Clinton, William Jefferson (1946- )

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The forty-second President of the United States, William J. Clinton, was the first popularly elected President to be impeached by the U.S. House of Representatives. While he will be best known for the events that precipitated his impeachment (the purposeful misrepresentation of his affair with a White House intern), Clinton also played a critical role in redefining the Democratic Party. In particular, rather than seek to transform the nation through government initiatives, Clinton presided over a downsizing of the federal government, especially the reach and prestige of the presidency. By scaling down expectations of what the White House can accomplish and by blurring, if not obliterating, the line separating the personal from the public, Clinton will be long remembered. This legacy permeates the Clinton presidency, including the ways in which Clinton helped shape constitutional values.

Born on August 19, 1946, Clinton was raised in Hope and then Hot Springs, Arkansas. After graduating from high school in 1964, Clinton attended Georgetown University, Oxford University (as a Rhodes Scholar), and, starting in 1970, Yale Law School. Following law school, he returned to Arkansas. After a year teaching at the University of Arkansas, Clinton, in 1974, became the Democratic nominee for Arkansas's Third Congressional District. After losing a close election, Clinton turned his attention to state politics. In 1976, he was elected Attorney General of Arkansas. In 1978, at the age of 32, he was elected governor of Arkansas. Although failing to win re-election in 1980, he was reelected governor of Arkansas. Although failing to win re-election in 1980, Clinton was reelected in 1982 and served as governor from 1982 until his 1993 presidential inauguration.

In October 1991, Clinton announced his candidacy for President. During his campaign, Clinton was plagued by charges of marital infidelity and dishonesty. In response to questions about whether he had smoked marijuana, for example, Clinton at first claimed that he did not violate any law and—after admitting that he had smoked marijuana while in England—later argued that he did not inhale. Clinton likewise claimed that he did not act improperly when, after learning that he would not be drafted to serve in the Vietnam War, he reneged on a commitment to join the National Guard. Nevertheless, Clinton persevered, earning his "comeback kid" reputation. Blaming presidential incumbent George H. W. Bush for the high unemployment rate and other economic problems, Clinton successfully convinced voters that he would stimulate the economy, recommit the presidency to domestic issues, and reduce the size of government. Clinton's election, moreover, signaled that voters cared most about the ability to govern, not moral leadership.

Thanks to, among other things, a much-improved economy, Clinton secured the 1996 Democratic Party nomination without opposition. In the November 1996 elections, he defeated Republican Robert Dole and Reform Party candidate Ross Perot. In so doing, Clinton became the first Democratic President to be reelected since Franklin D. Roosevelt.

Political expediency, not visionary leadership, was the hallmark of the Clinton presidency. Rather than expend political capital on controversial Supreme Court nominees, for example, Clinton embraced easily confirmable pragmatic liberals Ruth Bader Ginsburg and Stephen G. Breyer. Likewise, rather than defend the unconventional views of his nominee to the U.S. Department of Justice
CIVIL RIGHTS DIVISION, Lani Gunier, Clinton withdrew the nomination. In the end, although sometimes reminding the nation that he is especially concerned with constitutional matters because he "used to teach constitutional law," Clinton was quite willing to place other agenda items ahead of the advancement of some vision of what the Constitution means. One of these agenda items, the use of the APPONTING POWER "to give you an administration that looks and feels like America," proved especially important in the nomination of judges and high-ranking officials at the Justice Department.

By downplaying the role of ideology in his constitutional policymaking, the Clinton administration often took a situational approach to constitutional matters. This brand of PRAGMATISM ruled the day on questions of CIVIL RIGHTS and CIVIL LIBERTIES. On gay rights, for example, Clinton promised gay and lesbian leaders that he would "stand with you in the struggle for equality for all Americans." But that promise was only partially fulfilled. While lifting most restrictions on federal civilian employment and supporting LEGISLATION to extend some EMPLOYMENT DISCRIMINATION protections to SEXUAL ORIENTATION discrimination, the Clinton administration neither lifted the ban on gays in the military nor participated in the Supreme Court litigation, BOMER V. EVANS (1996), challenging Colorado's exclusion of sexual orientation discrimination from state and local ANTI-DISCRIMINATION LEGISLATION. Clinton, moreover, signed the Defense of Marriage Act, legislation condemning SAME-SEX MARRIAGE. For Clinton, the moral imperative of full equality for gays and lesbians gave way to the political costs of siding too often with gay rights interests.

