking-related illnesses that affect "more than 8 million Americans" and lead to "health problems [that] cost us all more than $100 billion a year."[1]

There were other parts of the statement that were also important for President Obama. He equated signing the bill as a victory for health care reform. He also stressed the concept of *change*, which had been a centerpiece of his 2008 presidential campaign. Change in the sense that it was a victory for bipartisanship since it was "passed overwhelmingly in both houses."[2] Change in the sense that it scored a victory against "special interests . . . today, despite decades of lobbying and advertising by the tobacco industry, we've passed a law to help protect the next generation of Americans from growing up with a deadly habit that so many of our

generation have lived with."[3] And finally, just change: "Today, change has come to Washington."[4] Obama's words were intent on showcasing his leadership toward a greater good rather than the narrow partisan victories so prevalent from Washington.

The Obama signing statement resonated positively among interest groups on his side of the fight. For example, Kathy Mulvey, the international policy director for Corporate Accountability International wrote on her organization's website that Obama's signing was a "critical step toward regulating what has historically been one of the least regulated products in commerce, and reversing an epidemic that continues to be the leading preventable cause of death in the United States."[5] She also underscored the theme of change and compromise, describing the bill as a signal that the "winds of change" have begun to blow for controlling tobacco and that "Congress and the President are to be commended for enacting" the legislation.[6]

Douglas W. Blayney M.D., the president of the American Society of Clinical Oncology also underscored the change theme, noting that Obama's signature "marks a new era in which the federal government now has sweeping regulatory authority over how tobacco products are manufactured and marketed in the United States" and also congratulated Obama and the Congress for having the temerity to pass such important legislation.[7]

Recently, the presidential signing statement has received considerable attention because of the controversial manner in which President George W. Bush used it to challenge the constitutionality of provisions of law. By the time President Bush left office in 2009, he had issued around twelve hundred challenges to bills he signed into law. As political scientists who are interested in the signing statement, we are happy that it has had its day. Yet, like any other obscure action that shoots to the top of public interest, the coverage of the statement has not been complete—popular attention has focused on the Bush administration's constitutional challenges and most of the scholarly focus has been on the use of the signing statement to challenge or interpret bills being signed into law. What has not received much attention is the use of the statement for purely *rhetorical* purposes—to congratulate or condemn members of Congress or actions of outside parties, or to praise administration policy or signal support to important constituencies. This oversight is surprising given the important attention to presidential rhetoric overall.[8] Hopefully, this analysis will be a first step in closing the information gap on the different types of signing statements and give us a better understanding of the

tools the president uses to promote his office and his policies. In doing so, this analysis illuminates how the signing statement can be used to communicate with a variety of political constituencies demonstrating his leadership appeal toward both partisan and national interests.

This chapter will unfold as follows: first, we will discuss what the signing statement is, its history, and the different ways the president uses it. Next, we focus on the rhetorical signing statement and how it differs from the constitutional signing statement. Left largely unexplored in the literature up to this point, we analyze some of the *rhetorical* purposes of the signing statement. Although this analysis is a first glance, we find that the conventional wisdom regarding the rhetorical signing statement as a glorified press release that merely explains the content of legislation to be misleading at best, and in fact empirically rare. We argue that the rhetorical signing statement presents multiple opportunities for the president to do things such as claim credit, appeal to political actors and constituencies, and build capital and arguments for future legislative initiatives. The quantitative analysis highlights the importance of divided and unified government in shaping some key characteristics of the rhetorical signing statement. The model results also suggest that presidents are significantly more likely to rely upon the rhetorical statements when their ability to persuade is seemingly at its lowest point—under divided government and when their approval ratings are low. This result is important because it suggests that the rhetorical signing statement may be used to help the president target important constituencies and build political capital—a purpose more in line with Neustadt's framework of persuasion and quite distinct from the constitutional variety of signing statement associated with the work of presidential unilateralism. We conclude by discussing implications from the analysis and offer some direction for future work.

Persuasion, Rhetoric, and Presidential Unilateralism

Congress's Golden Age extended far into the nineteenth century, but its policy supremacy atop the separation of powers system was not random happenstance.[9] Article I empowers Congress with virtual monopoly rights to legislate over an immense policy horizon. In stark contrast, Article II assigns the presidency some rather unexceptional powers to provide information and make recommendations, call special sessions, and schedule adjournments when Congress is unable to agree upon such times. Even the president's most notable legislative power—the veto—is not beyond

the legislature's reach, being subject to override. When it comes to policy making, it would seem that cajoling others is a necessity for presidents.

Indeed, Neustadt's classic work has provided a central pillar for the literature on presidential power.[10] Drawing from Neustadt's framework, the emergent literature has focused on a particular source of presidential power—the president's ability to induce cooperation through bargaining and persuasion.[11] However, Watergate, institutional reforms, and growing partisan rifts in Congress made the president's pluralistic mode of policy making far more uncertain.[12] Presidents would have to adapt to the emerging hyperpartisan environment that often pitted their agenda against that of the majority opposition in Congress. The premium that had once been placed on persuasion and bargaining with elites would give way in this new environment.

But presidents are far from hapless prisoners of the political environment. Presidents have at their disposal a vast array of tools and strategies from which to leverage political power and achieve their ends. The literature is rich with work that shows presidents adapt to new challenges and strategically find ways to press their influence, sometimes through formal or administrative channels, but also through their public standing and reputation. Such a focus has offered valuable insights from a variety of contexts in studying presidential power including for example presidential appeals, veto bargaining, and coalition building in Congress.[13]

Although the significance of Neustadt's framework has long been appreciated, understanding how more informal aspects of power (i.e., persuasion and reputation) can be translated through rhetorical appeals remains an enduring question.[14] On the one hand, considerable evidence exists suggesting that presidential appeals do affect political actors and policy.[15] The president's popularity can act as a key conditioning factor in determining the success of such appeals.[16] Moreover, presidents can make strategic appeals to the public to force Congress's hand in passing policy it might not otherwise pass.[17] In contrast though, the evidence remains mixed as to whether or not presidential appeals can directly change the public's policy preferences.[18]

Beyond presidential popularity, there's a strong case made in the literature regarding the role of information in presidential rhetoric that conditions presidential power to bargain and persuade. In essence, the sharing of policy information by presidents facilitates persuasion by convincing others that their support is in their own interest. From this perspective, presidential rhetoric can signal preferences, shape reputation, and even facilitate cooperation.[19] So, a president's popularity and

information asymmetry can serve as important mechanisms conditioning presidential power to persuade.

For our purpose, there is yet another important dimension to our understanding of presidential power, one that goes beyond Neustadt's framework of bargaining and persuasion. Although the literature tends to treat presidential power from persuasion quite separate from presidential unilateralism, we seek to begin to bridge the gap in these two literatures. We believe the study of the presidential signing statement, with its many different roles, can facilitate that end.

The growing literature on presidential unilateralism has suggested that presidents have increasingly adapted other tools to achieve their policy and political ends.[20] Presidential unilateralism is a theory of presidential power that emphasizes how presidents seek to exploit the ambiguity of Article II in order to protect and advance presidential prerogatives. Presidents can use unilateral action to act first, forcing other institutions to react to a new agenda or status quo that may be difficult to overcome. Moreover, unilateralism frees the president from the costly burden of interinstitutional cooperation.[21] A central tenet of this work articulated by Moe and Howell is that presidential unilateralism should become more likely as Congress's capacity to make policy declines.[22] For example, scholars have found that presidents have increasingly employed unilateral tools to affect policy change through executive orders, proclamations, national security directives, and executive agreements to circumvent a recalcitrant Congress.[23]

The Presidential Signing Statement

Recently, scholarly attention has turned to the presidential signing statement as another important unilateral device. The presidential signing statement is commentary a president makes upon the occasion of signing a bill into law. The signing statement is a written document or verbal commentary that is sometimes accompanied by a formal ceremony much in the vein as the Obama signing statement of the tobacco legislation discussed earlier. As previously noted, many scholars dismissed the signing statement as nothing more than a glorified press release, yet the modern presidency has a number of more meaningful ways to gain press attention, thus for us, the signing statement is something different.[24] Further, equating the signing statement with a press release fails to take into account the complexity of the device and its usefulness to the

president. As Kumar (2000) noted, "effective presidential communications do not occur by chance." Others observed that the words that are attributed to the president, either spoken or written, are a way to connect with their intended audience and makes the president responsible for what is said and the associated outcomes.[25] As we have learned, a single signing statement can provide direction to bureaucrats, communicate presidential intent to Congress, nudge judges towards a particular outcome, rally the president's base, employ the help of interest groups, and help frame a story for the press!

Because the signing statement can serve very different presidential purposes, we have divided the signing statement into two categories—constitutional and rhetorical.[26] The constitutional signing statement is one where the president either challenges the constitutionality of a provision, or provisions, of the bill being signed into law, and/or he provides an interpretation to the language of the bill that has either been left vague or undefined by the Congress. Because this type of bill is controversial—particularly the notion of the president getting to determine whether a provision is constitutional or not while allowing the remainder of the bill to go forward—it has gotten the lion's share of the attention by scholars and journalists.[27]

For example, Cooper's work finds that presidents employ the constitutional signing statement to circumvent policy made by Congress or refuse to execute provisions the president deems unconstitutional.[28] Kelley and Marshall argue that the presidential signing statement can be designed to serve many important and varied purposes depending on the president's political needs. Part of their importance results by providing the president with a *last move* advantage in bargaining with Congress.[29] From this perspective, the signing statement represents a final play in a sequence of bargaining interactions between the president and Congress. This allows the president to affect aspects of the policy that he wasn't able to change in prior bargaining—empowering the president with a unilateral "upper hand" to shape policy toward his preferred position or to defend and expand presidential prerogatives. Berry adds to this line of work by demonstrating that presidents issue constitutional signing statements to defend against congressional attempts to constrain presidential policy discretion through legislative veto provisions embedded in statutory legislation.[30]

However, the focus of this analysis is on the rhetorical variety of signing statement—a seemingly different, and at first glance, harmless tool as compared to the constitutional signing statement associated with

the literature on presidential unilateralism. On the surface, it's easy to see why the rhetorical statements remain almost invisible relative to the more conflict-ridden brand of constitutional statement. While the constitutional statement is viewed as a potentially dangerous abrogation of the president's constitutional responsibility to carry out the law, the rhetorical statement remains viewed as a largely inconsequential informational device. James Pfiffner makes this point, "The use of signing statements for horatory, ceremonial, or informational purposes is legitimate and not controversial. Presidents ought to be able to say what they want about laws, and presidential signing statements can be used legitimately as vehicles for these benign purposes."[31] However, we think that there is more *political value* to these rhetorical tools than conventional wisdom suggests.

We contend that explanations for the rhetorical signing statement may best fit under Neustadt's theory of presidential power and action.[32] That theory—resting on bargaining and persuasion—suggests that presidents need to motivate others to help them achieve political and policy ends. The rhetorical signing statement is designed to bring attention to the president or his actions. This category of signing statement can showcase presidential leadership to generate support of broad political constituencies or more narrow partisan interests. It offers an explanation of the bill, and then it may single out individuals or organizations for praise or scorn. Those individuals can be the press, important interest groups, members of Congress, or the political parties. In this way, the rhetorical signing statement can provide insight into the vital question this volume sets out to address, namely, how a president can serve national interests and balance that obligation with the interests of his political party.

It is also important to note that the two different types of signing statements originate from different channels within the executive branch. The constitutional signing statement, with few exceptions, arrives to the Oval Office from the Office of Legal Counsel inside the Department of Justice. The Office of Legal Counsel, or OLC, is regarded as the protector of the president's prerogatives, and thus scrutinizes all enrolled legislation for any provision that diminishes those prerogatives. Thus, there tends to be consistency between presidencies over the constitutional objections found in the president's signing statement.

The rhetorical signing statement, however, usually comes from the various agencies with jurisdiction over the legislation, or it comes from the political advisors close to the president. Thus, it is clear that where the primary reasons for the constitutional signing statement are constitutional in nature (or at least cloaked in constitutional concerns), the reasons for

the rhetorical signing statements are political—designed to increase the president's standing with the public, with the Congress, or with important political constituencies.

For example, in 1976, President Gerald Ford issued eighty-four rhetorical statements—over 90 percent of all signing statements he issued while in office—in an effort to direct press attention away from the subject of Nixon's pardon and toward his work on behalf of Americans as part of a larger effort to keep control of the White House during a presidential election year.[33] Furthermore, President Jimmy Carter, in a similar position as his predecessor Ford, issued eighty-nine rhetorical statements in 1980 alone in an effort to try to force media—and public—attention away from the Iranian Hostage Crisis that had consumed his presidency and his campaign for reelection.[34] In 1992, George H. W. Bush was seeking reelection while facing media criticism that he was not doing enough to address the slowing economy and unemployment.[35] In response, the rhetorical signing statement issued with the "Unemployment Compensation Amendments" simultaneously allowed Bush to claim credit for his leadership and shift attention and pressure onto Congress: "I am pleased that the Administration and the Congress worked together successfully in the last few days to enact this important extension of benefits. I call on the Congress to move rapidly on my economic growth package, with hopefully the same bipartisan spirit of cooperation. Enactment of these reforms and incentives is essential to creating the jobs that all Americans want."[36]

In each of these cases, the target is likely the media as a conduit to the American people.[37] But then other times the target has little to do with the press and is instead an important constituency. For example, in 1996 the environmental community waged a vigorous effort to kill a rider in an omnibus bill that weakened U.S. environmental laws that had been in place for decades. Regardless of their efforts—and the assistance of the White House—the rider made it into the final bill. Because the bill covered a number of important programs, President Clinton signed it, but he noted his misgivings in his signing statement. The environmental community proudly pointed to President Clinton's signing statement in newsletters and on its websites.[38] In this case the signing statement served as a way to signal to important constituencies that they have an ally in the White House. Given the vetting that occurs before the president issues any public statement, written or verbal, a mention like this in a signing statement can curry favor with a powerful constituency and can also be used as a chit later when the president needs help.

