
A Theory of Presidential Commitment and Opportunism: Swing States, Pivotal Groups and Civil Rights Under Truman and Clinton

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In the 1992 presidential election, Bill Clinton pledged to end the ban on gays in the military, vowing further to make it one of the first acts of a Clinton administration. In the early months after the election that commitment still appeared solid; yet, by the end of July 1993, the initiative had ended in failure. Publicly, the Administration insisted it had reach an “honorable compromise,” but gay rights advocates indicted the President for bad faith, weak will and political opportunism.¹ In what must surely constitute the most embarrassing episode in the affair, Clinton’s political advisor and liaison with the gay community, David Mixner, was carted off to jail from in front of the White House, where he had joined in a demonstration to protest the President’s capitulation. To lesbian and gay activists, the provisions of “don’t ask, don’t tell” were at best minor amendments to the pre-Clinton military policy of exclusion and persecution. And to add insult to injury, Congress, with the president’s acquiescence, proceeded to codify the new ban, in the process reworking its provisions and weakening many of its incremental improvements. Thus, in the end Congress reaffirmed the incompatibility of homosexuality with military service, strengthened the right to investigate private sexual conduct, and even granted the Secretary of Defense the discretion to reinstate questions regarding the sexual

orientation of recruits.

Clinton’s leadership failure contrasts vividly with Harry Truman’s more successful effort to dismantle racial segregation in the armed forces in 1948. Truman is credited with placing civil rights squarely on the national agenda for the first time since Reconstruction.² On 2 February 1948, Truman presented his 10-point civil rights program in a widely-covered special message to Congress. More dramatically, Truman issued Executive Order no. 9981, requiring desegregation of the military, in the face of a third party revolt by Southern Democrats. One need not exaggerate Truman’s resolve -- he was, after all, committed to preserving the integrity of the Democratic coalition. Yet once publicly on record, Truman never backed away from his commitment to military desegregation. Likewise, one need not exaggerate the immediate effect of Truman’s executive order -- full integration was not achieved until 1953, pushed along by manpower shortages in the Korean War. Still, the resilience of segregation in World War II strongly underscores the importance of the policy changes initiated by the White House in 1948. Both by his action and rhetoric, Truman helped initiate a national political dialogue on race, the effects of which still reverberate through the party system.

This paper contrasts Bill Clinton’s drive to reverse the ban on gays and lesbians in the military with that of Harry Truman to end racial segregation. Viewed as a civil rights issue, strong historical parallels make these two presidential efforts an inviting subject for comparative analysis. They offer a fresh opportunity to study the determinants of political change, in this instance through parallel initiatives to reorder social relations within the military. In what follows, I offer an institutional explanation for the divergent outcomes sketched above. Specifically, I argue for the explanatory importance of the electoral college and its structured rivalry for electoral college votes. Presidential coalition-building and competition for “swing states” and “pivotal voting blocs” are the basic building blocks of the analysis. Additional factors, such as pressure group power and even

¹ See the President’s comments before the National Defense University in *Congressional Quarterly Weekly Report* 51 (July 24, 1993), p. 1975. For a sample of opinion by gay rights activists, see Chris Bull, “Broken Promise,” *Advocate* no. 636 (August 24, 1993), pp. 24-27 and Bull, “Sellout?” *Advocate* no. 637 (September 7, 1993), pp. 28-29.

² See, for example, Harvard Sitkoff, “Harry Truman and the Election of 1948: The Coming of Age of Civil Rights in America,” *Journal of Southern History* 37 (1971), pp. 597-616.

sheer Administration determination, are not dismissed from the discussion. Nonetheless, the analysis is motivated by an interest in what might be termed the *institutionally-induced* aspects of presidential resolve and group influence. Through it, I propose a more theoretically prominent place for electoral college politics in the study of U.S. political development. With its unique and highly structured system of incentives, the electoral college is a “wild card” in American politics, at some junctures, highly conservative or preservationist in its operation, at others, fundamentally disruptive, a catalyst for political change.

Swing States, Pivotal Groups and the Politics of Electoral College Competition

The structural similarities are several between the efforts to end racial segregation and homosexual exclusion in the military. As already stated, both involved the civil rights claims of aggrieved minority communities, both targeted the armed forces, and both sought to alter policies governing social relations among service personnel. In both cases, the presidency was also identified as a crucial vehicle for the attainment of political change. Further, both Truman and Clinton faced stiff institutional resistance from opponents of change: the military, powerful social interests, as well as important wings of their own party. Nor in either case did a mobilized public opinion act to counter institutional resistance. For example, in a Gallup poll conducted one week after Bill Clinton took office, 50 percent of respondents stated that they opposed ending the military’s gay ban, while only 43 percent supported the initiative -- figures that remained stable throughout the ensuing struggle.³ No comparable data exists for attitudes toward military desegregation in 1948.⁴ However,

³ George Gallup, Jr., *The Gallup Poll: Public Opinion 1993* (Wilmington, De.: Scholarly Resources, Inc., 1994), p. 31.

⁴ However, in a poll conducted in 1942, respondents were asked whether “Negro and white soldiers [should] serve together in all branches of the armed forces. In this instance, 41 percent supported integration, while 51 percent expressed disapproval. The poll does not control for either region or race, which in addition to the date, limits the utility of the results. See Hadley Cantril, *Public Opinion, 1935-1946* (Princeton, N.J.: Princeton University Press, 1951), p. 988; In addition, a 1943 survey of military personnel reported 80 percent opposed to racial integration of the armed forces. This figure is cited by Dr. Lawrence Korb in testimony before the Senate

in a poll conducted one month after Harry Truman delivered his February message to Congress on civil rights, respondents were asked whether the President’s 10-point civil rights program should be passed. Perhaps the most striking aspect of the results was the level of public apathy recorded. Among non-Southern whites, only 36 percent expressed an opinion, with 21 percent supporting passage and 15 percent opposing it. A full 45 percent of non-Southern whites had never even heard of the President’s civil rights program. Add to this the number of respondents who had no opinion and the number of uninformed jumps to just under two-thirds of the sample.⁵ Finally, both Harry Truman and Bill Clinton chose administrative means to pursue social change. Anticipating institutional resistance, both men chose to rely on executive orders, to avoid Congress, and to maximize political control over the restructuring of internal military organization.

Faced with these similarities, it is tempting is to reduce Truman’s success and Clinton’s failure to matters of individual character and leadership. Combative and determined, “Give ‘em Hell Harry” was never more resolute than when the odds were most clearly against him, witness his determined campaign against the “do-nothing” Republican 80th Congress and his astonishing come-from-behind victory in the 1948 presidential election.⁶ By this reading once Truman set himself to the task of desegregating the military, this “brave commander-in-chief” could be expected to deploy all of the

Armed Forces Committee on March 31, 1993. The subject of the hearing was unit cohesion and combat effectiveness in relation to the military’s ban on homosexuals. (Source: the Congressional Quarterly database, Transcripts, Congressional Hearings, Item Number 1504.)

⁵ George Gallup, *The Gallup Poll: Public Opinion, 1935-1971* v. 1 (New York: Random House, 1972), p. 722.

⁶ For a discussion of Truman’s character along these lines, see James David Barber’s “Harry S. Truman and Active-Positive Combat,” ch. 5 of his *The Presidential Character: Predicting Presidential Performance in the White House* 4th ed. (Englewood Cliffs, N.J.: Prentice-Hall, 1992).

resources of his office to accomplish the task.⁷ “I have never traded principles for votes, and I did not intend to start the practice in 1948 regardless of how it might affect the election,” was the way Truman characterized his reaction to the formation of the States’ Rights party in his memoirs.⁸ “Slick Willie,” on the other hand, is a label that continually dogs Bill Clinton. As an appellation, it is an indictment for political expediency and an absence of core convictions, an epithet applied to one who jettisons solemn campaign promises -- like his commitment to a middle class tax cut -- once they have served their immediate political purposes. AIDS activists expressed this frustration with Clinton, interrupting a December 1993 speech commemorating AIDS awareness day:

If you're so concerned about AIDS, where's the Manhattan Project on AIDS that you promised during your campaign? One year, lots of talk, no action. Slick Willie. The Republicans were right. We should never have trusted you. You are doing nothing.”⁹

Thus, through this lens, once Clinton realized how little political credit there was to be gained by lifting the ban on gays and lesbians in the military, once he realized that it was not a political popular undertaking, the President simply folded his cards and capitulated to the political opposition. This difference at the level of *political commitment* between the two presidents is all the more striking given that, by most accounts, Clinton’s *personal belief* in gay rights ran much deeper than Truman’s belief in the social equality of blacks and

⁷ On the television news program “Inside Washington,” the African American columnist Carl T. Rowan, in 1948 a journalist for the *Baltimore Afro-American*, contrasted the leadership qualities of Clinton and Truman in this way: “I’m probably the only one here old enough to know the same great threats that came up in [1948]. Eisenhower telling Harry Truman he couldn’t wipe out racism in the military, General Bradley saying you can’t do it, you’ll make Congress too mad. Harry Truman did it and he did it like a brave commander-in-chief and they lived with it.” (Source: “Inside Washington,” July 19, 1993, Congressional Quarterly database, Transcripts, TV Programs, Item Number 3213.)

⁸ Harry S. Truman, *Memoirs* vol. 2 (Garden City, N.Y.: Doubleday & Company, Inc., 1956), p. 184.

⁹ Source: “Inside Washington,” December 4, 1993, Congressional Quarterly database, Transcripts, TV Programs, Item Number 5374.

whites.¹⁰

Another tempting explanation for Truman’s action and Clinton’s inaction looks to the structure of group politics or, more precisely, the mobilization of relative group power. From this perspective we are encouraged to examine the determinants of group capacity in the political process, elements such as membership size, money, organizational presence, institutional patrons, and strategic savvy.¹¹ It suggests that African American political organizations like the NAACP, the Committee Against Jim Crow in Military Service and Training, and the League for Non-Violent Civil Disobedience Against Military Segregation more effectively played the game of pressure politics than did gay rights organizations, such as the Campaign for Military Service, the National Gay and Lesbian Task Force and the Human Rights Campaign Fund. In short, to explain the difference in political outcomes we are encouraged to examine what African American organizations did right and gay rights organizations did wrong. The same holds true for opposition groups. We expect that evangelical Christian organizations, military and veterans groups, and political party opponents were simply better able to mount an effective opposition to Clinton’s plan to end the military’s gay ban than were conservative, principally Southern, opponents of desegregation and their military and political allies.

Presidential “personality” is a part of the story of Truman’s persistence and Clinton’s backsliding. But in highlighting this

¹⁰ See, for example, Truman’s 1940 Chicago address before a meeting of the National Colored Democratic Association, excerpts of which are quoted in William C. Berman, *The Politics of Civil Rights in the Truman Administration* (Columbus, OH: The Ohio State University Press, 1970), p. 12. By contrast, see the 1992 of David Mixner, a gay rights advocate and long time Clinton friend, in the *Washington Post* (September 28, 1992), p. A1. See, as well, Clinton’s remarks on gay rights at a Dallas town meeting. “Democratic Presidential Candidate Bill Clinton Remarks to A Town Meeting,” KDFW-TV Studios, Dallas, Texas; August 25, 1992 December 4, 1993, Source: Congressional Quarterly database, Transcripts, Other Items of Interest, Item Number 4281.

¹¹ Good examples of such analyses are Jeffrey M. Berry, *The Interest Group Society*, 2d ed. (New York: Harper Collins, 1989); Steven J. Rosenstone and John Mark Hansen, *Mobilization, Participation, and Democracy in America* (New York: Macmillan Publishing Company, 1993); John Mark Hansen, *Gaining Access* (Chicago: University of Chicago Press, 1991); David Vogel, *Fluctuating Fortunes: the Political Power of Business in America* (New York: Basic Books, Inc., 1989); and Jack Walker, *Mobilizing Interests in America* (Ann Arbor: The University of Michigan Press, 1991).

variable, I am interested in what might be termed the *popularly ascribed* dimensions of that personality. By this, I mean those aspects of a presidential behavior that recur with sufficient regularity to take hold in the public mind as a character or personality trait. With this in mind, we can distinguish further between those aspects of a president's ascribed personality that derive from internal structures -- attitudinal structures and belief systems -- and those that are induced by external structures -- patterned stimuli that emanate from the political environment in which presidents operate. It is the external or structural determinants of presidential "character" with which I am concerned, the institutional determinants of presidential commitment and opportunism when faced with demands for social change.¹²

Effective group pressure, as we will see, is also an important variable in the outcomes observed here. Critical to the process of political change is social group mobilization, the resource capabilities of contending groups and their skill at deploying their advantages. But as numerous studies make clear, group mobilization occurs in a political environment structured by institutions, and that institutional field of action has important consequences for relative group influence in the political process.¹³ The rules of engagement, if you will, by

¹² Erwin C. Hargrove examines the role of what I am calling "internal structures" in his essay, "Presidential Personality and Leadership Style," in George C. Edwards III, John H. Kessel and Bert A. Rockman, eds., *Researching the Presidency: Vital Questions, New Approaches* (Pittsburgh: University of Pittsburgh Press, 1993), pp. 69-109. Also see Fred I. Greenstein, *Personality and Politics* (Chicago: Markham Press, 1969) and Barber, *The Presidential Character*. The definitive statement on the importance of external structures to observed presidential personality is Stephen Skowronek, *The Politics Presidents Make: Leadership from John Adams to George Bush* (Cambridge, MA: Harvard University Press, 1993). Among the contributions of this work, Skowronek isolates the historical-structural preconditions of presidential "greatness" and presidential "failure." From his analysis of presidents in "political time," Skowronek concludes, that "what we often take to be matters of personal character . . . turn out to reflect characteristics of the office under different circumstances" (p. 28). This is an important insight, one on which this paper seeks to build.

¹³ Among the more important statements of the institutionalist position are Stephen Skowronek, *Building a New American State* (New York: Cambridge University Press, 1982); Theda Skocpol, "Bringing the State Back In: Strategies of Analysis in Current Research," in Peter B. Evans, Dietrich Rueschemeyer, and Theda Skocpol, eds., *Bringing the State Back In* (New York: Cambridge University Press, 1985), pp. 3-37; and Karen Orren, *Belated Feudalism: Labor, the Law, and Liberal Development in the United States* (New York: Cambridge University Press, 1991). See also, James G. March and Johan P. Olsen, *Rediscovering Institutions: The Organizational Basis of Politics* (New York: The Free Press, 1989).

which electoral and governmental decisions are made operate on organized groups to differential effect. Political institutions work to re-weight or "handicap" contending groups, opening doors of political access or shutting them down, adding or subtracting to the sum total of political effectiveness or influence.

