Published in James A. Thurber, ed. *Rivals for Power: Presidential-Congressional Relations* (Washington: CQ Press, 1996), pp. 170-190.

President Clinton and the 103rd Congress: Winning Battles and Losing Wars

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Bill Clinton began his administration with elaborate promises and high expectations.¹ His ambitious agenda was predicated on the premise that the election signaled the voters' demand for change and that, with the Democrats in control of the presidency and both houses of Congress, the era of gridlock was over. His policy agenda included reducing the deficit, stimulating the economy, a middle class tax cut, a national service program, health care reform, welfare reform, campaign finance reform, lobbying reform, equitable treatment for gays in the military, administrative reform, and various other policies that he had spoken about over the course of the campaign.

In winning a number of significant legislative battles, Clinton nevertheless, lost the broader war for his own ambitious policy agenda and the partisan war in the sweeping Republican victory in the 1994 elections. Clinton's legislative performance was marked by two paradoxes:

1) He enjoyed a very high success rate on roll call votes on which he took a stand, but his first two years were marked by only partial success with his major priorities.

2) His high success rate was accompanied by high party unity scores, yet he did not receive the level of support from Democrats that he needed or that he had expected.

In both 1993 and 1994 Clinton won 86.4 percent of the time on the congressional votes on which he took a stand. This unusual success rate has only been exceeded by President Eisenhower (89.0%) and Lyndon Johnson (88.0%) in their first years in office and by Johnson in his second year as president (93.0% in the first year after he was elected president).² President Clinton also enjoyed unusually high party unity scores from the Democrats in Congress. The percentage of party unity votes, in which the majority of one party votes against a majority of the other party, was historically high in 1993, with 67.1 percent of Senate votes and 65.5 percent of House votes being partisan. In 1994 the percentages dropped off to 51.7 percent in the Senate and 61.8 percent in the House, still very high scores in mid-twentieth century context.³ The higher partisanship was a mixed blessing; while it meant that the Democrats most often voted together, it also meant that they picked up little support on the Republican side of the aisle.

Despite the impressive presidential support and party unity scores, the Clinton record was mixed, with some major accomplishments -- particularly deficit reduction and NAFTA, but with some major lost opportunities -- such as health care reform, welfare reform, and political

reform. The opportunity costs of the health care reform initiative were high, with much of 1994 dominated by legislative maneuvering on health care rather than taking up other pressing issues (e.g. welfare reform). Possible successes on up to a dozen additional policy initiatives were lost in the legislative pile up at the end of the 103rd Congress.⁴

Clinton suffered from a number of problems in his relations with Congress. Despite clear Democratic majorities, he had no natural coalition of votes for his agenda. For each major issue he had to cobble together a different combination of members to forge a winning coalition. For instance, in the two major votes on 1993 budget reconciliation and NAFTA only 78 of 435 members of the House and 27 of 100 Senators voted with the president in both cases.⁵ Democrats in Congress, despite the high party unity scores did not support him consistently or whole heartedly. Often members of his own party did not support him in key legislative battles or demanded policy concessions or personal favors for their votes.

Clinton knew the policy issues in detail (unlike Ronald Reagan) and enjoyed the personal politicking necessary to win votes in Congress (unlike Jimmy Carter). He did all the rights things in courting Congress and was generous in the time he devoted to courting individual members. Despite his denouncing of insiders and special interests in his campaign and inaugural address, Clinton (like Reagan, but unlike Carter) embraced the Washington establishment and took advice from its "old hands." He was also flexible in his policy priorities, often willing to compromise to win votes. But these assets were also cited as his weaknesses. At what point is willingness to compromise seen as "caving" in to the opposition? After how many calls and personal appeals is the president "overexposed" and devaluing the currency of personal presidential appeals? The administration also suffered from problems in momentum and timing in pushing its legislative agenda, hurting its overall record and perceptions of its effectiveness. These problems will be illustrated as Clinton's legislative record is examined, and the conclusion will try to separate personal from systemic factors in explaining Clinton's mixed record with the 103rd Congress.

The Initial Agenda

With the realization that there would be a narrow window of opportunity early in his presidency for policy change, Clinton promised to "focus like a laser beam" on the economy and to have an economic plan ready to go "on day one" of his administration. But because of disagreements within the administration about whether to stimulate a lagging economy or to pursue deficit reduction to improve longer term economic performance, the administration was not ready to move on budget issues until late in its first month in office.

Even before the inauguration trouble was brewing over Clinton's nominee to be Attorney General, Zoe Baird. The press was running stories that she and her husband had hired illegal immigrants for domestic work and had not paid their Social Security taxes until recently. The combination of a wealthy lawyer (with a reported \$500,000 income) not paying taxes and the prospective Attorney General breaking the law provided too much of a political target, and Clinton decided to withdraw the nomination on 21 January. The administration stumbled a second time in its first week when it settled on Kimba Wood as its replacement for Baird, only to

withdraw her nomination when it was discovered that she also had hired an illegal alien to care for her child. Even though Wood had broken no law at the time she did it and had paid Social Security taxes, the administration decided that it was too similar to the Zoe Baird situation. The administration finally settled on Janet Reno for its Attorney General and she was easily confirmed.

In his first two days in office Clinton signed several executive orders, the first to impose additional ethics guidelines that prohibited members of his administration from taking certain jobs dealing with the government for a period of time after they left government. Several other executive orders reversed those of the Bush and Reagan administrations that concerned counseling on abortion and use of fetal tissue in scientific research as well as U.S. aid to U.N. population control programs.⁶

The administration had three early legislative victories when Congress passed and Clinton signed three bills that had been vetoed by President Bush or stopped by Republicans in Congress. The Family and Medical Leave Act required employers to allow workers to take unpaid leave at the birth of a child or to care for a sick parent. The "Motor Voter" law made it easier for citizens to register to vote by making states provide for voter registration in conjunction with applying for a driver's license. The Hatch Act was liberalized to allow federal career civil servants to participate in more aspects of political campaigns while leaving in place safeguards against political abuse.

In its first year in office President Clinton was also able to sign bills that were part of his agenda. His national service proposal, allowing for students to help pay for their college education by several years of community service, was passed, though on a smaller scale than he had hoped. The administration of higher education loans was shifted to the Department of Education from banks, reducing the interest rates charged. The Brady bill, imposed a waiting period for those purchasing hand guns, was passed late in 1993.

