

# The Obama Legacy

*Has his presidency been successful?*

**A**s Barack Obama nears the end of eight years in the White House, he has several major accomplishments to point to, but a longer list of unfinished initiatives and unrealized ambitions. Obama started strong in 2009 with a Democratic-controlled Congress that approved, in the face of Republican opposition, a much needed economic stimulus and later the intensely controversial Affordable Care Act. But he had fewer legislative victories after 2010, when Republicans won a majority in the House. Obama wound down the U.S. role in Afghanistan and Iraq even as the Islamic State posed new dangers to American interests in the region. The economy has improved, but many Americans are pessimistic about the future. And while Obama had hoped to bring Americans together, race relations remain tense and political polarization persists. In addition, some of Obama's important projects in such areas as immigration, climate change and trade are on hold in the courts or in Congress. His legacy may depend on the outcome of the bitterly divided presidential race between Hillary Clinton and Donald Trump.



*President Obama and first lady Michelle leave the Capitol on Jan. 20, 2009, after his inauguration as the nation's first African-American president. Obama outlined an ambitious agenda in his inaugural address and quickly began reversing policies adopted by his Republican predecessor, George W. Bush. Within less than three weeks, he had signed into law a \$787 billion stimulus package aimed at ending the worst recession since the Great Depression.*

## THIS REPORT

**I  
N  
S  
I  
D  
E**

THE ISSUES .....	<b>915</b>
BACKGROUND .....	<b>923</b>
CHRONOLOGY .....	<b>924</b>
CURRENT SITUATION .....	<b>931</b>
AT ISSUE .....	<b>933</b>
OUTLOOK .....	<b>934</b>
BIBLIOGRAPHY .....	<b>938</b>
THE NEXT STEP .....	<b>939</b>

**CQ Researcher • Nov. 4, 2016 • [www.cqresearcher.com](http://www.cqresearcher.com)  
Volume 26, Number 39 • Pages 913-940**

## THE ISSUES

- 915 • Has Obama strengthened the U.S. position in global affairs?  
 • Have Obama's domestic policies improved Americans' lives?  
 • Has Obama helped improve race relations in the United States?

## BACKGROUND

- 923 **A Fast Start**  
 Obama acted quickly to get his stimulus package enacted.
- 927 **Middle Innings**  
 Turmoil in Syria and congressional stalemates complicated Obama's second term.
- 929 **"Fourth-Quarter" Politics**  
 Normalizing U.S.-Cuba relations and signing trade, climate change and Iran pacts topped Obama's final diplomatic agenda.

## CURRENT SITUATION

- 931 **Legacy Eyed**  
 Successes and setbacks mark Obama's final months in office.
- 932 **Policies Debated**  
 Presidential candidates Hillary Clinton and Donald Trump clash sharply over Obama's policies.

## OUTLOOK

- 934 **The Partisan Divide**  
 Cross-party support for Obama remains scant.

## SIDEBARS AND GRAPHICS

- 916 **Blacks, Whites Differ on Obama's Impact on Race**  
 Americans are sharply divided over perceptions of progress.
- 917 **Obama's Approval Hits Second-Term High**  
 At 55 percent, his rating is its greatest since June 2009.
- 918 **Health Care Law Expanded Coverage**  
 But can it survive insurance company defections?
- 922 **Unemployment Rate at Pre-Recession Level**  
 Joblessness has decreased to 5 percent.
- 924 **Chronology**  
 Key events since 2009.
- 926 **Diversity Marks Obama's Judicial Legacy**  
 He has appointed record numbers of women and LGBT individuals.
- 928 **Obama Presidential Library to Rise in Chicago**  
 "It seems as though they're saying we want things to happen here."
- 933 **At Issue:**  
 Has President Obama been successful in office?
- FOR FURTHER RESEARCH**
- 937 **For More Information**  
 Organizations to contact.
- 938 **Bibliography**  
 Selected sources used.
- 939 **The Next Step**  
 Additional articles.
- 939 **Citing CQ Researcher**  
 Sample bibliography formats.