In what follows, I explore the institutionally-derived aspects presidential "character" and group influence. In particular, I examine those aspects that derive from the operation of the electoral college. An under-theorized institution, the electoral college is a highly structured political environment with precise rules, procedures, and norms of strategic behavior adhered to by contestants for the presidential office. The constitutional stipulations are of course well known. Candidates compete for electoral votes, which are in turn allocated by state according to a prescribed formula. One candidate must successfully accumulate an absolute majority of the total electoral votes to avoid throwing the contest into the House of Representatives. In practice, of course, presidential candidates do not compete for electoral votes with equal intensity in all fifty states. Most obviously, states with large blocs of electoral votes -- for example, California, Texas, New York or Florida -- will generally attract more candidate attention than states with small allocations.

More critical here, campaign organizations carve up the electoral college map into subcategories of states: "sure" states and "doubtful" states. Sure states refer to those states in which the election day outcome is a foregone conclusion. Sure states can be differentiated still further into "sure for" and "sure against" the candidate in question. However, for our purposes what these two subcategories share is more important than their differences. With the outcome all but assured, candidate and party organizations have little incentive to invest scarce resources in these states. For similar reasons, there is little incentive to fashion major campaign themes and programmatic promises to voters housed in these states, at least not when such appeals conflict with the preferences of voters located in doubtful states.

Doubtful states, by definition, are those in which candidates are competitive and the outcome of the presidential election is uncertain. Among doubtful states is a subcategory of particular interest, the so-called "swing" states. Like doubtful states, swing

states are states in which candidate competition is close and the outcome uncertain. But swing states, as the name implies, have the additional characteristic of being states on which the final outcome of a presidential election is expected to turn. Depending on how fine the balance of party competition is in a presidential election, the number of swing states may be very few, theoretically even one state, or several.¹⁴

For purposes of this paper, the critical point is that reelection-seeking presidents have strong incentives to attend to the political demands of voting blocs in swing states who can credibly claim to hold the “balance of power.” On the other hand, because competition is close and the outcome decisive, many groups might plausibly lay claim to hold the balance of power. To which groups then, are incumbent presidents most likely to listen closely? The answer to this question depends on which groups are judged to possess “credible shopping options” (CSOs). For analytic purposes, a president perceives a group to have CSOs where 1) opposition party candidates are in active competition for that group’s allegiance, and 2) the group has demonstrated a willingness to cross party lines to support candidates whose campaign pledges most closely match group demands. Absent either of these elements, the probability increases that presidents will treat groups as locked in the party column, trapped with nowhere else to go, and thus discount the need to honor previous pledges. This possibility is particularly acute if the demands of such groups conflict with those of groups with identifiable CSOs.

As should now be clear, this discussion of electoral college mechanics and competition strategy folds directly into earlier discussion of presidential “character” (commitment and opportunism) and group influence. Based on this theoretical formulation, we expect presidential commitment to be strongest on issues of paramount concern to balance of power groups in swing states. Here we expect presidents to invest heavily their political capital and manifest a dogged persistence to secure programmatic success, even in the face of a strong and determined opposition. For similar reasons, we expect

¹⁴ On the other hand, where presidential contests are lopsided, like Roosevelt’s crushing reelection victory in 1936, the importance of swing state analysis is reduced.

presidential opportunism involving otherwise solemn campaign pledges or long standing party commitments to be greatest where such commitments interfere with efforts to attract or hold the support of balance of power groups.¹⁵ Obviously, if we reverse our angle of vision from presidents to groups we have a framework for explaining differential group effectiveness in achieving influence in presidential counsels and, more broadly, in the policy process. When strategically well-placed within the electoral college, we expect groups to find their requests for presidential meetings more frequently accepted, their threats to defect from past voting patterns taken more seriously, and their programmatic calls for action more intently acted upon. This is expected even in the face of stiff opposition from otherwise better endowed group interests, who should suddenly find their calls unreturned and their threats and calls for action discounted.

To this point, the discussion has been predominantly institutional. As presented, levels of presidential commitment and group influence derive almost automatically from the structure of electoral college competition. But, as the case studies will make clear, the historical process is more complex. Pivotal group policy success is not determined simply by structural position in presidential elections. Nor do presidents mechanically execute the programmatic imperatives dictated by electoral college incentives; in this sense, the threat of presidential opportunism is always lurking. Presidents are party managers. Confronted with the demands of coalition maintenance, they seek to resolve conflict, reduce intraparty tensions, and secure the grounds of compromise and party harmony. Using the tactics of symbolic action, delay, half-action, and linguistic ambiguity, this managerial function induces presidents constantly to test the commitment of pivotal groups to positions they have previously staked out.

Because the possibility of presidential opportunism is always present, strategic action by pivotal groups then remains critical to

¹⁵ For an application of this thesis to the politics of early regulatory state development, see Scott C. James, “A Party System Perspective on the Interstate Commerce Act of 1887: the Democracy, Electoral College Competition, and the Politics of Coalition Maintenance.” *Studies in American Political Development* 6, 1 (1992): 163-200; and James, “Building a Democratic Majority: the Progressive Party Vote and Federal Trade Commission,” *Studies in American Political Development* 9, 2 (Fall 1995): 331-385.

reaping the advantages inherent in their electoral position. Continuous pressure, threats of defection, even the promise of civil disobedience can be critical to buttressing presidential resolve in the face of conflicting demands from other quarters. The same point applies to non-pivotal groups. While structural position in the electoral college creates incentives for presidents to discount their initial demands, such groups may respond by seeking ways to alter the perception of their relative electoral importance, to force the president to reassess his/her outstanding commitments in light of changing electoral calculations. And of course, groups poorly positioned in the electoral college may also seek to exploit advantages held in other institutions, such as Congress. In this sense, it is important to remember that we are dealing with *probabilities* of successful action by pivotal groups. But the more critical a group is to presidential reelection, the greater the investment of political capital we expect from a president to secure programmatic success. Moreover, as the case discussions show, the determination shown by presidents in the face of a resolute opposition is often as important to groups as policy success itself.

The balance of this paper applies these ideas to Truman's drive to end racial segregation in the armed forces and Clinton's effort to strike the ban on gays and lesbians in the military. African Americans occupied a pivotal place in the presidential election of 1948. In part, their strategic position was due to years of heavy out-migration by Southern blacks into the large and electorally important states in the North. In 1948 that leverage was augmented as a result of competitive vote bidding by Republican candidate Thomas E. Dewey and third party candidate, Henry A. Wallace. Early on, Truman strategists recognized the importance of the black vote to holding these pivotal states in 1948. African American leaders understood their strategic position as well, as most clearly evidenced by the publication in that year of *The Balance of Power: the Negro Vote*, by NAACP voting analyst Henry Lee Moon.¹⁶ Black leaders put

¹⁶ To his readers, Moon explained: "The Negro's political influence in national elections derives not so much from its numerical strength as from its strategic diffusion in the balance of power and marginal states whose electoral votes are generally considered vital to the winning candidate. In the 1944 elections there were twenty-eight states in which a shift of 5 per cent or less of the popular vote would have reversed the electoral votes cast by these states. In twelve of these, with a total of 228 electoral college votes, the potential Negro vote exceeds the

forth a series of programmatic demands as a condition of their vote in 1948. For reasons which will be developed later, a priority was desegregation of the armed forces. As it unfolded, the politics to secure a clear presidential commitment to military desegregation was slow and halting. Faced with the prospect of a Southern Democratic revolt, continual prodding was necessary both to press Truman into action and to clarify a series of ambiguous presidential statements and orders. In the end, the issuance of the executive order, as well as the President's subsequent clarification of intent, was a testament *both* to the electoral importance attached to the African American vote and the effectiveness with which black leadership utilized that advantage.

Lesbians and gays, on the other hand, ran headlong into Bill Clinton's determined bid for the supporters of Ross Perot. Then as now, Perot voters are at the center of Clinton's drive to transform his 43 percent plurality in 1992 into a reelection majority for 1996. Perot voters are considered crucial to cracking the so-called Republican "L" -- comprising 25 states in the South, the Great Plains and the Rocky Mountain states -- as well as the critical state of California.¹⁷ Clinton's campaign promise to end the military prohibition against homosexuals originated early in the Democratic primaries, a blend personal moral conviction and an urgent need for campaign funds, volunteers, and votes. More significant from our perspective, the gay community was strategically located in electorally important states like California, New York and Illinois. However, unlike African Americans in 1948, the gay community possessed no obvious "credible shopping options." The 1992 Republican convention in Houston was bacchanalian in its indulgence of antigay sentiment, while Perot stumbled badly on the subject of "gays in the military." Indeed, by April 1993, Perot would come out explicitly against lifting the military's gay ban. Thus, isolated by the logic of electoral college competition, gays and lesbians were exposed to the harsh reality of presidential opportunism. Expressing this frustration of a political

number required to shift the states from one column to the other." Henry Lee Moon, *Balance of Power: the Negro Vote* (Garden City, N.Y.: Doubleday & Company, 1948), p. 198.

¹⁷ In 1992, Perot's candidacy was a factor in throwing several of these states to Clinton. See Rhodes Cook, "Clinton's Danger Zone: the Geographic 'L.'" *Congressional Quarterly Weekly Report* 52 (November 19, 1994), p. 3382.

constituency shorn of access and sacrificed to the interests of a pivotal voting bloc, David Mixner remarked:

We were purposely misled in an effort to keep us quiet [about the decision to compromise]. *White House political operatives determined that we, as a community, had nowhere else to go and that even our anger would work in favor of the president by showing the country that he could stand up to the queers.*¹⁸

In the end, Administration officials calculated that a political fight to end the gay ban was too costly. In the first place, a majority of Perot voters supported the prohibition. More important, a bloody confrontation with conservative Democrats, (needed to block codification of the gay ban), would cost legislative votes required to pass the Clinton deficit reduction program, a paramount issue to Perot voters. As with the case of Truman, the struggle for civil rights was ultimately shaped by presidential politics, while presidential politics hinged on the underlying logic of the electoral college.

I.

THE POLITICS OF PRESIDENTIAL COMMITMENT: HARRY TRUMAN AND DESEGREGATION OF THE ARMED FORCES

On 29 October 1947, The President's Committee on Civil Rights issued its final report, *To Secure These Rights*. The report is a landmark in the history of federal civil rights protection. It struck broadly at patterns of racial violence and discriminatory practice. Just as significant, it attacked segregation, the pillar of Southern racism. As a principle, the presidential committee dismissed the doctrine of "separate but equal" as a myth; as a practice, it was condemned as a failure. Segregation, the committee concluded, placed the badge of inferiority on the excluded race. It also produced a spectrum of inequalities inconsistent with American traditions of individual

¹⁸ *Congressional Quarterly Almanac for 1993* (Washington, D.C.: Congressional Quarterly Press, 1994), p. 460. Emphasis added.

freedom and equality. In the committee's judgement, segregation was intrinsically discriminatory and, as such, should be abolished forthwith. Its recommendations were equally confident and wide-ranging, calling for the creation of a Civil Rights Division within the Department of Justice and a Joint Congressional Committee on Civil Rights, as well as a series of legislative and administrative actions to end discrimination and segregation in public education, employment, housing, the military, public accommodations and interstate transportation.¹⁹

Both in its analysis and recommendations, the report of the Committee on Civil Rights likely exceeded the scope of its mandate. True, President Harry Truman had instructed the committee to examine the state of civil rights enforcement and to recommend ways to strengthen federal civil rights laws. But "Freedom From Fear" had been the issue repeatedly stressed by Truman in directing the committee's work. This presidential emphasis was indicative of the committee's origin in a string of Southern racial murders in 1946 and the need to appear responsive in the face of pressure from the African American community. Still, with the imprimatur of the President squarely upon it, the report's content was difficult to ignore. Indeed, Truman quickly hailed the report as "an American charter of freedom . . . [and] a guide for action." Though, when pressed by reporters, he was unwilling to indicate the steps he would take to translate the recommendations into action.²⁰

Perhaps not coincidentally, Truman had created the Committee on Civil Rights in the weeks following the Democratic party's stunning 1946 midterm defeat. For the first time in nearly two decades, control of Congress had passed to the Republican party. Equally important, the results implied a repudiation of presidential leadership and raised serious doubts about a Truman victory in the

¹⁹ President's Committee on Civil Rights, *To Secure These Rights, the Report of the President's Committee on Civil Rights* (Washington, DC: Government Printing Office, 1947).

²⁰ President's Committee on Civil Rights, *To Secure These Rights*, p. vii and pt. iv; William C. Berman, "Civil Rights and Civil Liberties," in Richard S. Kirkendall, ed., *The Truman Period as a Research Field* (Columbia, MO: University of Missouri Press, 1967, pp. 190-91; Berman, *The Politics of Civil Rights in the Truman Administration* (Columbus, OH: The Ohio State University Press, 1970), pp. 66-72.

presidential election of 1948. Of particular concern to Democratic strategists was the pivotal African American vote. Franklin Roosevelt was dead, and in 1946 Northern blacks expressed their dissatisfaction with the party of “Bilboism” -- of Southern racism -- by reassessing their political commitments and voting Republican in surprising numbers. The most dramatic example of this reassessment occurred in Harlem, where black Democratic support dropped by almost half its 1944 level of 79 percent. In Philadelphia, the estimated drop-off was twenty percentage points; in St. Louis, it was sixteen percentage points. Anti-Democratic trends among black voters were also evident in Detroit, Louisville and Cleveland. The Republican National Committee, clearly pleased with the results of the off-year elections, hailed the “large switch” in what it termed “the colored vote.”²¹

Regardless of Truman's initial motivations, the sweeping liberal vision of the Committee on Civil Rights dovetailed nicely with the President's evolving campaign strategy for 1948. The architect of the strategy was administrative counsel Clark Clifford. In Clifford's plan, Truman was to move sharply to his political left and there to fashion a coalition of Western farmers, big city labor and urban blacks. An aggressive program of liberal measures would solidify this support and minimize the threat of Democratic defection, widely predicted in 1948. With the Democratic party in disarray, any Truman victory would likely be narrow. For this reason, Clifford moved quickly to a discussion of swing states and pivotal voting blocs. Clifford pointed up the strategic importance of African Americans to a Truman electoral college victory.

A theory of many professional politicians . . . is that the Northern Negro vote today holds the balance of power in Presidential elections for the simple arithmetical reason that the Negroes not only vote as a bloc but are geographically concentrated in the pivotal, large, and closely contested states such as New York, Illinois, Pennsylvania, Ohio, and Michigan [totaling 154 electoral

²¹ Berman, “Civil Rights and Civil Liberties,” pp. 190-91; James Boylan, *The New Deal Coalition and the Elections of 1946* (New York: Garland Publishing, Inc., 1981), pp. 159-160. By contrast, Democratic gains among black voters were registered in Chicago, Los Angeles and Pittsburgh.

votes].²²

The president was advised to become an advocate for issues of concern to black Americans. Likely third-party candidate Henry A. Wallace was already strongly identified with civil rights. Likewise, the probable Republican nominee, governor Thomas E. Dewey of New York, had strong support among black leaders and newspaper editors. Dewey was credited with the creation of a state employment practices commission to address job discrimination, as well as the appointment several prominent blacks to visible state positions. While Henry Wallace would eventually prove the greater concern to Truman, Clifford concentrated on Dewey's popularity among African Americans and the threat it posed to a Democratic electoral college victory. He urged Truman to put forth a fresh program of federal action to hold African American support in the face of competitive bidding.