There are also times when the president wishes to direct his—and the public's—attention toward the Congress and/or the political parties. For example, in the contentious 1948 election year—the year when President Truman surprised everyone, including the *Chicago Tribune*—by beating Republican Thomas Dewey and securing his presidency, he used the rhetorical signing statement whenever possible to blast the Republican-controlled Congress. For instance, when Truman signed a housing bill, he criticized the Republicans for calling it a "housing bill" when it was "nothing at all" (69).[39] Later in the statement he referred to the bill as the "teeny-weeny housing bill" for which there could "be no excuse for such slipshod legislation, thrown together only a few hours before adjournment." The Republicans not only failed to win the presidency in 1948, but also lost control of the Congress.

Gerald Ford, in signing a tax-related bill in 1975, blasted members of Congress—and in particular the Democrats—for all the extraneous riders that forced him to take the bill or leave it. He used the signing as part of a national television address where he explained its problems, and then urged the American public to contact their elected representatives and complain about the excess "pork" in an important piece of legislation.[40]

Similarly in 1995, Clinton skillfully employed a signing statement accompanying a popular spending bill for military housing construction as a rhetorical club to thrash the Republican-controlled Congress and attempted to mobilize public support for legislation granting the president line-item veto authority:

> I am concerned, however, that Congress has chosen to spend $70 million on unneeded projects. The Defense Department has not identified these projects as priorities, and they will not help improve the quality of life for our service members. These projects are clear examples of why the President needs line-item veto authority. The taxpayers deserve protection from this kind of wasteful spending, and if I had the line-item veto, I would use it to strike this $70 million. Unfortunately, Congress still has not completed action on legislation to provide the President with line-item veto authority. The American people have waited long enough. I strongly urge the Congress to complete action on line-item veto legislation now so I can eliminate wasteful spending this year. The American people sent us here to change the way Washington does business. Passing the line-item veto would be a good place for this Congress to start.[41]

Our previous work has generally focused on the constitutional sign-
ing statement, finding, among other things, that it is associated with veto
threats and likely plays an important role in veto bargaining. But our most
recent work suggests that the signing statement in both forms serve a
number of purposes. Although the constitutional type has received most
of the scholarly attention, we think the rhetorical variety is a worthy
specimen for study as evidenced by the intriguing anecdotal examples
illustrated previously. We now turn our focus to theorize about the condi-
tions that may shape the president's incentive to use the rhetorical signing
statement as rhetorical opportunities to showcase leadership and build
political capital among various political constituencies.

Building Political Capital:
Expectations for Rhetorical Signing Statements

As we have suggested, the rhetorical type of signing statement may serve
as a very potent political tool designed to enhance the president's stand-
ing with the nation, with the Congress, with his or her political party, or
other key political constituencies. The rhetorical statements can do this
by reminding the public/media that the president can deliver successful
policy, frame policy arguments and/or the perception of bipartisanship,
reach out to constituency groups, and sometimes even appeal for future
policy change. In this way, rhetorical statements may be used to moti-
vate, reward, and build political capital among various constituencies.
Certainly, credit claiming represents one notable feature of the rhetorical
statements. Work on such credit-claiming appeals suggests that presidents
have incentives to highlight their legislative success and will therefore
appeal on policies that are expected to pass.[42] However, we don't think the
rhetorical signing statement represents a simple costless credit-claiming
device, otherwise presidents would likely use them on all legislation that
landed on their desks. Instead, as found with presidential appeals more
generally, their effectiveness diminishes with greater use.

So, if rhetorical signing statements are used to enhance a president's
standing in the eyes of national or narrower partisan constituencies, what
conditions would make such tools the most desirable? In other words,
when does the president have the greatest need or incentive to claim credit
from the broader public or build political capital? One plausible answer,
it would seem, is related to when the president's persuasive capacity is
appreciably diminished or when presidents are competing with Congress,
rather than leading Congress. We argue that such conditions are more

likely during divided government and when presidential approval levels are relatively low. That is, presidents may need their persuasive powers the most when they don't have the seats in Congress to build coalitions or high approval levels that can be used to pressure lawmakers to support presidential initiatives. This line of argument suggests a couple of testable expectations. First, the condition of divided government should provide presidents with greater incentives to use the rhetorical signing statement as compared to the condition of unified government. Second, we expect presidents should have a greater incentive to employ the rhetorical signing statement when their standing with the public is low as compared to when their approval is high.

Moreover, if the rhetorical statements are used as opportunities to claim credit and appreciably boost political capital, there should be some connection between rhetorical statements and a president's subsequent policy success. We only speak to this tangentially in our empirical analysis, but there is at least anecdotal evidence supporting such a contention. That is, presidents do use rhetorical signing statements to appeal for a subsequent policy or call on Congress to pass a specific policy in the future within the same rhetorical signing statement. The rhetorical signing statement President George W. Bush attached to HR 7222 (the Andean Trade Preference Act) does a number of the things we have discussed such as reminds the public that the president can successfully deliver policy; shares credit with Congress and key political actors; and frames arguments of free trade in a positive light. But, importantly, this signing statement also explicitly appeals to Congress for future trade agreements. President Bush makes his case on this point:

> Seems to me, it'd make a lot of sense to simply—asking the Congress to sign a trade deal that allows us to be treated just like we've treated other people. Unfortunately, nearly 2 years have passed since the United States and Colombia signed our free trade agreement. During that time, an estimated $1.3 billion of tariffs have been levied on American products exported to Colombia. These tariffs reduce the competitiveness of thousands of American companies that do business in that nation. By approving our free trade agreement, Colombia—Congress can directly benefit American workers and ranchers and farmers and give them greater confidence about our economic future. Congress is coming back to Washington next month. One of their top priorities should be to approve this vital agreement with Colombia, as well as with Panama and South Korea.[43]

Thus, the signing statement may have an important rhetorical role in offering presidents the opportunity to claim credit, build political capital among key constituency groups—such as their political party, or the broader public—and sometimes appeal for future policy change. To assess this argument more systematically, we now move to the empirical analysis.

Research Design and Empirical Analysis

The design is intended to provide a first cut at describing some key characteristics of the rhetorical signing statement and to offer an analysis of the political conditions explaining their use. The dependent variable is the occurrence of a particular kind of signing statement—either a rhetorical or constitutional statement. Table 7.1 illustrates the relative frequencies of the rhetorical and constitutional signing statements used by presidents between 1981 and 2008. The table shows that the rhetorical signing statements occur

Table 7.1. Presidential Signing Statements and Legislative Activity, 1981–2008

Congress	Frequency Rhetorical Signing Statements	Frequency Constitutional Signing Statements	Frequency Bills Passed
97th (1981–82) Reagan	49	7	404
98th (1983–84) Reagan	57	27	692
99th (1985–86) Reagan	45	24	665
100th (1987–88) Reagan	47	29	714
101st (1989–90) Bush I	47	51	651
102nd (1991–92) Bush I	52	66	591
103rd (1993–94) Clinton	56	13	465
104th (1995–96) Clinton	79	14	333
105th (1997–98) Clinton	64	20	394
106th (1999–00) Clinton	29	31	580
107th (2001–02) Bush II	18	37	377
108th (2003–04) Bush II	3	46	498
109th (2005–06) Bush II	10	34	481
110th (2007–08) Bush II	13	9	460
TOTAL	58.2% (n=569)	41.8% (n=408)	7,305

with greater frequency than the constitutional statements (58.2 percent versus 41.2 percent). In addition, there is considerable variation in the use of rhetorical statements by administration. The table indicates that Presidents Reagan and Clinton relied more heavily on the rhetorical signing statement, while President George H. W. Bush and his son, President George W. Bush, tended to use the constitutional signing statement more frequently.

For the analysis, we coded characteristics of every rhetorical signing statement in the data set (n=569). For example, the rhetorical statements were coded for their overall tone toward the legislation, how Congress's role was characterized, the specific constituency groups targeted, and whether or not the president mentioned bipartisanship in framing the policy or the role of his administration.

The next three tables illustrate how some key characteristics of the rhetorical signing statement vary by the important condition of divided versus unified government and by administration. We think that such variation by divided or unified government does reflect to some extent how presidents employ the rhetorical signing statement to further their partisan interest. For example, table 7.2 assesses how the overall tone of the rhetorical signing statements vary by unified and divided government.

Table 7.2. Overall Tone of the Rhetorical Signing Statement, 1981–2008

Rhetorical Tone of Signing Statement	Unified Government	Divided Government	Total Row Frequency
Negative Tone	1.5% (n=1)	3.4% (n=17)	3.2% (n=18)
Positive Tone	89.6% (n=60)	64.9% (n=324)	67.8% (n=384)
Mixed Tone	7.5% (n=5)	28.1% (n=140)	25.6% (n=145)
Neutral Tone	1.5% (n=1)	3.6% (n=18)	3.4% (n=19)
Total	100% (n=67)	100% (n=499)	100% (n=566)

Pearson's $\chi2$ (3)=16.5 {P<.001}

The overall tone of the rhetorical statement is measured with respect to the particular legislation. According to the coding scheme, the overall tone with respect to the legislation can be negative, positive, mixed, or neutral. The table 7.2 results show that over two-thirds of the rhetorical signing statements take on a positive tone about the legislation (67.8 percent), whereas very few have a negative tone (3.2 percent), about 25 percent of the statements have a mixed tone (positive and negative aspects), and a very small percentage of the statements merely report the contents of a bill in a neutral way (3.4 percent). Even more interesting is how the overall tone of the signing statement varies significantly by unified and divided government.[44] Here, table 7.2 shows that rhetorical signing statements rarely take a negative tone; when they do, it is almost always under divided rather than unified government. Likewise, rhetorical statements that are mixed or neutral occur relatively less frequently under unified (7.5 percent and 1.5 percent) as compared to divided government (28.1 percent and 3.6 percent). So, it would seem presidents are far more likely to underscore deficiencies in legislation under divided as compared to unified government. Moreover, the signing statements of conventional wisdom—those that merely report the contents of a bill in a neutral way—rarely occur. Presidents simply don't allow such rhetorical opportunities to pass without attempting to wring some political advantage from them. In contrast, rhetorical statements characterized as positive in tone toward the legislation occur frequently, but much more frequently under unified as compared to divided government. Nearly 90 percent of the rhetorical signing statements issued under unified government are positive in tone while about 65 percent are characterized that way under divided government.

The results from table 7.3 focus on the tone of the statement in characterizing Congress's role in passing the policy. The key variable from the table takes on five possible categories that reflect the tone toward Congress in the rhetorical signing statement. These categories include clear negative attacks on Congress, positive praise of Congress, joint praise of Congress and the administration, a mixed tone toward Congress (positive and negative statements), and no mention of Congress in the signing statement. Table 7.3 shows significant differences in the signing statement tone characterizing Congress between unified and divided government. The modal category represents rhetorical signing statements that don't mention Congress whatsoever for both unified and divided government (41.8 percent and 37.5 percent respectively). Rhetorical statements that take a mixed tone toward Congress or that attack Congress occur much more frequently during divided government as compared to unified government. The rate under divided government is 18.4 percent and 8.4 per-

Table 7.3. Rhetorical Tone toward Congress and Administration, 1981–2008

Rhetorical Tone of Signing Statement	Unified Government	Divided Government	Total Row Frequency
Attack Congress	6.0% (n=4)	8.4% (n=42)	8.1% (n=46)
Praise Congress	23.9% (n=16)	16.4% (n=82)	17.3% (n=98)
Joint Praise Congress and Administration	23.9% (n=16)	19.2% (n=96)	19.8% (n=112)
Mixed Tone Toward Congress	4.5% (n=3)	18.4% (n=92)	16.9% (n=95)
No Mention of Congress	41.8% (n=28)	37.5% (n=187)	37.9% (n=215)
Total	100% (n=66)	100% (n=496)	100% (n=566)

Pearson's $\chi2$ (4)=10.1 {P<.003}

cent, and statements under unified government with the same mixed tone or that attack Congress occur at a rate of only 4.5 percent and 6.0 percent respectively. The use of rhetorical statements that offer praise to Congress or to the administration jointly occurs at a higher rate—nearly 24 percent. In contrast, under unified government the relative use of signing statements that characterize Congress in this way occur only 16.4 percent and 19.2 percent of the time. These results tend to parallel the overall differences in tone toward the legislation that was found in the previous table. When presidents choose to issue rhetorical signing statements, the condition of divided versus unified government significantly affects the tone of the statements toward the legislation and toward Congress. Put another way, the results from tables 7.2 and 7.3 suggest there is a partisan skew to the rhetorical statements that sheds light on the president as the leader of his party. Such statements are rarely critical in tone regarding policy or process when Congress is controlled by fellow partisans.

Table 7.4 looks at whether or not the president's rhetorical sign-
ing statement mentions bipartisanship in describing the policy or the
administration's role working with Congress. The focus on bipartisan
or bipartisanship gets at how the president portrays the policy and/or
his administration in serving a broader national constituency. Table 7.5
explores the number of constituency groups targeted by the rhetorical
signing statements for each administration. The main point of the tables
is to illustrate the varied political audiences that the rhetorical signing
statements may try to reach. By doing so, we can gain some insight into
how presidents employ such statements in reaching out to both national
and targeted constituencies.

