

Family and Medical Leave: The Inaugural Legislation of the Clinton Presidency

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The Family and Medical Leave Act of 1993 was the first piece of legislation signed by President Bill Clinton. It could easily have been overshadowed, however, by more prominent Clinton initiatives, such as his work on the economy or welfare reform. The reasons why this act did become an immediate priority for the president offer insight into one of the most controversial presidential figures in modern American history. In order to assess Bill Clinton and his presidency it is necessary to examine what he sought to accomplish during his time in office. Investigation of his presidential successes contributes to our understanding the effects of Clinton and his administration on America and the world.

This paper argues that the Family and Medical Leave Act became a priority for the Clinton administration because it was a politically attractive and advantageous issue for the 1992 Clinton presidential campaign and in the first days of the Clinton White House, and also because it reflected Clinton's overall goals for his presidency. The paper offers a brief overview of the development of the Family and Medical Leave Act and its legislative history. It examines the proposed legislation's role as a symbol of Clinton's desired message both as a campaign promise and in a struggling early Clinton White House. Finally, the law is considered as a significant aspect of the Clinton legacy.

The presidential papers of the Clinton Presidential Library offer an unparalleled resource for appreciating the enactment of the Family and Medical Leave Act from the perspective of the Clinton White House. This archival research material offers a unique glimpse into the views, motives, and actions of the individuals involved in identifying and pursuing priorities at the time

they were making those decisions and as they looked back on them. Supplementary research involving secondary material adds greater depth to an understanding of the role of the Family

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and Medical Leave Act by providing a relatively objective and retrospective analysis of the Clinton administration. The primary research in the archives of the Clinton Presidential Library, together with secondary materials that offer the advantage of distance from the administration, provides valuable insights to an analysis of the Family and Medical Leave Act as the priority legislation that launched a presidency.

A History of the Family and Medical Leave Act

The Family and Medical Leave Act sets minimum standards for American businesses to provide leave to employees for family or personal health reasons. Eligible employees must be allowed at least twelve workweeks of unpaid time off from their jobs each year for a serious health condition, for the birth or adoption of a child, for the addition of a foster child to a family, or for the care of an immediate family member with a serious medical condition (Public Law 103-3 2006). Upon returning to work, the legislation requires that the employee be restored to his or her previously held position or an equivalent position, and also protects any benefits accrued before the leave was taken (Public Law 103-3 2006). Employees are only entitled to a leave if they have worked at least 1,250 hours for their employer in the previous year, and the business must have at least fifty employees for the law to apply.

President Clinton's signing of the Family and Medical Leave Act into law on February 5, 1993 was the culmination of a nine-year campaign first waged by the Family and Medical Leave Coalition. The battle began in 1984 when a federal district court overturned for reasons of

gender discrimination the California Leave Law of 1978, a state law requiring employers to provide maternity leave to female employees (Asher and Lenhoff 2001). The need for national,

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gender-neutral legislation to protect the jobs of workers dealing with personal and family concerns became apparent to those who had supported the California legislation. Representative Howard Berman, a Democrat from California, called upon the Women's Legal Defense Fund (later the National Partnership for Women and Families) to draft a proposal requiring unpaid leave for employees who take time off for personal and family medical needs. The group did so, then organized and led a coalition of interest groups in efforts to raise support for family leave and to promote its passage into law.

The Women's Legal Defense Fund sought support from a broad range of interests in building the Family and Medical Leave Coalition. The first members of the coalition were primarily feminist lawyers and women's advocates. Over time, the coalition was successful in its attempts to considerably expand perceptions of who would benefit from the proposed legislation. The law's provisions for the care of elderly or ailing parents of employees drew the support of the American Association of Retired Persons (AARP) and the Alzheimer's Association. The United States Catholic Conference came to view family leave as supportive of its anti-abortion goals (Lenhoff and Bell 2002). Leaders of the Catholic Conference determined that attempts to dissuade women from having abortions would be better served if jobs and economic security were protected for new mothers needing time off to have a baby and care for an infant. Although labor's support of family leave was initially lukewarm, trade unions eventually recognized that family issues were potentially powerful incentives for workers to join

organizing efforts. By 1991, family leave was one of the top three demands that labor unions brought before Congress (Lenhoff and Bell 2002).

Increasingly, family and medical leave became a “family values” issue and a concern of

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many middle class Americans. By 1990, over one hundred groups advocating for interests as varied as women, children, seniors, labor, disability, health, religion, and civil rights had joined together in support of family and medical leave legislation. Coalition efforts to build support among the general public, as well as among members of Congress, included testifying and securing expert witnesses to testify before Congress, holding numerous debates and press conferences, and conducting research. The breadth and diversity of interests within the coalition contributed to the group’s success in achieving bipartisan congressional and popular support. The variety of interests and views of coalition members protected the concept of unpaid family leave from being labeled a radical or even a particularly liberal issue (Pyle and Pelletier 2003).

The coalition was successful in achieving favorable public opinion for family leave. By 1992, 57% of Americans supported the Family and Medical Leave Act (Article, Barringer 1992). Although the numbers of women, and especially working mothers, who supported the legislation was greater, a majority of men also supported family leave. Lower and middle income groups were also likely to approve of family leave, more so than those with incomes over \$75,000 a year (October, A National Poll 1992). Nationwide telephone interviews also showed that the bill was highly favored by African-Americans. Family leave was much more popular among Democrats and Independents than Republicans, of whom only 36% supported the legislation (Article, Barringer 1992). According to additional surveys conducted by the Coalition for America’s Children spanning the period from 1990 to 1993, 79% of registered

voters favored some form of unpaid leave requirement for family illness, and 26% of voters favored this type of proposal “strongly” (Mandate for Children 1993).