Nov. 4, 2016  
 Volume 26, Number 39

**EXECUTIVE EDITOR:** Thomas J. Billitteri  
 tjb@sagepub.com

**ASSISTANT MANAGING EDITORS:** Kenneth Fireman, kenneth.fireman@sagepub.com, Kathy Koch, kathy.koch@sagepub.com, Scott Rohrer, scott.rohrer@sagepub.com

**SENIOR CONTRIBUTING EDITOR:**  
 Thomas J. Colin  
 tom.colin@sagepub.com

**CONTRIBUTING WRITERS:** Marcia Clemmitt, Sarah Glazer, Kenneth Jost, Reed Karaim, Peter Katel, Barbara Mantel, Chuck McCutcheon, Tom Price

**SENIOR PROJECT EDITOR:** Olu B. Davis

**EDITORIAL ASSISTANT:** Anika Reed

**FACT CHECKERS:** Eva P. Dasher, Michelle Harris, Nancie Majkowski, Robin Palmer



Los Angeles | London | New Delhi  
 Singapore | Washington DC | Melbourne

An Imprint of SAGE Publications, Inc.

**SENIOR VICE PRESIDENT,  
 GLOBAL LEARNING RESOURCES:**  
 Karen Phillips

**EXECUTIVE DIRECTOR, ONLINE LIBRARY AND  
 REFERENCE PUBLISHING:**  
 Todd Baldwin

Copyright © 2016 CQ Press, an Imprint of SAGE Publications, Inc. SAGE reserves all copyright and other rights herein, unless previously specified in writing. No part of this publication may be reproduced electronically or otherwise, without prior written permission. Unauthorized reproduction or transmission of SAGE copyrighted material is a violation of federal law carrying civil fines of up to \$100,000.

CQ Press is a registered trademark of Congressional Quarterly Inc.

*CQ Researcher* (ISSN 1056-2036) is printed on acid-free paper. Published weekly, except (March wk. 4) (May wk. 4) (July wks. 1, 2) (Aug. wks. 2, 3) (Nov. wk. 4) and (Dec. wks. 3, 4). Published by SAGE Publications, Inc., 2455 Teller Rd., Thousand Oaks, CA 91320. Annual full-service subscriptions start at \$1,131. For pricing, call 1-800-818-7243. To purchase a *CQ Researcher* report in print or electronic format (PDF), visit [www.cqpress.com](http://www.cqpress.com) or call 866-427-7737. Single reports start at \$15. Bulk purchase discounts and electronic-rights licensing are also available. Periodicals postage paid at Thousand Oaks, California, and at additional mailing offices. POSTMASTER: Send address changes to *CQ Researcher*, 2600 Virginia Ave., N.W., Suite 600, Washington, DC 20037.

# The Obama Legacy

BY KENNETH JOST

## THE ISSUES

With just under six months left in his presidency, Barack Obama strode onto the stage at the Democratic National Convention in Philadelphia in July, ready to rouse the party's faithful with an upbeat account of his accomplishments in office. With his approval ratings in the midrange, Obama also hoped to transfer some of his popularity to Hillary Clinton, the Democrats' choice to win election as his successor in November.

The country is "stronger and more prosperous" than when he took office in 2009, Obama assured the delegates, in a valedictory delivered 12 years to the day after he had catapulted to national prominence with a stirring 2004 speech about national unity. "There is not a liberal America and a conservative America," Obama had famously told the Democratic convention in Boston. "There is the United States of America."

As the nation's first African-American president, Obama has spent nearly eight years trying to unify the country on the strength of twice winning popular-vote majorities — only the third Democratic president to do so, after Franklin D. Roosevelt and Andrew Jackson.<sup>1</sup> But he has confronted determined opposition from congressional Republicans, conservative groups and commentators and a wide and irreconcilable swath of the American public.

This year, however, the country remained deeply divided as the general election campaign got underway between Clinton — the former first lady,



AP Photo/Sputnik/Stringer

*President Obama delivered an upbeat account of his accomplishments during the Democratic National Convention in Philadelphia on July 27, 2016, saying the country was "stronger and more prosperous" than when he took office in 2009. The Republican Party's platform blames Obama for below-average economic growth and says national security is "at great risk" because Obama has "placed strategic and ideological limitations and shackles on our military."*

U.S. senator and secretary of State — and Republican nominee Donald Trump, the name-brand real estate developer and former reality TV star. Trump's campaign slogan, "Make America Great Again," demeaned the Obama years as part of a long-term decline in U.S. prestige in world affairs and in economic vitality and social values at home.

Obama has rejected what he called Trump's "pessimistic vision" that he said played to Americans' fears. "America is already great," he said. "America is already

strong. And I promise you, our strength, our greatness, does not depend on Donald Trump."<sup>2</sup>

Obama's legacy was the backdrop for Clinton's campaign, as she moved to shore up the coalition of Democratic constituencies and Trump worked to expand on his core strength among white, male, non-college-educated working-class voters. Despite the political divisions, president watchers and partisans across the ideological spectrum agreed that Obama has had a record of significant achievements — some said for the better, some said for the worse.