Table 7.4 assesses whether or not the rhetorical signing statements
mention bipartisanship in relation to the policy or the administration's
role. Overall, the table shows that 24 percent of the rhetorical signing
statements mention the term *bipartisanship* in framing the policy and or
Administration. Moreover, the table suggests some interesting variation
in the use of bipartisanship in the rhetorical statements by administra-
tion. For example, the Reagan and Clinton signing statements are much
more likely (23.2 percent and 26.3 percent respectively) to refer to bipar-
tisanship as compared to the signing statements of President George H.

Table 7.4. Bipartisanship Mentioned by Administration, 1981–2008

Presidential Administration	No Bipartisanship Mentioned	Bipartisonship Mentioned
Ronald Reagan (1981–88)	76.8% (n=152)	23.2% (n=46)
George H. W. Bush (1989–92)	87.8% (n=87)	12.2% (n=12)
William Clinton (1993–2000)	73.7% (n=168)	26.3% (n=60)
George W. Bush (2001–08)	56.1% (n=23)	43.9% (n=18)
Totals	76.0% (n=430)	24.0% (n=136)

W. Bush (12 percent). Yet, the highest rate of bipartisanship references occurred with the signing statements issued by President George W. Bush. Although the administration of President George W. Bush had a notable paucity in the use of rhetorical signing statements, when they were used, nearly 44 percent of them referenced bipartisanship. These results provide some evidence that such rhetorical strategies may be employed to strengthen the public's perception of the president as a national leader and serving broad coalitions in governing.

Table 7.5 illustrates the number of constituency groups mentioned in the signing statement. We have coded all the specific constituency groups targeted by the statements, but a description of these will have to await future analysis. However, the results from table 7.5 suggest that presidents rely on the rhetorical statements in order to show their support of and share credit with constituency groups. One interesting characteristic illustrated by the table is that rhetorical statements always mention at least one constituency group and often mention multiple constituency groups. The rhetorical statements represent a distinct opportunity for presidents to claim credit among particular groups, and they readily take such opportunities with rhetorical signing statements.

Table 7.5. Number Constituency Groups Targeted by Administration, 1981–2008

Rhetorical Constituency Targets	Ronald Reagan	George H. W. Bush	William Clinton	George W. Bush	Total Row Frequency
Single Constituency	80.3% (n=159)	62.6% (n=62)	56.1% (n=128)	65.9% (n=27)	66.4% (n=376)
Two Constituency Targets	11.1% (n=22)	26.3% (n=26)	26.3% (n=60)	21.9% (n=9)	20.7% (n=117)
Three or More Constituency Targets	8.6% (n=17)	11.1% (n=11)	17.5% (n=40)	12.2% (n=5)	12.9% (n=73)
Total Column Frequency	100.0% (n=198)	100.0% (n=99)	100.0% (n=228)	100.0% (n=41)	100% (n=566)

Explaining Rhetorical Signing Statements

We have argued that the rhetorical signing statement serves a remarkable variety of purposes. Rhetorical signing statements can be used for credit claiming, framing legislation, or political arguments, to build support among a variety of constituencies—filling the president's role as party or national leader—and even advocate for future policy. Viewed in this light, the analysis has focused on the importance of divided and unified government in shaping the characteristics of the rhetorical signing statement and in conditioning the incentives for presidents to use them.

We offer one more piece to the analysis in order to explain why presidents choose to use rhetorical statements on legislation instead of the constitutional ones. Here, the dependent variable includes all presidential signing statements during the period of our study (N=977). Rhetorical signing statements are coded 1 and constitutional statements coded 0. Because of the dichotomous quality of the dependent variable, the analysis employs a logit to model the president's choice of statement type.

The theoretical discussion focused on a couple of key conditions that should shape presidential incentives to use the rhetorical statement as a device used to appeal to important political audiences and build political capital for future policy success. Divided or unified government represents one such condition and takes on the value 1 for the former and 0 for the latter condition. The argument suggests presidents will have a greater need to build political capital when facing an opposition majority party in Congress. So the likelihood of rhetorical statements should be greater than constitutional under divided government. Similarly, presidents would have a greater incentive to use rhetorical signing statements to build political capital with key constituencies when their standing with the public is low. From this perspective, the expectation is that there should be an inverse relationship with presidential approval. The likelihood of presidents issuing rhetorical statements should be significantly higher (relative to constitutional statements) when their approval is low. Presidential approval measures the percentage approving of the president from the most recent Gallup poll just prior to the bill's passage.

In addition, the analysis controls for a number of potential factors that may shape the president's choice of signing statement type. For example, the analysis controls for presidential policy success as measured by the yearly percentage of presidential position victories on roll calls averaged between the House and Senate. If the rhetorical signing statements are used to build capital and appeal to Congress for future policies as we have

suggested, one would suspect a significant correlation between the use of rhetorical statements and presidential policy success. As in past studies, the analysis employs dummy variables to control for whether or not the legislation was major or minor as indicated by *Congressional Quarterly* and whether or not election years affect the type of signing statement utilized by presidents.[45] Last, the logit analysis includes dummy indicators for the administrations of George H. W. Bush, Clinton, and George W. Bush in order to isolate any individual effects by president.

Table 7.6 provides the results of the logit analysis. The logit model confirms the expectation that rhetorical statements are significantly more likely during divided government. The effect of divided government is statistically significant, and the marginal effect is substantively large relative to other independent variables. The marginal effect suggests that divided government significantly increases the probability of a rhetorical statement by .29. The model results also indicate that as approval increases, the likelihood of a rhetorical signing statement decreases significantly relative to constitutional statement types. These results provide evidence consistent with the argument that presidents have an incentive to choose rhetorical statements when their power to persuade via popularity is relatively low or under divided government when they are more likely competing with Congress. As we have argued, this may suggest that presidents can use the rhetorical signing statements to appeal to political audiences and foster their future capacity to persuade.

The model results also provide evidence of a correlation between presidential success and the use of rhetorical signing statements. We certainly do not want to push this inference too far because we are unable to say whether a president's roll call success is truly exogenous or in fact endogenous with respect to the use of signing statements. Instead of fostering subsequent policy success as we have suggested, it may be simply that roll-call success provides presidents with more legislative opportunities to use the signing statement. This question will have to await future analysis.

The remaining findings from the control variables are consistent with prior research.[46] Election cycles and whether the legislation is major or minor significantly affect the type of signing statement used by the president. Presidents utilize the rhetorical statements on nonmajor legislation but use such opportunities to target important constituencies. However, presidents do reserve the constitutional signing statement for major legislation—where the policy consequences are greatest.

Conventional wisdom provides a modest view of the rhetorical signing statement, depicting it as a glorified press release that merely

Table 7.6. Explaining Signing Statement Types, Reagan to Bush II, 1981–2008

Independent Variables	Logit Model	Δ Probability
Divided Government	1.228**	.29
	(.318)	
CQ Major Bill	−.481*	−.11
	(.221)	
Midterm Election	−.246	−.06
	(.175)	
Presidential Election	−.660**	−.16
	(.195)	
Presidential Success	.020**	.08
	(.007)	
Presidential Approval	−2.541**	−.07
	(.804)	
Bush I	−.842**	−.21
	(.206)	
Clinton	.559**	.13
	(.210)	
Bush II	−1.671**	−.39
	(.261)	
Constant	.130	————
	(.634)	

LL= −581.2
$\chi^2(9) = 142.10$ (P<.0000)
N=977

Note: Standard errors in parentheses are robust. The dependent variable represents the type of signing statement issued, coded 1 for rhetorical and 0 for constitutional.
**$p < .01$, *$p < .05$, one–tailed tests.

highlights core ingredients of legislation. We think conventional wisdom widely misses the true role of these rhetorical tools. Our analysis has begun to offer a view of the rhetorical signing statement that goes far beyond conventional wisdom. Rather, these statements have many rhetorical sides to them and serve multiple purposes.

Conclusion

There is a growing scholarly interest in presidential signing statements. Indeed, scholars have found that presidents have increasingly relied on the constitutional signing statement to challenge congressional provisions deemed unconstitutional, direct bureaucratic subordinates, or defend and advance presidential prerogatives and policy.[47] We welcome this awareness and think serious study of this tool remains highly warranted. But while virtually all the attention has been placed on the constitutional variety of signing statement, the rhetorical statement has been left alone like an unturned jewel in the sand. When rhetorical statements are mentioned, they are largely set aside as benign informational or ceremonial devices.[48] Although ours is a simple first cut, we think there's enough evidence to assert that the rhetorical statement is far from being politically inconsequential.

Indeed, our analysis begins to look at how the president's message on the legislation, Congress's role, and constituencies targeted in the statements vary by divided or unified government. For example, we have focused on how the rhetorical signing statement characterizes the particular legislation. A clear majority of the rhetorical signing statements covered in our analysis characterize legislation in a positive light. But we do find differences in such messages between unified and divided government. Nearly 90 percent of the rhetorical signing statements under unified government have a positive tone toward the policy, while only about 65 percent of such statements do under divided government. Rhetorical signing statements that have a negative or mixed tone toward the policy occur far less frequently, but when they do, it is usually under divided government.

In addition, the analysis demonstrates that presidents often share credit with Congress and that the tone characterizing Congress's role in the legislative process systematically varies depending on divided or unified government. Presidents are far more likely to heap praise on Congress under unified party control, but such praise is less readily available when facing majority opposition in Congress. Outright attacks of Congress are somewhat rare. But rhetorical statements that send a mixed tone filled with caveats about Congress's role occur relatively frequently and almost always under divided government. President Clinton's rhetorical statements illustrate this phenomenon nicely. During 1993 and 1994 nearly all of Clinton's rhetorical signing statements were positive regarding his working relationship with the Congress given that the Demo-

crats controlled both chambers. When the Democrats lost control of the Congress following the 1994 midterm elections, the rhetorical statements where Congress was concerned turned much more negative. Typical of the tone in the statements are the bills Clinton signed during the budget crisis of 1995. For instance, when Clinton signed legislation funding the Congress, he took care to note that after vetoing the first congressional appropriations bill because "Congress should not take care of its own business before it takes care of the people's business," he decided to sign the current bill, "recognizing that the Congress has indeed made some progress."[49] More to the point, when signing a bill funding the District of Columbia, Clinton argued that the "shutdown is hurting millions of innocent Americans [where] the longer it continues, the more Americans across the country will feel its impact."[50]

The analysis also illustrates that the rhetorical statements target a variety of political constituencies. In fact, over one-third of the rhetorical statements covered during our analysis mentioned two or more political constituencies. The frequency with which presidents use these opportunities suggests that building public support for policy or mobilizing constituencies doesn't end when Congress sends the finished legislative product to the president's desk.

Finally, the analysis offers a basic model assessing factors that explain why the president may choose rhetorical over constitutional signing statements. The results are consistent with some of our previous work.[51] Divided party control and low approval level place presidents at considerable disadvantage in building coalitions to pass policy. When presidents can't count on the party for congressional majorities, building up political capital in order to persuade becomes paramount. Thus, we find that presidents rely significantly more upon rhetorical statements as opposed to the constitutional types under conditions of divided government. Likewise, the results suggest that a president's incentive to use rhetorical statements rises significantly as his public standing decreases. Last, the results suggest another intriguing possibility for the rhetorical signing statement. The models demonstrate a significant correlation with a president's legislative success. One plausible explanation that is consistent with some of the anecdotal evidence is that presidents use the rhetorical statements to appeal for other policies. If the rhetorical statement can be used to reach out to constituencies and build capital, then such appeals may appreciably affect subsequent policy success. This result certainly merits further inquiry that we leave for a later time.

While conventional wisdom has long written off the signing state-
ment as mere hand-wringing about a bill's content, it is evident from this
analysis that these rhetorical tools play a much more important role than
what conventional descriptions would have us believe. Indeed, there may
be more than a little irony in that the constitutional signing statement
has invoked so much controversy because it empowers presidential uni-
lateralism while its rhetorical cousin empowers presidential persuasion.

Notes

1. Obama, "Remarks by the President at the Signing of the Family Smok-
ing Prevention and Tobacco Control Act."

2. Ibid.

3. Ibid.

4. Ibid.

5. "Statement by Kathy Mulvey, Corporate Accountability International,
in Response to HR 1256."

6. Ibid.

7. "Statement from ASCO President Douglas W. Blayney, MD, on Presi-
dent Barack Obama's Signing of the Family Smoking Prevention and Tobacco
Control Act.

8. Tulis, *The Rhetorical Presidency*; Kernell, *Going Public*; Canes-Wrone,
Who Leads Whom?"

9. Mann and Ornstein, *Broken Branch*; Sundquist, *Decline and Resurgence
of Congress*.

10. Neustadt, *Presidential Power*.

11. Meernik, "Presidential Decision Making and the Political Use of Force";
Covington, Wrighton, and Kinney, "A Presidency-augmented Model of Presiden-
tial Success on House Roll Call Votes"; Canes-Wrone and Marchi, "Presidential
Approval and Legislative Success."

12. Kernell, *Going Public*; Skowronek, *Politics Presidents Make*;
Marshall, "Presidential Success in the Realm of Foreign Affairs: Institutional
Reform and the Role of House Committees."