Unless there are new and real efforts (as distinguished from mere political gestures which are today thoroughly understood and strongly resented by Negro leaders), the Negro bloc, which certainly in Illinois and probably in New York and Ohio *does* hold the balance of power, will go Republican.

Clifford counseled Truman to ignore the programmatic objections of the conservative Southern states, which, given past voting patterns and a lack of partisan options, could be expected to retain their ties to the party. In his judgement, “the South can be considered safely Democratic . . . and in formulating national policy it can be safely ignored.”²³

Clifford was assigned the task of sifting through the recommendations of the Commission on Civil Rights for a list of

²² David McCullough, *Truman* (New York: Simon and Schuster, 1992), pp. 589-90.

²³ Allen Yarnell, *Democrats and Progressives: The 1948 Presidential Election as a Test of Postwar Liberalism* (Berkeley and Los Angeles: The University of California Press, 1974), pp. 29-30, 35; Harvard Sitkoff, “Harry Truman and the Election of 1948: the Coming of Age of Civil Rights in America,” *Journal of Southern History* 37 (1971), p. 597; and Cecelia Van Auker, “The Negro Press in the 1948 Presidential Election,” *Journalism Quarterly* 26 (December 1949), pp. 431-35.

legislative measures to present to Congress. To heighten its political effect, it was arranged to have Truman deliver his civil rights program in a special message to Congress, separate from the annual State of the Union Address. The formal announcement of Henry Wallace's third-party bid for the presidency on December 29, 1947 only seemed to augment the urgency in Truman's camp for a daring civil rights initiative. Wallace had been vocal in his denunciation of racial segregation, and his refusal to speak before segregated audiences increased his status among African Americans. Advocating his own slate of civil rights measures, Wallace, in the eyes of the NAACP, seemed to have "captured the imagination of substantial numbers of Negroes in all parts of the country."²⁴

Truman delivered his special message to Congress on civil rights on 2 February 1948. He called for a package of "modern, comprehensive civil rights laws, adequate to the needs of the day," presenting ten of his committee's recommendations. The list included anti-poll tax and anti-lynching measures, as well as provisions that would inhibit employment discrimination and outlaw segregation in interstate commerce. Separate from his legislative initiatives, Truman also announced instructions to his Department of Defense to end "the remaining instances of discrimination in the armed services rapidly as possible."²⁵ Clearly, Truman sought to align himself as closely as he could with the report of the Committee on Civil Rights. Its stature and bold social vision would enhance the stature of Truman's initiative among key black and liberal constituencies. Equally important, the association would blur important differences between the substance of the committee recommendations and that contained in the President's program.

The key difference between the committee report and the President's program was the latter's emphasis on *nondiscrimination*

²⁴ Clark Clifford, *Counsel to the President: A Memoir* (New York: Random House, 1991), p. 204; Cabell Phillips, *The Truman Presidency: The History of a Triumphant Succession* (New York: The Macmillan Company, 1966), p. 206; *The Crisis* 55 (February 1948), p. 41.

²⁵ *The Papers of the Presidents: Harry S. Truman, 1948*, (Washington, D.C.: Government Printing Office, 196x), p. 121. Among other things, Truman also proposed to upgrade the Civil Rights Section of the Justice Department into a full division.

as the Administration's goal and the almost complete absence of any reference to *desegregation*.²⁶ This was no doubt a calculated omission. Truman was searching out a middle ground from which to appeal simultaneously to Southern defenders of segregation and black advocates of integration. If African Americans interpreted Truman's message through the lens of his committee's report, they might equate segregation with discrimination -- as the committee had -- and conclude that integration was included among Administration objectives. On the other hand, from the vantage point of conservative Southerners, a long tradition of thinking held that racial discrimination would be remedied without touching the institution of segregation. This was, of course, the logical foundation upon which the doctrine of "separate but equal" was constructed. In any event, Truman understood that an attack on segregation was a direct assault on Southern social institutions. Such a move would have considerably raised the stakes of Truman's political gambit, something he hoped would not be necessary.

Truman's legislative proposals were never formally introduced in Congress. Those measures had, at bottom, been an exercise in symbolic politics. Straddling a fundamental party divide, Truman hoped the combination of his civil rights message and combative public utterances would be sufficient to galvanize black support behind his candidacy. At the same time, he was gambling that Southerners would keep in mind the gatekeeping power that the filibuster conferred upon them and defer, even if a little raucously, to the obvious political imperatives prompting presidential action. For his part, Clifford had stressed the symbolic importance of the President's proposals at least as much as their substantive significance. Divided government and the likelihood of a Southern filibuster meant that most of the Administration's program would likely go down to defeat. Tactics, then, had to be adjusted to meet that situation. For this reason, Clifford counseled, presidential proposals should be tailored to the voters, not to a legislative majority; they should "display a label which reads no compromise." In the candid

²⁶ The single exception was in the area of interstate transportation, where the Supreme Court had already held Jim Crow to be unconstitutional.

words of Philleo Nash, Truman's special advisor on minority affairs, "The strategy was to start with a bold measure and then temporize to pick up the right wing forces. Simply stated, backtrack after the bang."²⁷

But Truman's program and its accompanying rhetoric produced a Southern backlash far in excess of anything the Administration had anticipated. Almost at once, Truman had the making of a Southern party bolt on his hands, a situation that would plague him throughout the struggle for military desegregation. The substance of Southern reaction strongly suggests that they not only understood the electoral pressures prompting Truman's actions. But, in the end, they feared that Truman would bow to those pressures and sacrifice the South to black demands and personal electoral success. Throughout the South, Truman's program was assailed as a "stab in the back," and the President was accused of "out-Wallacing Henry Wallace." Southern politicians condemned the Administration for its self-serving attention to swing states and pivotal groups. One Texas Democrat indicted both major parties for baiting politically important minority groups with civil rights promises. "Both parties get down on their bellies, crawl in the dirt, and kiss the feet of the organized minorities in the big pivotal states." Likewise, a powerful Memphis political boss said of Truman: "In his scheming, cold-blooded effort to outdo Henry Wallace and Governor Dewey of New York for the Negro vote, he has endeavored to reduce the South to a country of crawling cowards."²⁸

Southern leaders sought to shake White House complacency regarding the "solid" South. At the annual Southern Governor's Conference, members explored ways to more effectively coordinate the South's own electoral college clout -- as a bloc, the eleven states of the former Confederacy controlled 127 electoral votes -- to act as a counterweight to Northern black pressure. When the governors issued their formal response to the Truman initiative, it almost seemed

²⁷ Sitkoff, "Harry Truman and the Election of 1948," p. 597; Berman, *The Politics of Civil Rights*, pp. 86-87; Bernstein, "The Ambiguous Legacy," p. 286, 309 fn. 29.

²⁸ Nadine Cohodas, *Strom Thurmond and the Politics of Southern Change* (New York: Simon & Schuster, 1993), p. 130; [*Congressional Record*?]; *The Crisis* 55 (May 1948), p. 137.

almost as if they had been privy to Clifford's confidential memorandum:

We are expected to stand idle and let all of this [challenge to Southern traditions and institutions] happen, for the sole purpose of enticing an infinitesimal minority of organized pressure blocs to vote for one or another candidate for the Presidency. It is thought that we have no redress. This assumption ignores the electoral college set up in the Constitution of the United States.

Among the participants, the possibility of a States' Rights Party was broached, less with the idea of winning the election than throwing the election into the House of Representatives. There Southern whites, and not Northern blacks, might act as the balance of power. In the interim, a special committee was organized to meet with Democratic party leaders and force the Administration to repudiate its civil rights measures.²⁹

The Politics of Presidential Commitment: Desegregating the Armed Forces

Even before Truman's legislative program had been laid aside, the issue of military desegregation had been raised to prominence on the African American political agenda. As with most of his civil rights proposals, Truman's directive to Defense Secretary James V. Forrestal had avoided an explicit commitment to military desegregation. Instead, he promised to end discrimination, no doubt another effort to secure middle ground between Southern conservatives and the Northern black community. The ensuing history of the struggle for a desegregated armed services would pivot on Truman's search for a politically viable center. In response, both Southern and African American leaders would push to dissolve that center and force the President to commit to an explicit choice, either for or against a segregated armed forces. Neither side could be confident they had the

²⁹ Cohodas, *Strom Thurmond*, p. 131-33.

leverage to force Truman's hand to their favor. But each had their advantages, and each was determined to test their limits.

The tenuousness of this middle ground was immediately apparent when Truman became embroiled in a public imbroglio over the meaning of his February 2 directive to Forrester. Groups quickly staked out positions based on their preferred interpretation of the President's instructions. Army officials were convinced that the directive did not touch segregation; black leaders were just as adamant that it did. Only days after the civil rights message, Secretary of the Army Kenneth C. Royall instructed New Jersey Governor Alfred E. Driscoll to scrap plans to integrate the state National Guard, as mandated by a new state constitution. In issuing his orders, Royall had acted with the full support of the Army General Staff, including Chief of Staff Dwight D. Eisenhower. As a reserve component of the Army, Royall explained, the National Guard was required to conform to Army policy, which in this instance forbade racial integration. In the event Governor Driscoll chose to proceed, federal recognition and funds would be summarily withdrawn. Informing the confrontation was the concern, privately expressed, that acquiescence in the New Jersey case would simply embolden African American organizations. “[T]he next step by Negro leaders,” Army officials feared, “will be to demand the integration of Negroes into Regular Army units as individuals.”³⁰

In their turn, African American leaders condemned the Army action as a gross violation of the President's directive. Walter White, executive secretary of the NAACP, telegraphed Forrester to urge “conformance to the President's instructions.” Campaigning in Harlem, third party candidate Henry Wallace quickly seized the controversy to his advantage. He charged Truman with hypocrisy and called on the President to demonstrate his commitment to military desegregation by firing the Army Secretary. Truman now found himself in a politically difficult situation. Royall was a native North Carolinian and committed to Jim Crow. As such, he was politically

³⁰ Richard M. Dalfiume, *Desegregation of the U.S. Armed Forces: Fighting on Two Fronts, 1939-1953* (Columbia: University of Missouri Press, 1969), p. 159-60. Eisenhower was only willing to accept the integration of African American companies as whole units into white battalions.

popular among Southerners. To remove him from office would only further fan Southern discontent, something Truman was at pains to avoid. Hoping to resolve the incident quietly, Truman finally prevailed upon Royall not to withdraw recognition from the New Jersey militia. Nevertheless, in his letter to Governor Driscoll, Royall continued to defend segregation in the Regular Army as “in the interest of national defense,” a statement that only further enraged black leaders.³¹

But the event that pushed military desegregation to the forefront of the African American political agenda was Truman's call for a peacetime draft and universal military training legislation. Few issues were of more immediate importance than the implementation of these programs on principles of nonsegregation. *The Crisis*, the official organ of the NAACP, publicly asserted: “The vast body of Negro Americans is opposed to this training as long as it is to be on a segregated basis. They had enough of segregation in World War II. The scars of Jim Crow service are still fresh upon their young men and families.” Defiant, the sentiment among many black Americans was “to 'sit out' the next war if the 'fighters for freedom' are to be segregated according to color.”³²

Organized black pressure to integrate the military came from multiple quarters. But perhaps the single most influential figure in this struggle was A. Philip Randolph, head of the Brotherhood of Sleeping Car Porters and a prominent civil rights activist. An important component of Randolph's political influence was his strong following among urban working class blacks in the industrial Northeast; that is, he spoke directly to those Northern black voters professional politicians considered pivotal in electoral college politics. It was Randolph, whose threatened March on Washington in 1941 had been instrumental in wringing from Roosevelt the wartime Federal Employment Practices Commission. Now, in 1947, Randolph took the

³¹ In the end, in response to Administration pressure -- and against the wishes of both the Army General Staff and the National Reserve Bureau -- the Army Department partially reformulated its National Guard policy. States integrating their militia using statutory or constitutional means would not be denied Army recognition or federal funds. On the other hand, integration by a governor's executive order would still be unacceptable. Dalfiume, *Segregation of the U.S. Armed Forces*, pp. 159-61. Also see the comments of Senator William Langer, *Congressional Record*, (June 4, 1948), p. 7152.

³² *The Crisis* 55 (February 1948), p. 41.

lead in organizing the Committee Against Jim Crow in Military Service and Training. In this, he was aided by Grant Reynolds, a black New York Republican and a Dewey appointee to the State Commission of Corrections. The purpose of the new organization was to ensure that any draft and military training legislation was instituted on the basis of nonsegregation. In late 1947, Randolph and Reynolds tried unsuccessfully to arrange a White House meeting with Truman to urge military desegregation.³³ But, in conversations with the Democratic National Committee, the two men were given private assurance that a statement condemning a segregated draft would be forthcoming. Such a statement was never issued, and in the wake of Truman's civil rights message to Congress, Randolph again sought out Democratic party officials. Again he demanded a clear statement of opposition to any provision for segregation in selective service and military training legislation.³⁴ This time, with a Southern revolt gathering momentum, party officials were more evasive. Mouthng portions of Truman's civil rights message, they would only promise to give "careful consideration" to Randolph's demands.³⁵

On March 22, a White House meeting was finally arranged between Truman and a delegation of black leaders. Among those in attendance were Randolph, Lester Granger, executive secretary of the National Urban League, and Walter White and Charles Houston of the NAACP. The group was there specifically to discuss a series of pro-civil rights amendments to the Administration's Universal Military Training and Service Bill, which was set for consideration by Congress. Randolph broke the apparently deferential tenor of the meeting when he warned the president that the mood among black

³³ Randolph was convinced that Truman had refused a meeting because he had no intention of issuing an executive order desegregating the military and expected them to press the issue. Rather, Administration officials had sought to postpone any such meetings until after Truman's February 2 message to avoid the perception that the President's actions had been prompted by organized black pressure. Paula F. Pfeffer, *A. Philip Randolph, A Pioneer of the Civil Rights Movement* (Baton Rouge: Louisiana State University Press, 1990), pp. 137-38.

³⁴ In addition, Randolph insisted on amendments barring segregation in interstate travel by those inducted, "making attacks against a soldier in uniform a federal offense," and banning "the poll tax for draftees in federal elections."

³⁵ Dalfiume, *Desegregation of the U.S. Armed Forces*, p. 163.