Despite these first year legislative victories, the headlines of the first month of the administration were dominated by the problems in the search for the Attorney General and by Clinton's efforts to ensure equitable treatment for homosexuals in the armed services. In the campaign Clinton had not made the gay issue a major part of his program, but he had consistently said that he was against discrimination against homosexuals and had received considerable financial campaign support from organized gay political action committees. He said in the campaign that he would issue an executive order to end military discrimination against gays if he were elected.

Though Clinton saw the gay issue as a civil rights issue, the military establishment was dead set against any change in the status of gays, arguing that it would undermine unit cohesion and privacy. Chairman of the Joint Chiefs of Staff, Colin Powell, spoke out publicly against the lifting of the ban, and the rest of the Joint Chiefs spoke against it in a meeting with Clinton on 25 January.⁷ Just as important politically, Senator Sam Nunn (D-GA) publicly criticized Clinton's proposed change, thus legitimizing other Democratic opposition, since Nunn was the Democrats' foremost military spokesman in Congress. There were threats from the Hill that if Clinton

pursued his plan by executive order, Congress would pass a bill and lock the present policy in law. Despite the president's commander-in-chief status, Congress clearly has the constitutional right "To make Rules for the Government and Regulation of the land and naval Forces" (Art. I, Sec 8). Given the array of political forces against the policy and the likely defeat in Congress, Clinton accepted a compromise in which Secretary of Defense Aspin would prepare a policy on Gays in the military by 15 July and in the meantime applicants to the military would not be asked their sexual orientation.

This took the contentious issue off the front burner, but it also signaled an important defeat for the new administration. Most importantly, the issue dominated the headlines during Clinton's first weeks in office and made it seem as if the gay issue was one of the foremost priorities of the Clinton administration. If the budget policy had been ready to go earlier, the political controversy would have been over economic priorities for the country, and the gay issue would have been put in perspectives as one of several items on the Clinton agenda. Secondly, the fight got Clinton off to a shaky start with the military, a delicate relationship because of Clinton's avoidance of the draft during the Vietnam War. Some felt he should never have broached the gays issue; others felt he should have asserted his authority as commander-in-chief to settle the issue quickly. Finally, the public and vocal opposition of Senator Nunn signaled that the Democrats in Congress would be willing to challenge the new president on his policy agenda.

In July the issue was settled with the compromise policy of "don't ask, don't tell," according to which new recruits would not be asked their sexual orientation, but members of the military could not openly declare their homosexual orientation. Admitted homosexuals could still be expelled from the service. The compromise amounted to a political defeat for Clinton at the hands of some members of Congress and the military. Clinton was also criticized by parts of the gay community for refusing to take on the military and Congress more confrontationally. Barny Frank (D-MA), an openly gay member of Congress, praised the president for having the courage to take on the issue and for making at least some progress. But the issue was a net loss for the President because it confused the public about his primary agenda and delayed progress on his economic priorities.

Budget Battles

The major theme of the campaign had been the state of the economy, and Clinton had promised to stimulate the economy, cut the deficit, invest in worker training and infrastructure, cut taxes for the middle class, and reform health care financing. During the transition the president-elect held an economic conference in Little Rock in which the major economic issues facing the nation were discussed from a variety of different perspectives by economic experts and with members of the future administration. Everyone was impressed with Clinton's grasp of the issues and with his ability to conduct the discussion of all of the experts. By taking valuable transition time for the conference Clinton signaled that the economy was his highest priority and demonstrated his own mastery of economic issues.

Preparation

With all of the preparation in December and with his economic team carefully chosen, many expected that Clinton would have a plan ready early in his administration, even if not on "day one" of his presidency. Dealing with economic policy in the first two weeks certainly would have overshadowed the press flare up over selecting the Attorney General and gays in the military. But the policy was not ready to go because Clinton had not yet made up his mind whether the economy needed to be stimulated to pull out of the recession or whether the deficit had to be attacked to ensure the longer term health of the economy. The first several months of the administration were a fight for the mind of the president over this issue.

In one corner were the "consultants" who had run the campaign and who continued to be actively involved in policy deliberations and advising the president. Even though they did not hold official positions in the government, James Carville, Paul Begalla, Mandy Grunwald, and Stanley Greenberg were trusted advisers to the president and First Lady. They argued that Clinton should stick to his campaign promise for a middle class tax cut and investments to help people deal with economic dislocations caused by a globalizing economy and layoffs.⁸ In the other corner were the "deficit hawks" who believed that the long term health of the U.S. economy was dependent on reducing the deficit. The national debt had climbed from \$1 trillion in 1981 to \$4 trillion in 1993, the annual deficit would be nearly \$300 billion if no changes were made, and interest on the debt approached \$200 billion per year and 14 percent of budget outlays. The country was eating the seed corn rather than investing it in the future.

The deficit hawks argued that in the short term an economic recovery depended upon keeping interest rates down and inflation in check. If the bond markets (money lenders) thought that the Clinton economic plan would encourage inflation by continuing to increase the deficit, they would demand higher interest rates to loan money, and the recovery would be cut short by higher interest rates. On the other hand, steep deficit reduction would not guarantee a robust recovery in the short term.

The deficit hawks included Treasury Secretary Lloyd Bentzen, OMB Director Leon Panetta, NEC staff director Robert Rubin, and Deputy OMB Director Alice Rivlin. Chairman of the Federal Reserve Board, Alan Greenspan, was perhaps the most important deficit hawk, though his role was indirect since he was head of an independent agency. His advice to Clinton implied that if there was sufficient deficit reduction, the FED wold not raise interest rates in order to head off potential inflation. He made this clear to Clinton in personal meetings with the president-elect and White House staffers.⁹ Greenspan was reinforcing the same message that the deficit hawks were arguing. Clinton understood both sides of the economic arguments well and was clearly ambivalent, realizing the necessity of deficit reduction but not being eager to sacrifice his other policy initiatives and devote much of his initial political capital to fighting the deficit battle. For a while he thought he could do both at the same time.

One of the key turning points came during the transition in a meeting of Clinton with his main economic advisers (including Gore, Bentzen, Rubin, Tyson, and Alan Blinder) on 7 January 1993. They warned that the deficit would soar to \$360 billion in 1997 and \$500 billion in 2000 if nothing was done to curb it. They admitted that in the short term the cuts and taxes

might slow the economy but in the longer term the economy would benefit. The key importance of the psychology of the bond market was made clear to the President. If the lenders thought that Clinton was not serious about deficit reduction they would demand higher interest rates which in turn would slow the economy, and the FED might also raise interest rates in order to head off anticipated inflation. The problem was that it was not yet clear that the economy was in a strong recovery yet. It might still need stimulus.

