

Mensch at Work

The dilemma of Joe Lieberman.

BY NOAM SCHEIBER

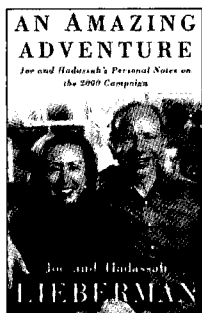
IT WAS BACK IN MARCH OF LAST YEAR when Joe Lieberman, overcome both by his gratitude to Al Gore and his own satisfaction at being capable of such gratitude, began to make the sort of statements that give political consultants indigestion, promising not to pursue the Democratic nomination in 2004 if Gore chose to run again. In many ways, the pledge summed up the Joe Lieberman Washington has come to know over the years—that rare politician completely lacking in guile, a man who unflinchingly places his personal honor above his political ambition. The problem is that Lieberman *is* a politician. And politically, the pledge was a self-inflicted wound—something no one had demanded of him but which, once offered, would inevitably tie his hands.

You might think that a politician who found himself in this situation would choose one of two options: Either break the pledge and deal with the inevitable flak, or live with the mistake and sideline his presidential ambitions. But Lieberman did neither—or, rather, both. Publicly he continued to affirm the pledge, if anything even more vigorously as time went by. Privately, he spent the next several months doing all the things presidential candidates do, giving speech after speech in key presidential primary states and raising money hand

over fist for his leadership PAC. This summer he floated criticisms of Gore's 2000 "people versus the powerful" mantra, highlighting the ideological distance between himself and his patron and implicitly identifying the rationale for his own candidacy. And, in recent weeks, he and his wife Hadassah have hosted a series of dinners with top Democratic operatives, whom they lobbied to hold out for a possible Lieberman campaign—or, at the very least, "not to commit [to another presidential candidate] unless they talked to him first," as one dinner guest recently told *Roll Call*.

Fortunately for Lieberman, Gore's decision not to run again made the pledge moot. Still, the episode epitomizes the dilemma Lieberman poses both for himself and the Democratic Party. On the one hand, he is a politician of real substance,

that rare high-profile Democrat who has serious thoughts about foreign policy—who, for instance, understands why the use of force might be a legitimate response to the threat of a nuclear-armed Iraq, but hopelessly counter-productive in North Korea. He has courageously dissented from the party's interest-group-imposed orthodoxy on issues like trade and education. And his reputation for moral clarity served the nation well at the height of the Lewinsky scandal, when he publicly condemned Clinton's behavior while balancing it with an argument that the president hadn't committed an impeachable offense.



AN AMAZING ADVENTURE
Joe and Hadassah's Personal
Notes on the 2000 Campaign
by Joseph and Hadassah Lieberman
Simon & Schuster, \$25.00

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On the other hand, Lieberman is so dedicated to preserving his good-guy credentials that, as with the pledge, he invariably boxes himself in with traps of his own making. He relished his role as head of the Senate Government Affairs Committee, particularly in the aftermath of the Enron scandal, which offered all sorts of juicy opportunities for congressional Democrats to investigate the Bush administration. But while Lieberman didn't hesitate to use his chairmanship to raise his profile on Enron—for example, by giving a major speech about the decline of corporate ethics—he balked

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when it came time to do the partisan dirty work that would have put the administration on the defensive. It took Lieberman more than three months from the time he announced his committee's Enron investigation to finally hand the administration a subpoena.

Like all politicians, Lieberman is well aware that to succeed politically you must occasionally throw an elbow—something no one would begrudge him since it's how the game is played. The difference between him and other politicians is that Lieberman's chief political asset is being the guy who never throws an elbow. This creates an interesting tension: The more he advances politically, the more aggressive and self-serving Lieberman must become to continue to advance—as would be true of anyone. But it's also the case that the farther he advances, the more visible he becomes, and the more critical it becomes to preserve his aboveboard reputation. Over time, the competing demands of his political ambition and reputation pull Lieberman in increasingly different directions. The strain is starting to show.

