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Family Values and Presidential Elections

The Use and Abuse of the Family and Medical Leave Act in the 1992 and 1996 Campaigns

Steven K. Wisensale, Ph.D.

This article explores how and why the debate on family leave policy became intertwined with the discussion of family values during the 1992 and 1996 presidential campaigns. It covers the emergence of family values in political debates in general and in election-year strategies in particular, the developmental history of family leave policy, including important benchmarks that occurred at both the state and federal levels. It also considers the role played by family values and family leave during the 1992 election and how the family leave bill and at least two other legislative proposals became important components of the discussions about family values during the 1996 presidential campaign, particularly the Democrats' use of "family leave day" on September 24.

Although the first family leave bill in the nation's history was introduced in 1985 by Patricia Schroeder, Democrat of Colorado, in the House and Christopher J. Dodd, Democrat of Connecticut, in the Senate, the debates that followed failed to produce any legislation. Both President Ronald Reagan and Vice President George Bush staunchly opposed the enactment of such a measure. Meanwhile a more intense debate occurred in state legislatures, where, over an eight-year period in which the original proposal was stalled in Washington, almost thirty states and the District of Columbia adopted some form of family leave legislation.¹

Unlike Reagan, who never saw a family leave bill cross his desk, President Bush vetoed the proposal twice, in 1990 and again in 1992. Each time Congress failed to muster enough votes to override his veto. Prior to his second veto, however, Bush submitted to Congress a counterproposal that replaced government mandates with tax incentives for businesses willing to provide family leave to their employees. Rejected by the Democratic majority Congress, Bush responded by vetoing the opposition party's bill in late September, just four months after Vice President Dan Quayle's attack on Murphy Brown, a month after the Republican nominating convention emphasized family values, and six weeks before the presidential election that ended his term in the White House. Then, on February 5, 1993, just three weeks after being sworn in, President Bill Clinton signed the Family and Medical Leave Act, the very first bill passed by his administration.

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I explore how and why the debate over family leave policy became intertwined with the discussion of family values during the 1992 and 1996 presidential campaigns, namely, the emergence of family values in political debates in general and in election-year strategies in particular, the developmental history of family leave policy, including important benchmarks that occurred at both the state and federal levels, the role played by family values and family leave during the 1992 election, and how the family leave bill and at least two other legislative proposals became important components of the discussions about family values during the 1996 presidential campaign, particularly the Democrats' use of "family leave day" on September 24.

The Emergence of Family Values in Political Debates and Election-Year Strategies

The focus on family values in political discussions is a relatively new phenomenon. Despite the fact that William Safire has produced multiple editions of his *Dictionary of American Politics*, the term "family values" does not appear in his work until the 1995 edition, indicating the relatively recent political use of the term. According to Safire, the words were included in the 1976 Republican platform. "Divorce rates, threatened neighborhoods and schools and public scandal all create a hostile atmosphere that erodes family structures and family values."² Eight years later New York governor Mario Cuomo referred to family and values separately in his 1984 speech before the Democratic National Convention.

In 1992, however, "family values" served as one of the GOP's attack dogs in the presidential campaign. Dan Quayle launched a verbal assault against the TV sitcom *Murphy Brown*, and an entire evening of the Republican National Convention was devoted to "family values night," during which presidential candidate Patrick Buchanan delivered a prime-time speech that warned the nation about a coming "culture war." Meanwhile, the Christian Coalition, under the leadership of TV evangelist Pat Robertson, who ran for the presidency as a Republican in 1988, attacked the Clintons in particular. "When Bill and Hillary Clinton talk about family values," stated Robertson, "they are not talking about either families or values. They are talking about a radical plan to destroy the traditional family and transfer its functions to the federal government."³

The implication in the Republicans' use of the term for political purposes was that the Democrats had assumed a permissive attitude toward moral standards in general and abortion, single parenthood, and homosexual rights in particular, thus undermining the institution of the family. But with both political parties attempting to capture what Gilbert Steiner refers to as the "higher moral ground" in the debate over the family, the Democrats fired back in 1992, accusing the Republicans of using the term as a code phrase for intolerance and discrimination.⁴ Further, it was a Democratic Congress that passed its version of the family leave bill in the middle of the 1992 campaign, prompting candidate Clinton to conclude that "Republicans talk about family values while Democrats value families."⁵ Consequently, by Election Day the Republicans had adopted a new term, "traditional values," in their attempt to capture the higher moral ground.

The focus on family values did not end in 1992. With the Republicans winning both houses of Congress for the first time in more than forty years, the debate over

family values was very much a part of the 1994 off-year election. Of the ten proposals included in the Republicans' Contract with America, for example, at least four were aimed specifically at families. Two years later, in Clinton's quest for a second term, it was the Democrats who made Families First their campaign slogan. Voters were reminded that the Family and Medical Leave Act of 1993 was the first bill ever signed by President Clinton, that George Bush had vetoed it twice, and that Clinton's 1996 opponent, Bob Dole, led the vote against the bill's passage in 1990 and 1992 while serving as majority leader of the Senate.