Although the majority of the public and many members of Congress favored family leave

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legislation, the business community firmly opposed any set of mandatory standards for leave. Business interests and trade associations mounted well-financed efforts to prevent family leave from becoming law. They argued that even unpaid leave would impose severe costs on businesses, suggesting a loss of approximately \$13 billion per year (Marks 1997). The business community also feared that minimum standards for leave would set a precedent for further government interference in business affairs and future government regulations of employer-employee relationships (Pyle and Pelletier 2003). The efforts to oppose the Family and Medical Leave Act were led by the Society of Human Resource Management, the National Federation of Independent Businesses, and the US Chamber of Commerce (Asher and Lenhoff 1993). Numerous trade associations, such as the National Restaurant Association, also joined the opposition. Additionally, a number of socially conservative individuals and interest groups opposed the bill because they feared that granting the option of family leave would encourage women to enter the workplace in even greater numbers, thus undermining the “traditional” family (Elison 1997).

Despite popular support, the opponents of family leave were able to prevent the issue from achieving success in Congress for nearly a decade. Family and medical leave legislation was introduced in Congress every year beginning in 1984, but did not pass in both houses until 1991. Initially, the bill was held up in congressional committees. No hearings on the issue and no markups to propose or vote on amendments were scheduled until 1987 (Lenhoff and Bell

2002). In 1987, Senator Christopher Dodd, a Connecticut Democrat, became chair of the Children and Families Subcommittee of the Senate Labor and Education Committee, and the campaign for family leave became a “serious legislative effort” for the first time (Lenhoff and

Bell 2002: Pg. 8). Senator Dodd held hearings across the nation and in Washington in which dozens of witnesses testified for and against the legislation. Compromise that limited the duration of leave to twelve workweeks per year and eliminated requirements for small businesses relieved some of the fiercest opposition to the bill.

The Family and Medical Leave Act gained the support of most Democrats in the House and the Senate, as well as increasing numbers of Republicans. In 1990, the legislation secured enough congressional support from both parties to be brought to the floor of the House of Representatives for the first time. Although the bill passed in both houses of Congress in 1991, Republican President George H.W. Bush vetoed it, stating that it would “undermine competitiveness” and inflict unnecessary costs on businesses (Pyle and Pelletier 2003: Pg. 8). The veto was overridden by the Senate, however only 60% of the House voted to override. The votes to override broke to a great extent along party lines, with 82% of House Democrats and only 23% of Republicans voting to override (Lenhoff and Bell 2002).

A Symbol in the 1992 Presidential Campaign

Family leave legislation passed both houses of Congress again in 1992. For the second time, President Bush chose to exercise his power to veto and the House again failed to override. As a result of Bush’s veto of the popular proposal, the issue of family and medical leave became a significant factor in the 1992 presidential campaign (Lenhoff and Bell 2002). Democratic

presidential candidate Bill Clinton disparaged Bush's decision and incorporated the issue into his campaign theme of fighting for the forgotten middle class. As Clinton senior advisor and confidant Bruce Lindsey stated, the Family and Medical Leave Act became a "symbol for the

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differences in philosophy" between the parties, the candidates, the campaigns, and their different visions for the country (Interview with Bruce Lindsey 2006).

The political philosophy of the Clinton-Gore campaign was articulated in the 1992 publication *Putting People First*. In this book, Clinton and Gore outlined their vision and plan for the future of America. They offered a detailed description of the specific goals they would seek to accomplish if elected (Clinton and Gore 1992). Throughout *Putting People First*, Clinton and Gore promised to sign the Family and Medical Leave Act. It is among the first goals discussed in the publication, a component of the overall pledges to bring about change and "put the power of the presidency to work for the American people" by "rewarding work" (Clinton and Gore 1992: Pgs. vii, 4). *Putting People First* also identified signing the Family and Medical Leave Act as a key goal of each of the Clinton-Gore strategies to support children, ensure corporate responsibility, provide aid to Americans with disabilities, strengthen families, protect labor, assist older Americans, and defend the rights of women (Clinton and Gore 1992).

The Clinton campaign emphasized the balance of family and work as one of the bread-and-butter values of its centrist "New Democrat" platform. Clinton was a leader of the Democratic Leadership Council (DLC), an organization which promoted a new agenda for the Democratic Party to move the party away from elitist liberal social issues and recapture working- and middle-class former Democrats who had fallen away from the party during the Reagan and Bush years. The new agenda was also aimed at moderate swing voter groups. Clinton gave a

speech at the DLC convention in May 1991 calling for and embracing ideas and values that he considered neither liberal nor conservative, but part of a “Third Way” (Bill Clinton, *New Democrat* 2004). The three principal tenets of his vision for the Democratic Party and the

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country were to provide equal opportunity for all, to inspire and demand responsibility of both government and citizens, and to restore a sense of community to the nation so that Americans recognize that ultimately we succeed or fail together (Bill Clinton, *New Democrat* 2004).

Clinton considered his speech to be one of the “most effective and important” of his career and it became the “blueprint of [his] campaign message” (Clinton 2004: Pg. 366).