13. Cameron, *Veto Bargaining*; Canes-Wrone, "The President's Legislative
Influence from Public Appeals"; Bond and Fleisher, *Polarized Politics*.

14. Cameron, *Veto Bargaining*; Canes-Wrone, *Who Leads Whom?*

15. Mouw and Mackuen, "The Strategic Agenda in Legislative Politics."

16. Kernell, *Going Public,* 39–40.

17. Canes-Wrone, *Who Leads Whom?* 78–81.

18. Edwards, *On Deaf Ears: The Limits of the Bully Pulpit,* 51; but see Page
and Shapiro, *The Rational Public*.

19. Austen-Smith, "Strategic Models of Talk in Political Decision Making."

20. Mayer, *With the Stroke of a Pen*; Cooper, *By Order of the President*; Howell, *Power without Persuasion*; Rudalevige, *The New Imperial Presidency*.

21. Howell, "Unilateral Powers: A Brief Overview," 421.

22. Moe and Howell, "Unilateral Action and Presidential Power: A Theory," 864–65.

23. Mayer, *With the Stroke of a Pen*; Cooper, *By Order of the President*; Howell, *Power without Persuasion*; Rottinghaus and Maier, "The Power of Decree: Presidential Use of Executive Proclamations, 1977–2005"; Martin, "The President and International Commitments: Treaties as Signaling Devices"; Krutz and Peake, *Treaty Politics*.

24. Pfiffner, "Presidential Signing Statements and Their Implications for Public Administration."

25. Kumar, "The President as Message and Messenger: Personal Style and Presidential Communications"; Campbell and Jamieson, *Presidents Creating the Presidency: Deeds Done in Words*; Nelson, "Speeches, Speechwriters, and the American Presidency."

26. Kelley, *The Unitary Executive,* 45, 49.

27. Cooper, "George W. Bush: Edgar Allen Poe, and the Use and Abuse of Presidential Signing Statements," 517.

28. Cooper, *By Order of the President,* 206–07; and "George W. Bush: Edgar Allen Poe, and the Use and Abuse of Presidential Signing Statements,"516–17; Fisher, "Signing Statements: What to Do?" 8–9; Pfiffner, "Constraining Executive Power: George W. Bush and the Constitution"; Savage, *Takeover: The Return of the Imperial Presidency and the Subversion of American Democracy.*

29. Kelley and Marshall, "The Last Word: Presidential Power and the Role of Signing Statements," 255.

30. Berry, "Controversially Executing the Law: George W. Bush and the Constitutional Signing Statement."

31. Pfiffner, "Presidential Signing Statements and Their Implications for Public Administration."

32. Neustadt, *Presidential Power*.

33. Kelley, *The Unitary Executive*, 67.

34. Ibid., 67.

35. Patterson, *Out of Order*.

36. Bush, "Statement on Signing the Unemployment Compensation Amendments of 1992."

37. Patterson, *Out of Order*; Graber, *Mass Media and American Politics*, 8th Edition; Bennett, *News: The Politics of Illusion*, 9th Edition.

38. Ibid., 67–68.

39. Ibid., 69.

40. Ibid., 30.

41. Clinton, "Statement on Signing the Military Construction Appropriations Act, 1996."

42. Clinton, Jackman, and Rivers, "The Statistical Analysis of Roll Call Data."

43. Bush, "Remarks on Signing the Andean Trade Preference Act Extension, 2008."

44. The chi-square result suggests that the condition of divided or unified government is significantly related to the overall tone of the rhetorical signing statement.

45. Kelley and Marshall, "The Last Word: Presidential Power and the Role of Signing Statements."

46. Kelley and Marshall, "Going It Alone: The Politics of Signing Statements from Reagan to Bush II."

47. Cooper, *By Order of the President*; Marshall and Kelley, "The Last Word: Presidential Power and the Role of Signing Statements"; Berry, "Controversially Executing the Law: George W. Bush and the Constitutional Signing Statement."

48. Pfiffner, "Presidential Signing Statements and Their Implications for Public Administration."

49. Clinton, "Statement on Signing the Legislative Branch Appropriations Act, 1996."

50. Clinton, "Statement on Signing District of Columbia Appropriations Legislation."

51. Kelley and Marshall, "Going It Alone: The Politics of Signing Statements from Reagan to Bush II."

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President Obama and Counterterrorism Policy

When Campaign Pressures Meet Governing Imperatives

Nancy Kassop and Steven R. Goldzwig

As the Democratic presidential candidate in 2008, Barack Obama's campaign speeches were laced with sharp criticism of President George W. Bush's counterterrorism policy. Obama was consistent in his condemnation of indefinite detention of terrorist suspects at Guantanamo, harsh interrogation tactics amounting to torture, use of military commissions instead of federal courts for trial of terrorist suspects, extraordinary rendition to CIA "black sites," warrantless domestic wiretapping in violation of FISA, and reliance on the state secrets doctrine to dismiss cases from the federal courts. He pledged, if elected, he would reverse these policies to insure that the United States would once again abide by international law abroad and enforce civil liberties protections at home. On the campaign trail, candidate Obama spoke eloquently, saying, "It's time to restore our moral leadership by rejecting torture without equivocation; by closing Guantanamo; by restoring habeas corpus; and by again being that light of justice to dissidents in prison camps around the globe."[1] Recurring throughout his speeches were references to "restoring the adherence to

rule of law that helps us win the battle for hearts and minds" and to a foreign policy that would be "principled" and "pragmatic" and would reflect American values.[2]

Obama continually pressed the theme of the need for new leadership on national security during his campaign for the presidency. Time and again, he sought to assure the nation that an Obama presidency would be more open, more cooperative, less prone to war, and more committed to alternative ways of keeping the peace. Obama assured listeners, however, that this would not mean a soft-glove approach to those extremists bent on fomenting terror as a means of achieving their political goals. In August 2008, candidate Obama appeared before the national convention of the VFW and pledged: "As commander-in-chief, I will have no greater priority than taking out these terrorists who threaten America, and finishing the job against the Taliban."[3]

Moreover, Obama seemed to want to usher in a new era of accountability and openness in the nation's intelligence community. In October 2007, in an address delivered in Chicago at De Paul University, Obama promised to "turn the page on a growing empire of classified information, and restore the balance we've lost between the necessarily secret and the necessity of openness in a democratic society."[4] He pledged to employ intelligence "to make good policy," not "manipulate it to sell a bad policy."[5] This, of course, redounded to his predecessor. Furthermore, Obama was intent on defining his presidency as one that would take every step possible to ensure that the nation would fully "turn the page on the imperial presidency that treats national security as partisan issue."[6]

In Washington, D.C. on August 1, 2007, in an address at the Woodrow Wilson Center, titled "The War We Need to Win," Obama delivered a lively, wide-ranging campaign speech that struck at the heart of the Bush administration's miscues. He clearly demarcated key areas where the previous administration had overstepped its reach and argued that he would implement a new strategy in an effort to undo the damage that had been done. It was the most comprehensive statement on national security missteps that Obama had made on the campaign trail.[7]

But, even the atrocities of Abu Ghraib and the sufferings of those who found themselves detained in Guantanamo without trial seemed salvageable when exposed to Obama's deft campaign rhetoric: "In the dark halls of Abu Ghraib and the detention cells of Guantanamo, we have compromised our most precious values. What could have been a call to a generation [9/11] has become an excuse for unchecked presidential power. A tragedy that united us was turned into a political wedge issue used to

divide us. It's time to turn the page; it is time to write a new chapter in our response to 9/11."[8]

Later in the speech, Obama explained that part of initiating a "new chapter" is to "reject a legal framework that does not work."[9] Citing only one conviction at Guantanamo, Obama pledged to "close Guantanamo, reject the Military Commissions Act, and adhere to the Geneva Conventions."[10] Obama concluded: "Our Constitution and our Uniform Code of Military Justice provide a framework for dealing with the terrorists."[11]

On the home front, an Obama administration would make sure that civil liberties were respected and that homeland security was balanced enough to protect constitutional rights. "That means no more illegal wire-tapping of American citizens. No more national security letter to spy on citizens who are not suspected of a crime. No more tracking citizens who do nothing more than protest a misguided war. No more ignoring the law when it is inconvenient. That is not who we are. And it is not what is necessary to defeat the terrorists."[12]

Nevertheless, however that new chapter would be written, it still included a sacred promise to ferret out terrorism and terrorists with swift, aggressive, single-minded, purposive military action: "There must be no safe haven for terrorists."[13] Obama pledged emphatically: "I will not hesitate to use military force to take out terrorists who pose a direct threat to America. This requires a broader set of capabilities, as outlined in the Army and Marine Corps's new counter-insurgency manual. I will ensure that our military becomes more stealth, agile, and lethal in its ability to capture or kill terrorists. We need to recruit, train, and equip our armed forces to better target terrorists, and to help foreign militias to do the same."[14]

Thus, certain themes underlying Obama's approach to counterter-rorism policies emerged clearly on the campaign trail. These were: a reaffirmation of democratic values, including an emphasis on a commitment to insuring liberty, justice and the rule of law, both at home and abroad; shifting the emphasis from Iraq to Afghanistan and Pakistan as the true military fronts in the war on terrorism; and a return to government accountability and transparency of process, along with improved intelligence capabilities.

Above all, when it came to that composite of specific counterter-rorism policies that had been so discredited from the Bush administration, candidate Obama had three overriding factors that surfaced repeatedly in his campaign rhetoric: (1) that he believed there was a "traditional legal framework" already in place for dealing with terrorist suspects, and that

the ad hoc legal policies created by the Bush administration were, to put it mildly, unwarranted, unnecessary, ineffective, and damaging to America's image; (2) that his policies would be guided by principles, pragmatism, and the rule of law, thus, offering an implicit contrast to the Bush administration, which followed an approach that he believed was lacking in all three; and (3) that he would use "every tool in the arsenal" (within that "traditional legal framework") in the pursuit of terrorists and in bringing them to justice.

It is safe to say, then, that voters who supported Obama in the 2008 presidential election had reason to expect that, once in office, he would deliver on his promises to roll back the controversial Bush administration counterterrorism policies and would devise new efforts to combat terrorism that would be consistent with his commitment to respect constitutional rights and international legal principles. Fellow Democrats and independent voters who rejected the Bush policies were eager to change course and to embrace the new approach Obama would bring.

Leadership Considerations upon Taking Office

In Obama's 2008 electoral victory, we can see many potential leadership elements. In Neustadtian terms, he possessed communicative talents that boded well for his ability to "persuade" his audiences. His soaring campaign rhetoric electrified crowds and motivated millions of voters to participate in the electoral process for the first time, including record numbers of younger, newly registered voters as well as older, disaffected persons who had been alienated from politics until Obama roused them from their discontent by promising an agenda of "hope" and "change."

Using Skowronek's theory of political time, where context plays such a dominant role in determining politics, Obama entered the White House on the tails of voter rejection, or repudiation, of the previous regime, with many of the signs in place that he could be a "reconstructive leader."[15] Ron Brownstein cited that 71 percent of voters polled in an exit survey on Election Day 2008 disapproved of outgoing President George W. Bush's performance in office, a statistic that permitted Obama to think that he was embarking on his presidency in a "transitional moment."[16] Skowronek notes that "presidents who have most fully mastered the problems of sustaining leadership authority and orchestrating political change . . . have come to office promising to root out the entrenched remnants of the

discredited past and to recapture some essential American values lost or squandered in the indulgences of the old order."[17] They further "identify their political ideas with the high duty of restoring the moral integrity of the nation."[18] Obama's campaign speeches that were so critical of the Bush counterterrorism policies were filled with promises to resuscitate America's moral reputation, sullied by the prior administration's counterterrorism tactics.

Rhetoric in Office

In his Inaugural Address, Obama set the tone for his administration's upcoming policies for ensuring the common defense and national security: "We reject as false the choice between our safety and our ideals. Our Founding Fathers, faced with perils that we can scarcely imagine, drafted a charter to assure the rule of law and the rights of man—a charter expanded by the blood of generations. Those ideals still light the world, and we will not give them up for expedience sake."[19] This line drew sustained applause. Efforts at national security would be informed and guided by "the justness of our cause, the force of our example, [and] the tempering qualities of humility and restraint."[20] Combining high-minded principle with temperance, Obama pledged his administration to a new way of ensuring the safety and security of the American citizenry and implied that the U.S. example would be transformed to serve as a model for other nations to emulate.

The president's strategy for recalibrating counterterrorism policy was best articulated in remarks he delivered on national security at the National Archives on May 21, 2009. He opened the address by indicating the priority he placed on national security: "My single most important responsibility as president is to keep the American people safe. It's the first thing I think about when I wake up in the morning. It's the last thing I think about when I go to sleep at night."[21] While measures can be taken to increase national security, Obama made it clear that for him, constitutional principles were as important as prudent action: "I've studied the Constitution as a student, I've taught it as a teacher, I've been bound by it as a lawyer and a legislator. I took an oath to preserve, protect and defend the Constitution as Commander-in-Chief, and as a citizen, I know we must never, ever, turn our back on its enduring principles for expedience sake."[22]

Key themes emerged throughout the speech: an emphasis on "legitimacy"; development of the "most sustainable legal framework for addressing these issues in the long term"; and his pledge "to protect the American people, but we will also ensure the accountability and oversight that is the hallmark of our constitutional system . . . I will deal with Congress and the courts as co-equal branches of government."[23]

Perhaps this last theme of public acknowledgment that the executive branch is one of three coordinate institutions in the governmental system and that it must respect and work with the other two in order to produce legitimate policies, is the one that demonstrates just how far the Bush administration had strayed from "first principles." That such a statement should be singled out now as remarkable speaks volumes of how differently, at least in philosophical approach, the Obama administration views its role from that held by its predecessor.