Love Me Two Times

An Amazing Adventure, Lieberman's new book about the 2000 campaign, has been written with two audiences in mind—Beltway insiders and the

broad swath of potential voters. For general consumption, the book, co-written with Hadassah, is packed with the sort of sentimental anecdotes that make morning talk-show producers coo. For example, Lieberman revels in the historic occasion of his vice presidential candidacy. There's the reprise of all the swooning day-after headlines; the frequent allusions to John Kennedy's nomination in 1960; the post-selection conversation with Jesse Jackson, who, Lieberman fondly recalls, explained that, "In America, when a barrier is broken for one group—or even for just one person—the doors of opportunity

open wider for every other American." The book opens by describing how Associated Press reporter Ron Fournier reacted when Gore's press aide leaked word of Lieberman's selection: "You're going to make history and I'm going to write it."

This is, to be sure, a legitimately inspiring story. But

here, too, Lieberman's fixation on virtue complicates things. He starts off proclaiming his reluctance to trade on his life story. But then he turns right around and reminds us that he is the child of a bakery truck driver and the first person in his family to go to college; that Hadassah was the child of Holocaust survivors and an immigrant herself; and that everywhere they went, this moved people to tears. Lieberman concludes that "[f]or a lot of first-generation Americans [Hadassah] became a symbol of what was possible for them and their children in America." Many of these passages are even supplemented, mockumentary-style, with brief reflections from Hadassah—as when she remarks that "In the campaign, something amazing happened. I talked about the fact that I was an immigrant and how that not only connected me in a very personal way with other immigrants but also seemed to make me more American."

By any measure, the Liebermans' biographies are tremendous political assets. A politician would have to be very foolish not to flog them on the campaign trail—especially since almost no one would think the worse of him for doing it. But Lieberman wants it both ways. He doesn't want to be a tacky politician, but neither does he want to deprive himself of the tools that tacky (which is to say, successful) politicians exploit. What he doesn't seem to

understand is that announcing your reservations about something you're going to do anyway only makes you look tackier.

For insiders, meanwhile, Lieberman's book reads like a blunt pitch for his presidential campaign. Early on, for example, he goes step by step through each Democratic interest group that could have vetoed his nomination in 2000—as if to prove his viability as a Democratic primary candidate in 2004. The trial lawyers were upset over his sympathy for tort reform, the teachers unions over his flirtation with vouchers, African-Americans over his discomfort with affirmative action, labor over his support for free trade. But Lieberman dispatches his longtime colleague Sen. Chris Dodd (D-Conn.) as an emissary to these groups, and Dodd returns with assurances that none will pose a problem for his vice presidential nomination—and, presumably, for a future presidential run as well.

It is to this audience that Lieberman also tries to defend his decision to stick with his Senate reelection campaign when he joined the national ticket in 2000. “[I]t didn’t make sense to me that someone in California, or Florida, or Pennsylvania would vote against our ticket because I was running for Senate in Connecticut,” Lieberman explains. But the question of whether his Senate candidacy was best for the presidential campaign is beside the point (and ultimately a losing proposition). The right question—the only question a good politician would ask—is whether it was best for him. If only Lieberman had been honest about it, most observers would have cut him some slack.

Not surprisingly, Lieberman took great pains to preserve his virtuous image as the campaign progressed—even when it conflicted with Democratic strategy. Yet over and over in his own retelling he claims credit for having done right by Gore. Take the vice presidential debate, where Lieberman's milquetoast performance was widely seen as a disappointment in Democratic quarters, saving Cheney the kind of dogfight that would have made him look dour and severe. As a way of rationalizing this, Lieberman confides that he was all set to play attack dog, but “the pollsters and the consultants counseled otherwise. Their surveys and focus group results were clear. The public doesn’t want another antagonistic debate.” Come again? A vice presidential nominee's role in the debate has always been to attack the other party's standard-bearer. Not only does Lieberman refuse to accept blame, he denies that Democrats even missed an opportunity, push-

ing a tired, everybody-was-a-winner line instead: “[Dick Cheney and I] proved that political debates don’t have to be all attacks or all sound bites,” he enthuses. “We treated voters with respect by respecting the importance of the issues.” But this is preposterous. Political campaigns are zero-sum games. If Cheney did well, by definition Lieberman did not.

Likewise, after the election had dragged on into its recount phase, Lieberman, who had the luxury of returning to that Senate seat he'd kept warm during the campaign, publicly questioned certain tactics that might have tainted his precious moral purity but which would have increased Gore's chances of winning. The most famous concerned a set of military absentee ballots, which many Democratic operatives believed had been mailed out by partisan officials after Election Day and which they wanted to challenge. Yet even as he privately advocated aggressive tactics, Lieberman appeared on “Meet the Press” to publicly distance himself from the effort—and at a time when Republicans like Norman Schwarzkopf were beating up Gore as unpatriotic. “Count every vote,” Lieberman told Tim Russert, implicitly endorsing the Republican line of attack. “If I were there, I would give the benefit of the doubt to ballots coming in from military personnel generally.”