In three subsequent speeches at Georgetown University in late 1991, Clinton articulated the details of the three-pronged vision that he had proposed at the DLC convention. He called for a “New Covenant” between the American people and their government in which the government would do more to address the problems of its citizens but would also challenge Americans to do more in return. In the first Georgetown speech on rebuilding the American community and in the second speech on economic change, Clinton pledged his dedication to an aggressive expansion of the role of government in helping families, but not according to the old big-government tradition that every problem is solved by a government program (Clinton 1991). These three speeches, according to Bruce Lindsey, were an attempt to “lay out a governing philosophy” of what would become the priorities of the administration if Clinton was elected (Interview with Bruce Lindsey 2006). The philosophy outlined in the first Georgetown speech is credited by the Clinton White House as having provided the guidebook and mission for the administration’s entire domestic agenda throughout Clinton’s time in office (Narrative Account, DPC 2000).

Clinton believed that working- and middle-class feelings of alienation would win him the election (Woodward 1995). In 1992, the American National Election Studies reported that the idea that “government is run for the benefit of all people, not for a few big interests looking out

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for themselves,” was believed by fewer Americans than anytime in the past forty years (Greenberg 1995: Pg 286). Clinton understood this alienation and saw the most pressing national concerns as being the real every day problems and struggles of average people (Woodward 1995). The Clinton campaign attempted to capitalize on these sentiments by emphasizing middle-class and “kitchen-table” economic issues (Woodward 1995). Robert Reich, a source of advice for Clinton from early in the campaign and later his first Secretary of Labor, strongly encouraged Clinton to focus on the issue of balancing work and family that appealed to both the centrist suburban middle class and the traditional Democratic base of lower-wage workers (Reich 1997).

Family leave legislation was only one of several proposals regarding working families which Clinton promised to pursue if elected. He intended to make family issues “central” to his time in the White House (Article Draft, Mehren 1994). Additional initiatives on behalf of the family that Clinton hoped to achieve early in his administration included expanding the Earned Income Tax Credit and the Head Start program and establishing a National Service Trust Fund (Clinton and Gore 1992). In his speech announcing his candidacy for president, Clinton stated that he believed ensuring that America’s hard-working parents are able to support their families is a fundamental responsibility of government, and pledged to make that goal a primary focus of his presidency (Clinton and Gore 1992).

In a speech before the Cleveland City Club on May 21, 1992, Clinton linked his agenda for families, children, and communities to his personal background and to his record as governor of Arkansas. He offered extemporaneous introspection of the impact of his formative years on his political beliefs and philosophies. He described the influences of his mother's struggles as a

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single-parent and the socio-economic status of his maternal grandparents and his mother's extended family of "poor or nearly so but wonderful, old-fashioned country people" as central to his understanding of family values (Narrative Account, DPC 2000). Clinton also highlighted several aspects of the family policy for Arkansas that he had worked to implement as governor, including near-universal child and maternal health care, affordable child care for working parents, and various programs intended to reduce incidents of domestic violence (Narrative Account, DPC 2000). Clinton credited his own childhood and his experiences as an Arkansas native and former governor as having taught him the value of family and having shown him the need for policies that truly promote and protect family values. According to Bruce Lindsey, Clinton's experiences growing up and as governor of Arkansas also directly affected his feelings on family leave proposals. Lindsey explained that "where Bill Clinton came from and people that Bill Clinton knew" who had to decide between caring for a child or a parent and their jobs, allowed him to understand that the American public wanted and needed family and medical leave policies (Interview with Bruce Lindsey 2006).

Clinton drew from journalist E.J. Dionne's book *Why Americans Hate Politics* in arguing that too often politicians offer "false choices" by insisting on "either/or" policies, leaving the "great American middle [feeling] cheated" (Greenberg 1995: Pg. 276). He called Bush's resistance to family leave an attempt to require the American people to make just such a "false

choice” between family values or the economy. During a campaign bus tour in Georgia the week that President Bush announced his second veto of family and medical leave, Clinton stated that Bush was telling the country that “we can’t,” and Clinton simply did not believe that to be true (Wines 1992: Pg. 20). He insisted that the country need only look to the several examples

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of state leave policies and European paid leave systems to see that America could provide support to working families and succeed in business.

One of the principal themes of the 1992 Bush-Quayle campaign was family values. The Clinton campaign attacked the President’s veto of family and medical leave as incongruous with his pledges of commitment to family values. In Clinton’s “A New Covenant” acceptance speech at the Democratic National Convention in July, he declared that he was “fed up” with Washington politicians lecturing Americans about family values in speeches but failing to support families in actions or policies (Clinton and Gore 1992: Pg. 221). Al Gore also attacked Bush’s veto of family leave in remarks at the ceremony when he was announced as Clinton’s vice-presidential nominee. He declared that the Bush-Quayle administration’s claims to be pro-family were abandoned in the interests of the wealthy and powerful when Bush vetoed family leave (Clinton and Gore 1992).

In September 1992 when Bush vetoed the legislation for the second time, Gore stated that Bush was essentially saying “read our lip-service to family values” (Pine 1992: Pg. 3). Gore then met with a panel of voters in Kentucky who had recently risked losing their jobs by taking time off to care for an ill or injured family member. Later in the week, he traveled to North Carolina where he visited terminally ill children and their families at a Ronald McDonald House (Fulwood 1992). The media images of Gore’s travels dramatized the differences in the positions

of the two campaigns. The following month, during the first presidential debate, Clinton responded to questions relating to family by stating that a president who cares about family values must “show that he values America’s families.” He mentioned specifically that America’s working families deserve a family and medical leave act and condemned Bush’s two

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decisions to veto such a bill (Transcript of the First TV Debate 1992). Along the campaign trail, Clinton and Gore found that people responded well to their criticism of the unpopular Bush veto and that calls for the Family and Medical Leave Act proved their “best applause line” (Kornbluh 2002: Pg. 4).