Despite the verbal sparring over family values during the last two presidential campaigns, only a handful of family-oriented bills were ever adopted and signed into law. While both Democrats and Republicans hold dear their respective concepts of family values, the two parties approach family policy from different angles. The Democrats have been inclined to create or fund costly programs designed to meet basic social needs. Republicans, on the other hand, have focused on strengthening the so-called moral fabric through restricting access to abortions, regulating the content of TV, films, and music aimed at children, and by "getting tough" on "undeserving" welfare recipients. As a result, we find ourselves staring at a split screen. On one side is the volatile and emotional public debate on family values that appears to surface whenever it is politically profitable for one party or the other. Juxtaposed with this image is the stark reality of legislative gridlock on family policy initiatives or what Steiner refers to as "the futility of family policy."⁶ Between 1985 and 1993, however, the split screen merged into one when the discussion of family values and family policy converged at the very heart of the family leave debate.

The Developmental History of Family Leave Policy

The debate about family leave policy began at the state, not the federal, level. Why it transpired in this particular order can best be explained by first referring to the growing interest in family policy that was spawned during the Jimmy Carter administration and inherited by the Reagan and Bush administrations.

Two events initiated during the Carter years are particularly significant with respect to family policy in general and family leave in particular. The first was during his 1976 campaign for the presidency when Carter issued his Nine Point Plan for the Family, a collection of campaign promises that ranged from welfare reform to stricter child support laws to federally funded child care programs.⁷ In the second, near the end of his term, Carter convened the first and only White House Conference on Families, considered by many to be a major benchmark in the developmental history of American family policy.⁸

The significance of these two milestones should not be overlooked. An onslaught of books and articles on family policy began almost immediately after the closing session of the 1980 White House Conference and has continued at a steady pace ever since. In addition, by 1987 at least twenty-four states had created special commissions or task forces on the family.⁹ Five states in particular — California, Connecticut, Illinois, Massachusetts, and New York — took specific steps to address the needs of families.¹⁰ And one state, Connecticut, passed an entire family policy package in 1987.¹¹ Furthermore, even prominent think tanks began to devote greater time and effort to family policy issues.¹²

But what emerged at the state level was conspicuously absent at the federal level.

By the time Ronald Reagan assumed the presidency in 1981, the family had already made its way onto the political agenda in Washington. But its very presence was in sharp contrast to Reagan's basic political philosophy. It also ran counter to his approach to social policy, which was guided by three major themes: decentralize, informalize, and privatize. It is not surprising, therefore, that whatever political energy was generated during the Carter years and directed toward the White House in 1981 was quickly deflected back to the states, particularly with respect to family issues. New federalism would determine the fate of family leave policy over the next twelve years. For the sake of clarity, and for discussion, I have divided this twelve-year time frame into two distinct segments, the debates in the states and the fate of family leave initiatives during the Reagan years.

Debates in the States

Although the first family leave bill in the nation's history was introduced by Congresswoman Pat Schroeder in 1985, the debates that followed at the federal level failed to produce any legislation until 1993. Both the Reagan and Bush administrations staunchly opposed the enactment of such a measure. However, a more energetic debate occurred in state legislatures. Over an eight-year period, while the original proposal stalled in Washington, nearly thirty states and the District of Columbia either debated or adopted some form of family leave policy.

Seven major policy issues, based on an analysis of the laws enacted by the various states between 1987 and 1993, were raised and debated. (1) Should such a bill cover public employees, private employees, or both? (2) What should be the size of the company to which it is applied? Fifty employees? One hundred employees? Two hundred? (3) What should be the length of the leave? Two weeks? Twelve weeks? Twenty-four weeks? (4) Who should be eligible? Pregnant women and new mothers only? What about a parent caring for a child or an adult child caring for an elderly parent? (5) Should benefit coverage continue during a leave of absence? For example, should health and dental care as well as disability insurance coverage remain intact for an employee on leave? (6) Should employees be guaranteed their jobs upon their return to work? (7) Will not the cost of such a leave policy burden companies, particularly small ones?

One issue that was never raised during any of the states' debates, except briefly in Massachusetts, was whether there should be any wage replacement for workers requesting leave.¹³ After two years of debate at the state level, four states enacted family leave legislation in 1987: Connecticut, Minnesota, Oregon, and Rhode Island. Over the next six years another twenty or more states would follow, with each responding to the seven issues identified above in their own particular way. Meanwhile, momentum in support of comparable legislation at the federal level was building ever so slowly in Washington.

Federal Family Leave Initiatives during the Reagan-Bush Years

If states are indeed the "laboratories of democracy," as argued so convincingly by David Osborne, the debates on family leave that occurred in state legislatures helped

to establish the parameters for the policy debate that transpired in Congress.¹⁴ Although the seven major issues identified above quickly generated political echoes in Washington, victory for the proponents would not come easily.