Again, he charged that the Bush years had steered America "off course" but that he had already made efforts to reverse direction by (1) banning enhanced interrogation techniques; (2) ordering that the Guantanamo Bay prison be closed within one year of taking office; (3) ordering a review of all pending detainee cases; and (4) developing a set of five categories for adjudicating these cases.

Thus, Obama pledged to employ U.S. criminal courts, where appropriate, to prosecute suspected terrorists; other cases would be turned over to military tribunals. Some detainees would be released based on existing court orders, while others could be transferred to another country. The final category included detainees still held at Guantanamo whom the government felt could not be prosecuted, yet they still remained a threat to the United States. This latter category of detainees was described by Obama as "people who, in effect, remain at war with the United States."[24]

Obama also dealt with apparent discrepancies in his own administration's attempts to operate with a new transparency. Press and public alike fretted over Obama's release of Office of Legal Counsel memos from the Bush administration that described CIA interrogation techniques and contrasted that "open" action with Obama's own attempts to prohibit the release of additional photos of prisoner detention activities at Abu Ghraib. Obama argued that these two actions were not inconsistent or based on a double standard. The president also tried to assuage discontent by announcing that he was putting policies in place that would help further transparency in the treatment of classified documents and the disposition of "state secrets." He also denied the need for a special commission

to investigate the Iraq War, arguing that the United States already had mechanisms and institutions in place to take care of important residual issues. It was time to move forward, "to focus on the future."[25]

Perhaps the most vexing policy announced in that speech was the one that maintained a need to indefinitely detain those few terrorist suspects who could be neither prosecuted nor released either because the evidence against them was flawed or because they were exceptionally dangerous (or both). Even here, however, the stark contrast to the Bush administration policies was on display, as President Obama stated, "In our constitutional system, prolonged detention should not be the decision of any one man."[26] One may presume that Obama was not unaware of the similar phrasing used by Lincoln when, as a first-term member of Congress, he criticized President Polk's unauthorized military foray into Mexico by noting that under our Constitution, "*no one man* should hold the power of bringing this oppression (war) upon us."[27]

An early change in approach that moved one step away from the hold on power by "one man" was the revised legal justification for the administration's detention authority. Whereas the Bush administration relied on the president's power as commander in chief for its authority to detain suspected terrorists, the Obama Department of Justice, in a brief filed in a habeas corpus case on March 13, 2009. before the federal district court in Washington D.C., cited, instead, the delegation of power from Congress to the president in the September 18, 2001, Authorization for the Use of Military Force (AUMF), "as informed by the principles of the laws of war," as the source of its authority to detain.[28] The source of authority for power to detain had, indeed, moved from the proclamation of "one man" to policy enacted by a legislative body. The shift may have been more rhetorical and symbolic than actual, but it was, nevertheless, a seismic shift from its predecessor.

Early Actions by the Administration

Appointment of Legal Professionals

As he prepared to take office, President Obama's transition team laid the groundwork for implementing his new national security and counterterrorism visions. This groundwork consisted of (1) identifying those individuals who would play key roles in the new administration, and

(2) preparing executive orders that would jump-start the new president's agenda by providing a fresh, early, and starkly new approach to counterterrorism. Gregory Craig and Eric Holder were prominent players in this transition planning, and both also surfaced shortly thereafter as the president's choices for two critical executive branch positions in the new administration's legal policy-making structure. President Obama selected Craig as his White House counsel, a position that carries with it the entire national security portfolio. The counsel's job, generally, is to advise the president of policy options that are consistent with law. Obama also nominated Eric Holder as attorney general, to head up a Department of Justice that had been severely demoralized and highly politicized during the Bush administration, as exemplified by its controversial memos from the Office of Legal Counsel that, among other policy positions, rationalized the use of torture and inhumane treatment of detainees. Holder understood well that his mission would be to restore its former luster to the department and to rehabilitate its damaged reputation, as well as to insure Congress and the public that, as attorney general, he would be "independent" of politics and of control by the White House.

One other new player among the administration's legal policy advisers for national security was Harold Koh, the president's choice for State Department legal adviser, a position that is at the crossroads of law and national security policy making. Stepping down as dean of Yale Law School to assume the position of State Department legal adviser, Koh was a "known quantity" in his respect for international law, and his appointment to the State Department post rounded out Obama's choices in a way that would hearten liberals who hoped to see a sea change in the nation's approach to counterterrorism.

Executive Orders

On January 21 and 22, 2009, President Obama issued five executive orders and four presidential memoranda. Among these were four actions that addressed the thorniest counterterrorism policies that had carried over from the previous administration. The pattern in these executive orders was unmistakable. Interagency task forces were established for

1. "Review of Detention Policy Options" (EO 13493);[29]

2. "Immediate Review of All Guantanamo Detentions" (EO 13492);[30]

3. "Review of Interrogation and Transfer Policies" (EO 13491);[31] and

4. "Review of the Detention of Ali Saleh Kahlah al-Marri,"[32]

with mandates to study and review existing policies and to offer recommendations for a new way going forward on each of these sensitive issues.

Of striking significance here is the totally opposite approach to that of the Bush administration, where counterterrorism policies were made, in private, by a select group of tightly knit, executive branch lawyers known as "the war council," headed by David Addington, Vice President Cheney's counsel, and including hand-picked lawyers from the White House counsel's office (e.g., Tim Flanigan and Brad Berenson) and from the Office of Legal Counsel in the Department of Justice (i.e., John Yoo, Jay Bybee, and Steven Bradbury).[33]

The 180-degree turnaround in process by the Obama team was notable instantly for the degree to which it differed from the insular, secretive Bush policy-making process that had been so thoroughly controlled by the White House. The Obama task forces, in contrast, included in these policy reviews heads of key executive branch departments or their designees. Prominent in these task forces was the Department of State, long cut out of many of the most controversial decisions by the Bush administration. The attorney general was designated as the cochair for most of these task forces, further signifying the Obama effort to divest the White House (and especially, the vice president's counsel) of its inordinate and disproportionate power and to transfer the formulation of antiterrorism policies from the White House and the Department of Defense to the Department of Justice (and under the oversight of the attorney general, not just OLC, which, under the Bush administration, did not always answer directly to the attorney general).

Noteworthy in the Obama executive orders were the frequent commitments to abide by the rule of law, generally, and by more specific legal obligations. In the order reviewing detention policy options (EO 13493), the task force was charged "to identify such options as are consistent with the national security and foreign policy interests of the United States and the interests of justice."[34] A similar phrase repeating those same two "interests" was included in the executive order on Guantanamo Bay (EO 13492).[35] This order also unequivocally stated that "the individuals currently detained at Guantanamo have the constitutional privilege of the writ of habeas corpus," and, additionally, it recommended that, in considering "the potential transfer of individuals currently detained at

Guantanamo to facilities within the United States . . . review participants shall work with Congress on any legislation that may be appropriate."[36] It is unlikely that similar presidential directives promoting those two interests and ordering executive branch officials to "work with Congress" on counterterrorism policies were ever issued by the Bush administration.

Cumulatively, the use of language that respected the rule of law, the broadening of authority from the White House alone to greater inclusion of relevant executive departments and agencies in interagency task forces, and the public release and official renunciation and withdrawal of highly controversial Bush administration OLC opinions (e.g., on torture and on domestic use of the military[37]) signified the first changes of direction from previous counterterrorism policies. But behind the scenes, executive branch discussions ensued over the differing opinions on the wisdom of releasing these opinions.[38]

Add to these some additional observations from President Obama's first year in office: (1) he mentioned the commander-in-chief clause three times during his May 2009 national security speech at the National Archives, and all of these referred to his "responsibility" in that position, rather than his reliance on this clause as a source of power or authority to take specific actions (this may seem a small, semantic distinction, but to constitutional scholars, it is a significant, substantial, and conscious choice of words that carries a message of a changed perspective);[39] and (2) Press Secretary Robert Gibbs offered this reply in a June 29, 2009, press briefing to a question about how the administration might address the issue of prolonged detention: "[W]e are going to have detainees that will be hard to prosecute and too dangerous to release. And while the administration is considering a series of options, a range of options, none relies on legal theories that we have the inherent authority to detain people. And this will not be pursued in that manner."[40]

Thus, in justifying its counterterrorism policies, at the end of its first year in office, the Obama administration had not relied on the "inherent power of the president" or on the president's power as commander in chief as the source of authority for these legal policies, nor had it referred to the "unitary executive theory of the presidency." It had not refused to work with Congress on these policies, as had its predecessor, although its dealings with the legislative body were more contentious than the administration might have expected—and not all of the pushback came from Republicans, either. What we *did* witness, by that first year endpoint, was (1) a stated commitment to establish policies that had the goal of enduring for the long-term, rather than short-term, hastily created,

incremental fixes and that comported with our constitutional values and legal traditions; and (2) inclusion of other executive branch units (and especially, those that were closed out during the Bush administration) in policy formulation. These signified, at the very least, an aspirational difference in *rhetoric*, *theory*, and *process* between these two administrations.

Beyond the First Year

Yet, although there was a perceptible change in rhetoric from his predecessor, President Obama's policy positions on detention, military commissions, domestic wiretapping, rendition, and state secrets doctrine have remained largely the same as those of the Bush administration, disappointing many of his own party members and other voters who had reason to expect far greater differences between his governing choices and those of the previous administration.

His executive order issued on January 22, 2009, that promised to close the prison at Guantanamo Bay by the same date of the following year was the poster child for just how much "change" one might have expected from this new administration. As the one-year deadline approached, however, it became clear that earnest and overambitious intentions ran up against hard, governing realities in a hyperpolarized Washington and that the January 2010 closing would not materialize, after all. For that matter, even members of Congress of the president's own party ultimately balked at the closing of Guantanamo, when they were confronted with the consequences it would spawn—for example, transferring some prisoners to domestic facilities inside the United States.

As an example of the high stakes attached to a president's calculation—or miscalculation—of the political context and even to his misjudgment of the level of support from his copartisans for a volatile policy position, none serves better than Obama's presumption that his administration would be able to succeed in closing Guantanamo. When the issue of closing Guantanamo became politically linked with the equally combustible question of which system of courts (federal, civilian criminal courts versus military tribunals) would try suspected terrorists, the chances for resolving these intertwined dilemmas diminished substantially, and threw into considerable doubt any likelihood of achieving a successful outcome.

By early 2010, reports of internal dissension inside the White House emerged,[41] framed in terms of the classic conflict between politics and

law. "Politics," as embodied in the development of political strategy best likely to advance the administration's priorities, was largely led by White House aides, such as then-chief of staff Rahm Emanuel. In contrast, former White House counsel Gregory Craig and his successor, Robert Bauer, along with Attorney General Eric Holder constituted the "law," side of the rift, as these officials saw their jobs as ensuring that policies were consistent with constitutional and legal rules.

That dichotomy existed inside of an even larger one, over short-term versus long-term objectives: political strategists deal only in the short term, caring solely about the next election and the actions that will best ensure victory for their party's candidates, while officials entrusted with legal decision making are trained to think in terms of precedent, fundamental values, and rulings that will hold up over time. Inevitably, the two approaches clash. That clash was compounded here by the fact that Obama's rhetoric as candidate soared with all of the standard references to long-term ideals and principles, yet, once in office, he was confronted with the harsh realities of governing and of leading his party in ways that put a premium on short-term victories. Thus, the political climate in which Obama operated posed challenges to his leadership on multiple fronts. The honeymoon, if it had ever existed, ended early. The rhetorical and political dangers remained a constant.

The Impact of Unexpected Events and Unanticipated Negative Reactions

Efforts by the administration to impose its own imprimatur on counterterrorism policies and to distance itself from the controversial policies of the Bush administration foundered for a variety of reasons. State Department legal adviser Harold Koh, noting that "we have been tasked with unwinding policies that we would not have implemented," followed up that explanation with a more colorful observation: that "it takes a lot more time to dig out from a snowstorm than it does for the snow to fall."[42] Attorney General Holder, in a February 2010 interview with the *New York Times* staff, put it starkly when asked to explain whether his thinking about national security issues had evolved on the job over the last year: "I've been exposed to intelligence. I've had a year now at this job where I have had an opportunity to view the national security situation in this country in a way that I could not have then (in 2008)—and frankly in a way that many of those criticizing the actions that I have

taken or this administration has taken have not had the opportunity to view either. But that doesn't change in any fundamental way the views I had then. The rule of law is something that should always be a guide for the actions that we take when it comes to national security or other matters that are related to the work of this department."[43]

Undoubtedly, these comments by Holder and Koh suggest the difficulties associated with trying to change policy direction on the highly sensitive security matters. When combined with the impact of unexpected events that confronted the administration, along with unanticipated negative public and congressional reactions to some of its counterterrorism proposals and actions, the magnitude of the dilemma facing the administration was evident. Gallup polls showed that, on the question of "Do you approve or disapprove of the way Barack Obama is handling terrorism?" approval slipped from 55 percent in May 2009 to 45 percent in November 2009 (soon after the Fort Hood shooting by Major Nidal Hasan) and stayed at 49 percent through early February 2010.[44] Disapproval shot up from 37 percent in May 2009 to 47 percent in November 2009 and increased to 49 percent by February 2010.[45] *National Journal* reported in March 2010 that a Democracy Corps poll showed that likely voters disapproved, 51 to 44 percent, of Obama's approach to "the prosecution and interrogation of terrorism suspects."[46]

The issue of counterterrorism policies surfaced somewhat unexpectedly as a major focus for the 2010 midterm elections. Surprising poll results indicated that opposition to the administration's decisions to prosecute suspected terrorists Khalid Sheikh Mohammed and Umar Farouk Abdulmutallab in civilian criminal courts contributed more to Scott Brown's upset senatorial electoral victory in Massachusetts than did resistance to the administration's health care reform proposals. This turn of events created a sense of urgency and crisis for Democrats, who, historically, have been vulnerable to Republican charges that the Democratic Party is "weak" on national security.