Clinton was facing the unfortunate dilemma that he was being forced to impose economic pain during his presidency so that economic benefits would accrue in the future under his successors. "You mean to tell me that the success of the program and my reelection hinges on the Federal reserve and a bunch of f bond traders?", he asked. The answer was yes.¹⁰

The consultants argued that the deficit hawks were taking over and that Clinton was betraying the coalition that elected him to spur the economy and spend on infrastructure, retraining and the middle class tax cut, not deficit reduction. Stanley Greenburg, one of the consultants, complained that "The presidency has been hijacked."¹¹

Unveiling the Plan

In a series of all day sessions in early February the outlines of the Clinton economic play were hammered out. Clinton decided to drop his promise for a middle class tax cut, increase tax rates on the affluent, and propose a broad based energy tax. The combination of tax increases with spending cuts would reduce the deficit by \$500 billion over five years, and in the short run the economy would be stimulated by an investment package. The important unveiling of the whole budget package was to come at an address to a joint session of Congress on 17 February that would be televised nationally. Despite the inability of aides to get the last-minute version of the speech loaded into the teleprompter by the beginning of the speech (or perhaps because of it) Clinton gave an inspired delivery, presenting much of the material from his own intimate knowledge of the details of the policies.

The day after the speech the President hit the road to sell his plan to the public in town meetings, speeches, and interviews with radio and television stations. In a carefully planned blitz the whole administration was mobilized to sell the plan. Almost all of the cabinet secretaries traveled to their home states and then to carefully targeted locations. Panetta met with 250 Business leaders to brief them and other groups were invited to the White House for briefings.¹²

Public opinion polls indicated high approval of Clinton's plan.¹³

The momentum from the President's speech and the carefully planned campaign to support the program lasted for a month, until the congressional votes on the concurrent resolution (which sets the outlines and totals of the budget). On 18 March the House passed the budget resolution on a party line vote of 243-183, with 11 Democrats defecting. The vote in the Senate was tougher, but after six days of lobbying and 45 roll call votes to defeat Republican amendments, the Senate passed the budget resolution 54-45 with Senator Shelby (D-AL, since 1995, R-AL) the only Democrat voting no.

The Clinton administration was criticized for its strategy of failing to appeal to moderate Republicans in Congress and to seek only Democratic votes, but in choosing this strategy the administration was responding to congressional signals. In late January 1993 Robert Dole told Clinton at a White House meeting that the Republicans probably would not vote for his economic proposals since they included tax increases, thus giving Republicans a campaign issue.¹⁴ Another factor pushing the White House toward a Democrats-only strategy on the Hill was the polarization between the parties in the House. In order to get a budget bill through the House, the administration had to hold most of the liberal Democrats and could not afford to lose them by appealing to Republicans. According to domestic policy aide William Galston, " A strategic decision was made on our side to go for a budget that would maximally unify the Democratic Party....The effect was to maximize the unity of the Republicans."¹⁵ The third mitigating factor was that the Senate leadership encouraged the White House to rely on the Democratic majority, especially in the ill-advised fight over the stimulus package.

The Stimulus Package

In order to give the economy an immediate boost that it seemed to need at the time, the administration put together a "stimulus package" that would get spending out immediately, before the next fiscal year. In 1981 President Reagan had done a similar thing with a \$30 billion increase in military spending for FY1981, then in progress. The Clinton package totaled \$16.4 billion and included \$4.3 billion in extended unemployment benefits as well as a number of special projects for training, infrastructure, and social programs that would be included in community development block grants.

After the package was announced it became clear to moderate Democrats that the Republicans would object to much of the plan and argue that it was irresponsible spending.¹⁶ To stave this off, Senators David Boren (D-OK) and Representative John Breaux (D-LA) approached the White House with a scaled down version as a proposed compromise. But the House had already passed the package right after voting on the budget resolution on 18 March, and Robert Byrd (D-WV), Chair of the Appropriations Committee, assured the President that he could pass the bill over Republican opposition.

The White House had miscalculated. Byrd's parliamentary maneuvering in support of the package irritated many Democrats and alienated most Republicans, who felt they did not have a fair chance to offer any amendments to the bill. But more importantly, the Republicans, who at first felt they could make some political points by decrying Democratic spending, soon realized that they might be able to defeat the bill entirely with a filibuster (an option not available to them in the expedited rules governing budget resolutions).¹⁷

With help from Byrd's heavy-handed parliamentary tactics and the White House refusal of several offers to compromise, the Republicans were able to hold all of their moderate members and stave off any Democratic moves for cloture. Finally on April 20 the administration gave up and withdrew the stimulus bill, with only the \$4.6 billion in extended unemployment compensation passing the Senate.

The defeat of the administration on this relatively small spending bill was far greater in symbolic terms than its policy importance. First, it stopped the momentum that the administration had achieved in its total budget package. A whole month had passed and future budget victories would be harder to wring out of Congress. Second, the administration had picked its first big fight with Congress without much awareness or planning, and they had lost. The administration and Democrats now appeared weaker, and the Republicans were more unified and emboldened to fight on other issues. Third, the Republicans were able to paint a picture of the Clinton administration as "tax and spend" Democrats, and give the impression that its budget plan was filled with "pork" rather than being the rather stringent plan the whole budget and deficit reduction package was.

Key Votes

Public perception, which is crucial to presidential power and standing in Congress, was noticeably changed by the stimulus fight. Those voters favoring the Clinton economic plan fell from 62 percent on 18 February to 45 percent on 13 May, according to a <u>Time Magazine poll</u>.¹⁸ In addition, public approval of the president was about 55 percent at the end of April, among the lowest of recent presidents at the 100 day mark in their administrations. The damage that was done to the administration was evident in the close votes on the reconciliation bills in the summer of 1993.

