

IS BUSH THE WORST PRESIDENT EVER?Paul Finkelman¹

In early December I spent a few days at Yale University with about 25 scholars, talking about slavery, freedom, emancipation, and modern problems of human trafficking. Not surprisingly, at dinner someone asserted that George W. Bush was the “worst” president in American history. That led me to think about the criteria for such a title or award.

I have heard this said about every president since Lyndon B. Johnson (or Lying B. Johnson as we used to call him – the man who invented the credibility gap). Johnson – he of the great society and the civil rights act – looks pretty good these days. Even Vietnam seemed to have more of a purpose than Iraq. But, with more than 55,000 Americans killed and maybe a million Vietnamese, it is hard to argue that Iraq, at least at first glance, is a greater catastrophe than Vietnam. But, historians know that we need some perspective on these things. In the first half of 2007, the United States imported \$1.8 billion worth of clothing from Vietnam. Last year a close friend of mine went there for vacation and got to shoot AK-47s in front of a tunnel from the Ho Chi Minh Trail. Our enemies are now our trading partners who also provide us with entertaining vacations. Soon, they will be our friends. So, if all is well that ends well, Vietnam was not the catastrophe we thought it was at the time. But I lost classmates there for no good reason, and however it turned out, at the time it was a huge mess. Right before the holidays, I was wearing a shirt that said “Made in Vietnam” when I was approached by a homeless vet from that war. We have surely not fully recovered from Vietnam, and for some Americans and many Vietnamese, there will never be a recovery. The good of civil rights, Head Start, and a host of other great programs may in the end balance out the bad of Vietnam. Johnson was not the greatest president since World War II, although absent Vietnam he might have been. But surely he was not our worst.

¹ President William McKinley Distinguished Professor of Law and Public Policy, Albany Law School.

Nixon was a crook and surely a threat to the Constitution, but in the end the system prevailed. He left office, his henchmen went to jail, and we tried to reform the political system. Meanwhile, we got the Clean Air Act, the Clean Water Act, and even the War Powers Act. Nixon opened up China and began the process that led to peace between Israel and Egypt after the Yom Kippur War. He also kept Vietnam going for more than six years after he said he had a “plan” to end the War. A lot of young men died for no good reason in Vietnam while Nixon was figuring out what that plan was.

Ford and Carter were so-so at best. Ford was hardly in office long enough to do anything, although at the last minute he tried to send more troops to Vietnam. His greatest legacy was Justice John Paul Stevens. He pardoned Nixon which for many was unforgivable and also pardoned some draft evaders, which for many was unforgivable. Carter was barely competent in the White House and the best we can say for him is that he did not start a war with Iran. He was mean spirited, sanctimonious, and politically inept. He did not do much that we remember fondly, but he somehow managed to get us through four years of drifting policy and sometimes absurdly high inflation. He set the Democratic Party back a decade at least. He left to his successor a demoralized nation, an economic mess, and foreign policy that was directionless and ineffective.

Reagan looks less bad over time, except for his politicization of the Courts. He was genial even though his policies – especially his economic policies – were mean spirited and in the end harmful to those who have the least in society. He thought he ended the cold war – and maybe in another fifty years we will have access to the documentation to prove or disprove the argument. But he did spend an enormous amount on military hardware. The Iran-Contra affair had use in arming our enemies by facilitating the shipment of guns and weapons to right-wing terrorists in Central America. On the other hand, his upbeat personality provided some relief from the dour and depressing Carter. He gave us our first female Supreme Court Justice as well as the cranky, sometimes nasty, guardian of all things right and very far right, Antonin Scalia. The first Bush had the good sense not to send the army into Baghdad and to overthrow Saddam. He bequeathed us David Souter and Clarence Thomas – sort of a wash! Bill Clinton brought us prosperity and Monica Lewinsky. Not a great president but surely not the worst of the lot, despite

what the professional Clinton haters would have us believe. When he retired the budget was balanced, there was a surplus in the nation's coffers, stocks were high, inflation was low, and most measures of misery – unemployment, crime, homelessness – were lower than when he entered office. Not a bad record. Not surprisingly, he left office with some of the highest approval ratings in history.

Now there is George the Second. In many ways he is far worse than any of his immediate predecessors. He dissipated the budget surplus, cut taxes for the wealthiest Americans without stimulating the economic growth he promised such give-a-ways would, and presided over years of recession or near recession. His administration refused to regulate mortgages or banking practices, leading to a catastrophe in housing. By almost any measure possible, all Americans except the richest are generally worse off than before he took office.