During both the Reagan and Bush administrations, opponents of a federal bill relied on three common arguments to block its enactment. First, they contended that most firms already voluntarily provided family leave, making government mandates unnecessary. Second, they argued that parents wanted child care, not family leave. And third, they focused on costs. That is, mandated leave would increase the cost of doing business, therefore placing American firms at a disadvantage in the global economy.

When Schroeder introduced the Parental and Disability Act in Congress in April 1985, she was not immediately confronted by the opposition. Although it moved quickly at first, it stalled in committee in 1986 during the latter days of the 99th Congress. However, in response to two lobbying groups, it would be reintroduced in the 100th Congress in 1987 with a new title, the Family and Medical Leave Act. One group insisted that the bill extend beyond mothers and include other family members. The other group, representing the “differently abled,” objected to the term “disability” and argued successfully for its replacement by the broader and less stigmatizing “medical.”¹⁵

The Family and Medical Leave Act of 1987, H.R. 925 and S. 249, sponsored by Schroeder in the House and Dodd in the Senate, attracted many supporters and at least two major opponents. Both the U.S. Chamber of Commerce and the National Association of Manufacturers quickly labeled it an unnecessary mandated benefit and argued that its passage would represent an unprecedented intrusion into the workplace by government.

More important perhaps was the introduction of a competing family leave bill by Republican Congresswoman Marge Roukema of New Jersey, the ranking minority member of the Subcommittee on Labor Management Relations of the House Education and Labor Committee. In contrast to the Schroeder-Dodd version, the Roukema bill applied to fewer companies, provided for fewer weeks of leave, and was more restrictive. Roukema’s action, however, opened the door for discussion and eventually a compromise. She was joined by other moderate Republicans, including congresswomen Olympia Snowe of Maine and Nancy Johnson of Connecticut and Senator James Jeffords of Vermont.¹⁶

Meanwhile, the Senate version of the bill lay dormant and Chris Dodd, unlike Pat Schroeder, was unsuccessful in finding a Republican partner who could produce a counterproposal that would break the legislative gridlock. Without at least one GOP supporter, Dodd would need all nine Democratic votes on the Senate Labor Committee to avoid a tie and death for his bill. Equally significant, his reluctance to include elder care in his version because “he feared doing so would make the bill look less like a protection for children,” turned off some Democrats, including Howard Metzenbaum of Ohio.¹⁷ Only after Dodd rewrote the bill to resemble the House version more closely did Republican senators Lowell Weicker and Robert Stafford of Vermont break ranks and help push the proposal forward.

In the fall of 1988, only months before the close of the 100th Congress, the Senate version went to the floor only to be slowed by South Carolina Republican Senator Strom Thurmond’s attachment of an ant-child pornography bill and then stopped by a Republican filibuster led by Bob Dole of Kansas. The Democrats countered by

resurrecting the Act for Better Child Care (ABC) and attaching it to the Family and Medical Leave Act (FMLA), a strategy that may not only have divided and weakened supporters of both bills but probably galvanized the opposition as well.¹⁸

Despite the fact that the ABC had been tabled for a year, the Children's Defense Fund and other child advocacy organizations were lobbying hard for its adoption when the FMLA went to the floor of the Senate. For some it meant fighting a battle on two fronts. "Almost everyone in the parental leave coalition was also working on the child bill," stated Sammie Moshenberg of the National Coalition for Jewish Women. "In my own organization, I could not tell you which was a greater priority."¹⁹

In either case, neither bill ever reached Ronald Reagan's desk in the Oval Office. Already pronounced dead in the House, they were eventually pulled from the floor of the Senate by Democratic majority leader Robert Byrd of West Virginia on October 7, 1988, following the Democrats' failure to overcome a Republican filibuster. So through a combination of a reluctant Congress, a divided coalition that was forced to lobby two important bills simultaneously, à la *Sophie's Choice*, a weakened president in the lame-duck phase of his administration, and strong opposition from the business lobby, the Family and Medical Leave Act died before George Bush was elected president in November 1988.