Two Overriding Issues: Closing Guantanamo Bay Detention Facility and Deciding Whether to Try Terrorist Suspects in Federal Courts or Military Commissions

The list of controversial counterterrorism policies from the Bush administration that Obama, as candidate, opposed publicly during his campaign and vowed to change was daunting, by any account. But any desire to

address these measures competed with other, equally compelling policy issues that the new administration wanted to promote. Any new White House team needs to make choices about the specific issues for which it will be willing to expend its limited resources, especially during its first year in office. Making such choices commits proponents to fight hard for their preferences and carries political risks and consequences for both the short and the long term. It also involves a good deal of accurate guesswork, tactical skill, and—perhaps, above all—luck. The two most high-profile and most urgent counterterrorism policies that President Obama wished to address first—the closing of the prison at Guantanamo Bay and the substitution of federal criminal courts for military commissions as the venue of choice for trials of suspected terrorists—were "victims" of circumstances, both internal and external, that all tilted against them. They were casualties of the complete absence of the combination of "accurate guesswork, tactical skill and luck" suggested above. As of January 2012, there is no prospect of Guantanamo closing any time soon, and President Obama's executive order of March 7, 2011, authorized the resumption of military commissions at that naval base after a two-year suspension of new charges.[47]

What explains this spectacular failure to achieve these two highly publicized campaign goals, after three years in office? The answers provide a perfect example of how governing imperatives can overtake even the most well-intentioned and strongly committed campaign promises. In this case, the "enemies" came from both within and outside of the administration and its Democratic partisans in Congress. The explanations are complex and multilayered, but they can be summarized into two main reasons: (1) bipartisan legislation that severely restricted the administration's options and (2) administration in-fighting between White House *political* aides and executive branch *legal* professionals (i.e., Attorney General Eric Holder and White House counsel Gregory Craig (during his one-year tenure in that position)—thus, a conflict between politics and law.

Driving both of these explanations was the unanticipated negative reaction from the public, Congress, and key administration advisers over the "fallout" from unexpected events, managed by Holder. Two events were most notable here, both growing out of the attorney general's decisions to prosecute terrorist suspects in federal court. On November 13, 2009, Holder announced that he would prosecute 9/11 mastermind Khalid Sheikh Mohammed and four coconspirators in federal criminal court. Then, in January 2010, Holder announced a six-count criminal indictment

in a Michigan federal court against Umar Farouk Abdulmutallab, a Nigerian national, arrested on December 25, 2009, for his attempted bombing of a Detroit-bound Northwest Airlines plane. These two decisions crystallized the emerging, bipartisan political opposition in Congress to closing Guantanamo and to using federal criminal courts instead of military commissions and further fueled the already existing tensions between White House chief of staff Rahm Emanuel, on one side, and Holder and Craig, on the other. Subsequent news reporting placed Obama squarely in agreement with Holder and Craig on both of these decisions.[48]

Some evidence to support the two explanations offered above includes the following:

1. Bipartisan legislation, beginning in 2009 and continuing to the present (2012), banning the closing of Guantanamo and the transfer of detainees into prisons on the U.S. mainland:

May 20, 2009: Senate voted 90–6 (on the day before Obama's National Archives speech on national security), to refuse to appropriate $80 million requested by the administration to close Guantanamo and to bar the transfer of detainees into the United States for trial.[49] Only six Democrats voted in favor of the administration's request (Durbin, Harkin, Levin, Leahy, Reed, and Whitehouse): the remaining fifty Senate Democrats deserted the administration after the majority leader, Harry Reid, announced at a news conference the previous day that "Guantanamo makes us less safe . . . However, this is neither the time nor the bill to deal with this. Democrats under no circumstances will move forward without a comprehensive, responsible plan from the president. We will never allow terrorists to be released into the United States."[50] A senior Democratic aide in the Senate blamed a lack of pressure from the White House to push senators on it: "Vulnerable senators weren't going to go out on a limb and risk being Willie Hortonized on Gitmo when the White House, with the most to lose, wasn't even twisting arms . . . They weren't breathing down our necks pushing the vote or demanding unified action."[51]

October 28, 2009: Congress passed and President Obama signed P.L. 111–84, the National Defense Authorization Act for fiscal year 2010, containing Sections 1031–1033, the Military Commissions Act of 2009, that revised procedures for

military commissions, and Section 1041, prohibiting the use of funds for (a) release into the United States of any Guantanamo detainee and (b) the transfer into the United States of any Guantanamo detainee "until 45 days after the President has submitted to the congressional defense committees . . . a plan for the disposition of each individual . . . who is proposed to be transferred to the United States."[52]

December 19, 2009: Congress passed and President Obama signed P.L. 111–118, the Department of Defense Appropriations Act, 2010, containing Section 9011, prohibiting funding for release or transfer of Guantanamo detainees to the U.S. similar to P.L. 111–84, as well as Section 1004, which extended three provisions of the USA PATRIOT Act until February 2010.

December 22, 2010: Congress passed and President Obama signed on January 7, 2011, the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, P.L. 111–383, containing Sections 1032 and 1033, barring the use of funds to transfer any Guantanamo detainees (naming Khalid Sheikh Mohammed, in particular) to the United States or to any foreign country unless certain conditions were met. The president issued a signing statement on January 7, 2011, in which he characterized Section 1032 as "a dangerous and unprecedented challenge to critical executive branch authority to determine when and where to prosecute Guantanamo detainees, based on the facts and the circumstances of each case and our national security interests."[53] He condemned Section 1033 for "interfer(ing) with the authority of the executive branch to make important and consequential foreign policy and national security determinations regarding whether and under what circumstances such transfers should occur in the context of an ongoing armed conflict."[54] News reports at the time indicated that the White House had considered asserting in the signing statement that the president could disregard the prohibitions as unconstitutional infringements on his executive power, but this suggestion was scuttled in an effort to set Obama apart from the approach followed by his predecessor.[55] Nevertheless, the president closed his statement by noting that "my Administration will work with Congress to seek repeal of these

restrictions, will seek to mitigate their effects, and will oppose any attempt to extend or expand them in the future."[56]

April 15, 2011: Congress passed and President Obama signed the Department of Defense Continuing Appropriations Act, 2011, P.L. 112–10, containing Sections 1112 and 1113. The president's April 15, 2011, signing statement repeated the same criticisms about the funding restrictions as cited above in his January 7, 2011, signing statement.[57]

December 31, 2011: Congress passed and President Obama signed H.R. 1540, the National Defense Authorization Act for fiscal year 2012 (NDAA), containing Sections 1021, 1022, 1023–1025, 1026–1028, 1029, which included most of the same restrictions on the president's authority to detain, interrogate, and prosecute terrorist suspects contained in the previous legislation and, also, added some new requirements. The president had threatened to veto the bill in mid-November unless certain changes were made, most pointedly, a clarification that no American citizen could be arrested on U.S. soil and detained indefinitely:[58] by the time the bill was presented to him in its final form, some changes had been incorporated, and other controversial provisions were left unsettled, with a sufficient lack of clarity for the president to be able to sign it with the notice that "my Administration will interpret and implement the provisions described below in a manner that best preserves the flexibility on which our safety depends and upholds the values on which this country was founded."[59] Throughout his testy signing statement, he stressed repeatedly his need to interpret with "flexibility" and in a way that "upholds the nation's values."[60] The signing statement noted candidly, "The fact that I support this bill as a whole does not mean I agree with everything in it."[61] He conceded that he signed the bill into law "chiefly because it authorizes funding for the defense of the United States and its interests abroad, crucial services for service members and their families, and vital national security programs that must be renewed."[62] As the source of funding for ongoing military operations in Afghanistan and for the $662 billion in military spending throughout 2012, this was a "must-pass" bill.[63] Only a week earlier, on December 23, 2011, the president signed H.R. 2055,

the Consolidated Appropriations Act, 2012, accompanied, also, by a signing statement that raised constitutional objections to many provisions (including a continuation of the previous prohibition of the use of funds to transfer Guantanamo detainees into the U.S. or, unless specific conditions are met, into the control of foreign countries) and claimed his right to interpret and apply these contested restrictions "in a manner that avoids constitutional conflicts," and he, once again, promised, "[M]y Administration will continue to work towards their repeal."[64] Thus, these most recent laws and signing statements continue the same interbranch wrangling over detainee policies that has plagued the administration throughout its entire time in office.[65]

The consistent reason offered from Republicans and Democrats alike for their opposition to the president's efforts to modify the Bush-era detainee policies was the lack of (a) a "plan" from the administration to close Guantanamo and to provide for the continued need for housing detainees elsewhere at a politically acceptable, alternate site, and (b) a clear explanation for the administration's policy for trying those terrorist suspects against whom charges would be brought. Every time the administration suggested a possible location of a secure prison inside the United States, such as the empty detention facility in Hardin, Montana, opposition would emerge from federal political officials based there (Hardin's city council voted to approve the use of its existing prison for Guantanamo detainees, in eager anticipation of providing needed jobs for an economically depressed area, but all three of Montana's members of Congress responded negatively to this idea. Senator Max Baucus [D-MT] said, "I understand the need to create jobs, but we're not going to bring al-Qaeda to Big Sky Country—no way, not on my watch."[66]). Fears of "not in my backyard" were expressed by members of Congress of both parties, each time that a report of a potential location was floated.

2. Administration in-fighting between White House political aides and executive branch legal professionals:
    The debate within the administration over approaches to counterterrorism policies began early and continued unabated. The main protagonists were Chief of Staff Rahm Emanuel, on one side, as the political "conscience" of the White House and the monitor as to how each policy decision would impact the

Democratic Party's fortunes in the 2010 midterm elections, versus White House counsel Gregory Craig and Attorney General Eric Holder, on the other, as the legal watchdogs and the constant proponents of promoting the rule of law. One reporter described this relationship in stark terms: "Emanuel eventually pushed Craig out of his White House job, angry about his handling of issues from the botched plan to close the military facility at Guantanamo Bay to his support for release of graphic Bush-era legal memos justifying harsh interrogation techniques against terrorism suspects. Craig and Holder were allies in those battles, arguing for the legal and constitutional principles behind their policy decisions. Emanuel reportedly thought the decisions were bad politics."[67] Some of the issues where these two sides squared off against each other include the following:

Closing Guantanamo: As president-elect, four days after winning the 2008 election, Obama asked Craig, then serving as a key foreign policy adviser on the presidential transition team, to draft executive orders dismantling Bush-era interrogation and detention policies.[68] It was this effort that resulted in the five executive orders and four presidential memoranda that surfaced publicly on January 22, 2009, Obama's first full day in office after the inauguration, including the order that committed to closing Guantanamo by January 22, 2010. By November 2009, it became clear that there was no way this commitment would be realized. On November 13, 2009, Craig announced that he would step down from his position as White House Counsel at the end of the year. News reports abounded with stories of how Emanuel had viewed Craig as naïve and unrealistic in thinking that Guantanamo could be closed within one year.[69] Craig declared in his first public comments after his resignation in a speech at Columbia Law School in September 2010, "One of the reasons (for his resignation) was that I did not get along with the chief of staff well."[70]

Transferring cleared detainees out of Guantanamo and releasing them into the United States: At a White House meeting on April 14, 2009, four months into the new administration, a plan emerged to transfer eight of the seventeen Uighur (Chinese Muslim) detainees at Guantanamo to northern Virginia, two at a time, so as to introduce them gradually

into the United States, since a federal judge had already determined that they were not enemies of the United States and had ordered their release months earlier. The plan was to be implemented without any advance announcement, in the hope of preempting any opposition that could derail it. However, when Representative Frank Wolf (R-VA) learned, through a leak, of the plan that would, without prior briefing, bring these detainees into his congressional district, he expressed his outrage publicly, and the plan was quickly shelved. Later reports suggested that Emanuel was the person who decided to stop it, consistent with his thinking that the political opposition in Congress was too strong for the White House to try to counter, especially since the administration had been in power at that point for only a few months.[71] Craig maintained that there was no Oval Office meeting to determine a response to Wolf and that he was not involved in the decision to stop the plan. Others have added context here, noting that the White House push to get health care reform competed with Guantanamo for the administration's attention, and given a choice between the two, health care won out.[72]

Release of CIA memos: In April 2009, the administration was locked in internal debate over whether to declassify and release four Bush-era CIA memos that detailed harsh interrogation techniques. Holder and Craig argued for their release, while the CIA, the national security team, and other White House officials (presumably, Emanuel) strongly opposed the release. Obama sided with Holder and Craig, and the memos were made public.[73]

Linking Guantanamo closure with the decision on criminal or military trials: The 90–6 Senate vote on May 20, 2009, that rejected the administration's request for funding to close Guantanamo was followed soon thereafter by polling that showed that public disapproval for closing Guantanamo had risen from 39 percent in January to 50 percent by June 2009.[74] The administration had clearly misjudged public opinion on this issue. A pair of reporters who had interviewed more than thirty Bush and Obama administration officials, members of Congress and their staff, and activists concluded that "what the administration took as something of a certainty was that there was bipartisan support to close Guantanamo."[75] But by

late fall of that same year, the issue of the closure of Guantanamo had become intimately entwined with that of deciding which court system to use to prosecute terrorist suspects. Around that time, Attorney General Holder announced his decision in November to try Khalid Sheikh Mohammed and four other 9/11 coconspirators in federal criminal court in New York City, rather than in military commissions at Guantanamo.[76] The establishment of the connection between those two issues was the ultimate nail in the coffin of any attempt to close Guantanamo.