Obama has won praise for withdrawing U.S. troops from combat roles in Afghanistan and Iraq even as critics said the drawdowns sacrificed hard-won gains by U.S. service members. He also has been credited with the recovery from the 2008-09 recession yet blamed for a decade of slow economic growth. His signature domestic policy achievement, the Affordable Care Act, has been praised for expanding access to health care but denounced for driving up premiums and adding to bureaucratic red

tape. And the renewed attention to race-related issues has been seen by one side as improving race relations and by the other as heightening racial tensions. (See graph, p. 916.)

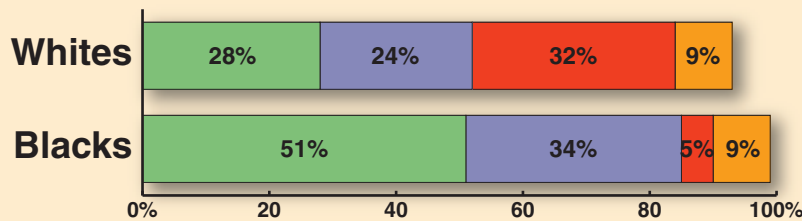
Michael Days, editor of the *Philadelphia Daily News* and author of the celebratory book *Obama's Legacy*, calls Obama "a transformative" president. He cites the Affordable Care Act, the auto industry bailout and other economic revitalizations, criminal justice reforms and advances for LGBT rights,



## Blacks, Whites Differ on Obama's Impact on Race

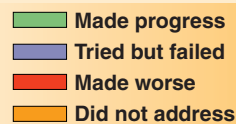
Americans are sharply divided along racial lines on how President Obama has affected race relations in the United States. A majority of black respondents said Obama had "made progress toward improving" race relations. A comparable number of whites said either that Obama had made progress or had tried but failed, but nearly one-third of whites said Obama had made relations worse.

### Views on Obama's Handling of Race Relations\*



\* "Don't know" and "Refused" responses not shown.

Source: Pew Research Center, "On Views of Race and Inequality, Blacks and Whites Are Worlds Apart," June 27, 2016, <http://tinyurl.com/jxtk762>



including marriage equality. From the opposite side, Matthew Margolis, a political blogger and author of *The Worst President in American History*, says Obama's presidency was "transformative . . . in the sense that America ceased to be the world's beacon of freedom and opportunity."

Steven Schier, a professor of political science at Carleton College in Northfield, Minn., and editor of *Debating the Obama Presidency*, calls Obama a "consequential" president. "He will not be simply a placeholder," Schier says. "He came in and wanted to change Americans in a substantial way, and he's had some substantial success."

Obama, who campaigned in 2008 on the promise of "hope" and "change," "has been a change agent," Schier adds, "but he has fallen far short of his ambitions."

George C. Edwards III, a professor of political science at Texas A&M University in College Station, says Obama overestimated his ability to initiate change through public persuasion. "He thought he could create opportunities

for change by taking his case to the American public," says Edwards, author of *Overreach*, a study published during Obama's first term. "That was their theory of governing, and they were wrong. They couldn't get the public on their side."

The string of successes in Obama's first two years, including passage of the Affordable Care Act "led to a political disaster in 2010," Edwards says, referring to the Republican takeover of the House in the midterm elections. "He lost the ability to govern effectively through Congress for the rest of his tenure."

Others say Obama has been hampered by GOP obstructionism, voiced by presumptive House Speaker Rep. John Boehner, a Republican from Ohio, on the cusp of the 2010 midterms. Referring to Obama's agenda, Boehner said, "We're going to do everything — and I mean everything we can do — to kill it, stop it, slow it down, whatever we can." <sup>3</sup>

Frustrated by Republican opposition in Congress, Obama turned toward

greater use of executive powers to institute policy changes without legislation. The practice prompted Republicans and legal conservatives to accuse Obama of circumventing constitutional limits on presidential power and to challenge some of those moves in court. In some cases the Supreme Court agreed. Some of those regulatory moves, Republicans said, hurt employment and economic growth.

Andrew Rudalevige, a professor of political science at Bowdoin College in Brunswick, Maine, and co-editor of a forthcoming volume of essays on Obama's presidency, calls Obama "an important figure" in presidential history, partly because of his race and partly because of the generational shift he represented as the first president to have been born after 1960. "He certainly won't be seen as a failed president," Rudalevige says. "Whoever follows him is going to be less successful. He will benefit from the comparison."