When *Time* named George Bush its Man of the Year, it indicated that there were two presidents, and the "foreign President Bush" was much different from the "domestic President Bush."²⁰ In foreign affairs Bush saw his approval ratings soar to more than 90 percent during a brief period in which he witnessed the collapse of the Soviet Union, the reunification of East and West Germany, and the United Nations' victory in the Gulf War, for which he received much of the credit. His repeated reference to America's role in a "new world order" was well received by the general public.²¹

Bush's domestic policy, however, was quite another matter. Some have even argued, for example, that excluding Reagan, "Bush has had the most limited domestic agenda of any president since Hoover."²² Bush began his presidency with the themes a "kinder, gentler nation" and "a thousand points of light" and ended it by defending a sluggish economy that his opponent described in a campaign sound bite, "It's the economy, stupid." Like Reagan, Bush saw little or no role for government in addressing many of the nation's domestic challenges. He had "an almost 19th-century approach to social ills. The answer is not government, but the kindness of individuals."²³

But the explanation for Bush's limited domestic policy may extend well beyond his preference for limited government involvement in addressing the nation's social problems. On entering the White House in 1989, he was immediately confronted with a political reality that would haunt him for the next four years: although he won the presidency, his party lost ground in Congress, primarily because many Bush voters split their tickets and voted for Democratic congressional candidates. As a result, Bush ran behind the winning ticket in 85 percent of the House districts.²⁴ And if he was weak under the 101st Congress, he became even weaker after the 1990 off-year election and the termination of the 102nd Congress. With his party already down 85 seats in the House and 10 in the Senate, Bush and the Republicans lost additional seats.

Not surprisingly, faced with an aggressive Democratic Congress, Bush's legislative strategy on domestic issues during the 101st and 102nd Congresses was more reactive than proactive, an approach that produced 25 vetoes in his first three years in office and resulted in only one veto ever being overridden by Congress during his four-year term.²⁵ The veto or threat of veto were both employed by Bush to defeat and shape family leave and child care legislation, respectively, during his term.

But it is difficult to discuss the fate of the family leave bill as if it existed in some sort of political vacuum. It, like other policy proposals, became entangled with an assortment of legislative initiatives that would produce synergistic effects and to one degree or another shape policy outcomes. Thus, in analyzing family leave policy during this time, it is imperative that it be discussed within the context of the debate over child care legislation, which was occurring simultaneously.

It was during the 1988 presidential campaign that a Gallup poll in May and a *New York Times* survey in July reported that more than half the respondents desired an increase in federal day care spending.²⁶ With opponent Michael Dukakis supporting the Democratic versions of the ABC bill and family leave, candidate Bush responded by proposing a tax credit program to support day care and argued that corporations should voluntarily adopt family leave policies rather than be mandated to do so by government.

When Congress reconvened in 1989, House and Senate Republicans introduced the Bush version of the ABC bill. Believing that the real problem was not the regulation of supply of child care but rather that working families needed more income, they pushed for a "toddler tax credit" of \$1,000 for families with up to two children under age five. This approach also allowed for "parental choice" of child care, be it a relative, a neighbor, or a private organization.²⁷

In the Senate, Republican Orrin Hatch of Utah veered away from Bush slightly in trying to address concerns over the supply of day care. He proposed a \$250 million a year block grant to be administered by the states over three years, combined with the Bush tax credit proposal. Bush, however, opposed Hatch's block grant approach. The Democrats, on the other hand, continued to support the original ABC bill introduced during the Reagan years.

It became clear early on that the adoption of child care legislation would not come easily. To outside observers it was also clear that in order to pass child care, many of the key players in the game would have to change uniform. Orrin Hatch would alienate fellow Republicans and aggravate President Bush by joining Democrats in support of the block grant approach. Congressman Tom Downey of New York, head of an influential House Ways and Means subcommittee, would split with his Democratic colleagues and support a version of Bush's toddler tax credit. Key ABC lobbying groups, such as the National Education Association and the American Jewish Committee, attacked Marian Wright Edelman and most of the feminist organizations when Edelman and the feminists agreed to the Republican proposal of vouchers to fund care in religion-sponsored child care centers. Edelman's position also angered Democratic Congressman Augustus Hawkins of California, chair of the House Education and Labor Committee, who was vehemently opposed to vouchers, primarily because he sought funds to expand the Head Start program.²⁸

Following a year of debate, gridlock, and eventual compromise, the Child Care and Development Block Grant was signed into law by President Bush in October

1990 as part of the Omnibus Budget Reconciliation Act. The final version of the bill may reveal more about the state of Congress in the 1990s than the nation's commitment to children. In the end, the act included \$732 million to be distributed by the states, a tax credit that applied to children under age thirteen whose family income did not exceed 75 percent of the state median income, and the expansion of Head Start to provide full workday and full calendar year service. It included religious organizations as providers but excluded public schools, and standards on health and safety are to be created and enforced by the states, not the federal government.