In late May the Clinton budget was considered in the House. Although both Houses had passed the budget resolution which set out the totals and general outlines of the plan, the reconciliation bill was the enforcing document that laid out the details of spending cuts and tax increases that would be used to reach the totals. The campaign for votes in the House was prodigious, with Clinton buying votes retail, campaigning incessantly, and personally calling scores of members. For example Representative Ron Klink (D-PA) was invited to the White House, called by the Vice President, and called several times by the president. Clinton finally got his vote, but only after demanding and receiving a letter from Clinton saying that he understood that Klink would not vote for the bill after conference.¹⁹ Finally, after a grueling fight and many favors, the president won the battle on 27 May by a vote of 219-213, with 38 Democrats defecting and no Republican Votes. On 24 June after another exhausting fight, during which the BTU tax was dropped and replaced with a 4.3 cent per gallon gas tax, the Senate passed its bill with Vice President Gore breaking a 49-49 tie.

But the fight was not over. Both Houses had passed different versions of the reconciliation bill and the differences had to be ironed out in conference committee and brought back to the floors for final votes before it could go to the president for his signature. In July in preparation for the final reconciliation votes Clinton again became intensely involved in lobbying members for their votes. At one point Clinton had five members of the House on separate phone lines at the same time.²⁰ The president's personal involvement may have been excessive, but it seemed necessary at that time. The problem was that when members saw how desperate the administration was for votes, they tried to make deals for themselves.

When the House began the roll call on the reconciliation bill it was still uncertain that

Clinton had the votes to win. All the Republicans were voting no, so the president needed 218 Democratic votes. In a last minute switch at 10:15pm Representative Marjorie Margolies-Mezvinsky voted for the bill in exchange for Clinton's promise to visit her district for a conference on entitlements. This put the vote over the top with a 218-216 win with no votes to spare. The Senate voted on August 6, and the president had to make a last minute deal to get Senator Kerry (D-NB) to vote yes. Kerry switched at 7pm after Clinton promised to let him chair a commission on entitlements. In casting his vote Kerry gave a bitter speech charging that the budget was not stringent enough, saying publicly to the president: "...I could not and should not cast a vote that brings down your presidency."²¹ The final Senate vote was 51-50, with the vice president casting the tie-breaking vote again.

The budget votes were important in that they made a significant contribution to deficit reduction, but they also demonstrated how fragile support for the president was in Congress. The reconciliation packages were the only major pieces of legislation since World War II that were adopted without one vote from the opposition party.²²

The Health Care Campaign

By the beginning of the Clinton administration the President had decided that health care reform would be an essential part of his policy agenda. Even though it was not a major part of the campaign, its importance and political appeal had become emphasized by the hard fought Pennsylvania special Senate election victory in 1991 by Democrat Harris Wofford, whose campaign manager was James Carville. Public opinion polls had indicated that the public was firmly behind major change. Thirty seven million Americans were without health care insurance coverage, costs were escalating, and workers were afraid of losing coverage if they changed jobs or were laid off. Clinton also concluded that serious deficit reduction was impossible without health care policy initiative that would be headed by Hilary Clinton. He gave the task force a 100 day target to produce the administration proposal. The director of the policy development process was Ira Magaziner who pulled together a task force of 500 experts recruited from throughout the government and private sectors. He divided the task force into 34 subgroups with 840 decision points or gates that had to be addressed.

Tactics and Timing

Although the group was not ready with a plan within 100 days, by the end of May it had talked with more than 500 separate organizations and had had several hundred meetings with members of Congress.²³ Despite the felt need to move quickly with one of its most important priorities, the administration proposal was not ready for several reasons. The task force could not come to terms with the concerns of Clinton's economic team who thought that sweeping changes might cost too much and favored a more incremental approach. In addition, the administration's economic plan was coming up for crucial votes , and they did not want to risk the budget votes by adding too much political and policy overload. (An earlier proposal to

package health care with the budget resolution was rejected.)

The health care task force was disbanded in May 1993, and the White House team began work on formulating the administration's package, but without final presidential decisions on many key elements. It was late summer before the budget fights were over and the fall policy agenda had to be set. It was decided that when Congress reconvened in September Vice President Gore would unveil his "Reinventing Government" program before health care would be taken up and that the NAFTA issue also be considered in the fall along with health care.²⁴

Clinton finally gave his key kick-off speech on health care to Congress on 22 September 1993. The speech spelling out the principles of universal coverage and managed competition was a great success with Democrats in Congress and public opinion. A majority of the public approved of the president's plan in October 1993.²⁵ Hillary Clinton received a respectful (Republican) and enthusiastic (Democratic) reception when she went to Capitol Hill to testify for the administration's health care package. But the actual text of the bill was not yet ready and did not make it to the Hill until 27 October. In the mean time, some momentum was lost when the President had to deal with the crisis of 12 U.S. soldiers being killed in Somalia. At the same time, the administration was also fighting the battle over the North American Free Trade Agreement (NAFTA).

The administration ended the year of 1993 with the health care proposal before Congress, but it needed to make a hard legislative push in order to win passage early enough in the second session of the 103rd Congress to avoid the inevitable jam-up at the end of any session of Congress and the politics associated with the coming mid-term elections. That the administration was unable to do this was due to several political and policy factors.

Political and Partisan Dynamics

In December of 1993 allegations about the Clinton's' investment in the Whitewater development and its connections with the Madison Guarantee Savings and Loan were raised in the press. The possibility of shady or illegal activities on behalf of the Clintons in Arkansas and the administration's inability to defuse the issue rose to the proportions of a major scandal in the spring.

The unproven allegations undercut the confidence of the general public in the president, and presidential approval ratings began to fall from the almost 60 percent level that they had returned to at the end of 1993. At the same time Republicans were able to label the health care plan as too large, too complex, too costly, and too much government. Public opinion about the health care plan began to shift, and the majority who had approved the plan shrank as the number of those who disapproved of the plan overtook the approvers and eventually became a majority by the summer of 1994.

During spring 1994 Republicans became emboldened. The complexity of the plan meant that citizens would have to trust the president's judgement that it was good for the country. Thus when the Republicans were able to frame the issue as one of trust in President Clinton on the

policy issues and trust of the federal government on the implementation issues, the answer to the American public was obvious.²⁶ Interest groups were mobilized in opposition to the Clinton plan. A total of more than \$300 million was spent by interest groups against the plan,²⁷ including \$46 million by lobbyists between January 1993 and May 1994, according to Federal Elections Commission records.²⁸

As support for the administration's plan began to erode in the spring, Republicans who had previously favored parts of it, such as universal coverage, began to change their minds. It now seemed possible that the health care plan could be defeated completely and deny the Democrats a legislative victory to run on in the 1994 elections. The Republicans might be accused of gridlock, but the Democrats would have been shown unable to govern or achieve their major policy goal. As Republican confidence in their 1994 election prospects grew, the chances of health care reform faded, and the bill was never brought up for a vote in the 103rd Congress.