Americans was such that "they will never bear arms again until forms of bias and discrimination are removed." Truman was visibly upset by the remark and Randolph hastened to assure the President that he was only giving him the facts. In the end, the black labor leader's candid statements brought the meeting to an abrupt end, informing Truman: "Mr. President, as you know, we are calling upon you to issue an executive order abolishing segregation in the armed forces." Rising, Truman suggested that he was doing all that he could do and that any further discussion was unlikely to be profitable.³⁶

Terminating a White House meeting, however, was considerably easier than shutting down the pressure for an end to Jim Crow building in the black community. Only days later, in New York, an NAACP-sponsored meeting of twenty African American organizations issued its "Declaration of Negro Voters." After first endorsing the substance of Truman's civil rights program, the assemblage put presidential hopefuls on notice that a commitment to dismantling "every vestige of segregation and discrimination in the armed forces" was a non-negotiable condition of black support in November. And with apparent reference to Army Secretary Royall, the delegates further demanded that "any public official . . . who fails to act against those evils be removed from office" At the same time, in Washington, Randolph and Reynolds arranged to appear before the Senate Armed Services Committee, which was to commence hearings on the Administration's military service bill. Attuned to the publicity value of the hearings, the two activists seized national attention by announcing plans for a non-violent civil disobedience campaign. The resistance movement was to be directed against any military service law that sanctioned continued segregation. Randolph personally pledged to "openly counsel, aid and abet youth, both white and Negro, to quarantine any jimcrow conscription system." Asked if he would counsel civil disobedience in the event of a national emergency -- ostensibly, a treasonable offense -- Randolph took the high ground, conceding the affirmative but insisting, "we are serving a higher law than the law that applied the act of treason to us when we were

³⁶ Jervis Anderson, *A Philip Randolph: A Biographical Portrait* (New York: Harcourt Brace Jovanovich, Inc., 1972), p. 276; Dalfiume, *Desegregation of the U.S. Armed Forces*, p. 163-64.

attempting to win democracy.” Randolph and others picketed also outside the White House, handing out buttons that read “Don’t Join a Jim Crow Army.” There, Randolph reiterated plans for a campaign of nonviolent resistance should a segregated draft law pass the Congress.³⁷

Randolph’s civil disobedience threats divided black opinion leaders. The Pittsburgh *Courier*, for one, announced itself “unalterably opposed to the advocacy of any extremist policy which would certainly boomerang against all of our people with unfortunate promptitude.” The NAACP and the National Urban League likewise criticized Randolph’s tactics; the NAACP publicly so, putting itself in opposition to “defying authority or flaunting the banners of revolution.” To Republican Senator Wayne Morse of Oregon, one of the most liberal members of the Armed Services Committee, the NAACP’s Walter White gave assurance that “[o]ur association is not advising Negroes to refuse to defend their country if it is in danger.” But the Senator refused to be mollified, demanding White offer “an unequivocal rejection and repudiation of the Randolph program in all its aspects.” No such statement was ever issued. Indeed, in the end, the NAACP promised legal assistance to anyone prosecuted for resisting the new law, even as it reaffirmed its commitment to a “campaign against segregation and discrimination within the framework of the U.S. Constitution.”³⁸

³⁷ Dalfiume, *Desegregation of the U.S. Armed Forces*, p. 163-64; “Crisis in the Making: U.S. Negroes Tussle with Issue of Resisting a Draft Law Because of Racial Segregation.” *Newsweek* (June 7, 1948), p. 28; *The Crisis* 55 (May 1948), p. 140; Pfeffer, A. *Philip Randolph*, p. 138-40. Grant Reynolds would subsequently conclude that it was only after playing the civil disobedience card that the Senate committee began to take their testimony seriously: “I was convinced of the idea’s effectiveness as soon as the testimony was concluded. We had sat in the Senate committee room all morning, and observed the cool and indifferent treatment that was given to representatives of the National Association for the Advancement of Colored People and other race-relations organizations whose proposals were couched in familiar legal and Constitutional terms. It wasn’t until Mr. Randolph and I laid down the civil-disobedience ultimatum’ that the Senators across the table . . . come to life and seemed to realize that here was something new to contend with.” Grant Reynolds, “A Triumph for Civil Disobedience,” *The Nation*, (August 28, 1948).

³⁸ Pittsburgh *Courier* (April 10, 1948); *The Crisis* 55 (May 1958), p. 136.; *Congressional Quarterly Almanac for 1948* (Washington, D.C.: Congressional Quarterly Press, 1949), pp. 239-40. The *Courier* excerpt is taken from a sample of black press editorials reprinted in the *Congressional Record*, v. x, pt. xx, pp. 4314-16. The letter from Walter White to Senator Wayne Morse and Morse’s response are reprinted in the *Congressional Record* at p.

Differences within the black community provided the Truman Administration an opportunity to divide and conquer. Defense Department officials invited moderate black leaders to participate in a conference to explore ways to carry out Truman’s nondiscrimination directive. By implicating moderates in a program of nondiscrimination, Truman operatives hoped to isolate activists like Randolph, who were pushing for desegregation. The result was the National Defense Conference on Negro Affairs, which was held on April 26, 1948. Defense Secretary Forrestal and Lester Granger of the National Urban League organized the conference; at Forrestal’s request, Granger was designated spokesman for a delegation of sixteen African American leaders. The event was billed as a forum to seek a more efficient utilization of African American manpower through a policy of nondiscrimination. Prior to the meeting, Forrestal reiterated to Granger, a personal friend, that he would not call for an executive order to desegregate the military.³⁹

However, Executive officials wholly misjudged the commitment to integration among black delegates. From the start, participants insisted on broadening the discussion to include nonsegregation as well as nondiscrimination. Nor, when pressed, were they willing to repudiate openly the civil disobedience statements of Randolph and Reynolds. A formal endorsement was also withheld, but Granger was clear that the black community joined in “the intense resentment and moral indignation which prompted the Randolph statement.” Unless integration was achieved soon, Granger cautioned, “there will be a reaction among our Negro public resulting in irreparable damage to the national welfare.” Forrestal insisted in reply that desegregation demanded “time and educational effort.” The atmosphere continued to sour as Secretary Royall informed black delegates that the Army was committed to achieving nondiscrimination within the framework of segregation. The meeting was finally terminated when Royall further offered the opinion that,

4317.

³⁹ Dalfiume, *Desegregation of the U.S. Armed Forces*, p. 165-68; Bernstein, “The Ambiguous Legacy,” pp. 286-87; Jesse Thomas Moore, Jr., *A Search for Equality: The National Urban League, 1910-1961* (University Park and London: The Pennsylvania State University Press, 1981), p. 122.

“even if my general staff had not recommended segregation, I would have continued it as a policy.” Black delegates declined further participation until such time as the Army abandoned its commitment to “separate but equal.” As Granger explained to Forrestal, the issue was now a litmus test for black Americans. Thus, “it was impossible for any group of Negroes mindful of their public standing to relax in the slightest from a position of unfaltering opposition to the principle of enforced segregation in the armed services.”⁴⁰

In late May, the ambiguity enveloping Truman's civil rights posture had produced rival efforts in Congress to amend the Administration's Universal Military Service and Training Bill. Pro-segregation and anti-segregation forces each feared that presidential authority had enlisted with the opposition. Southern Democrats were convinced that Truman, under pressure from African American organizations, was inching toward desegregation. Under the leadership of Richard Russell of Georgia, they introduced an amendment to codify military segregation and block further presidential tampering.⁴¹ Similarly, the Committee Against Jim Crow believed the President would embrace segregation as a sop to Southern racists and party unity. For this reason, they approached Republican Senator William Langer of North Dakota to sponsor an antisegregation amendment to the Administration's bill.⁴²

The odds of either amendment passing the Senate were slim.

⁴⁰ Pfeffer, *A Philip Randolph*, p. 139; Dalfiume, *Desegregation of the U.S. Armed Forces*, p. 165-68. *The Crisis* 55 (May 1948), p. 136; Bernstein, “The Ambiguous Legacy,” p. 286-87; Moore, *A Search for Equality*, p. 122.

⁴¹ The Russell Amendment would allow all enlisted personnel the right to choose “to serve only in a unit comprised exclusively of members of his own race.” A copy of the amendment can be found in the *Congressional Record*, 80th Cong., 2d sess., 1948, 94, pt. 6, p. 7355. In his brief for military segregation, Russell put forward arguments another Georgia Senator, Sam Nunn, would echo forty-five years later in efforts to retain the ban on gays in the military. Racial mixing, Russell argued, would greatly reduce military effectiveness by sapping the morale and discipline. It would also, he maintained, adversely affect the “health and morals of hundreds of thousands of boys who will be taken from their homes into the services.” As well, the Senator from Georgia insisted that an increase in the incidence of crime and venereal disease would necessarily result from commingling of the races. See Gilbert C. Fite, *Richard B. Russell, Senator from Georgia* (Chapel Hill, N.C.: The University of North Carolina Press, 1991), pp 234-35.

⁴² Pfeffer, *A Philip Randolph*, p. 140; Glenn H. Smith, *Langer of North Dakota: A Study in Isolationism, 1940-1959* (New York: Garland Publishing, Inc., pp. 83-84.

The Republican majority was not likely to support the Russell Amendment; indeed, for years the national Republican party had taken the lead in support of military desegregation. Similarly, Southern senators would likely filibuster the Langer Amendment should it appear ripe for passage. Once again, the publicity value of the floor fight may have been more important than the actual outcome. In particular, it seems the Committee Against Jim Crow approached the Republican Langer to champion the amendment as a way to embarrass the Democratic President politically and prod him into action. In any event, for the first time there seemed to be movement on the Administration's side. At a May 27 news conference, reporters asked Truman about the threat to his bill posed by the confrontation between advocates of segregation and desegregation. It was suggested the President clarify the meaning of his February military directive. In replying, Truman for the first time suggested that desegregation might be an Administration goal. More specifically -- and still ambiguously -- Truman stated that he “made no delineation between the fine points of racial 'discrimination' as against 'segregation.’” Technically, Truman was now on record acknowledging that segregation was a form of discrimination -- separate but equal was a myth. It was still unclear, however, whether in pursuing nondiscrimination in the military the President had now thrust desegregation into the policy mix.⁴³

The Langer Anti-Segregation Amendment came to a floor vote first and on a lopsided, bipartisan vote 67 to 7, the Senate moved to table further consideration. The Democratic vote to table was 33 to 2, Republicans supported the motion 34 to 5. The level of support to kill the amendment is puzzling and an explanation is not wholly discernable. Ideologically more liberal, one expects to have seen greater support from Northern Democrats. However, among the 18 non-Southern Democrats, only one voted with Langer. On the other hand, 8 supported the motion to table and 9 abstained. By contrast, 25 Southern Democrats voted to table Langer's amendment, with 1 voting no and 1 abstention. A reasonable explanation for this pattern is political. The presidential campaign season would begin shortly,

⁴³ Dalfiume, *Desegregation of the U.S. Armed Forces*, pp. 166; *New York Times* (May 28, 1948), p. 1,9.

Democratic party stock was low, and national party unity had been seriously put into question. In this context, liberal Democrats in Congress may have simply decided to avoid internecine warfare over the race issue. In addition, Truman's well-timed remark that desegregation was consistent with the meaning of his nondiscrimination directive may have further persuaded liberals to defer to the Executive Branch.

Republican support to table the Langer Amendment is equally puzzling. In control of both Houses of Congress, why did Republicans refuse to reach out to African American voters on an issue of critical importance? It is all the more surprising in light of the 1946 midterm elections results, in which Republicans had posted such significant gains among Northern black voters. And as previously mentioned, the national Republican had for years been at the vanguard of support for a desegregated armed services. Again, the answer appears to have been simple politics, with perhaps the best elaboration provided by Langer himself:

Why?

Well, in hard-boiled political terms it is said that this year the Republican Party does not need the voters of Negroes and other minority groups, even in the doubtful Northern States and congressional districts.

Why?

We are given two reasons. First, because President Truman, by advocating enactment of a complete civil-rights program has split his party. Second, because he is a weak candidate anyway. Third, and most important, because Wallace is going to take large sections of the minority vote and split off large chunks of the Democratic vote in the northern industrial States, thereby making a Republican victory an absolutely sure thing.⁴⁴

In sum, Republicans had decided they neither needed nor expected black support in 1948, and political realism dictated that you don't give something for nothing. In addition, Southern Democrats were important Republican allies in their opposition to New Deal economic liberalism. In the absence of strong incentives to aggravate this relationship, Republican congressional leadership may have simply

⁴⁴ *Congressional Record*, 81st Cong., 1st sess., 1949, 95, pt. 2, p. 2604.

seen fit to ignore their party's commitment and preserve the harmony of the Conservative Coalition.

The Russell Pro-Segregation Amendment was beaten back on a voice vote. Of most interest here is the prescient political analysis the Georgia Senator offered colleagues in an effort to swing support behind the Southern amendment. From the floor, Russell dissected the electoral motivations he saw driving military race policy in the White House. Russell condemned the "political hysteria" of the presidential election year and the passions generated "by the desire to capture the votes of a highly organized and very vocal minority." In this election he feared the truth of the maxim, "[t]he squeaky wheel gets the grease."⁴⁵ Russell referred explicitly to the "very peculiar situation" in which political leaders were "bidding for the support of Mr. Wallace's followers[.]" "After the convention and when the campaign really gets underway," Russell expected "this bidding will go much higher." The Georgian was particularly troubled by the political implications of the civil disobedience campaign advocated by Randolph and his Committee Against Jim Crow. The combination of an Administration desperate for votes and an insurgent black minority pressing its political claims was a recipe for political blackmail.

. . . [Randolph] has great influence with his race outside the South, particularly in the cities of the East and West, where large numbers of them are concentrated. . . . On the eve of an election an administration would be subjected to great pressure if it were compelled, because of the failure to issue an Executive order to abolish segregation in the armed services, to face the threat of mass civil disobedience affecting three or four hundred thousand men and perhaps one million or more votes. It would certainly pose a great temptation to yield, rather than to have to go through with mass prosecutions all over the United States.⁴⁶

In the end, shorn of its racist overtones, Russell's political forecasting would prove peculiarly prophetic.

Truman signed the Selective Service Act into law on 24 June 1948, without an antisegregation amendment. It was the signal for a

⁴⁵ *Congressional Record*, 80th Cong., 2d sess., 1948, 94, pt. 6, p. 7356.

⁴⁶ *Congressional Record*, 80th Cong., 2d sess., 1948, 94, pt. 6, p. 7359.

new phase of political pressure. At the 39th annual meeting of the NAACP, resolutions were passed condemning Democrats and Republicans in the 80th Congress for blocking legislation to integrate the military, demanding the removal of Army Secretary Royall, and calling for a national conference of black and interracial organizations “to formulate plans to fight jim-crow in the army.” Conference speakers predicted that draft eligible black men would “support the program of civil disobedience against segregation in the armed services.”⁴⁷

A. Philip Randolph proceeded immediately with plans to mount a resistance movement to the new draft. The result was the formation of the League for Non-Violent Civil Disobedience Against Military Segregation. The exclusive purpose of the new organization was to pressure Truman to end segregation in the military by executive order. The selective service law was slated to take effect on August 16th. If by that date a desegregation order had not been issued, Randolph would call on draft eligible blacks and whites to resist induction.⁴⁸ Marches were scheduled for Chicago, Harlem and other black communities, areas which by plan or happenstance were located predominately in electorally vital Northern states. Plans were also made to picket the Democratic and Republican nominating conventions and to conduct a national day of prayer on July 25, “to ask God to give young men the strength to endure prison and other hardships for their beliefs.” To Truman, Randolph sent a letter appealing for “an alternative beyond submission to a discriminatory law and imprisonment for following the dictates of self-respect.” Randolph further warned the President that if he failed to act, “Negro youth will have no alternative but to resist a law, the inevitable consequence of which would be to expose them to un-American brutality so familiar during the last war.” The implication was clear. As Chief Executive, Truman would suffer untold political damage in the event he ordered federal officers to arrest black draft resisters.