Obama won election by assembling Electoral College majorities from states in the East and mid-Atlantic region, the West and Northwest and some key battleground states in between. With the presidential campaign in its final week, Clinton is leading in most polls by an average of just under 2 percent. \* She

\* Eleven days before the election, Clinton's lead appeared to be threatened after FBI Director James Comey announced a new development in the investigation of Clinton's use of a private email server while secretary of State. Comey sent members of Congress a letter on Oct. 28 notifying them that FBI agents, during an unrelated investigation, had found emails "that appear to be pertinent" to the earlier investigation on a computer used by former Rep. Antony Weiner, D-N.Y., the estranged husband of key Clinton aide, Huma Abedin. In a report on that probe on July 5, Comey criticized Clinton's use of the private server but recommended no criminal charges be brought. In response to the new inquiry, Clinton again acknowledged a mistake in using the private server but expressed confidence that no criminal charges were warranted. "There is no case here," she said in an Oct. 31 rally in Kent, Ohio.

## Obama's Approval Hits Second-Term High

President Obama's approval rating stood at 55 percent in late October, its highest point since June 2009. Compared with other two-term presidents at corresponding points in their terms, Obama's approval rating is most similar to Ronald Reagan's, higher than those of George W. Bush and Harry Truman and lower than Bill Clinton's and Dwight D. Eisenhower's.



Source: "Presidential Approval Ratings — Barack Obama," Gallup, October 2016, <http://tinyurl.com/yj3bjw3>

is seen as the odds-on favorite to win an Electoral College majority with virtually all of those same states and possibly others.

As the election nears, Obama's approval rating is holding steady at 55 percent. From a high of 67 percent after his first inauguration, Obama's rating has never fallen below 40 percent. (See graph, above.) In comparison, President George W. Bush peaked at 90 percent after the Sept. 11, 2001, terrorist attacks and sank to 30 percent as the country fell into recession in fall 2008.

Obama's approval ratings have inevitably been capped by the residual distrust fueled by false but ineradicable insinuations that he was not qualified to be president because he was not actually "a natural born" U.S. citizen as the Constitution requires or that he was a Muslim. For years, Trump was one of the chief proponents of the so-called "birther" controversy, but he acknowledged in mid-September that Obama "was born in the United States. Period."<sup>4</sup>

Mixing the presidential and the political, Obama is treating the Nov. 8 election as a referendum on his legacy.

"I will consider it a personal insult, an insult to my legacy, if this community lets down its guard and fails to activate itself in this election," Obama said in a Sept. 17 address to the Congressional Black Caucus's annual dinner. He repeated the thought later to the African-American radio talk show host Steve Harvey. "My legacy is on the ballot," Obama said in the Sept. 28 broadcast.<sup>5</sup>

One part of Obama's legacy is the appointment of a record number of women and racial and ethnic minorities to the federal bench. "One of the president's greatest achievements has been the remarkable progress in increasing diversity in the judiciary," says Nan Aron, president of the Alliance for Justice, a liberal judicial advocacy organization. The Supreme Court now includes three women for the first time in history after Obama's appointment of Justices Sonia Sotomayor and Elena Kagan. But Senate Republicans have refused to hold hearings on Obama's third Supreme Court nominee, federal appeals court judge Merrick Garland, saying the vacancy should be filled by the next president. (See sidebar, p. 926.)

With early voting on Obama's successor well under way, here are questions being debated about his eight years in the White House:

### **Has Obama strengthened the U.S. position in global affairs?**

The Democratic Party platform adopted at its national convention in late July confidently declared the United States "stronger abroad and safer at home" because of President Obama's moves to strengthen alliances and reduce the U.S. role in "two costly wars." At their convention two weeks earlier, however, Republicans adopted a platform that found national security to be "at great risk" because Obama had "frequently placed strategic and ideological limitations and shackles on our military."<sup>6</sup>

Vice President Joe Biden made the administration's case in a valedictory overview written for *Foreign Affairs*, maintaining that the United States is "stronger and more secure" than when he and Obama took office. Biden credits the administration with "disciplined application of military force" and success in "expanding and modernizing the United States' unrivaled

# Health Care Law Expanded Coverage

*But can it survive insurance company defections?*

In 2008, Democratic presidential nominee Sen. Barack Obama of Illinois laid out his vision for extending health care coverage to millions of uninsured Americans, a plan he hoped would earn bipartisan support.