As with the budget bill, the Clinton administration was criticized for adopting a partisan approach to the health care bill. The criticism is legitimate, but it is not clear that there ever was a bipartisan coalition that could have been forged to pass a bill remotely resembling the principles laid out in Clinton's popular speech of 22 September 1993. The administration, in conjunction with the Democratic leadership had decided on a partisan strategy on the budget bill, and it had worked, but just barely. After Clinton gave his well-received health care speech in September 1993, the Republicans seemed to accept that some form of health care reform would pass. There had been some early talks with Republican moderates, but each side had decided to work on its own versions and leave compromises until later in the process.²⁹ In a meeting in the Cabinet Room in early February 1994 the Democratic House leadership warned Clinton that health care would receive no Republican support and assured him that they could get a health care bill through the House in 1994. Senator Moynihan demurred, arguing that the Senate was, of necessity, more bipartisan and that the Democrats did not have the votes to end a filibuster.³⁰

In any case, the political dynamics of the issue led to partisan battling with no compromise. This made it crucial for the administration to hold all the Democrats together for some form of health care reform. But there were early defections, with Moynihan not supporting the Clinton bill almost from the beginning, and Representative Jim Cooper (D-TN?) proposing an alternative plan throughout the debate. The more important problem was the divisiveness of he policy issue itself. There may have been a public consensus that health care needed fixing, but there was no consensus on how to fix it.

Policy Dynamics

Among the Democrats, many favored a single-payer system, as in Medicare, which had the virtue of simplicity. Health care would be provided by the private sector, and the government would pay the bills. While single-payer had the virtue of simplicity, it had the disadvantage of threatening the business of private health insurance and seeming to be "socialized medicine" with too much government cost and control.

So Clinton rejected that option in favor of private insurance. But the problem with

private insurance was that it allowed "creaming" in which insurance companies could reject those with expensive problems and insure only the young and healthy. This led to the proposal for health insurance cooperatives that all Americans would have to belong to and which would bargain with different insurance companies for the best insurance packages that their members could choose among. But these cooperatives would be big; their dynamics would be complex; and they had to be created from scratch.

Clinton judged that a broad new tax to finance his health care plan would be politically unacceptable, so he chose to rely on employer mandates. Although this would in effect be a tax, the vast majority of health insurance (aside from Medicare) was already provided by employers. In addition, a number of Republicans had also at one time or another embraced the idea of employer mandates. But the employer mandates proposal was vulnerable to the claims of smaller businesses that they could not afford to pay for health care insurance for their workers and that they would go out of business if they were forced to buy it.

Clinton argued that the bottom line of his health care plan was universal coverage. All other industrialized nations had it, and he threatened to veto any bill that did not provide for universal coverage. While the added coverage would be costly, the cost of a lot of treatment in emergency rooms for the poor cost more than a regularized system would. But the combination of universal coverage with cost control -- two essential elements of the plan -- necessarily entailed some coercion. This came in the form of premium caps, mandatory participation in the cooperatives, and mandates for employers to purchase coverage. The plan did not, however, deny people the option to buy their own health care services from their own doctors (section 1003 of the bill).

These factors added up to a bill of sweeping scope and intricate complexity. The U.S. has a mixed system of health care, with most doctors and insurance companies in the private sector and with the federal government financing Medicare and Medicaid. Combine these realities accept by Clinton, with the Clinton goals of universal coverage and cost containment, and you have inherent complexity and some government coercion in any plan to deal with all of these factors at once.

To ask for a simpler approach would mean abandoning some major element of the plan. So the complaint of complexity, while true, was not so much the issue as were the major elements in the plan. No one else came up with a simpler plan that would accomplish all of the goals of the Clinton plan. Nevertheless, the complexity issue did play a major role in the defeat of the plan. Members had a hard time explaining it to constituents and defending it. Even though the bill itself was 1,342 pages long, rival plans were well over 1,000 page long and the NAFTA and crime bills were comparably long.³¹ But the complexity was real in that the proposed changes would have resulted in huge changes affecting up to one seventh of the U.S. economy, changes that would have entailed many unintended consequences. Even though most of the elements of the package already existed in various forms (employer provision of insurance, cost controls through Medicare, managed care, HMOs, etc.) the combination of all of the elements into a sweeping overhaul of such a large portion of the U.S. economy was unacceptable to the U.S. political system in 1994.³²

The failure of the health care campaign pointed out several things. Clinton did not completely understand his vulnerability on the Hill with such a huge piece of legislation. With a 43 percent plurality in the 1992 election, a divided Democratic party, and a contentious and intractable policy issue, how could he have expected to win? The consequences of the failure were the loss of the administration's major policy initiative as well as the loss of a number of other bills that were pending in Congress when health care went down.

In sum, health care reform failed because: divided Democrats, emboldened Republicans, high interest group spending against reform, an overly ambitious proposal, Clinton's 43 percent plurality, declining public approval, the Whitewater scandal, the complexity of the proposals, and the resistance of Americans to large governmental programs in the 1990s.

<u>NAFTA</u>

One of President Clinton's most important victories was getting Congress to approve the legislation implementing the North American Free Trade Agreement. The agreement, which had been negotiated by President Bush, eliminated tariffs among the U.S., Canada, and Mexico. The major opposition to the agreement came from those who feared that the U.S. would lose jobs to Mexico. These opponents included traditional Democratic constituencies such as labor unions as well as Ross Perot who launched a highly publicized campaign against it. Clinton took a significant political risk of alienating his own Democratic constituency if he won and looking ineffectual if he lost.

Clinton had been in favor of NAFTA, with some reservations about side agreements, since spring 1993, but had not whole heartedly endorsed it. Some attributed the lack of congressional support to his failure to come out sooner. But after a rousing speech backing NAFTA with three former presidents at the White House (Ford, Carter, and Bush) on September 22, the administration went into high gear to lobby for it in Congress. Clinton personally spoke with 135 members of Congress, made more than 70 phone calls in the ten days before the vote, and held 18 public events to support its passage.³³ As Clinton campaigned, he had to fight the leadership of his own party since Majority Leader Richard Gephardt (D-MO) and David E. Bonior (D-MI) led the fight against the bill.