⁴⁷ Dalfiume, *Desegregation of the U.S. Armed Forces*, pp. 168.

⁴⁸ The organization planned to establish small committees in every state to communicate with draft-eligible males and offer advice on matters of nonregistration and resisting induction. Committees were also to secure legal representation for those jailed and educate the public on the place of civil disobedience in American politics and culture.

Graphic media images of likely bloody confrontations would likely be broadcast to the black community throughout the country.⁴⁹

In the judgement of Clark Clifford, Randolph's actions “strengthened the argument . . . for the immediate issuance of a Presidential proclamation.” Nevertheless, Truman chose delay. The Democratic National Convention was scheduled to open on 12 July and the President faced a stiff battle for the nomination. In that struggle, Southern support would be important. Truman's commitment to binding the scars of intraparty warfare was most apparent in his efforts to secure a weak civil rights plank similar in substance to the one adopted in 1944.⁵⁰ A graphic measure of Truman's political weakness, what instead emerged was the strongest civil rights plank in the party's history.⁵¹ The plank was pushed through by a coalition of liberals and Northern party bosses, the latter intent on drafting a platform to counter the drag of Truman's candidacy and bolster Democratic chances at the state and local level. As Truman feared, the civil rights plank precipitated a walkout by a number of Southern delegates. On 17 July, a rump convention was held in Birmingham, Alabama, followed by the formation of the States' Rights Party. As their presidential candidate, delegates selected Governor J. Strom Thurmond of South Carolina. The center of the rebellion was concentrated in three states, South Carolina, Alabama and Mississippi. Most of the South's top political leaders

⁴⁹ *The Crisis* (August 1948), pp. 245-48; Pfeffer, *A. Philip Randolph*, p. 142-46; Dalfiume, *Desegregation of the U.S. Armed Forces*, pp. 169; *The Nation* (August 28, 1948), p. 228; Reynolds, “A Triumph of Civil Disobedience,” p. 228. As Reynolds remarked, “the enunciation of the civil-disobedience idea created, from the very beginning, a deep concern in the Executive branch of the government -- the branch that would have the responsibility of prosecuting or ignoring the leaders and rank-and-file members of the movement. . . .”

⁵⁰ The Democrats' 1944 civil rights plank simply affirmed “the right [of minorities] to live, develop and vote equally with all citizens and share the rights that are guaranteed by our Constitution.” The plank further called upon Congress to “exert its full constitutional powers to protect those rights. Kirk H. Porter and Donald B. Johnson, *National Party Platforms* (Urbana, IL: University of Illinois Press, 1973), p. 404.

⁵¹ The 1948 Democratic civil rights plank read, “We call upon the Congress to support our President in guaranteeing these basic and fundamental American principles: (1) the right of full and equal political participation; (2) the right to equal opportunity of employment; (3) the right of security of person; (4) and the right of equal treatment in the service and defense of our nation.” Porter and Johnson, *National Party Platforms*, p. 435.

chose to distance themselves from the Birmingham proceedings. A commitment to the defense of institutional power and federal patronage considerably dampened enthusiasm for the new party. Democratic party leaders were cautiously optimistic that the contagion would not spread across the South.⁵²

A strong civil rights plank was now firmly ensconced in the Democratic platform. With the Southern revolt apparently localized, Administration advisors urged Truman to act immediately to make good on its commitments, or risk losing African American votes in the Fall. On the heels of an arrest of 30 draft protesters, Truman issued his long promised executive order. The date of its issuance, 27 July 1948, was also timed to coincide with the start of the special session of Congress. Truman had made the call for the special session in his acceptance speech before the Democratic National Convention. It was a transparent campaign ploy, one intended to contrast vigorous presidential action with the inaction of a “do nothing” Republican congressional majority.⁵³

Truman's executive order was another exercise in strategic ambiguity. One more time the President dodged an explicit commitment to end segregation in the armed services. Instead, the order spoke of achieving “equality of treatment and opportunity for all persons in the armed services without regard for race, color, religion, or national origins.” To most blacks, “equality of treatment and opportunity” smacked too much of “separate but equal.” In truth, Truman could argue he was simply being faithful to the letter of the party's new “liberal” civil rights plank, in which the word “segregation” likewise was absent. Instead, the Democratic plank merely asserted “the right of equal treatment in the service and defense of our nation.” But it was clearly Truman's intention to move only as

⁵² Clifford, *Counsel to the President*, p. 210. On the politics of the 1948 Democratic National Convention, see Herbert S. Parmet: *The Democrats: The Years after FDR* (New York: Macmillan, 1976). On election day the States' Rights party won 3 states and a total of xx electoral votes.

⁵³ Lee Nichols, *Breakthrough on the Color Front* (New York: Random House, 1954), pp. 75-76; Executive Order 9981, reprinted in Barton J. Bernstein and Allen J. Matusow, eds., *The Truman Administration: A Documentary History* (New York: Harper & Row, 1966). p. 111. A second executive order (no. 9980), issued simultaneously, mandated the use of fair employment practices by the Federal Government.

far as necessary to assure a November victory. Moreover, to ease acceptance with the Defense Department, and in particular with Secretary Royall and Army officials, Truman also agreed exclude from the order any reference to a compliance schedule or deadline. Instead, the it called for progress “as rapidly as possible.” Finally, the executive order called for the formation of a presidential committee to oversee policy implementation. In the end, the composition of that committee and Truman's instructions to them would largely determine the substance of administration policy.⁵⁴

Black leaders reacted to the executive order with disappointment, criticizing the president for once more ducking an explicit commitment to racial integration. It was another loophole, they feared, through which segregation would be given a new lease on life. Subsequent statements only confirmed the suspicions harbored by black leaders. In private, Army staff officers concluded that full compliance with Truman's order would not require integration since nowhere was segregation expressly forbidden. In addition, Army allies reiterated their position that “integration would impair Army morale and efficiency.” Underscoring such interpretations, a *New York Times* report cited an “unnamed Administration source” asserting that desegregation had not been the goal of the President's executive order. Randolph released a statement to the press, stating that until Truman called for an explicit end to military segregation, “the League will relentlessly continue its struggle.”⁵⁵

The issue came to a head, when Army Chief of Staff Omar Bradley publicly stated that “the Army was no place to conduct social experiments and that desegregation would come to the Army only when it was a fact in the rest of the country.” At a news conference, Truman openly repudiated Bradley's statement, unequivocally stating that his executive order “was intended to end segregation in the armed forces.” Not surprisingly, black leaders remained skeptical. In the judgment of Randolph and others, Truman's executive order had been

⁵⁴ Bernstein and Matusow, eds., *The Truman Administration*, p. 111; Clifford, *Counsel to the President*, p. 210.

⁵⁵ Pfeffer, A. *Philip Randolph*, p. 147; Dafiume, *Desegregation of the U.S. Armed Forces*, pp. 172-73.

“deliberately calculated to obscure” the question of racial integration. As a result, they resolved to treat the order as if it had never been issued. In communication with Democratic leaders, Randolph repeated his hope “that the President would outlaw racial segregation in the army, as that was the only solution acceptable to the majority of Afro-Americans.” To avoid issuing a more explicit order -- which would only further antagonize the South -- Truman dispatched DNC chairman J. Howard McGrath to meet with Randolph and other members of the League. McGrath gave his assurance that both discrimination and segregation were “unquestionably” prohibited under the terms of the executive order. He further promised that the seven person civilian committee slated to oversee implementation of the order would “initiate its activities and functions on the basis of non-segregation.” Finally satisfied, and concerned that “further pressure on the Administration would hurt [Truman's] chances in November,” Randolph announced the dissolution of the League on 18 August. “Inasmuch as nonsegregation in the armed forces is now the announced policy of the Commander-in-Chief,” Randolph announced, “we can now place in storage the League for Non-Violent Civil Disobedience Against Military Segregation.” Truman had committed himself to a racially integrated armed forces.⁵⁶

Summary

To conclude, absent acute electoral pressures it seems inconceivable that Truman would have ordered the military to desegregate its ranks. In this sense, presidential competition for a pivotal voting bloc was a catalyst for political change. The final result was a clear demonstration of presidential commitment to African Americans on an issue of deep concern. On the other hand, it seems equally evident that Truman's order would not have been issued without effective political pressure by African Americans. In making military desegregation a test of presidential commitment, black activists denied Truman the middle ground he repeatedly sought, forcing him to choose between the irreconcilable preferences of two

opposing forces. Faced with repeated Administration efforts to test the boundaries of their resolve, black leadership kept the electoral implications of presidential opportunism clearly in view. In sum, organized black pressure forced Truman to choose unambiguously between segregation and integration, but the leverage to force that choice derived, in the first instance, from the structure of the political environment and the location of black voters within that structure. Forty-five years later, gays and lesbians would seek to undo a different set of barriers to full participation in military life. They would draw strength and insight from the actions of civil rights activists in 1948. What they could not replicate were the electoral incentives that gave the civil rights advances of 1948 so much of their momentum.

II.

THE POLITICS OF PRESIDENTIAL OPPORTUNISM: BILL CLINTON AND THE BAN ON GAYS AND LESBIANS IN THE MILITARY

In 1992, military policy held homosexuality to be “incompatible with military service.” The presence of lesbians and gays in the armed services, it was asserted, “seriously impaired the military mission” by impeding “discipline, good order and morale.” For this reason, any serviceperson found to engage in homosexual conduct -- broadly defined to include identifying oneself as either gay or lesbian -- could be discharged from the service. In addition, personnel who engaged in “specific homosexual acts,” such as anal or oral sex, violated the Uniform Code of Military Law and were subject to court martial. While such acts were obviously practiced in the heterosexual as well as the homosexual community, the law was almost exclusively enforced against gays and lesbians.⁵⁷

When David Mixner introduced Bill Clinton as “our Harry Truman” at a 1992 Hollywood fundraiser, the metaphor was

⁵⁶ Clifford, *Counsel to the President*, p. 211; Dalfiume, *Desegregation of the U.S. Armed Forces*, pp. 172-4; Bernstein, “The Ambiguous Legacy,” p. 290. Pfeffer, *A. Philip Randolph*, p. 147; Reynolds, “A Triumph of Civil Disobedience,” p. 228.

⁵⁷ *Congressional Quarterly Almanac, 1993* (Washington, D.C.: Congressional Quarterly Press, 1994), p. 454.

immediately grasped by gays and lesbians in attendance. Just as President Harry Truman had advanced civil rights by integrating the armed services along racial lines, so too Clinton resolved to integrate openly lesbian and gay service personnel into the mainstream of American military life. Forty-four years after the fact, it was now Truman's integrity and decisiveness that were best remembered, issuing his historic executive order in the face of a determined opposition. As President, Clinton now promised to show the same character and leadership. "[T]here [is] no room for compromise on this," Clinton told members of ANGLE, a nationwide network of gay and lesbian campaign donors. If elected, he would issue an executive order ending the military ban on homosexuals as one of the first acts of a Clinton administration.⁵⁸

To many gay rights advocates, the Clinton candidacy was a historic event in national politics. Bill Clinton was the first presidential candidate to openly and aggressively court the electoral support of homosexuals. In the process, he embraced much of the mainstream gay political agenda, including support to extend civil rights protections to lesbians and gays, and pledges to launch a "Manhattan-type Project" to cure AIDS, lift the ban on travel and immigration to the U.S. by HIV-infected individuals, and appoint gays and lesbians to prominent Administration positions. But it wasn't until his May 1992 Hollywood speech that the gay community fully embraced Clinton. In a remark that soon reverberated throughout the gay community, the candidate told his audience, "I have a vision, and you're a part of it." Gregory King, spokesman for the Human Rights Campaign Fund (HRCF), the nation's largest gay rights PAC, explained the significance of the Clinton's address: "To a community that had never before been recognized politically at the national level, Clinton's speech was of historic proportions." "He reached out to our community," King remarked elsewhere, adding, "No one has ever done that." For better or worse in 1992 Bill Clinton would become, in

⁵⁸ Francis Wilkinson, "About Facing Chairman Nunn: Inside the Gay Lobby," *Rolling Stone* no. 656 (May 13, 1993), p. 40; Elizabeth Drew, *On the Edge: The Clinton Presidency* (New York: Simon & Schuster, 1994), p. 42.

David Mixner's words, "the Abraham Lincoln of our movement."⁵⁹

Gay mobilization in the 1992 presidential elections was unprecedented. "This is the election of our lives," one gay activist explained, not simply alluding to gay and lesbian support for the Clinton campaign, but also to the revulsion caused by anti-gay rhetoric streaming from the Republican National Convention in August. There Pat Buchanan had called on the party to fortify itself for the "religious war going on for the soul of America," "a cultural war, as critical to the kind of nation we will one day be - as was the cold war itself." The GOP convention was "a wake-up call," said William Waybourn, executive director of the Gay and Lesbian Victory Fund (GLVF), a PAC recently organized to give financial support to openly gay and lesbian candidates. In Waybourn's judgement, "Buchanan's speech could have come from Hitler's play books."⁶⁰

Campaign utterances of third party candidate H. Ross Perot further fueled Clinton's popularity in the gay community. In a May interview, Perot was asked whether lesbians and gays should be allowed to serve openly in the military. He replied that such a proposal was not "realistic." Gay activists were taken by surprised, and they demanded that Perot clarify his position. In response, Perot issued a statement that if elected he would "not tolerate discrimination based on sexual orientation anywhere in the government." Again gays were critical, condemning the absence of any direct reference to the military's anti-gay policy. Meeting in July with Perot and senior aides they pressed for further clarification; again, they came away disappointed. However, Perot did issue another statement, this time

⁵⁹ Bill Clinton and Al Gore, *Putting People First: How We Can All Change America* (New York: Times Books, 1992), p. 64, 41; *Washington Post*, September 28, 1992, p. A1; Wilkinson, "About Facing Chairman Nunn," p. 40. *USA Today* October 29, 1992, p. 5A; Drew, *On the Edge*, p. 42 Of course there were activists in the gay community who remained skeptical of Clinton's sincerity. One of these was Michael Petrelis, a member of ACT-UP, an AIDS protest group. In Petrelis's words, "There are reasons to be nervous about him." For instance, Clinton had remained silent on an Oregon ballot initiative seeking to declare homosexuality "abnormal, wrong, unnatural, and perverse." Similarly, as Arkansas's Attorney General, Clinton had not challenged the legality a 1977 an anti-sodomy law that specifically targeted homosexuals. *Washington Post*, September 8, 1992, p. A1.