Although Bush made attempts to appear supportive of the idea of family leave during the campaign, his efforts were not generally received as genuine but as politically motivated. Bush proposed an alternative to mandates for family leave to Congress in mid-September, just as he was feeling the pressure of criticism from the Clinton campaign about his upcoming veto decision. He suggested that up to \$1,200 in tax relief be offered to small businesses for each employee who takes unpaid leave. According to Bush’s plan, however, tax credits would not be offered to large businesses (Message to the Congress 1992). When questioned by reporters after submitting his proposal to Congress, Bush admitted that the source of funding for his proposed tax credits, approximately \$400 to \$500 million a year, had yet to be identified (Remarks and an Exchange 1992). In the weeks following the announcement of Bush’s proposal, White House officials acknowledged to reporters that there was “little chance it would receive any real consideration” in Congress and even less chance that any tax credit legislation would be passed before Election Day (Bush Vetoes Bill 1992: Pg. A14).

The Clinton campaign not only called the Bush tax credit plan inadequate and insincere,

but also contended that it demonstrated the Bush administration's utter lack of understanding of the issue of family leave. Clinton disparaged the Bush tax credit plan for being a voluntary system for businesses. In the Gore-Quayle-Stockdale vice presidential debate on October 13, 1992, Gore offered harsh condemnation of the Bush tax credit plan and stated that "family leave

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is important enough to be required" (Transcript 1992). The attitude of the Bush White House toward family leave prior to this last-minute proposal had not been particularly sympathetic. In the past Bush had dismissed the issue by contending that most companies already offered leave to employees (Wines 1992). In response to questions about the dilemma faced by women whose jobs did not offer maternity leave, White House Press Secretary Marlin Fitzwater replied that they should "Look for other jobs." (Plumer 2005: Pg. 1). Fitzwater's statement was later seized by Clinton supporters as an example of the callous and out-of-touch disregard for American job and family concerns held by the Bush administration.

Clinton was ultimately successful in appealing to women and middle-class voters concerned about family issues. Clinton was the first Democratic presidential candidate since Carter in 1980 to win the vote of married women (Plumer 2005). Married women, a swing voting group, are considered vital to winning elections because they make up approximately one-third of the electorate. Clinton was supported by 41% of married women voters, to Bush's 40% (Kornbluh 2002). According to US Census Bureau reports, in 1992-93 the median American household income, the middle of the middle-class, was \$31,241 (Census 1994). Clinton won the votes of 45% of voters with incomes of \$15,000 to \$30,000, to Bush's 35% (Quirk and Dalager 1993). Clinton also captured the votes of 41% of voters with incomes of \$30,000-50,000, to Bush's 38% (Quirk and Dalager 1993). Suburban voters voted for Clinton by 41% to

39% (Voter News Service 1996). The American middle-class clearly supported Clinton over Bush, although not by a tremendous margin. The Clinton campaign convinced middle class Americans, as well as married women voters “particularly attuned to family issues,” that his administration would respond to the concerns and issues that affected their daily lives (Kornbluh

2002: Pg. 2).

The Clinton campaign also persuaded the majority of the American public that it would make children’s issues, including family leave, a priority. *US News and World Report* found that at the time of Clinton’s inauguration 70% of Americans believed that children would “do better” with Clinton as president (Roberts 1993). Bipartisan polls by Greenberg/Lake and The Tarrance Group reported that in November 1991, 50% of voters were “not at all confident” that government fights for children most of the time (1993). Polls in February and March 1993, after Clinton’s election, showed that figure had dropped to 23% (Greenberg/Lake and Tarrance 1993). According to the Coalition for America’s Children, even voters who had not voted for Clinton expected that he would “do well for children most of the time,” with 72% of non-voters, 78% of Perot voters, and 61% of Bush voters expressing confidence that Clinton would fulfill his proposals concerning children (Mandate for Children 1993). Polls also demonstrated that voters considered children’s issues and needs to be among the most important of the public’s priorities. The Coalition for America’s Children reported that 73% of American voters rated children’s issues as at least a “6” on a scale from 1 to 7. Fifty percent of those polled rated children’s issues as a “7” out of 7 (Mandate for Children 1993).

The Struggling Early Days of the Clinton White House

Before taking office, Clinton was confronted with surprisingly bad news about the size of the national deficit. A planning session was scheduled to be held in Little Rock on January 7, days before Clinton's inauguration, to reevaluate all of Clinton's campaign promises in the context of the new economic circumstances. This meeting was intended to provide a

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“framework for making decisions on overall domestic policy” (Woodward 1995: Pg. 70). In the midst of this meeting, Clinton asked his advisors to consider “if a genie were to give us our best possible year politically and in policy, what would we ask for?” (Woodward 1995: Pg. 79). He provided his own short answer of what he believed the “ideal” first year of the new administration would achieve, including signing into law the bills Bush had vetoed which Clinton had promised to pursue, such as family and medical leave legislation.

By the time of Clinton's inauguration, he was already being criticized for abandoning campaign promises (Drew 1994). The Clinton team had hoped to satisfy several major campaign pledges early and “hit the ground running” (Warshaw 1997: Pg. 188). Working groups were established during the transition period, but there was no coherent plan for the early days of the administration. Rather than effectively rolling out their goals in the first several weeks in office, the Clinton White House “hit the ground barely standing” (Drew 1994: Pg. 36). The only policy accomplishments were a series of executive orders reversing Reagan and Bush policies such as the “gag rule” restrictions on abortion counseling, the ban on fetal tissue testing, and the return of the Haitian boat people (Warshaw 1997). These were the very types of social issues that Clinton had de-emphasized during the presidential campaign with his centrist “New Democrat” platform.