On the eve of the vote it was not clear whether his all-out effort would be successful, and the 34 vote margin belies the actual closeness of the vote. The administration won the vote 234-200 with 156 Democrats against it and only 102 in favor. Most Republicans voted for the bill, 132-43 (with one independent voting no). The vote was important for Clinton because it demonstrated that he was willing to take an issue that was unpopular in his own party and fight for it. It also showed that he could fight a bi-partisan battle and win a tough fight in the House. In addition, NAFTA, creating the largest free trade zone in the world, and the General Agreement on Tariffs and Trade (GATT), the largest multi-lateral free trade agreement in history, built a credible record for Clinton as a proponent of open trade in a new global economy.

Conclusion

Clinton's record with the 103rd Congress was decidedly mixed. On the positive side he did very well in congressional support on roll call votes, and several major public policy initiatives were passed, notably deficit reduction, NAFTA & GATT, among other laws. But we must also conclude that he did not do as well as he had hoped or many had expected. His major defeat came with the failure of any kind of health care reform, and because of the emphasis on health care in 1994, a number of other administration priorities never came to a vote, e.g. welfare reform, campaign finance reform, lobbying disclosure, hazardous waste clean up, and congressional reform. The question remains however, as to how much of the legislative record was due to Clinton's personal decisions, strategy, or skills and how much of the outcome was determined by factors beyond his control.

Observers of presidential-congressional relations have concluded that several dimensions of presidential behavior seem to enhance chances for success with Congress. At the personal level, presidents are urged to court Congress, be willing to compromise, and be willing to use carrots and sticks in lobbying for votes on the Hill. At the agenda level, presidents are urged to move quickly in their first years to bring legislation to congressional votes, to pace their legislative demands on the Hill, and to focus their agendas by clearly setting priorities.³⁴ How well did Clinton perform on these criteria?

At the personal level Bill Clinton was an impressive lobbyer of Congress. He took pains to court members of both parties with invitations to the White House and personal phone calls. He was quite effective at the interpersonal level, combining the personal affability of Ronald Reagan with the detailed policy expertise of Jimmy Carter. In addition, he was empathetic and could communicate that he understood and sympathized with the perspective of his listener. And he was certainly willing to compromise on substance and pass out favors in seeking votes.

Some critics argued that Clinton was too rigid in his approach to Congress; others argued that he was too willing to compromise on the essence of his programs. Was he courageous or craven? Clinton was clearly courageous in taking on deficit reduction, NAFTA and military intervention in Haiti. Despite significant congressional opposition to each of these, he stuck with them and won. Others accused Clinton of "caving" too early, e.g. on grazing fees in the west or in withdrawing the nomination of Lani Guinier. At times Clinton was forced to compromise by political reality, settling for winning a partial victory on his crime bill and National Service, and compromising and losing the issue on gays in the military.³⁵ Each of these decisions can be criticized as wise or unwise under the specific circumstances, but taken as a whole they do demonstrate that Clinton was not across-the-board either too rigid or too accommodating in his approach to Congress.

At the agenda level Clinton conformed less closely to scholarly prescriptions to move quickly and focus his agenda. At the very beginning of his term his primary message of budget discipline was delayed by the search for an acceptable Attorney General and the gays in the military issue. Besides provoking these media flare-ups, the administration was talking about and planning many diverse policy initiatives, from congressional campaign and lobbying reform to national service, to environmental improvement, to gun control. It was difficult for citizens to discern one central theme or set of priorities. As Leon Panetta admitted in 1995, "There were so many initiatives and so many efforts that were made that we lost the message...."³⁶

When the economic package was finally ready to go in mid February, he launched it with a very effective speech and initial media blitz. But immediately after the congressional votes on the concurrent resolutions the stimulus package battle and defeat slowed the momentum and embarrassed the administration. The negotiations over reconciliation in Congress were then dragged out over the summer of 1993, delaying introduction of the health care reform proposal. The idea of political momentum is amorphus, but it is a real factor in politics, as demonstrated by Ronald Reagan's string of budget victories in 1981.³⁷

Timing, momentum, and coherence also affected the health care proposals. The promise of a plan in 100 days and the delay of its introduction until fall 1993 dissipated some of the early enthusiasm. But it was rekindled with Clinton's speech in September, only to get snagged on the delay in introducing the actual bill until a month later. The decision to put off other legislative initiatives until health care had been settled led to the failure of several bills to reach the floor for votes and the failure even to introduce a welfare reform bill. Thus health care squeezed out other potential administration victories because the Republicans, anticipating gains in the mid-term elections refused to allow many bills to come to a vote. As one administration official said: "What we've come to realize is the incredible opportunity cost of health care. We really put a lot of things on the back burner in order to focus on health care."³⁸

The inability of the Clinton administration to move quickly early in its administration on a focussed set of priorities illustrates Lyndon Johnson's advice: "I keep hitting hard because this honeymoon won't last. Every day I lose a little more political capital."³⁹ As an administration moves closer to midterm elections, he said: "They'll all be thinking about their reelections. I'll have made mistakes, my polls will be down, and they'll be trying to put some distance between themselves and me. They won't want to go into the fall with their opponents calling 'em Lyndon Johnson's rubber stamp."⁴⁰ In the campaign for the 1994 elections many Democrats did not want President Clinton to campaign for them.

The shortcoming of Clinton's own approach to legislation were exacerbated by the problems of the Democrats in Congress. Though some Democrats felt that they would share Clinton's political fate and that their own political success was tied inextricably with their President's, too many did not. Despite the high party unity scores, too many Democratic members of Congress abandoned the President on key votes or extracted high concessions for their own special preferences. There was little party discipline for the President or their own congressional leadership. After the budget votes in 1993 J.W. Apple of the New York Times commented that "members of Congress in the modern era, even members of the President's party, tend to see themselves as soloists. Like prima donnas everywhere, they demand pampering. A senior White House official commented with disgust on Friday [6 August 1993] that many freshman House members demanded to talk to the President personally."⁴¹ The budget fight provides many examples of Democrats demanding concessions from the vulnerable President in exchange for their votes, and the NAFTA fight showed the Democrats own

leadership (Bonior and Gephart) leading the opposition to the President's program.⁴²