On AFFIRMATIVE ACTION, political pragmatism likewise dominated administration policymaking. At first, the President sounded a cautionary note, launching a government-wide review of affirmative action by saying that "[w]e shouldn't be defending things that we cannot defend." Concern that Jesse Jackson would run for President in 1996, however, prompted a recalibration of administration policymaking. In an effort to shore up its minority base and neutralize Jackson, the Clinton administration embraced affirmative action. In particular, responding to a 1995 Supreme Court decision, ADARAND CONSTRUCTORS, INC. V. PEÑA, that called into doubt many federal affirmative action programs, Clinton reaffirmed the principle of affirmative action by declaring that the "job of ending discrimination is not done." More significant, by narrowly interpreting the Court's 1995 decision, the Clinton administration kept in place nearly all federal affirmative action programs.

Through his defense of affirmative action and his occasional support of gay rights, Clinton distanced himself from his Republican predecessors, Bush and RONALD REAGAN. Clinton's constitutional politics also varied from his predecessors' on ABORTION rights. Two days after his inauguration, Clinton dismantled the pro-life regulatory initiatives of the Reagan and Bush administrations. Clinton, moreover, vetoed legislation outlawing partial-birth abortions. Unlike his Republican predecessors, however, Clinton neither made hard-hitting bully pulpit speeches on abortion rights nor formulated a pro-choice legislative agenda. Apparently, with the Court's having reaffirmed a woman's right to terminate her pregnancy in PLANNED PARENTHOOD V. CASEY (1992), Clinton saw little political gain in staking out a hard-line position on abortion.

Where the White House did stake out hard-line positions were on legal issues affecting PRESIDENTIAL POWERS, especially WAR POWERS, EXECUTIVE IMMUNITY, and EXECUTIVE PRIVILEGE. On war powers, Clinton invoked military force on a number of occasions without seeking congressional support or approval. He sent cruise missiles into Afghanistan, ordered air strikes in Iraq, Bosnia, and Kosovo, conducted military operations in Somalia, and threatened to invade Haiti. In each case, he pointed to his inherent constitutional power to "command" the military. Indeed, by striking deals with both the North Atlantic Treaty Organization (NATO) and the UNITED NATIONS, Clinton relied more on the sanction of these multinational organizations than on the support of Congress.

On presidential immunity, the Clinton administration unsuccessfully argued before the Court that sitting Presidents were immune from civil lawsuits. In an earlier decision, the Court had concluded that a President was entitled to absolute immunity from civil lawsuits based on his officials duties. In defending a sexual harassment lawsuit filed against the President, CLINTON V. JONES (1997), the administration sought to extend this principle to lawsuits based on unofficial actions before he became President.

On executive privilege, the Clinton administration sought to expand the scope of presidential privileges in the face of both congressional and Office of Independent Counsel investigations of the President. Among other things, the administration claimed that the attorney-client privilege extends to government attorneys working in the White House Counsel's office, that U.S. Secret Service agents could refuse to appear as witnesses in a criminal proceeding concerning presidential activities, and that presidential claims of executive privilege extend to private matters, including communications with White House aides about civil lawsuits filed against the President and criminal investigations. These administration claims were rejected by lower federal courts. In a related case, however, the Supreme Court rejected Office of Independent Counsel efforts to subpoena the notes of meetings between a White House attorney (who had committed suicide) and his private counsel.
This melding of personal and public was also a prominent feature of impeachment proceedings against Clinton. Defenders of the President argued that the proceedings concerned personal sins (inappropriate sexual relations with a White House intern). Critics of the President claimed that the President turned these personal sins into public wrongs—lies and misrepresentations before a federal court judge and a federal grand jury as well as the obstruction of justice. With most members of Congress voting along party lines, a majority of the House voted to impeach Clinton while the U.S. Senate did not come close to the two-thirds vote necessary to remove him from office. Most senators, however, did condemn the President for his lies, obfuscation, and philandery.

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(See also: Articles of Impeachment of William J. Clinton.)