⁶⁰ *The New Republic* v. 207 (Oct 12, 1992), p.22; *USA Today*, October 29, 1992, p. 5A.

conceding, “No one should have to lie about who they are. No one should have to live their life in secrecy.” In some quarters, Perot was judged to have aligned himself with opponents of the military ban. But gay leaders remained skeptical. “It would have been very easy for him to add ‘including the military’ at the end of the statement,” said Michael Grossman, co-chairman of the HRCF. “We need to have those words said.”⁶¹

In the end, gay support for Bill Clinton was overwhelming. *Overlooked Opinions*, a gay market-research company, estimated that 95.3 percent of all gays and lesbians registered to vote in 1992 and that of those 92 percent preferred Bill Clinton. Similarly, in exit polls conducted by Voter Research and Surveys, 72 percent of all self-identified homosexuals reported voting for Clinton. This was approximately 25 percentage points greater than the level of gay support garnered by Michael Dukakis in 1988. Tim McFeeley, director of the HRCF, did not exaggerate the point in remarking, “Gay Americans clearly voted as a bloc this year.” In addition, approximately 10,000 gays and lesbians contributed time and effort to the Clinton campaign. Electorally, the gay vote was important too. While a small proportion of the overall vote, in the electoral college lesbians and gays “contribute a large share of votes in a few key states,” such as New York, Illinois and, most importantly, in California.⁶² With its 54 electoral votes, California is the “crown jewel” of presidential politics and a crucial state in electoral college competition. It is also a state in which Democratic candidates have had competitive difficulties in recent years. Finally, and perhaps most impressively, gay fundraisers secured an estimated \$3.5 million for the Clinton campaign.⁶³

⁶¹ *Washington Post*, May 29, 1992, p. A1; *Congressional Quarterly Almanac for 1993*, p. 455; *Los Angeles Times*, July 9, 1992, p. A1.

⁶² Voter Research and Surveys estimated the gay vote at 4-5 percent of the national electorate. California is considered critical to any Clinton reelection scenario in 1996. One measure of its political importance is that, as of March 1995, the President had scheduled sixteen trips to California as compared, for example, with only three to Texas, another electorally important state. *Dallas Morning News*, February 27, 1995, p. A1.

⁶³ *National Journal* 25 (November 21, 1992), p. 2682; *USA Today*, October 29, 1992, p. 5A; *Congressional Quarterly Weekly Report* 51 (July 10, 1993), p. 1815.

Gay activists put tremendous emphasis on money politics in the 1992 presidential election. “That’s how you get attention,” said Waybourn of the GLVF. “We didn’t write the rules but we’ll play by them. Politics is driven by money.” David Mixner, an advisor to Clinton on gay issues and his principal liaison with the gay community, made sure his boss got the point. Mixner collected the canceled checks and receipts of gay donors to document their contributions. On his end, the President-elect did little to discourage the impression that gay mobilization had been critical to his success. To a national conference of lesbians and gays in Los Angeles, Clinton wrote, “Without your support, our victory would not have been possible.” Gay leaders were jubilant. “How’s that for clout,” was the response of Robert Bray, spokesman for the National Gay and Lesbian Task Force (NGLTF). “We have moved from political outsider and social pariah to political partner and Washington insider.” Mixner cautioned against excessive expectations. Nevertheless, he insisted, “President Clinton has every intention of moving decisively both on the war against AIDS and the executive order protecting lesbians and gays in federal employment, including the military.”⁶⁴ In fact, gay leaders were so confident that an executive order was imminent, they dispatched Mixner to Arkansas to ask Clinton to make gay and lesbian civil rights legislation the Administration’s top priority, not the gay ban.⁶⁵

The Politics of Presidential Opportunism: Lifting the Ban on Gays in the Military

Though victorious in the three-way presidential race of 1992, Bill Clinton had captured only 43 percent of the popular vote. From the outset, this basic political fact structured decision making in the Clinton White House. Ross Perot garnered 19 percent of the vote in 1992. He had done so in part by painting Washington as corrupt, profligate and beholden to special interests. But more important was his substantive emphasis on fiscal responsibility and deficit reduction. Clinton now sought to capitalize on these themes in an explicit bid for

⁶⁴ *National Journal* 25 (November 21, 1992), p. 2682.

⁶⁵ Drew, *On the Edge*, p. 43.

the support of Perot's followers. In the Democratic primaries Clinton had been a strong proponent of a middle class tax cut. He now promised to cut the budget deficit in half in four years. Toward this end, he proposed a series of painful spending cuts alongside "the greatest tax increase in history."⁶⁶ Clinton's program would assure congressional Republican opposition and alienate both liberal and conservative wings of his own party. Indeed, the President's own budget director Leon Panetta reportedly gave the deficit reduction package only a fifty-fifty chance of passage. The Clinton White House would be consumed by the need maintain their identification among Perot voters. Issues that either directly affected Administration popularity with this pivotal bloc or jeopardized programs of direct interest to them would come under heavy scrutiny. One of the first issues to suffer this scrutiny was Clinton's pledge to lift the ban on gays and lesbians in the military.

The political conflict over "gays in the military" erupted almost immediately after Clinton's November victory. At Veterans' Day ceremonies in Little Rock, a reporter asked Clinton whether he would keep his promise to lift the ban. Clinton responded in the affirmative, adding, "We know there have always been gays in the military. . . . The issue is whether they can be in the military without lying about it." The subsequent groundswell of opposition caught both Administration officials and gay activists completely unawares. This naivete can be attributed in part to the issue's near invisibility in the 1992 campaign. Republican strategists had deliberately back off the issue in order to stem criticism arising from the GOP convention, which had been used to galvanize the party's conservative base. The convention strategy had worked, but in the process many moderates had been alienated. In addition, Republican polling had indicated the predominance of economic issues in the electorate's mind, further militating against the use of so-called "lifestyle issues." The Bush campaign was wary lest it be tagged as using "family values" to distract voters from the real issues of the election.⁶⁷

⁶⁶ *Time* 141 (March 1, 1993), p. 10.

⁶⁷ *Atlanta Journal and Constitution*, November 16, 1992, p. A1; *National Journal* 25 (February 6, 1993), p. 374.

Clinton fully intended to issue an executive order to lift the gay ban as one of the Administration's first acts. Transition officials expected to complete the preparatory groundwork well before Inauguration Day. However, as with so much of the Clinton transition, it was not accomplished in time. In the meantime Republicans, having lost the White House, were eager to chip at Clinton's public support by exploiting Democratic vulnerability on "cultural issues." As criticism started to mount, gay organizations insisted Clinton stand by his pledge. "We see it as a litmus test," said Gregory King of the HRCF. "If you really see it as important for all people to be treated equally, then you won't cave on this." Pressure to end the ban also came from liberal Democrats in the House of Representatives. Led by Patricia Schroeder of Colorado, fifty congresspersons signed a letter to Clinton asking him to reverse the gay ban "as soon as possible." Paul Begala, a senior Clinton campaign advisor, expressed the bewilderment that overtook the Clinton transition team: "It wasn't a big thing in the campaign. We clearly had no appreciation of the offense that would be taken at a Presidential directive ending the ban."⁶⁸

Proponents of the military's ban on gays and lesbians were exceedingly well-organized. Both in Congress and at the White House, grassroots communication ran overwhelmingly against Clinton's plan. Evangelical lobbying organizations had been filling Washington with direct mail since November. One such organization, Christian Voice, was responsible for a half million pieces alone. Veterans groups and military organizations were in vocal opposition as well. Prominent among them were the American Legion, the Retired Officer Association, the Non-Commissioned Officers Association and the Reserve Officers Association, with memberships respectively of 3.1 million, 382,000, 160,000 and 106,000.⁶⁹ Equally important, the Joints Chiefs of Staff, including chairman General Colin Powell, came out publicly against the initiative.

Public opinion polls held out more troubling news for the

⁶⁸ *Congressional Quarterly Almanac*, 1993, p. 455; *Washington Times*, February 23, 1995, p. A9; Drew, *On the Edge*, pp. 43-44

⁶⁹ *National Journal* 25 (February 6, 1993), p. 343.

President-elect. On the positive side, a Gallup poll conducted one week after the election showed that lifting the ban was extremely popular with Clinton's base -- those who had voted for Clinton in 1992. However, of more immediate political importance, results also indicated that a majority of Perot voters opposed such efforts. Polls conducted in late January confirmed these findings, revealing further that a majority of Americans (52 percent) believed Clinton to be pushing ahead with the issue because of pressure from "special interest" gay and liberal organizations. Equally disconcerting for the man who had run as a centrist "New Democrat," a near majority of Americans (50 percent) now described Clinton as "liberal" or "very liberal," while only 19 percent applied those same labels to themselves.⁷⁰

Table 1. "Should Gays be Allowed to Serve in the Military?"
(Conducted Nov. 10-11, 1992)

	<i>Clinton Voters</i>	<i>Perot Voters</i>	<i>Bush Voters</i>
% Yes	69	41	34
% No	27	54	61
% No Opinion	4	5	5

Source: George Gallup, Jr., *The Gallup Poll: Public Opinion 1992* (Wilmington, De.: Scholarly Resources, Inc., 1993), pp. 198-199.

Table 2. "Do you Approve or Disapprove of Ending the Ban on Homosexuals from Serving in the Military?" (Conducted Jan. 29-31, 1993)

	<i>Clinton Voters</i>	<i>Perot Voters</i>	<i>Bush Voters</i>
% Yes	63	37	21
% No	32	55	74
% No Opinion	5	8	4

Source: George Gallup, Jr., *The Gallup Poll: Public Opinion 1992* (Wilmington, De.: Scholarly Resources, Inc., 1993), pp. 198-199.

"Gays in the military" had become an issue that had to be reassessed in light of the President's overall agenda. Opinion began to divide within the Clinton team. Both Begala and Stanley Greenberg, Clinton's in-house pollster, urged Clinton to drop his promise to reverse the military ban or, at least, to delay action. Other advisors were equally adamant that the commitment had to be honored. Not yet sworn in, the President-elect was already being criticized for abandoning one campaign promise, his much ballyhooed middle-class tax cut. Clinton was loathe to cut and run on a second obligation before even taking office.⁷¹ John Holum, a Washington lawyer assigned to work out the details of lifting the ban, proposed finessing the issue. Holum recommended a change in administrative means. He urged Clinton to abandon implementation by executive order. Rather, he should instruct the Defense Department to issue new departmental guidelines prohibiting both the ban on homosexual recruitment and the discharge of uniformed gays and lesbians. The substantive effect would essentially be the same, Holum argued, but politically the change would put more daylight between the White House and an increasingly unpopular issue. Holum's tactic brought immediate

⁷⁰George Gallup, Jr., *The Gallup Poll: Public Opinion 1993* (Wilmington, De.: Scholarly Resources, Inc. 1994), p. 32.

⁷¹ Drew, *On the Edge*, pp. 44.

opposition from gays. Political advisor Mixner insisted that the executive order itself was a critical component of the initiative. Success, he argued, required the “full force of the presidency” behind the action. Mixner contacted Clinton communications director George Stephanopoulos and DNC chairman David Wilhelm to lobby against implementation of the Holum plan. He received assurances that there were no plans to act on the recommendation.⁷²

It was Defense Secretary Les Aspin who finally devised an acceptable solution to the immediate political problem. In essence, Aspin proposed that the Administration initiate a six-month review process as a way to kick final action into the early summer. This would draw public attention back to Clinton's message on deficit reduction and give the White House time work quietly with the military and legislative leaders. It would also stave off an early and potentially embarrassing confrontation in the Congress. Senate majority leader George Mitchell agreed. By his headcount, he lacked the necessary votes to block an coalition of Senate Republicans and conservative Democrats intent on codifying the existing ban on gays. Currently, the ban was in the form of an administrative regulation. Codification would block any President's ability to affect policy without the approval of Congress. Thus, a six month delay might cool congressional tempers and derail an early legislative showdown over the ban. New polling results by Stanley Greenberg further fueled the momentum for delay. They revealed a twenty point drop in Clinton's “favorability ratings” in his first two weeks in office, the result of “gays in the military.”⁷³

Aspin's recommendations suggest an Administration still committed to a final lifting of the military ban. He offered a two-step plan. First, Clinton would order the Defense Department to conduct a policy review, and at the end of six months (July 15), report back a draft executive order with suggestions for implementation. In the interim, the White House would ask Congress to delay a vote on codification. The second element involved gay policy during the six

⁷² *New Republic*, 208 (February 15, 1993), pp. 11-12.

⁷³ Drew, *On the Edge*, pp. 44-48; *Congressional Quarterly Almanac*, 1993, pp. 455-

month interim period. Here two recommendations were central. First, he suggested that the Pentagon drop questions about sexual orientation from its recruitment questionnaire. Next, he proposed the suspension of all disciplinary and discharge proceedings against uniformed homosexuals during the review. In the course of the six months, military leaders would be consulted as to the most effective means to lift the ban. Here Aspin urged Clinton to *govern* the negotiations and control of the terms of debate. Opponents should not be allowed to shift the discussion to *whether or not* to lift the ban. Negotiations should be confined to when and how the President's order was to be implemented.⁷⁴

At this point the first crack in Clinton's resolve seemed to appear. He was unwilling to invest the political capital necessary to push an aggressive bargaining position over interim military policy. The rationale is not entirely clear. Clinton may have concluded it was better tactically to concede substance over temporary policy and invest heavily in matters of final policy. On the other hand, faced with a chorus of opposition to lifting the ban, he may have decided to begin cultivating military support for a compromise policy with which all parties might live. Regardless, in the end the Administration conceded key elements of Aspin's interim policy guidelines to the Joint Chiefs of Staff and Georgia Democrat Sam Nunn, chairman of the Senate Armed Services Committee and a central proponent of the ban. In the compromise finally struck, Nunn and the Joint Chiefs agreed to the review process and, for its duration, to stop asking recruits about their sexual preferences. In return, the Administration agreed that interim policy would allow military prosecution of service personnel for homosexual acts. Likewise, military officials would retain considerable latitude to expel personnel based solely on their sexual orientation. Finally, the Administration acquiesced to Nunn's insistence on full congressional hearings on the Administration's plan.⁷⁵

⁷⁴ *New Republic*, 208 (February 15, 1993), pp. 11-12; Drew, *On the Edge*, pp. 43-44, 48; *Congressional Quarterly Almanac*, 1993, p. 455.

⁷⁵ *Congressional Quarterly Almanac*, 1993, p. 455.