Holder's decision created a public relations nightmare for the administration, as it sparked widespread public criticism and negative congressional reaction, even from Democratic members, who recognized the political risks that supporting such a decision would bring. Holder balanced his decision to use federal criminal courts in these five high-profile cases with a second decision, announced at the same time, to try five other terrorist suspects in military commissions at Guantanamo. This two-pronged approach had been the subject of robust debate within the administration, with Holder its most fervent advocate (but also supported by Defense Department secretary Robert Gates and State Department secretary Hillary Clinton).[77] But it was the use of federal criminal courts that created the strongest opposition among the president's political advisers (read: Emanuel), and as long as that option was still viable, it became the chief obstacle to getting any agreement from Congress to address the closure of Guantanamo. The addition of Holder's January 2010 decision to try Abdulmutallab in a federal court only further stoked the already hot controversy over the use of criminal courts for terrorist suspects.[78]

Holder's decision to try Khalid Sheik Mohammed in federal court was the key event that foreclosed *any* potential compromise on Guantanamo, as it alienated Republican and Democratic lawmakers alike and fired up public opposition. One might say it was a self-inflicted wound by the administration—and, not coincidentally, by the president himself. President Obama was the only official at a January 29, 2010, White House Situation Room meeting who supported Holder's November 2009 decision. Obama's support was the only one Holder needed and was the only one Holder got. A reporter described the meeting: "In January, when most of Attorney General Eric Holder's friends and enemies turned against his plan to try 9/11 mastermind Khalid Sheik Mohammed in a federal courthouse in lower Manhattan one man stood by him. And he was a

good friend to have . . . [I]t was Barack Obama who took Holder's side, saying that shifting to tribunals would damage the probity of the American justice system."[79]

The only concerted efforts to try to reach a compromise on Guantanamo came from unsuccessful negotiations between Chief of Staff Emanuel and Senator Lindsey Graham (R-SC) (dubbed "D.C.'s odd couple") between February and May 2010, after which it became clear that there would be no deal.[80] Graham's opinion of why the administration was unable to close a deal that seemed within reach was that "they could never quite pull the trigger . . . [E]lection-year politics played a role in the abrupt halt to the discussion of the issue."[81] Graham suggested that the administration was unwilling to engage in a high-profile debate with both liberals in Congress and the public during an election year.[82] He noted, "I think (administration officials) are reluctant to bring any legislation before the Congress because they think it could alienate their base. And they're worried about what people on the right are going to do."[83] That is just about as candid an opinion one can get about the challenges facing a president who wishes to both unite the country and insure the solidity of his partisan and electoral base.

Two more recent administration actions that sealed the fate of Guantanamo as a continuing detention and trial facility were the March 7, 2011, Executive Order by the president that set out rules and procedures for ongoing review of detainees housed at Guantanamo, confirming without any doubt that some detainees would be imprisoned indefinitely, the unappealing posture the administration had been so reluctant to have to concede,[84] and the April 4, 2011, announcement by Attorney General Holder, in a high-profile, policy-decision reversal, that the cases of Khalid Sheik Mohammed and the four other 9/11 coconspirators indicted along with him had been referred to the Department of Defense to be prosecuted in military commissions.[85] This issue had been left unresolved for more than a year—evidence of just how prickly and how difficult it was to reach a resolution. Holder did not hold back in expressing his deep disappointment, sadness, and resentment that the original plan to use civilian courts had been derailed, and he lobbed blame directly on Congress, which had

> intervened and imposed restrictions blocking the administration from bringing any Guantanamo detainees to trial in the United States, regardless of the venue. As the President has said, those unwise and unwarranted restrictions undermine

our counterterrorism efforts and could harm our national security. Decisions about who, where and how to prosecute have always been—and must remain—the responsibility of the executive branch. Members of Congress simply do not have access to the evidence and other information necessary to make prosecution judgments. Yet they have taken one of the nation's most tested counterterrorism tools off the table and tied our hands in a way that could have serious ramifications. We will continue to seek to repeal those restrictions.[86]

He did not aim his wrath at his White House opponents, although a not-so-veiled comment that "too many people—many of whom certainly know better—have expressed doubts about our time-honored and time-tested system of justice" could certainly be interpreted as a broadside against those in the administration who questioned his political judgment in this decision from its first day.[87]

Conclusions

What can we conclude about how President Obama has tried to reconcile the virtually unresolvable dilemma of both leading his fellow partisans and simultaneously heading a nation that looks to its leader for coherent policy choices? And, more specifically, in this case, how do the promises of a presidential *candidate* figure into a *president's* governing decisions in a way that remains true to those commitments that played such a key role in his election victory?

There are no easy answers, as the evidence provided here attests. What should have been policy issues on which Obama's positions were crystal clear (i.e., closing Guantanamo and favoring federal courts over military commissions), as well as shared, presumably, by fellow Democrats and independent voters who supplied his electoral victory, turned out to be huge drains on his political capital and on his public approval ratings. (The analysis here is confined only to these two issues. Certainly, the administration's handling of the economic crisis and health care reform politics played an enormous role in its first three years in office, and any assessment of President Obama's leadership would need to be far wider than the narrow scope here. Thus, this chapter is simply a window into two well-defined issues, ones that are significant, given their prominence in the campaign.) This chapter offers explanations for

why Obama has failed to live up to these two campaign pledges, and those explanations fit rather neatly into the "uniter *and* divider" dilemma: here, Obama wanted to "produce" the results desired by his partisan base but (1) was stymied by opposition from both parties in Congress and (2) was caught in a web between advice from his political aides and principled policy choices from his administration's legal professionals, for whom politics played a lesser role. As the evidence here shows, he sided most often with the legal officials, but he paid a steep political price for those choices.

In a lengthy and revealing *New York Times Magazine* cover story in January 2010 on how the Obama administration has managed the war on terrorism, journalist Peter Baker may have best described President Obama's political modus operandi when he noted that Obama had

> adopted the bulk of the counterterrorism strategy he found on his desk when he arrived in the Oval Office, a strategy already moderated from the earliest days after Sept. 11, 2001. He did, however, shave back some of the harsher edges of the remaining Bush policies and in the process of his recalibrations drew simultaneous fire from former Vice President Dick Cheney and the American Civil Liberties Union. Obama, then, found himself in a place where he seems most comfortable, splitting the difference on a tough issue and presenting it as the course of reasoned judgment rather than of dogmatic ideology.[88]

For a president trying to straddle the gap between uniting and dividing, perhaps, this is, after all, not an unreasonable place to land.

Notes

1. Obama, "Past versus the Future."
2. Obama, "Speech on Iraq."
3. Obama, "VFW National Convention."
4. Obama, "A New Beginning."
5. Ibid.
6. Ibid.
7. Obama, "War We Need to Win."
8. Ibid.
9. Ibid.
10. Ibid.

11. Ibid.

12. Ibid.

13. Ibid.

14. Ibid.

15. Skowronek, *The Politics Presidents Make.*

16. Brownstein, "Repudiating Bush."

17. Skowronek, *Presidential Leadership in Political Time.*

18. Ibid.

19. Obama, "Inaugural Address."

20. Ibid.

21. Obama, "Remarks on National Security."

22. Ibid.

23. Ibid.

24. Ibid.

25. Ibid.

26. Ibid.

27. Basler, *The Collected Works of Abraham Lincoln.*

28. U.S. Department of Justice, Press Release, March 13, 2009. http://www.justice.gov/opa/pr/2009/March/09–ag–232.html.

29. Obama, "Executive Order—Review of Detention Policy Options."

30. Obama, "Executive Order—Review and Disposition of Individuals Detained at the Guantanamo Bay Naval Base."

31. Obama, "Executive Order—Ensuring Lawful Interrogations."

32. Obama, "Review of the Detention of Ali Saleh Khahlah al-Marri."

33. Goldsmith, *The Terror Presidency*, 22–23.

34. Obama, "Review of Detention Policy Options."

35. Obama, "Review and Disposition of Individuals Detained at the Guantanamo Bay Naval Base."

36. Ibid.

37. U.S. Department of Justice Press Release, March 2, 2009, and U.S. Department of Justice Press Release, April 16, 2009.

38. Baker, Johnston, and Mazetti, "Abuse Issue Puts CIA, Justice Department at Odds."

39. Obama, "Remarks on National Security."

40. Gibbs, Press Briefing.

41. Mayer, "The Trial; Baker, Obama Challenges Terrorism Critics."

42. Legal Times, "Koh Says Job like Snow Recovery."

43. Holder, Interview Excerpts.

44. Gallup, Presidential Ratings.

45. Ibid.

46. Victor, About-Face at Justice, 52–53.

47. Obama, "Executive Order—Periodic Review of Individuals Detained at Guantanamo Bay Naval Station Pursuant to the Authorization for Use of Military Force."

48. Calabresi, "Eric Holder's Trials and Tribulations."

49. Herszenhorn, "Funds to Close Guantanamo Denied."

50. Ibid.

51. Finn and Kornblut, "Guantanamo Bay."

52. National Defense Authorization Act for Fiscal Year 2010 Pub.L. 111–84 Stat 2190 (2009).

53. Obama, Statement on H.R. 6523.

54. Ibid.

55. Savage, "New Measure to Hinder Closing of Guantanamo."

56. Obama, Statement on H.R. 6523.

57. Obama, Statement on H.R. 1473.

58. Finn, "White House threatens to veto defense bill over detainee rules."

59. Obama, Statement by the President on H.R. 1540.

60. Ibid.

61. Ibid.

62. Ibid.

63. Landler, "After Struggle on Detainees, Obama Signs Defense Bill."

64. Obama, Statement by the President on H.R. 2055.

65. President Obama's signing statements on December 23 and 31, 2011, were a mix of both the "rhetorical" and "constitutional" varieties. Consistent with the findings of Kelley, Marshall, and Watts in chapter 7 of this volume, the president operated in a divided government context, where his public approval ratings were beneath 50 percent approval, conditions ripe for the use of the rhetorical type of statement. In Obama's case, the rhetorical message in his statements was clear condemnation of Congress, where, as he put it, "some in Congress continue to insist upon restricting the options available to our counterterrorism professionals and interfering with the very operations that have kept us safe," along with his pledge to "aggressively mitigate those concerns." and to "seek the repeal of any provisions that undermine the policies and values that have guided my Administration throughout my time in office." "Statement by the president on H.R. 1540."

66. Dawson, "The Montana Town That Wanted to Be Gitmo."

67. Jacoby, "How Close Did Holder Come to Losing His Job?"

68. Calabresi and Weisskopf, "The Fall of Greg Craig, Obama's Top Lawyer."

69. Baker, "Inside Obama's War on Terrorism"; Ingram, "Obama's Ex-Counsel Reveals White House Tensions"; and Jacoby, "How Close Did Holder Come to Losing His Job?"

70. Ingram, "Obama's Ex-Counsel Reveals White House Tensions."

71. Finn and Kornblut, "Guantanamo Bay."

72. Ibid.

73. Olopade, "Eric Holder's War." See also Mazzetti and Shane, "Interrogation Memos Detail Harsh Interrogation Tactics."

74. Finn and Kornblut, "Guantanamo Bay."

75. Ibid.

77. Linzer, "Guantanamo as Prison and Courtroom."

78. U.S. Department of Justice Press Release, "Umar Farouk Abdulmutallab Indicted for Attempted Bombing of Flight 253 on Christmas Day."

79. Calabresi, "Eric Holder's Trials and Tribulations."

80. Gerstein, "Rahm and Lindsey"; Gerstein, "Graham."

81. Gerstein, "Graham."

82. Ibid.

83. Ibid.

84. Obama, "Executive Order—Periodic Review of Individuals Detained at Guantanamo Bay."

85. Holder, "Statement on the Prosecution of the 9/11 Conspirators."

86. Ibid.

87. Ibid.

88. Baker, "Inside Obama's War on Terrorism."

Conclusion

The Right Choice at the Right Time

Julia R. Azari, Lara M. Brown,
and Zim G. Nwokora

In this volume we have asked: how do contemporary presidents balance countervailing pressures to serve as party leaders and act as the nation's leader? In other words, do presidents lean more toward upholding their constitutional obligation "to faithfully execute the Office of President of the United States" and engage in national leadership, or do they interpret their duty in a partisan manner, owing to the selection method. The contributions to this volume have shown that presidents assume both roles. However, they do not fuse the demands of national leadership and partisan leadership in an unchanging formula. How presidents deal with this leadership dilemma depends on the varying circumstances that they confront and their differing leadership styles and skills. As such, the question then is: do presidents' choices vary systematically? And, if so, are their leadership decisions influenced more by political structures or by a president's agency, or vice versa? These questions, as Nancy Kassop points out, defy easy answers. Yet the contributions in this volume suggest the deep connections between structure and agency in presidential politics. Structures impact presidents, but presidents-as-agents can mold their structural contexts, and presidential success is largely tied to how presidents assess structural constraints and opportunities. Those presidents who are most

aware of these connections are most able to successfully negotiate the leadership dilemma.