While child care would achieve success during the Bush years, family leave would experience a different fate, as it became stalled for years over the issue of government mandates versus corporate choice. In an attempt to break the impasse, Marge Roukema promised Republican support for the bill provided the Democrats promised not to use it to open the door to other mandated benefits such as child care and health insurance. Chris Dodd and Democratic Senator Ted Kennedy of Massachusetts, however, saw nothing wrong with mandating benefits for unprotected employees. "They thought such a strategy was entirely proper, in view of the Reagan-Bush policies of low taxes, high corporate profits, and federal budget deficit accumulations."²⁹

By May 1990 the original Schroeder bill introduced during the Reagan administration was modified to cover only those businesses with fifty or more employees. It called for twelve weeks of unpaid leave to employees but maintained health benefits and job guarantees. Had it been adopted, it would have affected only 5 percent of employers and 44 percent of employees. The proponents and opponents were familiar faces, and their positions were predictable. For example, the Chamber of Commerce, the National Association of Manufacturers, and the National Federation of Independent Businesses argued that the bill supported by "organized labor and the more radical feminist groups . . . is just the first step toward 100 percent coverage and paid leave."³⁰

After passing in the House by a vote of 237 to 187 and by a voice vote in the Senate, President Bush kept his promise and vetoed the measure on June 14, 1990. A House effort to override his veto failed eleven days later. The bill, however, would emerge again two years later in the midst of the presidential election and Bush would veto it a second time. How it became entangled with family values during the 1992 presidential campaign and why it was eventually adopted by Congress and signed into law is discussed below.

Family Values, Family Leave, and the 1992 Election

Family values as a campaign issue was catapulted onto the 1992 presidential campaign by a rather convoluted assortment of characters and events that included Rodney King, a victim of police brutality; a riot in South Central Los Angeles that followed a controversial jury verdict; a fictitious TV character and single mom, Murphy Brown; a feisty vice president, Dan Quayle; a special speech on families delivered in Cleveland by candidate Bill Clinton; and a night devoted to "family values" at the Republican Party's nominating convention. The ultimate outcome was the election of a new president, a reassessment of how seemingly unrelated events can shape social policy in America, and the push to get more family-oriented issues

onto the political agenda. How and why this has occurred deserves some explanation.

In the spring of 1992, several Los Angeles police officers who were accused of excessive force in the videotaped beating of Rodney King, an African-American male who was stopped for a traffic violation, were acquitted by an all-white jury in a conservative suburban community of Los Angeles. The verdict produced a riot in the predominantly black community of South Central Los Angeles, resulting in numerous deaths and major losses of property. Several days later Dan Quayle appeared on national television and blamed the L.A. riots on the deterioration of the American family. He also blamed Hollywood for its anti-family bias that produced such shows as *Murphy Brown*, in which the main character, a highly successful career woman, chose to have a child through artificial insemination and raise it without a father. This outburst by Quayle prompted a response from the Democratic Party's leading candidate for the presidential nomination.

In early May, approximately two weeks after Dan Quayle's attack on *Murphy Brown*, Bill Clinton delivered a speech in Cleveland, Ohio, in which he outlined his "eight-point plan on the American family." His proposal included an intense media campaign to combat teen pregnancy, an \$800-per-child tax credit for preschool children, an expansion of the Earned Income Tax Credit, a greater emphasis on child support, a call for more child-sensitive divorce laws, more parental responsibility, greater emphasis placed on family preservation programs, and the adoption of a family leave policy.³¹

Two months later the Republicans devoted an entire evening to "family values" at their nominating convention while a Democratic Congress sought to embarrass President Bush by pressuring him to sign the Family and Medical Leave Act. Beginning on the eve of the Republican National Convention, the Senate approved its version of the bill by a voice vote on August 11. Although Senator Dodd favored a roll call vote, Republican leaders threatened to block it, thus preventing the bill from leaving the Senate before the August recess, scheduled to begin August 13.

Despite growing support from such conservative Republicans as senators Kit Bond of Missouri and Dan Coats of Indiana and congressmen Tom Coleman of Missouri, Bill Young of Florida, and James Saxton of New Jersey, who were recruited through a variety of Democratic concessions, the Bush administration continued to oppose the proposed legislation. "They were not willing to deal," stated Bond. "I think the president is just plain wrong on this . . . and . . . it is a failure to reinforce what is a very important part of his platform."³²

As the 1992 presidential campaign continued, the House passed the measure on September 10 by a 241 to 161 vote, and Republicans described the bill as an election-year ploy designed to embarrass Bush. On September 16, President Bush announced an alternative to the Democratic bill. Instead of government mandates, he argued, businesses should be offered tax incentives. That is, a refundable tax credit of 20 percent of compensation — up to \$100 a week to a maximum total of \$1,200 — would be available for all businesses with fewer than 500 employees for a period of family leave of up to twelve weeks. More important, argued the president, his proposal would have covered about 15 million more workers and twenty times the number of workplaces than the Democratic version.