Despite the terms of Clinton's interim policy, advocates of lifting the gay ban remained optimistic. On 21 January communications director George Stephanopoulos publicly reaffirmed the President's "absolute" commitment to ending the prohibition. Representative Barney Frank, one of two openly gay members of Congress, had also been involved in the White House deliberations. He too reported the Administration's commitment to a process culminating in an end to the ban. Gay organizations likewise went along with the Administration's two-step plan. On January 29, Clinton officially announced the six month review process. White House concessions held conservative congressional Democrats in check. In a show of party unity, Senate Democrats voted 62-37 to table a Republican amendment to the Family Leave Bill that would have codified the military ban.⁷⁶ The amendment had been sponsored by Senate minority leader Robert Dole of Kansas. Democrats voted to table the amendment 55 to 2, Republicans opposed the motion 7 to 35. Nunn had managed the opposition to the Dole amendment. The White House was thus spared the need to lobby an issue now judged to be inflicting acute political damage on the President.⁷⁷

Clinton showed little inclination to use the presidency to rally public opinion behind a lifting of the ban. It was therefore incumbent upon gay rights organizations and their allies to mount an effective grassroots campaign to reorient congressional opinion. However, in contrast to the anti-gay lobby, proponents of lifting the ban were slow to mobilize. Rather, they had turned their attention to what had always been considered a more important political issue, the Lesbian and Gay Civil Rights Act.⁷⁸ Gay organizations had lulled themselves into a false sense of victory because of Republican silence in the 1992 election. Given limited resources, gay pressure groups decided to leave it to the White House to manage legislative support for an end to

⁷⁶The Family Leave Bill requires businesses with more than fifty employees to provide family and medical leave. The amendment to codify the ban was sponsored by Republican minority leader, Robert Dole of Kansas.

⁷⁷ *Congressional Quarterly Weekly Report* 51 (January 23, 1993), p. 187; *Congressional Quarterly Almanac*, 1993, p. 456.

⁷⁸ This legislation would guarantee gays and lesbians the same civil rights protections as heterosexuals against discrimination in areas such as housing and employment.

the ban. As opposition arose, sympathetic legislators and staffers were dismayed to discover that gay organizations would not be focusing on the issue in the early, critical months of January and February. Closer to the pulse of Congress, Barney Frank urged gay rights organizations to "put their immediate efforts into making sure that Bill Clinton's ending of the ban on gay and lesbian military service is upheld in Congress when the votes come." Only then should attention shift to "broader questions like the gay and lesbian civil rights bill."⁷⁹

Gay activist and Clinton advisor David Mixner took the lead in organizing support for the legislative effort. The result was the Campaign for Military Service (CMS), an umbrella organization of gay rights and civil liberties groups to coordinate the lobbying effort to lift the ban. The goal of CMS paralleled the efforts of A. Philip Randolph's Committee Against Jim Crow, and it secured the official backing of civil rights groups. The new organization sought to raise \$3 million to fund its lobbying effort and coordinate a direct mail campaign to counteract the tide of organized opinion engulfing Congress. CMS also seized the opportunity to piggyback its lobbying and direct mail campaign on top of a planned gay March on Washington, scheduled for 25 April. On that day upwards of one million lesbians and gays were expected to converge on the Capitol. A gigantic exercise in pressure politics, organizers sought to keep the focus of the march on the White House. "We've learned we have to keep the pressure on him [Clinton]," Mixner told one reporter.⁸⁰

But as gay rights organizations readied the machinery for their offensive to end the military ban, the White House was initiating a full reassessment of its own commitment. By mid-April, the result

⁷⁹ *Nation Journal* 25 (February 6, 1993), p. 343. In the end, Barney Frank would be severely critical of gay rights organizations. To his mind, too much emphasis was placed on fundraising and money politics, and not enough on developing strategies to pressure Congress. Frank illustrated his point with reference to the AARP, which, he said, was tight with money but swamped legislators with letters. "Telling people they should write letters, that the political system works just like you learned in junior high -- people just didn't believe it. They should, but they don't[.] ... Money can't short-circuit the political process." The political scientist Larry Sabato supports Frank's conclusion, stating that both sides "put too much emphasis on the money. . . . Money may open the door, but votes and mail and phone calls make the sale." *Congressional Quarterly Weekly Report* v. 51 (July 10, 1993), p. ?

⁸⁰ *Congressional Quarterly Weekly Report* 51 (April 3, 1993), p. 852; *Newsweek* 121 (May 3, 1993), p. 44.

of several mishaps, the Clinton Administration was thoroughly on the political defensive. White House public relations specialists worried that the President's public "profile" as a New Democrat had been badly tarnished. Clinton was alleged to be angry, and determined to make his way back to the political center. Greenberg's own polls confirmed that voters believed the President to be a traditional liberal Democrat. Clinton chafed at reports that the three things Americans remembered about the first months of his Administration were the Yeltsin summit, health care, and gays in the military. The gay ban issue particularly stuck in Clinton's craw. Said Greenberg, "I think gays in the military is eating away at us and the President does too." In May, former Reagan communications director David Gergen was enlisted by the Clinton camp in a further effort to correct the President's "profile." As the President explained to Gergen at the time, "I'm way off to the left. I want to get back to the DLC" [Democratic Leadership Council].⁸¹

The White House was obsessed with "getting back to the DLC." Reconstructing Clinton's profile as a New Democrat was critical because of the political imperative, discussed earlier, to expand Clinton's 43 percent electoral base into a majority coalition in 1996. By moving back to the political center the President hoped to draw into his political coalition those disgruntled voters who had supported Ross Perot. At Clinton's behest, Greenberg conducted an extensive series of polls and focus groups in April and May, in conjunction with the DLC. The polls were designed to probe the political attitudes of Perot voters and identify ways to draw them into a Democratic orbit. The results were eventually published in a DLC report entitled, *The Road to Realignment: The Democrats and the Perot Voters*. The study offers some insight into Administration thinking at roughly this time, especially as it pertains to the military's gay ban. At bottom, it suggested the need to resolve the issue quickly. It also underscored the need to do so in a way that would help revamp Clinton's credentials as a nontraditional Democrat, moderate and

⁸¹ Drew, *On the Edge*, pp. 123-7, 187. Of the early months of the Clinton Presidency, communications director Mark Gearan later recalled, "We were reeling, we were just reeling. We were out of focus. The question was what does the President stand for. Is he a New Democrat? It was gays, Zoe [Baird], and Kimba [Wood]." (p. 127.)

unbeholden to the "special interests" of the left.

The report drew a parallel between Clinton's political situation and the situation faced by Richard Nixon in 1968. Like Clinton, Nixon had emerged the narrow victor in a three-candidate presidential race. Like Clinton, Nixon in office had to construct a majority coalition that could dominate national elections. Like Nixon, Clinton confronted a challenge to convert "enough independent voters to realign U.S. politics around an emerging Democratic majority."

Just as Richard Nixon formulated a "Southern strategy" to win over disgruntled Democrats who had back George Wallace in 1968, Bill Clinton must make strategic use of his "New Democrat" themes to woo Perot voters who rejected what both parties had to offer in 1992.⁸²

The report urged Clinton avoid left-liberal values issues, traditionally a weakness for Democratic candidates. Rather the President should align himself with "mainstream values," "family values," as well as the values of "work" and "individual responsibility." Clinton was admonished to rededicate his Administration to issues of primary concern to Perot supporters: deficit reduction, jobs, government reform, and health care reform. The report suggested that while "economic insecurity" pulled Perot voters toward the Democrats, "their sense of middle class grievance inclines them toward the Republicans." "The GOP advantage on values," the report concluded, "constitutes a serious obstacle to a Clinton strategy for building a new presidential majority."

To neutralize that advantage, President Clinton needs to identify once again with the interests and values of middle America And while tolerant of all points of view, *the President must resist demands from activists and pressure groups that he embrace values or cultural policies that are at odds with the moral convictions of most Americans.*⁸³

⁸² Stanley B. Greenberg, *The Road to Realignment: The Democrats and Perot Voters* (Washington, D.C.:Democratic Leadership Council, 1993), p. 15.

⁸³ Greenberg, *The Road to Realignment*, pp. II-21, I-2,3 [emphasis added].

Rehabilitation of the president's conservative credentials emerged as an Administration priority. First privately, and the publicly, Clinton abandoned his commitment to lift the ban on gays in the military. In its place, the White House sought a compromise policy that would be acceptable to military leaders and conservative Democrats. In late March, Clinton floated a proposal to institute restricted personnel assignments. Gay activists immediately tagged the proposal as an attempt to impose a new form of segregation -- a new form of second class citizenship -- in the military. Likewise, Clinton distanced himself from the gay March on Washington scheduled for 25 April. The political consequence of the President's decision is difficult to judge. However, one contemporaneous assessment concludes that the effect was to "scare off many other politicians and celebrities who were supposed to participate." Missing from the event, for example, were liberal Senators like Ted Kennedy, Barbara Boxer, Diane Feinstein, and Carol Moseley-Braun, politicians "who only the previous year had solicited the gay vote[.]" Perhaps equally important to the course of later events, Ross Perot marked the occasion of the March on Washington by announcing his support for the military's gay ban.⁸⁴

Confronted with a new White House conservatism, Barney Frank began floating his own compromise. Frank hoped to draw moderate congressional support away from a proposal by Sam Nunn to institutionalize the military's interim policy. Frank's proposal was

⁸⁴ *Congressional Quarterly Almanac*, 1993, p. 454; *Congressional Quarterly Weekly Report* 51 (March 27, 1993), p. 772; *The Nation* 256 (May 17, 1993), p. 652; Interview on NBC's *Meet the Press*, April 25, 1993, Congressional Quarterly database, Transcripts, TV Programs, Item Number 1881.). In response to the question of whether or not the ban should be lifted, Perot responded, "I would rely very closely, if I were the president, on the advice of the military leaders, . . . and I would listen very, very, very closely to senior people like Sam Nunn who were on the point rebuilding our military. It's like a piece of fine china, you don't want to drop it and break it, you want to be careful." Perot continued, "I think the basic concern that's expressed again and again by the people in uniform--and it's one that needs to be looked at very carefully--is nobody can understand the closeness of people in combat unless they've been there, and how much you depend on one another. All right, now, you've got three or four guys out there on the point. One of them is suspected of being gay or is gay. He gets terribly wounded, needs mouth-to-mouth resuscitation, there's blood all over the place. Are you going to dive in there and save your body or are you going to sit there and freeze for minute? These are the kinds of things that worry people who understand life on the battlefield."

wholly pragmatic; it would cut the difference between a lifting of the ban and the Nunn proposal. It would offer gays and lesbians a "zone of privacy" regarding sexual conduct while off-duty and off-base. Under the Frank compromise, a service person's private sexual conduct would be immune from military investigation. On the other hand, while "on base and on duty and in uniform," gay and lesbian soldiers would still be required to "restrain and restrict themselves" -- to refrain from any statement of homosexuality or any homosexual act. Frank was roundly criticized by a spectrum of gay rights groups. Queer Nation, for one, labeled Frank an "Uncle Tom" and demonstrated outside his Washington office. Likewise, CMS was severely critical of Frank for the political timing of his proposal, which they believed would interfere with efforts to secure a complete end to the ban. Frank's proposal was also criticized by Gerry Studds, Congress's only other openly gay representative.⁸⁵

By late June, a draft compromise was making its way between the White House and military and legislative leaders. Close in substance to Nunn's proposal, the compromise would make permanent much of the interim policy. Dubbed "don't ask, don't tell," it would continue to preclude questions regarding a recruit's sexual preferences and it would dampen efforts to search out and expel gays and lesbians who kept their sexual conduct discreet. On the other hand, gay and lesbian status would remain sufficient grounds for discharge and homosexual acts would still be prosecuted under military law. It also buried Frank's "zone of privacy," claiming that soldiers were on duty 24 hours a day.⁸⁶

The White House finally announced the abandonment of plans

⁸⁵ *Congressional Quarterly Weekly Report* 51 (May 22, 1993), p. 1302. In his book *Speaking Frankly*, the pragmatic Frank offered his own criticism of left-liberal Democrats, a defense of compromise politics, and an analysis of the electoral pressures that limit the gains gay or any non-mainstream Democratic constituency can achieve without sacrificing party power: "Mainstream liberal Democrats have been intimidated by the left politically to some degree, but morally to an even greater degree[.] . . . And because they are intimidated, the bulk of liberal Democrats cannot enthusiastically embrace the political strategy of reconciling a liberal agenda with mainstream values in a way that offers us the best chance to win elections and carry out Democratic public policies."

⁸⁶ *Congressional Quarterly Weekly Report* 51 (June 25, 1993), p. 1670.

to end the ban when details of the compromise were leaked by the press. Press Secretary Dee Dee Myers explained to reporters, “Members of Congress don’t support an entire lifting of the ban.” CMS leaders offered a different analysis, convinced that Clinton could secure the necessary support if he would only take a “principled stand” and fully utilize the power of his office. Gay activists were angry that the White House had sacrificed a solemn pledge to the exigencies of electoral politics. CMS’s Tom Sheridan voiced the disappointment of many, observing that “the Clinton administration spends more time paying attention to its political enemies than working with its friends.” Clinton insider David Mixner was even more pointed. The man who only a year earlier had trumpeted Bill Clinton as “the Abraham Lincoln of our movement,” now accused White House aides of intentionally excluding gay leaders from Administration deliberations. “We were purposely misled in an effort to keep us quiet,” Mixner concluded. The Clinton advisor expressed the frustration of an erstwhile political ally shorn of leverage by the logic of electoral college politics: “White House political operations determined that we, as a community, had no where else to go and that our anger would work in favor of the president by showing the country that he could stand up to the queers.”⁸⁷

Nonetheless, gay leaders dug in their heels. Mixner warned the Administration that a compromise would serious have repercussions with gay voters and contributors in 1996. The President was put on notice that “Anything short of your original proposal would be nothing less than a betrayal.” The momentum in the White House, however, now seemed irreversible. On 14 July, the day before the self-imposed six month deadline, CMS members were called to the Defense Department and informed that Aspin would advise Clinton to accept the compromise policy. “[I]t was,” they were told, “the most [he] had been able to get the six Joint Chiefs to agree to.” At the White House, Vice President Al Gore urged the President to stand firm on his pledge, as a matter of principle, even in the face of a congressional override. Clinton was unprepared for such an action.

⁸⁷ *The New Republic* xxx (August 9, 1993), p. 12; *Congressional Quarterly Almanac*, 1993, p. 460.

Whether on principle or otherwise, the New Democrat was unwilling to do for his gay constituency what he had not done for the middle class. The political journalist Elizabeth Drew recounts the episode:

At one point Clinton argued with Gore -- this was most unusual -- saying, “You can’t say ‘this is the sword I’ll fall on,’ when I didn’t for the middle class tax cut. If you want me to die on my sword on this one, you tell me why I shouldn’t have done it on the middle class tax cut.”