His second weekend in office, Clinton invited his cabinet and senior staff to Camp David for a weekend retreat because, as he confided to consultant and pollster Stanley Greenberg, “we’ve lost track of why we ran” (Woodward 1995: Pg. 99). The retreat was intended to reassert Clinton’s early priorities and return to the themes and overall goals Clinton envisioned for his administration, as well as to encourage bonding among the various members of the

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Clinton team (Drew 1994). At the retreat, Greenberg insisted that if the promised middle class tax cut would not be possible because of the need to reduce the deficit, then Clinton had to be “seen as fighting for the middle class in every other way” and accomplish his other campaign pledges (Woodward 1995: Pg. 100).

The criticism of Clinton’s failure to pursue campaign pledges after the election continued throughout his first months in office. One member of the White House Press Corps sarcastically asked Communications Director George Stephanopolous on February 4 if the White House found it “bothersome” to be perceived as backing off campaign promises on a daily basis, such as the delays in announcing a National Service Plan and when welfare reform would be tackled by the administration (Press Briefings Feb 4 1993). Deputy Director of the Domestic Policy Council, Bruce Reed, recalls hanging a large poster of Clinton’s campaign promises on the wall of his office for the first hundred days of the administration. One fellow White House staffer remarked in frustration that the poster “looks like the portrait of Dorian Gray” (Reed 2001: Pg. 4). The White House was under pressure from the press, and from the public, to fulfill what Clinton had promised during the campaign as quickly as possible.

The lack of many early successes on the part of the White House was due to being unprepared to pursue major domestic policy goals immediately. The Clinton transition period was not well-structured or even particularly well-focused (Warshaw 1997). As a result, details of Clinton's plans for the economy and other major items on his domestic agenda were not yet well-articulated when Clinton assumed office. The "core of the domestic policy-making apparatus" for the Clinton White House was the Domestic Policy Council (Warshaw 1997: Pg. 191). This council consisted of cabinet secretaries and the directors of many major domestic

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executive agencies and members of the White House senior staff, all under the direction of Carol Rasco (Warshaw 1997). Although the Domestic Policy Council was intended to plan, implement, and monitor all major domestic initiatives of the Clinton administration, it was not created until August 17, 1993, when Clinton issued Executive Order 12895 (Narrative Account, DPC 2000). Aspects of Clinton's social agenda that were able to be implemented through executive orders and the stroke of a pen were, therefore, the only immediate successes of the Clinton administration (Friedman 1993).

Clinton's relationship with Congress also contributed to shaping his early days in office, as well as to the initial negative press the administration received. Clinton was keenly aware of the failure of former Democratic president Jimmy Carter to maintain good relations with the party leadership and the subsequent difficulties for Carter's presidency. Clinton's advisors with experience on Capitol Hill, notably Stephanopoulos and congressional liaison Howard Paster, encouraged him to set a positive tone with Congress and the Democratic congressional leadership (Reed 2001). At a dinner with several party leaders in Little Rock during Clinton's

transition to the presidency, Clinton had yielded to pressure to delay issues such as the line-item veto and campaign finance reform (Harris 2005). As the nation's most powerful Democrat, Clinton's proposal of a new direction for the party elicited fears among more traditionally liberal Democrats. Clinton hoped to reassure them.

On January 27, Clinton invited congressional Democratic "heavyweights," including Senate Majority Leader George Mitchell, Senator Robert Byrd of West Virginia, and Senator Daniel Moynihan of New York, to the Oval Office (Woodward 1995). A silence by several of the senators was misinterpreted by Clinton and Gore to be tacit approval of their proposed freeze

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of cost-of-living entitlement adjustments. Moynihan "decided to teach the new White House a lesson" (Woodward 1995: Pg. 97). He declared on television that such an idea was unthinkable and not under consideration. Director of the Office of Management and Budget Leon Panetta called this exchange Clinton's "slow and tortuous awakening to the ways of Washington" (Woodward 1995: Pg. 97). Critical media headlines such as The Wall Street Journal's "Clinton Bends Under Pressure from Congress" were the result of these early attempts to lead the party in Congress, rather than the country, by doing "everything the voices of experience in Washington advised" (Reed 2001: Pg. 1).

Analysts identified the issue of the ban on homosexuals in the armed forces as an initial "test case" for gauging Clinton's ability to work with and lead his party in Congress (Press Briefings Jan 28 1993). Clinton's promise to address the ban, although not a focal point during the campaign, became an immediate and bitter controversy during Clinton's first weeks in office. Military veterans, the Joint Chiefs of Staff, and several influential members of Congress adamantly opposed the president's intent to repeal the ban on gays and lesbians serving in the

military. The gay community, however, called for Clinton to honor his campaign pledge on the issue. This group of voters had been a strong source of support in the election: one in seven Clinton voters was homosexual and the organized gay movement had raised over \$3.5 million for Clinton's campaign (Drew 1997). The gays in the military issue dominated media coverage of the first days of the Clinton White House. In press briefings given by Stephanopolous and Press Secretary Dee Dee Myers, it was by far the most asked about topic every day from January 21 until February 2 (Press Briefings 1993).

Some congressional leaders threatened to pass a bill writing the ban on gays in the

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military into law if Clinton issued an executive order changing the current policy. They insisted that such a bill would be supported by a veto-proof majority (Harris 2005). Sam Nunn, a Democratic senator from Georgia and the chairman of the Senate Armed Services Committee, was strongly against any change to the military's position on gays. He announced that he intended to hold up passage of the Family and Medical Leave Act by invoking senatorial prerogatives until the gays in the military issue was resolved to his satisfaction (Harris 2005). Nunn's actions forced Clinton to agree to a near-surrender: delaying a final decision for six months, during which time gay personnel could continue to be relieved of their military duties. Clinton announced the unwelcome compromise on January 29 with Nunn at his side. This was yet another obvious retreat from campaign promises and an example of Clinton yielding to congressional pressure.