The day after his announcement, Congress sent its bill to the White House for Bush's promised veto. For Roukema, a longtime supporter of family leave, Bush's

alternative was “an interesting supplement to the basic bill. But it is no substitute. To use the tax incentives does not give the job guarantee,” she said.³³ Republican Congressman Dick Armey of Texas, who opposed family leave from its inception, described the timing of Bush’s proposal as “unfortunate.” “To the extent the president’s proposal is political, it’s in response to the timing of the Democrats,” Armey continued. “They thought this is a great time to embarrass the president by sending him a family leave bill so close to the election.”³⁴

With Congress ignoring his plea, Bush vetoed the Family and Medical Leave Act for a second time on September 22. “I want to strongly reiterate that I have always supported employer policies to give time off for a child’s birth or adoption or for family illness and believe it is important that employers offer these benefits,” he stated in his veto message. “I object, however, to the federal government mandating leave policies for America’s employers and work force.”³⁵

Two days later, and after four years and thirty-two vetoes from President Bush, the Senate finally produced enough votes to override his opposition to a bill. Voting 68 to 31, two votes more than the two-thirds necessary, the Senate refused to sustain the president’s veto on September 24. Within a week, however, the House failed to override the veto. On September 30, by a vote of 258 to 169, the veto override attempt fell short by 27 votes. Not to be overlooked is the fact that forty-two Democrats voted to sustain the president’s position.³⁶ The bill was dead for the 102nd Congress.

In November Bill Clinton became the first Democrat to be elected president in twelve years. With his victory, the 103rd Congress underwent a major transformation. The 1992 elections produced 110 new House members and 13 new senators, including unprecedented numbers of women and minorities. In the Senate, the number of women increased from 2 to 6; in the House, the number of women grew from 29 to 48. But the newcomers did little to change the partisan composition of the two houses. The Democrats’ 57 to 43 advantage in the Senate was identical to that of the 102nd Congress, and the 258 to 176 to 1 House edge represented a loss of only 10 seats. In contrast to the Reagan-Bush era, there would be little discussion of the number of votes necessary to override presidential vetoes.³⁷ Owing perhaps to the near doubling of females in Congress, family-oriented issues in general, and the family leave bill in particular, received increased attention even before Bill Clinton was sworn into office.

Between Election Day and Inauguration Day, both the House (265 to 163) and the Senate (71 to 27) acted favorably on the Family and Medical Leave Act. Not surprisingly, the key players in the legislative debate took predictable positions on the familiar territory they had staked out as early as 1985. The National Federation of Independent Businesses, the National Association of Manufacturers, the U.S. Chamber of Commerce, and the Concerned Alliance of Responsible Employers argued against the bill. They were countered again by the American Association of Retired Persons, the Children’s Defense Fund, and the Women’s Legal Defense Fund. Unlike the child care coalition of the 1970s that weakened over an eight-year period, however, the FMLA coalition grew stronger by using its eight-year period to bring even old enemies into the tent. “By making common cause with antiabortion conservatives, the basic core of feminists and liberals had performed the essential trick that turns ideas into laws. They surrounded the opposition and minimized it.”³⁸

In essence, the battle ended when Congressman Henry Hyde, the conservative

Republican from Illinois, took the floor of the House just weeks before Clinton's inaugural and spoke in favor of the bill. While this image may serve as a description of what happened in the end, an explanation of how it all came about might be found in the statements of two key antagonists. "It hurt us to see it referred to as 'watered down,' but it helped with the numbers," explained Donna Lenhoff of the Women's Legal Defense Fund, describing the proponents' legislative strategy.³⁹ On the other side, Mary Tavenner of the Concerned Alliance of Responsible Employers said, "If we had not been there family leave would have passed as written. We made them change it. The bill became more and more 'reasonable' until inevitably some businesses were neutralized."⁴⁰

The Family and Medical Leave Act of 1993, signed by Bill Clinton during a ceremony in the White House Rose Garden on an unusually warm February 5, represented the first major piece of legislation signed by the new president. As a result, employees in companies with fifty or more workers have the right to twelve weeks of unpaid leave to care for a child, a spouse, an ailing parent, or oneself. The bill also guaranteed job security and required an employer to continue health care benefits during the leave of absence. Finally, the act permitted a company to deny leave to a salaried employee who falls within the higher paid 10 percent of its workforce.

With the passage of the FMLA, however, at least three perplexing questions emerged and remain with us: (1) Why did President Bush wait so long to offer an alternative to the Democrats' proposal, particularly if he believed the opposition party was deliberately attempting to embarrass him over the family values issue and why didn't he offer his tax incentive proposal sooner? (2) With Clinton riding high on a presidential victory that brought with it a Democratic-controlled Congress, why did he not seize the opportunity to push for a much stronger family leave bill? Why, especially during the honeymoon phase of his administration when his political influence was probably at its zenith, did the newly elected president choose to settle for the minimum and thus provide the nation with one more example of what some may label as symbolic politics? (3) Because it is unpaid and applies to only 5 percent of the corporations and 60 percent of the workforce, how effective can it be in addressing the caregiving needs of America's families?