“The American people are too often offered two extremes — government-run health care with higher taxes,” which many Democrats favor, or a very loosely regulated free-market approach in which private, mostly for-profit insurers provide the coverage, as Republicans generally recommend, Obama said. “Both of these extremes are wrong.”<sup>1</sup>

Obama proposed including both a government-run insurance program — Medicaid — and a government-managed marketplace in which private insurers would sell health coverage. In 2010, after a bitter struggle, his centrist vision prevailed in Congress, although it was enacted with no Republican votes in support. On March 23, 2010, he signed into law his signature achievement — the Patient Protection and Affordable Care Act, called the Affordable Care Act (ACA) or, simply, “Obamacare.”<sup>2</sup>

Today, the White House points with pride to 20 million Americans who are newly insured under the ACA. This year, though, some big insurers have lost money in some states and are leaving the system. That’s triggering concerns about whether the ACA’s private health insurance markets — called “exchanges” — can work long term.

Politically, the law has brought Obama little but bitter criticism for a too-partisan approach.

From the beginning, ACA’s implementation has been “plagued by a widespread belief” that Obama unfairly jammed the law through Congress “without any Republican input or efforts to find common ground,” said Norman Ornstein, a resident scholar at the conservative American Enterprise Institute (AEI) think tank. But in fact, Obama asked congressional committees to draft the law, Ornstein said. And in the Senate, he added, Finance Committee Chairman Max Baucus, D-Mont., “deliberately started the talks with a template” based on a plan created by Republicans in 1993-94.<sup>3</sup>

Some high-ranking Senate Republicans entered talks on Baucus’ draft. But Kentucky Republican Mitch McConnell, then Senate minority leader, told the lawmakers they could be demoted if they produced “legislation to be signed by Barack Obama,”

said Ornstein. With the discussions clearly going nowhere, if the president was being unfairly partisan he would simply have asked Baucus to abandon the talks, Ornstein said. Instead, Obama allowed the “faux negotiations” to go on for months, in hopes of drawing some GOP support, Ornstein said.<sup>4</sup> In the end, the legislation passed both houses of Congress, despite GOP opposition.

Today, the White House touts Obamacare’s achievements. This year, only 10.8 percent of American adults are uninsured, down from 11.7 percent in late 2015, according to the Gallup polling organization. The rate is down a full 6.5 percentage points from late 2013, just before the ACA took effect. Furthermore, 15.5 percent of U.S. adults reported having trouble paying for needed health care in the past year — down from 18.6 percent in late 2013.<sup>5</sup>

Supporters say the law is working well in states where public officials and insurers have worked together to implement it. California, for example, “followed the blueprint. They did it right,” said Dr. J. Mario Molina, chief executive of Long Beach, Calif.-based Molina Healthcare, an insurer that sells ACA coverage in several states.<sup>6</sup> Between 2013 and 2015, the uninsured rate for California adults dropped from 23.7 percent to 11.1 percent. Californians also have seen relatively low insurance-premium increases, and most continue to have a choice of several insurers.<sup>7</sup>

Critics, however, point out that while 20 million people are newly insured, about 9 million of them are covered through Medicaid, the joint federal-state program for poor and disabled individuals and families. That means only 11 million have coverage through the exchanges, a disappointing total compared to initial estimates that 21 million people would be covered by now, says Robert Moffit, a senior fellow in health policy at the conservative Heritage Foundation think tank in Washington.

The exchanges “were supposed to function as real marketplaces” whose insurers would enroll both those who are ill — and thus in dire need of insurance — and younger and healthier people, Moffit says. (A diverse population is necessary so low spenders in any given year can help cover the costs of that year’s high spenders.) But few healthy people are finding the exchange coverage attractive, he says.

network of alliances and partnerships and embedding them within a wider international order of rules and institutions.”<sup>7</sup>

Foreign policy experts differ sharply in assessing Obama’s record along ideological lines that parallel the partisan divisions.

“He has basically done a marvelous job in enhancing Americans’ security,” says Lawrence Korb, a senior fellow with the liberal Center for American Progress think tank who served as assistant secretary of Defense in the Reagan administration. Danielle Pletka, senior vice president for defense and foreign

policy studies at the American Enterprise Institute, a conservative think tank, disagrees. “Look at the old election question, ‘Are you better off than you were eight years ago?’” says Pletka, a Republican staffer on the Senate Foreign Relations Committee in the 1990s. “The obvious answer to that is no,” she says.