The First Legislative Victory of the Clinton Administration

An early success with the Family and Medical Leave Act would be politically profitable for the new Clinton Administration. The moderate legislation was supported by the majority of the American public and powerful interest groups such as the AARP and the US Catholic Church. American voters appreciated Clinton's early efforts on children's issues, such as the Family and Medical Leave Act. According to the Coalition for America's Children, 43% of voters described his work on children's issues as "excellent or good," as compared to only 26% on other issues (Mandate for Children 1993). The majority of Congress was also eager to see the Family and Medical Leave Act again on the agenda after a Democratic president willing to sign the legislation took office. Although it was championed primarily by Democrats, there was

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bipartisan support for the bill. It would therefore advance Clinton's desired image as a "national unifier" (Harris 2005: Pg. xxvi).

Weeks into the administration, the Clinton White House held its first Town Hall meeting, a forum in which people could ask questions and voice their concerns to the president directly. According to Dee Dee Myers, the "president feels [the Town Hall meeting is] a good way to keep in touch with the concerns of Americans across the nation," a matter of vital importance to Clinton personally as well as a successful political tool (Press Briefings Feb 5 1993). The second question asked of Clinton at the meeting was why family and medical leave and gays in the military were chosen as the first issues to tackle. He responded that he did intentionally choose to pursue family and medical leave first, although gays in the military was not intended to be such an immediate priority (Press Release Feb 10 1993). Clinton explained that he "chose to deal with the family leave bill because I knew there was a majority support in both Houses for it, and because I thought it was a pro-family bill. I thought it was a bill that would be helpful to

strengthen the American family... and illustrate we had ended gridlock” in Washington (Press Release Feb 10 1993).

The Family and Medical Leave Act was introduced in the House of Representatives on January 5, 1993 as H.R. 1 by long-time family leave advocate Senator William D. Ford of Michigan. That same day, Clinton presented a written statement to Congress expressing his support of the bill and repeating his pledge to sign if it passed Congress (THOMAS 1993). The following day, White House Chief of Staff Mack McLarty also issued a direct appeal urging Congress to act on the proposal as early in the session as possible (Clymer Jan 6 1993). Senator Dodd introduced a similar family leave bill in the Senate, S. 5, on January 21. Both House and

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Senate versions of the bill moved quickly through sub-committee and committee hearings. Robert Reich, Clinton’s Secretary of Labor, offered congressional testimony supporting family leave. Reich discussed the new demographics of the American workforce, which included many more women and single-parent workers than in past decades. He also explained the Clinton position that family leave legislation would encourage “high-performance work organizations,” in which reciprocal commitments between employers and employees result in greater productivity (Narrative Account, DOL, folder 1 2000).

On Friday January 29, 1993, immediately after the family leave legislation was scheduled for floor action the following week in both houses, the White House Office of Management and Budget sent a Statement of Administrative Policy (SAP) to Congress expressing support for the legislation (Memorandum, Panetta 1993). The following Tuesday, Clinton personally told several Democratic congressional leaders that he would like to sign a family leave bill by the end of the week, before Congress’s scheduled mid-February recess (House Passes 1993). The

House passed its version of the family and medical leave bill the next day by a vote of 265 to 163 (US Congress 2006). There was very little debate on the floor of the House over the bill, and it passed with few alterations to the original proposal (Clymer 1993). The vote followed party lines to a great extent, with 224 Democrats, 1 Independent, and only 40 Republicans voting for the bill. Of the votes against the bill, 134 were cast by Republicans and 29 by Democrats. (US Congress 2006).

The House bill passed the Senate, in lieu of its own version, on February 4 by a vote of 71 to 27. Although a group of Republican junior senators had threatened to filibuster, they did not actually do so (Press Briefings Feb 4 1993). Only one amendment, to modify the

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regulations allowing for intermittent leave, was added to the original draft of the bill (US Congress 2006). As in the House, the Senate vote largely split by party. Of the 71 votes in favor of the bill's passage, 55 were cast by Democrats and 16 by Republicans. Two Democrats broke with their party and voted against the bill, along with 25 Republicans. (US Congress 2006).

Members of the press noted that it had taken Democratic Congresses three to four days after a bill passed to send the legislation to the White House for the previous twelve years, but the official paperwork regarding the Family and Medical Leave Act was "expedited" at the request of the Clinton White House. The president was presented with the bill the morning after the Senate vote (Press Briefings Feb 5 1993). On February 5, only three weeks into his first term in office, President Clinton signed the Family and Medical Leave Act of 1993, the first legislative victory of his administration.

At the ceremony in which Clinton signed the bill into law, he personally thanked numerous members of Congress for their past support of family leave and others for their work with the White House in getting the bill through Congress so quickly. He offered warm praise to Senate Majority Leader George Mitchell for his “heroic efforts in the 11th hour” to make sure the bill was passed before the first congressional recess, as the president had urged (Press Release Feb 5 1993). Clinton also acknowledged his “long-time friend” Senator Dodd for his years of work on family leave (Clinton 2004: Pg. 490). Clinton emphasized the bipartisan support for the bill and that, “consistent with the promise [he] made in [his] inaugural,” he had reached out to members of both parties in efforts to pass the legislation (Press Release Feb 5 1993). He mentioned his “old colleague in the Governors Association,” Senator Kit Bond of

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Missouri, as one of the Republican members of Congress whom the White House worked with on the Family and Medical Leave Act (Press Release Feb 5 1993). Only Democrats were asked to speak, however, and the Family and Medical Leave Act was clearly considered a Democratic victory (Press Briefings Feb 5 1993).