Clinton has been criticized for the Democrats-only strategy pursued by the administration in a number of legislative battles, with little effort to attract moderate Republican votes. But part of the fault here must be given to the congressional leadership in both the House and the Senate who urged him to ignore the Republicans. They also share the blame for the delay in introducing a number of bills that were lost when the health care fight dragged on to the end of the session and the Republicans would not let it come up for votes. The Democrats in Congress also refused to push sufficiently the kinds of reform legislation that might have mitigated voters' anger at the Federal Government (e.g. campaign finance, lobbying, or congressional reorganization).⁴³

While the personal, tactical, and strategic decisions of presidents dealing with Congress make a difference, a consensus of scholarly opinion has developed that presidential success with Congress is largely determined by factors outside the control of presidents.⁴⁴ These scholars stress the importance of partisan balance in Congress. Bill Clinton had 57 Democrats in the Senate, the narrowest margin since Harry Truman, and 258 in the House, the narrowest margin since the large Democratic losses in 1966.⁴⁵ In addition, Clinton had no coattails; few Democrats in Congress felt they owed their victory to him, and all of them garnered more votes than he did in their own districts (due to Ross Perot's candidacy). Combine the absence of gratitude with a lack of fear of a President with relatively low public approval ratings, and you have a formula for weak presidential influence on the Hill.

These scholars also argue that presidential actions are not the primary determinants of members' votes. Members of Congress, rather, make up their minds on the basis of constituency pressure, ideology, and personal policy preference. Party discipline is very weak in the U.S. system, and despite the high party unity scores on roll call votes, Democrats in Congress deserted their president in important instances in the 103rd Congress. This general perspective on the relative weakness of Presidential influence with Congress is summarized by George Edwards, who argues that the president is a "facilitator" rather than "director" of legislative action. "There is no systematic relationship between presidential legislative skills and congressional support for the White House....Moreover [presidents] are <u>not</u> more likely to win close votes, on which skills might play the crucial role in obtaining the last few votes needed to pass a program."⁴⁶

Given the evidence and strength of these arguments about the lack of presidential control of the votes of members of Congress, it still must be admitted that in several crucial budget votes that President Clinton was able to eke out victories by last minute politicking. If he had lost even one vote in his reconciliation budget package in either the House or Senate, his record would have been significantly diminished, and it might have been disastrous for the rest of the session. There is no doubt that his personal pressure and promises made the difference. Even though the NAFTA vote was won by a greater margin, Clinton's personal efforts were crucial to the final vote. The outcome was uncertain until the very end. These examples, however, do not significantly undermine the general point that presidential skills are not the determining factor in presidential success on the Hill. In summary, the factors going against President Clinton as he entered office were considerable. He was elected with only a 43 percent plurality; he ran behind most members of Congress; he had fewer Democrats in Congress than other recent Democrats, and his party lost seats in the election. Combine these negatives with a very ambitious policy agenda, and you have a prescription for high conflict and low success. From this perspective we should be surprised that President Clinton did as well as he did in terms of policy success and congressional support.⁴⁷

Of course public expectations were formed not by these realities, so clear in hindsight, but by the hopes of Democrats and the high expectations created by campaign promises. We might have more realistic expectations of presidential performance if we took the perspective of Charles O. Jones who emphasizes that the U.S. is not a <u>presidential</u> system but rather a separated system, and that presidential agendas are heavily dependent upon contextual variables. From his perspective: "The American Presidency carries a burden of lofty expectations that are simply not warranted by the political or constitutional basis of the office....The natural inclination is to make the president responsible for policies and political events that no one can claim a legitimate right to control." Viewing our political system as presidency dominated leads us to expect too much and focus on factors of lesser importance. Citizens and scholars alike could benefit from a broader perspective.

ENDNOTES

¹ This paper is the draft of a chapter being prepared for inclusion in <u>Cooperation and Conflict</u> <u>between the President and Congress</u>, edited by James Thurber. It will be published by CQ Press. ² Steven Langdon, "Clinton's High Victory Rate Conceals Disappointment," <u>CQ Weekly Report</u>

⁽³¹ December 1994), pp. 3619-3623. CQ has been keeping presidential support scores since 1953.

³ See Congressional Quarterly Weekly Reports (18 December 1993), p. 3432; and (31 December 1994), p. 3624. Richard E. Cohen and William Schneider, "Epitaph for an Era," National Journal (14 January 1995), p. 83. The reasons for the higher partisanship are due to a number of factors, including the more divisive issues and ideological splits between the two parties which began in the 1980s. The partisanship is also due to the break up of the solid south. In past decades representatives of this conservative region had no choice but to run as Democrats, resulting in the bi-polar Democratic party in Congress. But as Republicans made inroads in elective office in the south (beginning with Goldwater in 1964 and increased significantly by Reagan in the 1980s) the Democratic Party has become more ideologically coherent on the liberal side of the party spectrum. This has helped polarize the two parties in Congress. In addition, the forty year domination of the House by the Democrats led to the perception on the part of Republicans (partially accurate) that they had been ignored and deprived of resources by the Democratic majority and made them willing to take extreme and obstructive actions to slow the Democratic majority. This led to a mutually reinforcing dynamic. The consequences for President Clinton have been that he has had to make a more liberal appeal to the Democrats in Congress in order to hold their votes. But this of course, tends to alienate potential Republican

moderates and prevent bi-partisan coalitions. See Nelson Polsby, "Clinton and Congress Navigate the Dog Days, Public Affairs Report (University of California, Berkeley: Institute of Governmental Studies, September 1994), p. 3.

⁴ <u>Congressional Quarterly Weekly Report</u> (8 October 1994), p. 2851. Clinton signed all but two of 465 bills that reached his desk (President Bush signed two that got to him before Clinton took office). Clinton was the first President since Millard Fillmore not to veto a single bill throughout a full Congress (Fillmore and the 32nd Congress, 1951-53), CO Weekly Report (31 December 1994), p. 3623.

⁵ David Broder, "Round-the-Clock Operative," <u>Washington Post</u> (1 December 1993), p. A25.

⁶ See Elizabeth Drew, On the Edge (New York: Simon and Schuster, 1994), Chapter 3.

⁷ See Drew, <u>On the Edge</u>, p. 46.

⁸ The economic agenda for the Clinton administration is the main subject of Bob Woodward's The Agenda (New York: Simon and Schuster, 1994). Much of my analysis is based on Woodward's account. See also the insightful review of The Agenda by Robert M. Solow, "Advise and Dissent," in The New Republic (1 August 1994), pp. 41-43. On the credibility of Woodward's book, see Bert Solomon, "Seems like a Messy way to decide...But it could be a whole lot Worse," National Journal (25 June 1994), pp. 1532-33. Solomon's interviews with White House staffers found no major disputes with Woodward's account of the early administration.