When people are healthy today, they often forego insurance coverage and pay the penalty if they see it as too expensive, said AEI Resident Scholar Joseph Antos and Resident Fellow James C. Capretta. For example, a Virginia family of four, earning \$60,000 a year, would have paid \$4,980 in premiums for coverage in 2016, for a health plan with a \$5,000 deductible, they noted. When compared with the mere \$725 tax penalty the ACA imposes for not having coverage, many such families simply choose not to carry insurance, they said.<sup>8</sup>

In 2017, the premium-cost dilemma will worsen. Partly because the average ACA enrollee is sicker than originally anticipated, premiums for midlevel ACA insurance plans will soar by 25 percent over current levels. That's compared to average annual premium increases of only 2 percent from 2014 to 2015, and 7 percent for 2015 to 2016.<sup>9</sup>

In addition, some major insurers are leaving the markets, arguing that they can't make enough money. For example, Hartford, Conn.-based Aetna will leave 11 of the 15 exchanges it has served, and Minnetonka, Minn.-based United Healthcare will leave 31 of 34 exchanges, says Sabrina Corlette, project director at the Center on Health Insurance Reform at Georgetown University's Health Policy Institute.

Many conservatives say the ACA's rules — such as strictly limiting the premium hikes that can be imposed on people as they age — cripple insurers. "Exchanges are collapsing because of federal mandates and a lack of flexibility," said Sen. Lamar Alexander, R-Tenn., chairman of the Committee on Health, Education, Labor and Pensions.<sup>10</sup>

But others argue that problems are mainly early-stage glitches of the sort that afflict any complicated system. The exchanges "will stabilize in two or three years," said John Rowe, a physician and a former Aetna CEO.<sup>11</sup>

Most Senate Democrats now endorse a plan to add a public option — a government-run insurance plan — to compete with the private insurers. Both Obama and Democratic presidential nominee Hillary Clinton have endorsed the idea, which was discussed but ultimately dropped when the law was drafted. Including a public plan in the exchanges "is critical to bringing more competition and accountability to the insurance market," said Sen. Jeff Merkley, D-Ore., a chief proponent.<sup>12</sup>

Margolis, the blogger critic, sees U.S. influence around the world in decline. "When America does not represent its own values with confidence on the global stage, freedom fighters throughout the world turn to despots, radical extremists or strongmen for aid," he says. "That is exactly what we have

seen on Obama's watch." But Rudalevige, the Bowdoin professor, praises the administration's "restraint" in foreign affairs. "The United States was probably overextended," he says. "I'm sympathetic to the idea that President Obama did not want to expand our footprint and didn't want to start another war with

Russia or China or start a massive expansion in Syria."

Much of the debate over Obama's foreign policy surrounds his reduction in the U.S. combat role in Bush-era wars in Afghanistan and Iraq, his use of drone strikes to help curb the rise of the so-called Islamic State (also



Getty Images/Corbis/Brooks Kraft LLC

Supporters and opponents of the Affordable Care Act rally at the Supreme Court during oral arguments over President Obama's controversial health care law. The court largely upheld the law on June 28, 2012.

But that's "false advertising," says Heritage's Moffit. While private insurers would continue to be on the hook for their financial losses, a public plan would have taxpayer backing and would therefore risk nothing. That disparity would eventually "destroy competition" and drive all private insurers out of the ACA, Moffit says.

— Marcia Clemmitt

<sup>1</sup> "Barack Obama on Health Care," *WebMD Expert Blogs*, Oct. 24, 2008, <http://tinyurl.com/5m5xfu>.

<sup>2</sup> For background, see "Health Reform Implementation Timeline," Kaiser Family Foundation, <http://tinyurl.com/hrcmlpv>; and "Summary of the Affordable Care Act," Kaiser Family Foundation, <http://tinyurl.com/z5srg8>.

<sup>3</sup> Norman Ornstein, "The Real Story of Obamacare's Birth," *The Atlantic*, July 6, 2015, <http://tinyurl.com/jptw5lo>.

<sup>4</sup> *Ibid.*

<sup>5</sup> Nader Nekvasil, "Uninsured Down Since Obamacare; Cost, Quality Still Concerns," *Gallup.com*, Aug. 29, 2016, <http://tinyurl.com/hkttxee>.

<sup>6</sup> Noam M. Levey, "So you think Obamacare is a disaster? Here's how California is proving you wrong," *Los Angeles Times*, Oct. 7, 2016, <http://tinyurl.com/zoc3l94>.

<sup>7</sup> *Ibid.*

<sup>8</sup> Joseph Antos and James Capretta, "The Future of the ACA's Exchanges," *Health Affairs* blog, Oct. 11, 2016, <http://tinyurl.com/z2ozwfe>.

<sup>9</sup> Robert Pear, "Some Health Plan Costs to Increase by an Average of 25 Percent, U.S. Says," *The New York Times*, Oct. 24, 2016, <http://tinyurl.com/gnrbrthx>.