Howard Paster, on his final day as Clinton’s chief congressional liaison, credited the White House’s success with Congress on family leave as due to “knowing which resources to use in which places” (Press Release Nov 23 1993). As the director of the Legislative Affairs Office, Paster’s job was “to deliver votes for the President’s programs” (Birnbaum 1996: Pg. 24). The main responsibility of Paster and his team of lobbyists on the family leave legislation had been merely to communicate Clinton’s commitment to an early signing of the bill to individual members of Congress and encourage them to support the president. He admitted that early efforts to work with Congress on other issues were less successful in part because the

administration had not yet fully established “where we should use certain people and deploy them to different objectives on the Hill” (Press Release Nov 23 1993). Courting congressional support on these more controversial issues, such as gays in the military, occupied the vast majority of time for Paster and the Legislative Affairs Office in the opening days of the administration (Birnbaum 1996).

Although the Clinton administration claimed credit for passage of the Family and Medical Leave Act, the legislation was drafted long before Clinton took office. Support for the bill among the public and in Congress had already been secured by the Family and Medical Leave Coalition and members of Congress during the Reagan and Bush presidencies. Clinton did work to keep the issue alive and urged Congress to pass family leave legislation quickly.

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Ultimately, the Family and Medical Leave Act is attributed to Clinton only because he was the president who finally signed the bill into law. The issue was inherited by the Clinton administration and seized because it advanced Clinton’s desired message and because of political circumstances, including Bush’s unpopular vetoes and the challenges faced by the early White House. In the opening weeks of the Clinton administration, Clinton desperately needed a victory on a campaign promise. The Family and Medical Leave Act was a popular component of Clinton’s domestic agenda that could be achieved without much time, effort, or organization on the part of the scrambling White House. It was decided, therefore, that the Family and Medical Leave Act would be an immediate and urgent Clinton priority, one which he hoped would be the inaugural legislation of his administration.

A Significant Component of Clinton’s Legacy

Although the Family and Medical Leave Act played a role in both the campaign and in the early days of the administration as a symbol of Clinton's goals and was a politically strategic issue, it was certainly not the most prominent item on the Clinton domestic agenda. Clinton and most of his staff considered economic issues such as creating jobs and reducing the national deficit, as well as social goals such as welfare reform and health care, to be their main focus during the campaign and afterwards. Considering the relatively little time and attention spent by White House staff on the issue, the Family and Medical Leave Act must be seen as a more minor component of the Clinton agenda. Despite this, the success of the family and medical leave legislation is recognized as one of the most significant accomplishments of the Clinton Administration.

In a memo written on November 8, 1993, Assistant to the President Robert Rubin asked White House staff what two or three things they would most want the administration to have accomplished looking back in 1996 or 2000. Several of the responses to this interoffice memo, including those of Domestic Policy Council Staff members Christine Heenan and Mike Schmidt, specifically mentioned the Family and Medical Leave Act and Clinton's commitment to children and families as essential to the legacy of the Clinton administration. Carol Rasco, Assistant to the President and Director of the Domestic Policy Council, prefaced her answering memo by explaining that she tried to think about her future great-grandchildren reviewing the Clinton years and what she would want them to see and remember. She then wrote that she hoped that Clinton would be principally remembered for his work on families, as well as having fostered racial harmony (Memorandum and Responses 1993).

Carol Rasco continued throughout her tenure at the White House to consider her work on family and children's issues to be among the most personally meaningful. Her experiences as a working single mother of two children, a young daughter and a mentally-challenged son, "helped form the core of [her] domestic policy views" (Rasco Biography). Although Rasco herself played no substantial role in working for its passage, she repeatedly highlighted the Family and Medical Leave Act as a critical accomplishment for family and children at speaking engagements across the country, including at the 1993 National Summit on Children and Families (Remarks, Rasco 1993). She also urged Domestic Policy staff member Stanley Herr to feature the Family and Medical Leave Act in a speech to the American Association on Mental Retardation (Memorandum, Rasco 1994). Rasco was admired in her own right by many White House staff members for her tireless and dedicated advocacy for children and

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families, as well as to her work promoting Clinton's family policy agenda (Narrative Account, DPC 2000). In light of her individual accomplishments and successes on other children and family issues, her emphasis of the Family and Medical Leave Act reveals its importance.

The US Department of Labor, which was responsible for implementing the Family and Medical Leave Act, also considered it to be one of its "most significant achievements" during the Clinton years (Narrative Account, DOL, Appendix L 2000). The department published the finalized Family and Medical Leave Act regulations, carried out Clinton's campaign to educate employers and employees about their rights and responsibilities under the law, handled complaints and reported violations, and analyzed the law's effects (Narrative Account, DOL, folder 1 2000). Clinton's Secretary of Labor after Reich, Alexis Herman, also played a key role in addressing the problem that the 1996 Commission on Family and Medical Leave reported, that

many workers were unable to take needed leave because they could not afford it. Clinton's executive order allowing states to administer unemployment compensation to provide partial-wage replacement was her suggestion in response to this dilemma (Narrative Account, DOL, Appendix L 2000).

The Family and Medical Leave Act was judged one of the most critical legislative accomplishments of the 103rd session of Congress. In the 1993 Congressional Session Wrap-Up, a statement issued by Congress on November 23, the Family and Medical Leave Act was highlighted as an example of achieving an end to gridlock in Congress and as a significant component of the "remarkable legislative record" accomplished even before the passage of NAFTA. The report also noted that the Act was an example of bipartisanship, an illustration of the success that resulted from open communication between the White House and Congress, and

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the number one way Congress helped families (Statement Nov 23 1993).