See Woodward, The Agenda, passim.

- ¹⁰ Woodward, <u>The Agenda</u>, p. 84.
- ¹¹ Woodward, <u>The Agenda</u>, p. 94.
- ¹² Dan Balz and Ruth Marcus. "The Windup For the Pitch." Washington Post (7 March 1993). pp. 1, 16.
- Woodward, The Agenda, p. 140.
- ¹⁴ Woodward, The Agenda, p. 104.
- ¹⁵ Drew, <u>On the Edge</u>, p. 113.
- ¹⁶ See the accounts in Drew, pp. 114-122; and Woodward, pp. 151-174.
- ¹⁷ For tactical details see <u>Congressional Quarterly Weekly Report</u> (3 April 1993), p. 818.
- ¹⁸ <u>Time Magazine</u> (31 May 1993), p. 28.

¹⁹ David Von Dreble, "The Royal Treatment," <u>Washington Post</u> (28 May 1993), p. 1; Cliffort

Krauss, "When the President Calls, Mavericks Run for cover," New York Times (29 May 1993),

- p. 1. ²⁰ Woodward, <u>The Agenda</u>, p. 298.
- ²¹ Woodward, The Agenda, p. 308.
- ²² R.W. Apple, Jr., "Small Change," <u>New York Times</u> (8 August 1993), p. E1.
- ²³ James Fallows, "A Triumph of Misinformation," The Atlantic Monthly (25 January 1995), p. 26.

²⁴ For an analysis of the politics and policy of the "reinventing government" initiative see, James P. Pfiffner, "The National Performance Review in Perspective," Institute of Public Policy

Working Paper, George Mason University, 1994.

²⁵ Washington Post (11 October 1994), p. A6.

²⁶Comments of Ira Magaziner at a luncheon at the Brookings Institution, 12 October 1994.

- ²⁷ Steven Wald and Bob Cohn, "The Lost Chance," <u>Newsweek</u>, (19 September 1994), p. 29.
- ²⁸ Washington Post (11 October 1994), p. A6; New York Times (29 August 1994), p. A13.

²⁹ Comments of Ira Magaziner at a luncheon at the Brookings Institution, 12 October 1994.

³² See Martha Derthick, "Endless Ramifications," <u>Washington Post</u> (31 August 1994), p. A25.

³³ Ann Devroy, "Clinton's Commitment Evident in His Effort," <u>Washington Post</u> (16 November 1993), p. A23; Gwen Ifill, "56 Long Days of Coordinated Persuasion," <u>New York Times</u> (19 November 1993), p. A27.

³⁴ For a summary of this advice see James P. Pfiffner, "The President's Legislative Agenda, <u>The</u> <u>Annals</u> Vol. 499 (September 1988), pp. 22-35; and Pfiffner, <u>The Strategic Presidency</u> (Chicago: Dorsey, 1988), Chapter Seven. On the need to focus see, Paul C. Light, <u>The President's Agenda</u> (Baltimore: Johns Hopkins University Press, 1991) and Light, "The Focusing Skill and Presidential Influence in Congress," in Christopher J. Deering, <u>Congressional Politics</u> (Chicago: Dorsey Press, 1989), pp. 239-261.

³⁵ See Leroy N. Rieselbach, "It's the Constitution, Stupid: Clinton and Congress," <u>Extension of Remarks</u> (November 1993), pp. 10-11.

³⁶ Quoted by Ruth Marcus, "Administration Now Sees Its Record at Risk," <u>Washington Post</u> (24 January 1995), p. 1, 6.

³⁷ See James P. Pfiffner, "The Reagan Budget Juggernaut," in Pfiffner, ed.. <u>The President and Economic Policy</u> (Philadelphia, PA: ISHI Press, 1986), pp. 108-134. Lyndon Johnson said about momentum: "A measure must be sent to the Hill at exactly the right moment and that moment depends on three things: first, on momentum; second, on the availability of sponsors in the right place at the right time; and third, on the opportunities for neutralizing the opposition. Timing is essential. Momentum is <u>not</u> a mysterious mistress. It is a controllable fact of political life that depends on nothing more exotic than preparation." Quoted by Doris Kearns, <u>Lyndon Johnson and the American Dream</u> (NY: New American Library, 1976), p. 237, emphasis in the original.

³⁸ Quoted by Ruth Marcus, "Administration Now Sees its Record as Risk," <u>Washington Post</u> (24 January 1995), p. 1,6.

³⁹ Quoted by Jack Valenti, <u>A Very Human President</u> (New York: Norton, 1975), p. 44.

⁴⁰ Quoted by Harry McPherson, <u>A Political Education</u> (Boston: Little Brown, 1972), p. 268.

⁴¹ R.W. Apple, Jr., "Small Change," <u>The New York Times</u> (8 August 1993), p. E1.

⁴² For examples of Democratic disloyalty in the Budget fight see Graeme Browning,

"Freelancers," National Journal (24 September 1994), pp. 2203-2206.

⁴³ Norm Ornstein, "Congress Inside Out," <u>Roll Call</u> (17 November 1994), p. 5

⁴⁴ George C. Edwards, <u>At the Margins</u> (New Haven: Yale University Press, 1989); Jon Bond and Richard Fleisher, <u>The President in the Legislative Arena</u> (Chicago: University of Chicago Press, 1990); Mark A. Peterson, <u>Legislating Together: The White House and Capitol Hill</u> (Cambridge, MA: Harvard University Press, 1990).

⁴⁵ Mark A. Peterson, "Clinton and Congress: What Would You Expect," <u>Extension of Remarks</u> (December 1993), p. 3

⁴⁶ George Edwards, "Reforming the 'President': The Individual as Leader," P.S. Vol. 20, No. 3 (Summer 1987), p. 623; see also <u>At the Margins</u>, emphasis in the original.
⁴⁷ For a good statement of this argument are Mark A. D. the marginal.

⁴⁷ For a good statement of this argument see Mark A. Peterson, "Clinton and Congress: What Would You Expect?" <u>Extension of Remarks</u> (November 1993), p. 2-3.

 ³⁰ David S. Cloud, "Health Care's Painful Demise Cast Pall on Clinton Agenda," (5 November 1994), p. 3142-3145.

³¹ Fallows, "A Triumph of Misinformation," p. 34.