Family Values and Family Leave in the 1996 Election

The Department of Labor's Commission on Family and Medical Leave, chaired by Senator Chris Dodd, released its report in April 1996. It reached two major conclusions: relatively few (7 percent) of the eligible employees are actually taking leave for "FMLA reasons," and so far the act has cost employers very little for administration.⁴¹ Meanwhile, President Clinton made it clear that if elected to a second term in 1996 he would seek to expand the FMLA in two ways. Two days will be added to the twelve weeks so that parents may visit their children's schools for parent-teacher conferences or use the time to accompany a family member to a physician's office, and if the FMLA is expanded, employees will be able to cash in their overtime hours for time off to address family needs.

What worked for the Democrats in the 1992 election was employed again in 1996. Choosing Families First as their campaign theme, the Democrats captured, at least temporarily, what Steiner refers to as "the higher moral ground" on family values.⁴² Not only did Bill Clinton remind the voters that the Family and Medical

Leave Act was the first bill he ever signed as president, but also that his opponent, Bob Dole, had voted against it twice and had engineered Republican attempts to kill the measure on the Senate floor.

Most blatantly, perhaps, the Democrats selected September 24, 1996, as Family Leave Day to remind voters that on that date four years earlier, Bob Dole had voted to uphold George Bush's veto of the bill. Family advocates, business leaders, and key legislators across the nation held special news events in forty-four states not only to highlight the success of President Clinton's Family and Medical Leave Act but to bash Bob Dole in the process. This approach was similar to the Clinton campaign's efforts in forty-six states on September 18, which drew attention to the administration's anti-crime record. That event alone generated more than 500 local television news stories.⁴³

Family Leave Day was developed by Ann F. Lewis, the deputy campaign manager for communications. She was assisted by Stephanie Foster, manager of the campaign's women's outreach initiatives; Stacie Spector, the deputy communications director for field communications; and Donna Lenhoff, one of the original architects of the FMLA and a volunteer on leave from her position as general counsel for the Women's Legal Defense Fund. President Clinton, Vice President Gore, First Lady Hillary Rodham Clinton, and Tipper Gore kicked off the nationwide events in New Jersey, Louisiana, Connecticut, and Tennessee, respectively.⁴⁴

In a relatively brief twenty-three-minute talk in front of a Freehold, New Jersey, Revolutionary War monument, President Clinton reminded his audience that it was his administration that enacted the Family and Medical Leave Act. "You hear people talking all the time about family values. Well, if we're going to talk about family values, shouldn't we value families?" the president asked. "I never go anywhere in America — never — that I don't meet families who have at least one or two examples in their own lives where they have felt the wrenching conflict between their responsibilities to their children or their parents, and their responsibilities at work."⁴⁵ Standing by his side were David Del Vecchio, a candidate for the 12th district, and Congressman Bob Torricelli, the Democratic candidate who was seeking to capture the U.S. Senate seat vacated by Bill Bradley.

Campaigning in Southern states where Republicans have strong support, Vice President Gore appealed to moderate voters by pushing the president's proposal to expand the existing Family and Medical Leave Act to cover short periods of unpaid time off for medical appointments and PTA meetings. Speaking in Shreveport, Louisiana, the vice president also took a swipe at Bob Dole for his position on family leave. "Again, if we're going to say we value strong families . . . then we've got to be willing to put our laws where our political rhetoric is."⁴⁶ Mary Landrieu, Louisiana's Democratic candidate for the U.S. Senate, was standing by the vice president's side. "Guess who voted against it?" Landrieu asked the crowd of supporters. "Bob Dole, six times"⁴⁷

Hillary Rodham Clinton, speaking at Connecticut College in New London, Connecticut, on September 24, reminded the audience that it was her husband who signed the FMLA and that it was Bob Dole who opposed it, emphasizing once more that "while Republicans talk about family values, Democrats prove that they value families."⁴⁸ Representatives from two families who used family leave in the past and

were therefore thankful for its existence appeared with the First Lady. Her visit was also aimed at boosting Congressman Sam Gejdenson's reelection bid. Just two years earlier he had defeated his opponent by only twenty-one votes.

Appearing at several rallies in Tennessee on September 24, Tipper Gore also highlighted the virtues of family leave while reminding voters that Bob Dole's labeling of Bill Clinton as a liberal was a distortion. "When I think of this administration, 'liberal' does not come to mind. We're very much middle of the road. The Democratic campaign's emphasis on family issues and values could be labeled conservative," she said.⁴⁹ Mrs. Gore appeared with Tennessee politicians who had supported the FMLA and several families who had benefited from it. She visited the Johnson City Medical Center Children's Hospital and participated in a round table discussion at the Ronald McDonald House nearby. She later joined another round table discussion on the attributes of the FMLA at a private home in Clarksville.