<sup>10</sup> Robert Pear, "Ailing Obama Health Care Act May Have to Change to Survive," *The New York Times*, Oct. 2, 2016, <http://tinyurl.com/h7hmryx>.

<sup>11</sup> *Ibid.*

<sup>12</sup> Peter Sullivan, "Merkley: 33 Senate Dems now back ObamaCare Public Option," *The Hill*, Sept. 16, 2016, <http://tinyurl.com/zrf5p6>.



known as ISIS and ISIL) and his decision to minimize America's role in aiding rebels in Syria's bloody, five-year civil war.<sup>8</sup>

In Afghanistan, Obama increased the number of U.S. troops in 2009 but promised to start a "drawdown" by mid-2011; he now plans to leave a minimal U.S. force there. Korb, who has also been affiliated with the Council on Foreign Relations and the Brookings Institution, both middle-of-the-road think tanks, says the strategy has worked. "We were losing when he

territory. But Korb says Obama had no choice. "We had to leave," he says.

"The reality is that if President Obama had not pulled our troops back from Iraq in 2011, we would likely not be in this situation," Pletka says. She insists that the administration could have negotiated a new agreement with the Iraqi government that could have permitted U.S. troops to stay.

In their platform, Republicans blame the rise of ISIS on the destabilization of the Middle East, which they say resulted from Obama's mis-

University's School of Advanced International Studies in Washington, faults Obama for a slow response to ISIS. "He did not do enough at first," Mann says. But Mann thinks ISIS may have reached its peak. "They seem to be having trouble getting recruits," he says.

The author of a generally favorable book on the formation of the Obama foreign policy team, Mann joins other critics of the administration's handling of the Syrian civil war. Obama has provided limited assistance to moderate rebels opposed to the dictatorial president Bashar al-Assad and failed to act after Assad crossed Obama's self-declared "red line" by using chemical weapons against civilians. "I think he has taken nonintervention too far," Mann says.

Pletka is indignant about the administration's hesitancy in Syria. "The death of a half million people . . . is a stain on President Obama's reputation that should make him forever ashamed," she says, referring to the estimated total death toll in the five-year conflict.

But Korb doubts that the United States could have changed the course of events in Syria. "We've seen regime change," he says, "and it basically doesn't work."

Critics also complain that Obama has not halted what Pletka calls the "adventurism" of Russia in Ukraine and Crimea and China in the South China Sea, which she sees as "more evidence of the decline of American power and prestige."

Korb counters that the administration helped organize broadly backed economic sanctions against Russia and is working to strengthen ties with allies in the Asia Pacific region.

The two also clash on the administration's signature diplomatic event of Obama's last year in office: the nuclear agreement with Iran. Korb expects history to remember that Obama "stopped Iran from getting nuclear weapons," but Pletka says the accord gives Iran "free rein to create an arsenal of nuclear weapons in 10-15 years."



Getty Images/Anadolu Agency/Ibrahim Ebu Leys

*Children seek shelter as bombs fall in Aleppo, Syria, on Oct. 11, 2016. During the Syrian civil war, President Obama approved only limited aid to the rebels fighting President Bashar al-Assad, which some critics have called a major foreign policy failure of the administration.*

came in," Korb says. "He turned the tide there and has now given the Afghan government a chance to hold on."

Again, Pletka flatly disagrees. "The Taliban is more active now than when he came into office, and al Qaeda is on the rise," she says. "We've had to increase troops and have not been able to draw down on the schedule suggested by the president."

On Iraq, Korb and Pletka agree that Obama's decision to fulfill Bush's commitment to pull out U.S. troops by the end of 2011 opened opportunities for the Islamic State to gain influence and

handling of the so-called Arab Spring that emerged in 2011.<sup>9</sup> The Democratic platform vows to "continue to lead a broad coalition of allies and partners to destroy ISIS' stronghold in Iraq and Syria."

Korb credits Obama for containing the Islamic State. "We've killed 45,000 members," he says. But, he adds, "You're not going to defeat ISIS militarily. What you want to do is to undermine its ideology so that it doesn't keep attracting followers."

James Mann, a veteran journalist and author in residence at Johns Hopkins



---

Pletka argues that overall the administration's policies have weakened confidence in the United States among allies in Europe and elsewhere. Mann dismisses the criticism. "Every party out of power claims that the party in power is screwing up relations with our allies," he says.