Then there is the war. It is true that Iraq has not cost us as many lives as Vietnam, but it is also true that there was even less of a reason to start this war than to go into Vietnam. We sent troops to Vietnam because a friendly government asked us to, and because everyone believed in the domino theory of the spread of communism. The first troops went in under Eisenhower, and Kennedy expanded them a little. There was never a plan to turn it into a war, it just sort of happened, gradually, a few troops here, a few there.

Iraq is different. Not since we fought Mexico in 1846, or maybe the war against Spain in 1898, has the United States ever wanted to start a war. But from day one of the Bush administration the president and his advisors were looking for an excuse to go to war with Iraq. No one knows why. Did they really believe there were weapons of mass destruction? It is hard to imagine they could have in the face of so much intelligence to the contrary. It was not to bring freedom and democracy to Iraq – that explanation came later. It might have been over oil, although we surely could have bought all the oil for much less than the war cost. It was not over 9-11 because the idea of a war in Iraq was in place before 9-11, and everyone knew that Al Qaeda hated Saddam as much or more as it hated the United States. If we were looking to avenge 9-11, we should have invaded Saudi Arabia, where all those terrorists came from. Possibly we invaded Iraq to avenge the insults Saddam had made to Bush's father. Some day we may better understand the administration's thinking – or lack of

thought – in starting this war. Many of us knew the war was pointless from day one, but Bush pushed forward.

The wars with Mexico and Spain had clear goals, they were quickly won, and when they were over we had acquired new lands. In the war against Spain we also destroyed an old colonial empire. There is no end in sight for Iraq, no enemy to defeat – or to make peace with – and nothing apparently to be gained from the war. It is surely our worst foreign policy adventure since Vietnam and may end up being our worst foreign policy adventure ever.

But unlike Lyndon Johnson, Bush will have no other accomplishments to redeem his presidency. He has not led the nation to new concepts of justice or civil rights. He squandered a huge budget surplus and left us with monstrous debts. Under his watch the rich are richer than ever; the poor are poorer than they have been since the Great Depression. All positive social indicators are down. Internationally the United States has never been so disrespected. We have seen an American administration perpetuate torture and defend its use, making the United States seem barbaric to the rest of the world. Indeed, we have never been hated by so many people in so many places.

What happens after Bush leaves office will in some ways determine his place in history. If the next president figures out how to extricate us from Iraq and how to repair our image abroad, Bush, ironically, will not look so bad. One test of a failed presidency is how quickly the nation recovers from the damage and how much the damage cost. By this standard, Bush is likely to be the worst president in more than a century because it will take us so much longer to recover from his misguided foreign policy and his domestic policy of callousness and greed.

Having said all this, my guess is that Bush will in the end be remembered as the third worst president in history. The highest place of dishonor will still belong to James Buchanan. Under his administration the United States shrank – as seven states declared themselves out of the Union while he was in office. He did nothing to stop or even discourage them for doing so. Rather, he presided over the collapse of the nation and seemed to favor the outcome. If any president could have been tried for treason, it might be Buchanan. While the South talked of secession, he authorized the shipment of arms to southern states for their militias. We might have avoided a civil war (at least at that time) if Buchanan had acted forcefully and confronted or even negotiated with the secessionists. Instead, he did nothing. Even if

the war had come, different policies by Buchanan would have enabled the United States to win the war faster and with fewer lives lost.

The second spot will still belong to Andrew Johnson. His racism and incompetence encouraged the rise of white terrorism after the Civil War and undermined the freedom of former slaves. He pardoned former Confederate leaders without exacting some sort of support for black freedom or reunion. He vetoed the Civil Rights Act of 1866 and the Freedmen's Bureau Act and refused to fully enforce them when passed over his veto. Thus, he prevented the implementation of a Reconstruction that might have altered race relations and protected black liberty and the safety and lives of southern unionists. He turned his back on U.S. Army veterans when they were shot down by southern white extremists and terrorists. It took the nation a hundred years to recover from Johnson's unwillingness to support black freedom in the wake of slavery.

In a few years – or a few decades – we will learn the full extent of the damage of George Bush's presidency. Meanwhile, we can probably say with some certainty that he is the worst president of our lifetimes, even if you are old enough to have lived through Warren G. Harding and Herbert Hoover. He has surely carved out a space for himself that will get him lots of coverage in the history books. It will probably not be the coverage he would like.