The impact of the Family and Medical Leave Act on the lives of millions of Americans alone would make it an important achievement. The Department of Labor issued a report in 2000 on the effects of the Family and Medical Leave Act, *Balancing the Needs of Families and Employers: Family and Medical Leave Surveys 2000 Update*, based on surveys of eligible employees and covered businesses. The report found that after only seven years, over 35 million American workers had taken leave under the Family and Medical Leave Act (Casta). Not only did it conclude that the Family and Medical Leave Act had successfully helped many American families, but also that it had not been costly to American businesses. Eighty-four percent of employers covered by the law reported that the Family and Medical Leave Act had either no negative effect or even a positive effect on productivity. Ninety percent reported that it had no

negative effect or a positive effect on profitability and on growth (Casta). Many businesses credited the Family and Medical Leave Act with reducing their costs due to decreased turnover, and eighty-nine percent of covered business establishments reported that the Family and Medical Leave Act had a positive effect on employee morale (Casta).

Although hailed by many as a major accomplishment and a long-overdue victory, the Family and Medical Leave Act of 1993 was also subjected to criticism. Several prominent women's interest groups objected to the number of workers not covered by the law, such as employees of the federal government, part-time employees, and employees of small businesses. Additionally, many argued that the definition of "family," applying only to specific members of the immediate family in the Family and Medical Leave Act, was too narrow. Many labor union advocates called for a system similar to the more extensive and encompassing policies of

the European model of paid leave (Noble Aug 1 1993). The United States remained the only industrialized country in the world without some provisions for mandatory paid leave for new mothers (Pyle and Pelletier 2003).

Clinton did not push to strengthen the provisions of the bill that he urged Congress to pass in 1993. The draft of legislation that Clinton supported was largely unchanged from the proposals that had been presented to his Republican predecessor. He did not fight for more extensive coverage of workers or for a longer duration of protected leave. Clinton then reformed welfare policy in 1996, enacting more stringent rules for work, without any additions to the Family and Medical Leave Act to allow for paid leave when needed by low-income workers unable to otherwise afford time off (Pyle and Pelletier 2003). Many of the interest groups and organizations that supported Clinton and family leave challenged him to do more. The Institute

for Women's Policy Research, for example, sent Carol Rasco hundreds of news clippings in mid-1993, months after the enactment of the Family and Medical Leave Act. These articles emphasized the continuing change in the demographics of the workforce and revealed the need for further action on family leave (IWPR News Clippings 1993).

Later in his administration, Clinton responded to some of these criticisms and to the success and continued popularity of the Family and Medical Leave Act. In a radio address on February 1, 1997, nearly four years to the day after he signed the Family and Medical Leave Act into law, he proposed expanding family leave to allow workers to take up to twenty-four unpaid hours off each year to participate in their children's school and early childhood education activities, for routine family medical care, or for the care of an elderly relative other than a parent (Record of Progress 2000). Clinton repeated his call to Congress to pass these additional

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provisions in his 1998 State of the Union Address. He also issued an executive order on January 26, 1998, to apply the Family and Medical Leave Act to White House staff and appointees. In 1999 he signed another executive order, giving states the option of allowing parents of newborns or newly adopted children to qualify for unemployment insurance benefits while they take family leave (Atkinson 2003). Clinton also launched a public education campaign to ensure that workers know their rights according to the Family and Medical Leave Act, even establishing a toll free telephone number to provide information (President's Radio Address 1997).

Clinton ultimately claimed to judge his presidency by the impact his time in office had on people's lives. He therefore recalls the Family and Medical Leave Act as one of the most critical and personally rewarding accomplishments of his administration (Clinton 2004). In remarks throughout his time in office, at events ranging from presidential galas to Democratic party

rallies, Clinton mentioned the Family and Medical Leave Act as one of his successes that he thought truly “makes a difference” (Press Release Nov 7 1994). Clinton noted proudly in his autobiography, *My Life*, that people continue to come up to him years after his presidency and thank him for the Family and Medical Leave Act more than any other issue (Clinton 2004). Clinton’s enthusiasm for his success on the issue of family leave is due in part to his characteristic emphasis on personal relationships. As he signed the bill, he recalled the time that he spent in factories and businesses talking to workers and listening to their stories, stories which touched him deeply and which he never forgot (Press Release Feb 5 1993).

The Family and Medical Leave Act has improved the lives of millions of Americans. It has provided American workers job protection and economic security in times of family crises. It has enabled parents to care for their children, children for their parents, and individuals for

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their own personal health without having to abandon their job commitments or jeopardize their economic security. Even if for no other reason, the widespread effects of the Family and Medical Leave Act on the daily lives of Americans make its legislative success an extremely important aspect of Clinton’s administration.

This analysis of the Family and Medical Leave Act of 1993 has examined the development of the policy before its passage, why it was adopted as an issue during the Clinton campaign, and why it became an immediate priority of the Clinton domestic agenda. It defines the Family and Medical Leave Act’s significance as Clinton’s first legislative victory and its evaluation as a substantial achievement of the administration. The Family and Medical Leave Act was inherited by the Clinton White House, but quickly became a principal objective because of political circumstances and because it served as a useful symbol of the administration’s

objectives and vision. It is part of the enduring legacy of the nation's 42nd president. This study of the Family and Medical Leave Act offers insight into factors that influenced and motivated Clinton and impacted his years in the White House.

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