The Challenges of Modern Politics

Contemporary presidents face challenges endemic to the era, as well as some classic dilemmas. Copeland and Farrar-Myers examined how two presidents addressed a contentious social issue, gays in the military. Kassop and Goldzwig assessed how Barack Obama handled the transition from campaigning to governance in his approach to the politically fraught "War on Terror." These authors found that there was a critical interplay between changing public sentiment and presidential behavior, which suggests that even if the president's personal agency matters, his or her decisions and leadership success are structured by political conditions. Deep conflicts in American society over these issues may have raised the visibility of the president's leadership dilemma and rendered a balance between nation and party more difficult. But struggles over gay rights and the War on Terror also tapped into familiar themes of presidential leadership. As Richard Neustadt contends in *Presidential Power*, political success results from carefully reading a situation and anticipating the reactions of other players in the process—opponents as well as allies.

While some contributions in this volume dealt with presidential leadership in the context of contemporary challenges, others drew mainly on classic questions of presidential decision making. Goren's chapter on base closures highlighted the difficulty of insulating leaders from politically unattractive decisions. Both Nwokora and Brown explored the enduring burden borne by presidents and presidential aspirants: that of winning the nomination and the general election. Nwokora's analysis showed how presidential aspirants can maneuver to shape potentially volatile nomination races and can also be shaped by structural factors. But whether a candidate is able to dominate in a race, ahead of his or her rivals and in the face of structures, largely depends on his or her political skills. Brown's study revealed that presidents are able to win reelection by pursuing either a national or a partisan strategy, but only if they accurately evaluate their partisan experiences from the previous four years and make a suitable leadership choice. She also hinted at the deeper implications that these choices can have for governance in the second term. The linkage between elections and governance ties into another presidential choice: whether and how to claim an electoral mandate for their preferred policies and lay the ground-

work for their historical legacies. Azari contended that the effectiveness of these mandate claims is in part determined by the president's ability to set him- or herself apart from conflict in Congress but not appear oblivious to partisan disagreement. In other words, the president must "rise above," but not appear to be "out of the loop." More generally, there are trade-offs associated with either leadership strategy; successful presidents find those middle grounds between ignoring partisan conflict and succumbing to it. Finally, the chapters by Ponder and by Kelley, Marshall, and Watts considered the classic questions of how presidents amass and spend political capital. Ponder explored the measurement of political capital and its effectiveness through the concept of leverage, finding that presidents who possess significant leverage are able to mitigate the constraints (divided government, polarization, etc.) imposed by their circumstances. In sum, presidential agency seems to increase with presidential leverage. Kelley, Marshall, and Watts explored an undertheorized resource for presidents to send messages to supporters and set the stage for future policy debates: the rhetorical signing statement. Intriguingly, they found that presidents are rarely confrontational or critical in their rhetorical signing statements, which suggests that presidents use them to both acknowledge and encourage their congressional and special interest allies. This suggests that presidential agency, a president's capacity to act, varies systematically with the components of Ponder's leverage measure (president's standing with the public and public trust in government). Hence, these rhetorical signing statements appear to look toward future policy debates by shoring up a president's support within a specific policy community.

The balance of classic and contemporary in these chapters suggests an enduring set of challenges faced by presidents. As we suggested in the introduction, three roles consistently require presidents to address the leadership dilemma: coalition-builder, chief executive, and "bully pulpit" communicator. Although the specific political details of policies and circumstances change, the basic dilemma remains for presidents as they attempt to fulfill both public and partisan expectations. In carrying out these roles and obligations, presidents may miscalculate, costing them policy victory, political capital, administrative leeway, or even the ability to remain in office. Hence, in order to be successful, presidents must adopt the appropriate leadership strategy and choose the appropriate words at the appropriate time. Otherwise, they may diminish rather than enhance their authority and stature. More generally, the responsibilities of the executive branch afford presidents both the opportunity to fulfill national expectations and the possibility of alienating segments of the

public. Thus, leading means choosing, and as is true with all choices, each one involves its own set of risks, rewards, and trade-offs.

If presidents face recurring leadership dilemmas, what are we to make of the different ways in which they address and resolve them? Which factors most influence whether leadership decisions are successful? How should scholars approach this presidential choice to act as a party leader rather national leader under some circumstances, despite the dictates of the Constitution? In order to offer reflections on these questions, we return to the themes of structure and agency.

Structure and Constraints

Structural conditions informed many of the analyses in this volume. There is little controversy in saying that presidents inherit circumstances from their predecessors, exist within various conceptions of time (historical, electoral, and political), and rarely—if ever—have the privilege of fully remaking their political surroundings. The kinds of conditions relevant to presidential leadership include the dynamics of party politics, timing, and public mood.

Nwokora emphasized the internal circumstances of political parties during a nomination contest, including both formal rules and perceptions about candidates. He determined that a candidate's status as a frontrunner or underdog shaped the meaning of his or her strategic actions during a nomination contest. The broader dynamic of party politics plays a key role in other analyses. Brown focused on the relationship (positive or negative) the president had to his party prior to making his third-year leadership choice. Kelley, Marshall, and Watts found that presidents were more likely to employ rhetorical signing statements under divided government. Azari showed that even during periods of unified party control, recent presidents have been substantially limited by partisan divisions. Returning to the idea of contemporary polarization, both the Kassop and Goldzwig and Copeland and Farrar-Myers chapters suggested that Democratic presidents dealt with a wide disparity between the preferences of their partisan constituents and the demands of national leadership.

The question of timing plays out in several ways. Azari suggested that Skowronek's idea of "political time" constitutes one factor that shapes how presidents frame election results. Leaders charged with "articulating" the political values of the dominant regime enjoy more latitude to interpret an election result as a mandate for partisan ideas and policies,

while preemptive leaders who come to office in opposition to a dominant regime may find partisan messages politically costly and unifying messages elusive. In addition to political time, presidential fortunes are shaped by the issues they inherit and the politics that preceded them. This was particularly important in Kassop and Goldzwig's chapter on Obama and the War on Terror. Obama's position was one of reaction to the previous administration; the political ideas and interests put in place by the Bush administration's conduct of the War on Terror both constrained the ability of Obama and his Cabinet to make decisions and infused their content.

Finally, public mood poses a structural constraint on presidents. Ponder emphasized the impact of public perceptions not only of the president, but of the entire political system. His findings about the importance of the leverage measure demonstrated that the president's "place" in the political system plays a role in determining his or her policy successes. Public attitudes provided a further and most crucial foundation for Coleman and Farrar-Myers; changes in public opinion about gays in the military constituted one central difference between the politics of this policy under Clinton and under Obama.

It is inescapable, then, that structure constrains presidents and shapes the politics of the choices they make. Yet we contend that this is only part of the story. Ultimately, political outcomes follow from the ability of presidents to assess their circumstances and make good choices. Even in the three aspects of structural constraint examined in this section, the opportunities for agency were apparent and significant. While party politics and timing always set the stage for presidential politics, presidents were in control of how they perceived political situations and responded to them. Furthermore, the relationship between the presidency and political conditions does not run in only one direction. The exceptional potential of the president to shape political conditions (including the public mood and party politics), because of institutional expectations and roles associated with the office, were evident in the chapters. Thus, presidents, while confined by structure and timing, are also advantageously positioned to exploit their circumstances.

Agency and Leadership

The ultimate finding of the chapters in this volume, we contend, is that while circumstances may have heavily influenced which leadership decisions are the "right" ones, the success of presidential leadership ultimately

came down to a president's political perception, skill, and wisdom. We further emphasize three aspects of discerning leadership: the ability to read political situations (perception); the ability to look ahead and anticipate other players' actions (anticipation); and, finally, the ability to identify and pursue clear goals (discipline).

In complex situations that can be interpreted in multiple ways, presidents' calculations and actions follow from how they see their constraints and opportunities. Perception is the trait that allows presidents to avoid conceding control of their circumstances. Accurately perceiving situations requires presidents to gather facts constantly and notice changes in their environments. In short, they must be adept at learning from experience and observation. Brown finds that George W. Bush faced a different set of circumstances in the 2004 campaign than those of Bill Clinton in 1996. Adopting Clinton's national strategy might not have proven nearly as successful for Bush; both presidents demonstrated the ability to determine the more astute strategy and make the right choice for the situation. In Nwokora's case studies of presidential aspirants, winning the nomination was crucially dependent on candidates' self-awareness about their status in the race and the implications of their decisions. Conversely, Azari's analysis of presidential mandate claiming illustrates the pitfalls of misreading political circumstances and making faulty leadership choices. Clinton's 1993 mandate claim for unity and transcendence of partisan politics fatally ignored the persistence of partisan divisions in Congress, prompting him to reverse his rhetorical strategy and change his story of the 1992 election from one of unity to one of Democratic victory. By failing to take context into account, and then backpedaling, Clinton missed an opportunity to lead and to persuade other actors to sign on to his agenda. Similarly, Obama followed the contours of partisan division too closely in his mandate rhetoric and missed an opportunity to reframe policy discussions in terms appealing to both parties.

In considering Obama's difficult position on the War on Terror, Kassop and Goldzwig find that astute perception of the politics surrounding the application of the law has been of great consequence. Obama's political standing—as well as that of the Democratic Party—was negatively impacted by decisions to "prosecute suspected terrorists Khalid Sheikh Mohammed and Umar Farouk Abdulmutallab in civilian criminal courts." Learning from unexpected political fallout of these decisions, the Obama administration appears to have backed off from some of its more politically risky plans and moved toward a middle ground. Perhaps most interestingly, Kassop and Goldzwig attribute this turn of events in part to

Obama's political style of finding middle ground on difficult issues, a key factor of temperament sometimes lost in the legal and political folds of the debate on antiterror policy.

The ability of individual leaders to strategically anticipate others' behavior constitutes another aspect of good decision making, harkening back to Neustadt's ideas about bargaining. In this regard, Copeland and Farrar-Myers pointed to a crucial distinction between the ways in which Clinton and Obama pursued the issue of gays in the military. The Clinton administration worked toward changing the policy without involving military leaders or anticipating possible sources of opposition. Learning from the mistakes of the Clinton administration, Obama managed the political process more carefully, involving the military in the process and controlling the timing of the process in order to forestall opposition that might result from moving too quickly or allowing the issue to be decided in the courts. In a different way, Kelley, Marshall, and Watts found that presidents can use the unilateral tools of the office—signing statements, in this case—to prepare for the next phase of the political game. By using signing statements as rhetorical opportunities, presidents aim to claim credit for legislative accomplishments, build political capital, and set the stage for future policy debate. The authors' findings that these statements are used more frequently during divided government suggest deliberate, strategic anticipation of how others might respond in future engagement.

Finally, because of the multiple hats worn by presidents and the many areas that contend for their attention, sound presidential decision-making requires clear goals. Competent leaders do not try to do everything simultaneously, but prioritizing in the face of demands pulling in different directions can be challenging, and attempting to "have it all" can be tempting. Yet, as Bill Clinton's behavior during base-closure discussions in 1995 illustrates, trying to have it all can mean risking failure on several fronts. As Goren describes, Clinton tried to emphasize the national priority of efficiency in defense spending while simultaneously protecting bases in California (and, in so doing, Clinton's own political interest in California). This choice interfered with the capacity of the Base Realignment and Closure Commission to transcend political battles as it had in the past and fed into Clinton's reputation as a president who was sometimes more interested in his own political fortunes than the overall well-being of the nation. On the matter of clarifying goals, Brown's piece provides an interesting contrast: both Clinton and Bush pursued clear reelection strategies and made unambiguous decisions about the most strategic path to pursue reelection.

The Right Decision at the Right Time

Scholars of the presidency have been correct to point out that leadership does not—and has never—occurred in a vacuum. Context determines what choices presidents have and shapes the reactions of Congress and the public once choices have been made. However, the chapters in this volume ultimately redirect our attention to the importance of leadership choices. Context will often determine the right decision, but leaders must exercise perception, anticipation, and discipline in order to make that decision. In this way, we find that structure and agency are inextricably linked and that analysts of the presidency neglect leadership at their own peril.

Following from this nuanced relationship between context and leadership, we reject the idea that one prescriptive conclusion about the relative merits of party and national leadership is warranted. Instead, we find that circumstances sometimes call for presidents to exercise party leadership, rallying the base or articulating the party's principles. At other times, perceptive presidents will take steps to unify the nation and to act in the national interest, even at the expense of partisan ideals or political gain. Because this dilemma is so sensitive to context, we expect that it will persist in presidential politics. Effective leaders will not look for a ready-made solution to the party-nation dilemma; rather, they will assess situations and respond to the demands of leadership as they arise. Thus, for presidents, the *leadership dilemma* is not one to be resolved but rather one to be acutely understood and constantly navigated.

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Throughout their time in office, American presidents are often forced to choose between leading the nation and leading their party. In an earlier time when the major parties were less polarized, this leadership dilemma, while challenging, was not nearly as vexing as it is today. American presidents now find themselves with little room to maneuver, compelled to serve the Constitution on the one hand and yet caught within bitter partisan disputes and large numbers of unaffiliated voters on the other. The contributors to this volume investigate how recent presidents have navigated these increasingly rocky political waters. Focusing on campaign strategy, presidential rhetoric, relations with Congress, domestic and foreign policy, *The Presidential Leadership Dilemma* presents a wide-ranging, detailed, and fascinating study of how contemporary presidents face the challenge at the heart of every presidency.

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