As Lieberman recalls in the book, “I felt very strongly that I had been on message. I thought I had handled it exactly the way the campaign would have wanted me to handle it.” Really? By his own admission, Lieberman had had a conversation with campaign advisors about the issue the previous night. It's hard to believe that their advice to him was “backpedal like a fiend.” If nothing else, the fact that so many Democratic insiders felt that Lieberman had sold the campaign out on national television would seem to indicate the opposite.

Does any of this disqualify Lieberman from running for president? Not in the least. He may lack the vigor to win (that sounds trivial, but as Bill Clinton put it a couple of weeks ago, “When people feel uncertain, they’d rather have someone strong and wrong than weak and right”). But Lieberman has a compelling moderate, and, just as important, coherent worldview that desperately needs a voice in the Democratic primary. Now that he's no longer burdened by his pledge to Gore, he should tone down the mensch routine—and all the tortured rationalizations that come with it—and enter the fray.

Off Target

The biggest challenge to the NRA may not come from trial lawyers, but from demographics.

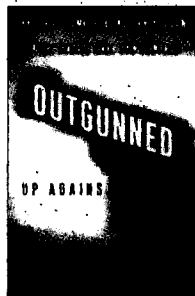
BY STEPHEN POMPER

SEVERAL MONTHS AGO, AT THE HEIGHT of the Washington sniper crisis, conservative *New York Times* columnist and Maryland suburbanite William Safire wrote an uncharacteristic column calling

for the government to do something, for God's sake. "Congress should make it easier to identify ammunition and the weapons of individual destruction that fire it," Safire declared. "Gun registration's time has come." This slightly panicky outburst amused online commentator Mickey Kaus. Recalling the old joke that a conservative is a liberal who's been mugged, Kaus observed that "a statist is a libertarian who can't walk his dog."

Right—and gun control is what will come to pass when all those anxious dog walkers reach critical mass and head for the voting booth. Meanwhile, *Outgunned*, by journalist Peter Harry Brown and trial attorney Daniel G. Abel, is about what's happening in the here and now. More specifically, the book is a sympathetic look at the efforts of a nationwide consortium of trial lawyers (including Abel) who called themselves the "Castano Group," and who took on the gun industry in the late 1990s. Why are these lawyers particularly interesting? While it's true that others had already tried to sue the gun industry (including in a well-publicized New York litigation), the Castano lawyers were different. In the world of the plaintiff's bar, they were the A-Team. They had resources, connections, and experience—including the experience of winning a \$346 billion settlement from the tobacco companies.

They were also ambitious. Beginning in 1998, the Castano lawyers launched anti-gun suits in cities across the country—until more than 30 state and local governments were involved in litigation against the gun industry.



OUTGUNNED:
The First Complete-Insider
Account of the Battle Over
Gun Control
by Harry Brown and
Daniel G. Abel
Free Press, \$26.00

The Castano lawyers knew this would be extremely challenging litigation and were proven correct—most of it has floundered or failed. So why did they do it? Not for the cash, insist the authors, who point out that the gun companies do not have the same deep pockets as Big Tobacco and could never offer the same kind of rich settlement that the tobacco litigation yielded. But even if one accepts that the lawyers' motives were largely pure (maybe they were, maybe they weren't)—and, indeed, even if one discounts their failures in court—*Outgunned* is not a book that inspires great confidence in the potential of litigation to solve the nation's

most vexing policy issues.

It also is not a very reflective or analytic book. To be fair, *Outgunned* bills itself as an "insider account of the battle over gun control." This is meant to be juicy stuff, not a policy tract. But without much critical argument to distract the reader, the book bogs down in a muck of appalling details about the Castano lawyers who are supposed to be our heroes—facts that the authors unabashedly trot out and never successfully excuse. The key players include well-connected Washington, D.C., lawyer John Coale—who is called "the clown prince of the legal world"—and Cincinnati's Stanley Chesley, a.k.a. the "sultan of settlement." But the lion's share of the limelight is reserved for the book's co-author Abel and his partner, Wendell Gauthier, with whom Abel bonded at the site of the Union Carbide disaster in Bhopal,

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