Legislative liaison Howard Paster defended the compromise, warning that a messy altercation with Congress would hinder efforts to pass the politically critical items on the President’s agenda. Clinton’s deficit reduction program, central to Administration efforts to woo Perot voters, demanded a careful husbanding of political capital.⁸⁸ Aspin continued to push the compromise as well. Clinton was troubled by the restrictiveness of the compromise. Sincere in his personal conviction that the ban was wrong, he was troubled by the prohibition on private statements of one’s sexual identity and the restrictions on private conduct. Aspin replied that he had obtained from the Joint Chiefs of Staff all he was likely to get.⁸⁹

Clinton signed on to the compromise. Equally significant, the President declined to issue an executive order to implement the new rules. Instead, the Defense Department would issue a new set of departmental guidelines. For reasons that will become more apparent, the White House was attempting to put as much political distance as it could between itself and its own policy. Clinton announced the new policy in a speech before the National Defense University at Fort McNair in Washington, D.C. The choice of venue was itself indicative of the President’s political metamorphosis. The address was conciliatory, even deferential: “I wanted you to hear my thinking and

⁸⁸ Writing of Perot voters, the political analyst William Schneider reported: “The deficit was the only issue on which Perot voters were sharply distinctive [from Clinton and Bush voters]. When the national exit poll on Nov. 3 asked voters to choose the one or two issues that mattered most to them in deciding how to vote, 42 per cent of Perot voters chose the deficit, compared with just 18 per cent of Bill Clinton’s voters and 15 per cent of President Bush’s. *National Journal* 25 (January 16, 1993), p. 166.

⁸⁹ *Congressional Quarterly Weekly Report* 51 (July 10, 1993), p. xxx; *Ibid* 51 (June 25, 1993), p. 1671; *The New Republic* xxx (August 9, 1993), p. 11; Drew, *On the Edge*, p. 250.

my decision directly and in person, because I respect you,” he told his audience. Clinton outlined the essentials of the new policy:

One, service men and women will be judged based on their conduct, not their sexual orientation. Two, therefore, the practice, now six months old, of not asking about sexual orientation in the enlistment procedure will continue. Three, an open statement by a service member that he or she is a homosexual will create a rebuttable presumption that he or she intends to engage in prohibited conduct[.]. . .

And four, all provisions of the Uniform Code of Military Justice will be enforced in an evenhanded manner as regards both heterosexuals and homosexuals. And, thanks to the policy provisions agreed to by the Joint Chiefs, there will be a decent regard to the legitimate privacy and associational rights of all service members. . . .⁹⁰

Clinton hailed the policy changes as a “real step forward.” It was termed “an honorable compromise,” one that would balance national priorities and bring closure to an issue that had “diverted our attention from other matters for too long.” He applauded gay rights activists, “who should take some solace in knowing that their efforts have helped to produce a strong advance for the cause they seek to serve.” Yet before the Senate Armed Forces Committee, Secretary Aspin was taking a much harder line. “I believe that basically if a person is homosexual, they would be much more comfortable pursuing a different profession,” Aspin told committee members. For those gays and lesbians who chose a military life nonetheless, they “will have to play by the rules.” And in testimony before both House and Senate Armed Forces Committees, Pentagon officials made clear that those rules remained stacked against homosexuals. Indeed, they maintained to Congress that the new policy “essentially continued the prohibitions on homosexual conduct in the policy that had been in effect since 1981,” the first year of the Reagan Administration. Pentagon general counsel Jamie Gorelick underscored this point, explaining that the Clinton policy “merely clarifies existing policy.” Gorelick also explained to the committee that the “rebuttable presumption” defense to protect gays and lesbians from discharge

⁹⁰ *Congressional Quarterly Weekly Report* 51 (July 24, 1993), p. 1975.

would, in practice, result in little change. The burden of proof to rebut successfully the charge of homosexual conduct was set “very high.” To illustrate, Gorelick offered that “a soldier who told his commander that he was a homosexual but then swore under oath that he was not a practicing homosexual probably would be discharged.” The more liberal investigation policy regarding private personal conduct also appeared illusory. General Colin Powell, chairman of the Joint Chiefs of Staff, described the new rule as “a significant shift in emphasis.” Nevertheless, he admitted, it remained the case that military commanders retained the discretion to begin an investigation “on the basis of a single allegation of homosexuality.”⁹¹

At this point Clinton jettisoned almost all association with the issue. Having retained the heart of the old ban on gays and lesbians in the military, conservatives now sought to make that ban immune from presidential tampering. In the Senate, Democrat Sam Nunn proposed, and the Senate Armed Forces Committee accepted, an amendment to the Fiscal 1994 Defense Appropriations Bill that would codify the new military guidelines into law. In the words of arch-conservative J. Strom Thurmond of South Carolina, whose State’s Rights Party had sought to derail Harry Truman’s civil rights initiative, “One advantage [of codification] . . . is that some future president won’t be tempted to try to lift the ban.” From the White House, the President announced that he would not oppose the codification movement in Congress.

Clinton had ceded full control of the issue to congressional conservatives. The Nunn amendment did not simply codify the Clinton guidelines. It made important alterations, rolling back most of the incremental gains that had been secured. For example, in a nod to the gay community, the Clinton guidelines had finally scrapped the old policy premise that “homosexuality is inconsistent with military service.” It was replaced by the more tolerant position, “Sexual orientation will not be a bar to service.” The Nunn amendment reinstated the original policy. The presence of homosexuals in the military would continue to constitute “an unacceptable risk to the

⁹¹ *Congressional Quarterly Weekly Report* 51 (July 24, 1993), p. 1975.; *Ibid.*, p. 1966; As well, Attorney General Janet Reno had indicated to Clinton that the policy changes would also “make it easier to defend the Pentagon’s gay ban in court.” *Congressional Quarterly Weekly Report*, v. 51 (July 24, 1993), p. 1966.

armed forces' high standards of morale, good order and discipline, and unit cohesion." Equally stunning, Nunn struck at the very heart of "don't ask, don't tell," granting the Defense Secretary the right to reinstate questions about the sexual orientation of recruits "as he considers appropriate." Finally, the Nunn Amendment was also silent on the Clinton requirement that the military enforce its ban on "homosexual acts" impartially as to heterosexuals and homosexuals.⁹²

In the House, Missouri Democrat Robert Skelton of the House Armed Services Committee moved to insert identical language into the House version of the Fiscal 1994 Defense Appropriations Bill. On July 23, Senate Armed Services voted 17-5 to include the Nunn Amendment in its defense bill. The next week, by voice vote, the House Armed Services Committee agreed to include the language in its version.⁹³ Efforts to turn back the codification effort failed on the floor of both Houses. The House accepted the Skelton Amendment on a vote of 301 to 134. Republicans overwhelmingly supported the amendment 161-12, with Democrats dividing 140 to 121. In the Senate, the Nunn Amendment was accepted by a voice vote, however an earlier amendment by California Democrat Barbara Boxer to return discretionary authority to the President was turned back by a vote of 33-63. Republicans united against the Boxer Amendment, 3 to 38, with Democrats again dividing, 30 to 25.

What enraged gay leaders was not simply that Clinton failed to oppose codification. It was his statement too boot that the Nunn Amendment was consistent with the policy objectives of his own compromise. Speaking to reporters, Nunn remarked that his amendment "incorporates the essential features and is consistent with" the Administration's policy, adding, "the president and the secretary of Defense approve this." CMS's Sheridan, for one, announced that gays were worse off now than they had been before the president's initiative, since the new ban had the force of law. "The president has not done a damn thing for us on this issue for the last six months, and his support for codification of the ban just adds insult to injury. . . .

⁹² *Advocate* no. xxx (October 19, 1993), pp. 24-25.

⁹³ *Congressional Quarterly Weekly Report* 51 (September 11, 1993), p. 2401.

He is investing absolutely no political capital in us anymore."⁹⁴ Symbolically, perhaps the capstone episode of the entire controversy had occurred on 30 July, when gay rights advocates were arrested while demonstrating outside the White House. Among those taken away that day were presidential advisor David Mixner, as well as Sky Johnson, California chief of staff for the 1992 Clinton campaign, Patricia Ireland, president of the National Organization of Women, and William Waybourn, executive director of the Gay and Lesbian Victory Fund.⁹⁵ At the center of the conflict had been a basic question of equal rights, whether homosexuals were entitled to serve openly alongside other qualified citizens in the American armed forces. The answer had been no. It continued to be no.

Summary

In 1992 Bill Clinton pledged to end the ban on gays in the military. In so doing, he had acknowledged an basic political fact: in terms of money and key votes, the gay community had emerged as a significant force in presidential politics. Upon assuming office, Clinton sought to make good on his promise. Statements by Administration officials and gay leaders indicate Clinton's early resolve, as do the initial recommendations of Defense Secretary Les Aspin. It is also clear that Clinton advisors expected to incur no important political costs by ending the ban. In 1992 Republicans had been silent on Clinton's pledge, while Perot's final statements seemed to signal a reluctant support. However, mounting opposition forced Clinton to reassess his commitment's political impact on crucial swing constituencies. In doing so, Clinton was forced to confront another basic political fact. Having garnered only 43 percent of the vote in 1992, the 19 percent who supported Ross Perot would be a pivotal voting bloc in a 1996. The need to pull the lion's share of that support to the Democratic side injected electoral calculations deep into the decision making process. It became clear early on that precious political capital would have to be spent to lift the military's gay ban. The critical issue became: How important politically is the President's

⁹⁴ *Advocate* (October 19, 1993), pp. 24-25.

⁹⁵ *Advocate* (October 19, 1993), pp. 24-25.

commitment to lift the ban? In this context, two points proved overriding. First, Perot voters (and in the end Perot) supported the military ban. Second, and probably more important, a fight to block codification would strain relations between Congress and the White House, impeding passage of Administration programs popular with Perot supporters. Clinton was forced to choose between commitments to two powerful voting blocs. But only one, Perot voters, appeared to possess “credible shopping options.” The ensuing politics reflects the conclusions reached by the White House. First slowly, and then with greater abandon, Clinton abdicated authority over the issue to conservative Democrats in Congress. There, they dismantled much of the incremental gains the Clinton compromise had secured, writing the gay ban into law as added insurance against future presidential tampering.

CONCLUSION

In his recent book *The Politics That Presidents Make*, Stephen Skowronek documents the inherently “disruptive,” “order-shattering” potential of the presidency. It is this destructive quality -- possessing all the finesse of a battering ram -- that makes the presidency such a potent instrument of political change. Presidential action by its very nature upturns the status quo, and in so doing, calls forth the forces of institutional resistance. It is the impulse to reorder its environment, Skowronek says, that imparts to the presidency its disruptive character. That impulse, in turn, originates in a combination of constitutional mandate and personal ambition -- the solemn injunction to execute the independent duties of the office and the willful desire to “be *myself* president of the U.S.” This order-shattering effect can be awesome, and it has implicated the presidency in many of the seminal episodes of political change in American political history.⁹⁶

The insight that presidential action is inherently destructive and a catalyst for political change suggests a logically prior question. When do Presidents choose to act and when do they decline to do so?

⁹⁶ Skowronek, *The Politics Presidents Make*, pp. 4, 12, 19-23.

When do Presidents commit themselves to the full order-shattering implications of their actions, and when do they step back from the precipice, seek avenues of compromise, or abdicate initiative to the forces of institutional opposition? Should we look inside the black box of presidential personality and character to examine the mixture of needs, hopes and fears that give presidential action (or inaction) personal significance? Should we survey the structure of social forces and the compliment of conventional power tools -- money, numbers, etc. -- used to compel presidential action (or inaction). In part, of course, the answer is yes. But only in part.

Through an examination of the politics of civil rights, I have endeavored to offer an explanation of presidential commitment and opportunism rooted in the operations of the electoral college. The electoral college has a unique institutional presence in American political life. A part of the nation's basic constitutional fabric, the electoral college has been a stable feature of U.S. politics since the time of the founding. Yet electoral college effects on the process of governance and their contribution to the politics of change are surprisingly under-theorized. Perhaps in part this is because the “cult of personality” so often envelops the presidency, enticing us to assess its role in history according to the differing and unique characteristics of particular incumbents. System, pattern, and explanatory theory too often become the special province of multiple-actor institutions like Congress, institutions with clearly delineated rules, procedures and norms of behavior to structure interaction both among members and between members and their broader political environment. The presidency, on the other hand, is a single-actor institution. Such rules and procedures as might govern presidential behavior in office are, within broad parameters, either self-imposed or unenforceable. This relative absence of constraint, in turn, allows for the free play of idiosyncrasy and militates against comparison and theory.⁹⁷

A focus on the electoral college suggests one way the

⁹⁷ Skowronek's book is the most obvious exception to this criticism, but see also Jeffrey K. Tulis, *The Rhetorical Presidency* (Princeton: Princeton University Press, 1987) and, from within an explicitly rational choice framework, see Terry M. Moe, “Presidents, Institutions and Theory,” in George C. Edwards III, John H. Kessel, and Bert A. Rockman, eds., *Researching the Presidency: Vital Questions, New Approaches* (Pittsburgh: University of Pittsburgh Press, 1993), pp. 337-85.

presidency might be more fully integrated with broader understandings of American politics and U.S. political development. Electoral college politics is a highly structured system of rules, procedures, and strategic norms. As such, its highlights institutional and behavior regularities that are susceptible of generalization. As case studies of Harry Truman and Bill Clinton illustrate, the competition for swing states and pivotal groups imparts a systematic character to presidential actions as well as the process of relative group influence. In clearly identifiable ways, presidential commitment and opportunism are induced features of the competitive processes of coalition building, and in particular of the imperative to fashion a coalition that will yield an electoral vote majority. Similarly, the structure of relative access and leverage in the governing counsels of the White House derives in important ways both from group location in a matrix of “sure states” and “doubtful states” and from the presence of what I have called “credible shopping options” -- the availability of attractive electoral alternatives and the willingness to use those alternatives to one's advantage.

The emphasis in this paper has centered on the institutional properties of the electoral college and the structural features of presidential competition. Yet, as we have observed, political outcomes were in no way *predetermined* by the institutional “logic” of the electoral college. Neither social groups nor presidents are mere mechanical actors executing their assigned roles in the march of American history. As the case of Harry Truman suggests most clearly, presidential opportunism is always present, it is built into the very nature of party management. Presidents must piece together and maintain diverse and sometimes unwieldy coalitions. They have built around themselves an elaborate network of institutional support to study and monitor the electoral ramifications of every important presidential action. Given this propensity for presidential opportunism, the ability of social groups -- even electorally pivotal ones -- to secure policy changes on their own terms still requires extensive, creative, and determined political organization. The perceived willingness of African Americans to resist the new segregated draft by tactics of civil disobedience had a clear effect on Truman's political calculus. On the eve of a close election, the threat of a bloody confrontation between the Executive and thousands of

young black draft resisters had a catalytic effect on Truman's posture toward demands for a presidential desegregation order.

In light of this, one might wonder whether the ban on gays and lesbians in the military might have been lifted had gay rights and other liberal organizations been quicker to organize their lobbying activities of if they had undertaken civil disobedience tactics of their own. The analysis of this paper suggests that the final outcome might have been marginally improved. But in light of the structure of entrenched opposition, it seems unlikely that a wholesale dismantling of prohibitions against homosexual military service could have occurred without the disruptive capacities of the presidency fully deployed. In this sense, African Americans had a critical advantage in their effort to impress the order-shattering potential of the Truman presidency into service, the leverage of a pivotal voting bloc with credible shopping options. As long as Clinton was preoccupied with securing the political conditions necessary for the satisfaction of Perot supports, gays and lesbians would be denied the use of the presidency as a driving wedge in the door of political change.