Concurrently, similar events were being held across the country. Department of Labor Secretary Robert Reich participated in radio interviews in Boston and Worcester, Massachusetts. In Florida, Governor Lawton Chiles held a news conference at Wackenhutt Security Firm in West Palm Beach. In Atlanta, at a Ben and Jerry's ice cream shop, Vicki and George Yandel also held a news conference. Mr. Yandel was fired when he took time off from work to be with his dying daughter. Ben and Jerry's was the chosen site because the company had provided family leave benefits to its employees prior to the passage of the 1993 act. In Indianapolis, Indiana, Governor Evan Bayh sponsored a workshop on father-friendly workplaces. Of all the Family Leave Day events organized in forty-four states, very few did not include politicians who were competing for office. Clearly, the Family and Medical Leave Act had become valuable political currency for Democrats in the 1996 campaign.

But while the Democrats continued to hit Bob Dole over the head with the family leave issue in 1996 as they had done with George Bush four years earlier, the Republican response was ineffective. Candidate Dole continued to emphasize that he had opposed the bill in 1992 and that he would do so again if he were still in the Senate and it came to the floor for a vote. Instead of taking family leave head-on, Bob Dole and the Republicans attempted to corner Bill Clinton on family values by enacting two particular pieces of legislation in the summer before the election: the Welfare Reform Act of 1996 and the Defense of Marriage Act.

With respect to the former act, Clinton surprised the Republicans by stating he would sign what many considered to be a harsh bill. Viewing it as "veto bait" that could be used against him later in the campaign, as the family leave bill was used against Bush in 1992, the president alienated many loyalists and lost some key White House staffers when he placed his signature on the legislation in August. His opponent could not accuse him of being soft on welfare.

With respect to the Defense of Marriage Act (DOMA), Clinton found himself negotiating a political minefield that was saturated with family values. Following a December 1995 court ruling in Hawaii that legalized same-sex marriages, state legislatures and members of Congress moved quickly to inoculate themselves against the recognition of such marital unions in other states or by the federal government. The passage of DOMA, clearly earmarked as veto bait, was part of a Republican strategy to embarrass the same president who spoke out strongly for gay rights in the military early in his term. A veto of the bill would jump-start a lethargic, if not dead, Dole camp just in time for the home stretch of the campaign.

Instead, President Clinton heeded the words of his adviser, Dick Morris, and practiced triangulation, a sailing technique of steering into a tough wind. It was the same procedure Clinton had applied to the Welfare Reform Act. Unlike the Family and Medical Leave Act signed by Clinton with much fanfare in the White House Rose Garden in February 1993, the Defense of Marriage Act was signed at 12:50 A.M. on the morning of September 21, 1996, just six weeks before the election, by a president sitting alone in the Oval Office. When he refused to bend to gay activists who demanded that he pull Democratic campaign spots on Christian radio stations that praised him for signing DOMA, the president was then heeding the advice offered by Robert Byrd on the floor of the U.S. Senate during a heated debate over the bill. "At some point," stated the West Virginia Democrat, "a line must be drawn by rational men and women who are willing to say 'Enough.'"⁵⁰

Bob Dole had also had enough. Efforts to attack Bill Clinton on family values had failed miserably. What's worse, decisions made by the former senator four years earlier had been used to inflict serious damage on him during a campaign that would have had to be run flawlessly for him to at least have a chance of winning. With a strong economy staring him in the face, combined with failed attempts to corner the incumbent president on family values, Dole was finished politically. Consequently, although the Republicans would win both houses again, they would once again miss the opportunity to take the White House and have it all.

As the words from Bill Clinton's inaugural address drifted out over the nation on January 20, 1997, a soft echo from the not-too-distant past could be heard. Six and a half years earlier, on July 25, 1990, the White House was celebrating another failed override vote by Congress as the family leave bill went down to defeat. That evening, during a TV interview, David Gergen, a former Reagan communications director, criticized George Bush in general and the Republican Party in particular for missing the boat on family leave. "The issue was a winner for the Democrats," Gergen said, "because the Republicans were making it one."⁵¹ The issue would keep returning again and again, he warned in 1990, and it would be bigger every time it came back.

In retrospect, one must ask several question related to the role played by family values in general and family leave policy in particular during the 1992 and 1996 presidential campaigns. First, why didn't George Bush respond sooner to the growing gender gap that was so visible to so many others in both parties? Why did he wait so long to offer his alternative tax incentive version of the family leave bill despite being pressured by key Republican leaders to act much sooner? Second, and perhaps even more puzzling, how could Bob Dole repeat the same mistake four years later? Had he and mainstream Republicans not learned a thing from Bush's failure in 1992? Third, why did the Democrats settle for so little in the end, having won both houses of Congress and the White House in 1992 for the first time in twelve years? Were the major compromises they made really worth the victory? Why didn't they push for more in 1992 when they had the upper hand politically?

Although the Democrats used the Family and Medical Leave Act effectively in 1992 and in 1996 by rolling the bill into their family values strategy, they also abused it shamelessly by portraying it as something much more than it actually was. For in the end, the FMLA provided no paid leave and applied only to 5 percent of corporations and 60 percent of the workforce. However, it did provide that rapidly growing confederacy of cynics with one more excellent example of symbolic politics. ❀

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