### ***Have Obama's domestic policies improved Americans' lives?***

The Democratic platform opens by crediting Obama with lifting the economy out of a deep recession but acknowledges that "too many Americans have been left behind" with wages that have "barely budged" and costs that have "continued to rise." The Republican platform, on the other hand, blames Obama for below-average economic growth, slow growth of private-sector jobs and low labor-force participation.

In mid-September, with the presidential campaign in its final two months, however, economic statistics were generally positive. Unemployment fell to a pre-recession level below 5 percent, according to the Census Bureau, while median household income rose 5.2 percent — the highest annual increase since record-keeping began in 1967 — although it was still below the pre-recession figure in 2007.

Economy watchers saw the news as generally bullish. "It has been a long slog from the depths of the Great Recession, but things are finally starting to improve for many American households," Chris G. Christopher Jr., director of consumer economics at the financial planning firm IHS Global Insight, told *The New York Times*.<sup>10</sup>

Obama took a victory lap of sorts on the campaign trail as the statistics were being released in Washington. Speaking to a Clinton rally in Philadelphia, Obama recited the improved performance in jobs and wages along with health insurance for 20 million more people under the Affordable Care Act. "Thanks, Obama," he added, adopting the sarcastic phrase used by Republicans to denigrate his record.<sup>11</sup>

Gary Burtless, a senior economics fellow with the Brookings Institution, credits Obama and the Democratic-majority Congress that existed during his first two years in office. "The country is in vastly better shape in 2016 than in 2008 or early 2009," he says. The recession "came to an end as early as it did because of the measures passed by Congress in the first two months," he says, citing in particular the fiscal stimulus signed by Obama less than a month after the inauguration.

Burtless, who has been at Brookings since 1981 after holding positions as an economist in two Cabinet-level departments under Democratic President Jimmy Carter, also credits Obama with strengthening the economy by bailing out the U.S. automobile industry. "Without the U.S. government intervention, those companies would have failed," he says. Obama also restored confidence in the U.S. banking industry in those initial months, he says. "By May or June most participants in the financial markets thought the banks were going to survive," he says.

In their platform, Republicans correctly stated that Obama will leave office as the first post-World War II president without a single year of at least 3 percent economic growth. "The recession was very steep and the recovery was slow," Burtless acknowledges. But the economy grew at a rate of 2.9 percent in the third quarter of 2016, the highest rate in two years, according to the government's regular report released on Oct. 28, 10 days before the election.<sup>12</sup> Economic policy experts from different political perspectives offer different reasons for the slow post-recession growth.

Lawrence Mishel, president of the liberal, labor-backed Economic Policy Institute think tank in Washington, gives Obama "high marks" for the fiscal stimulus. But he says that the follow-up was "hampered by an unwillingness to argue for further stimulus," especially after Republicans gained control of the

House of Representatives in 2010 and economic policy debates shifted to debt reduction. "That helped undermine the ability to get as good a recovery as we could have," he says.

James Pethokoukis, a columnist and blogger on economics for the business-backed American Enterprise Institute, agrees that the post-recession recovery has been "the weakest ever" by historical standards, but he blames economic conditions more than Obama's policies. "The weight of the evidence is that the recovery has been weak because of the nature of the recession," Pethokoukis says. "It was a recession accompanied by financial shock," he explains. "Those downturns are followed by slow recoveries, both in terms of income and jobs."

Still, Pethokoukis says Obama's policies were "not optimal for growth." He faults Obama for allowing Bush-era tax cuts for high-income taxpayers to expire at the end of 2012. "I would not have been raising taxes in a period of very slow growth," he says. He also says the Dodd-Frank Act, the Wall Street reform law that Obama signed in July 2010, restricted lending. But Pethokoukis also says the independent Federal Reserve has been too slow to join in stimulating the economy. "They should have started bond buying earlier," he says.<sup>13</sup>

Mishel praises the administration for various actions aimed directly at helping workers. "We have had a terrific, proactive Department of Labor," Mishel says, citing policies expanding overtime for some salaried workers and reclassifying "independent contractors" as employees. He also points to an executive order requiring federal contractors to report violations of labor and employment laws. "It's important to set the moral and legal tone that labor laws have to be adhered to," he says.

Burtless says workers have fared well in the recovery. "We've had a sustained period of employment growth, and there have been improve-

## Unemployment Rate at Pre-Recession Level

Joblessness was down in September to the pre-recession rate of 5 percent. During President Obama's two terms, unemployment has declined steadily since peaking at 10 percent during October 2009, in the midst of a deep recession.



Source: "Labor Force Statistics from the Current Population Survey," Bureau of Labor Statistics, September 2016, <http://tinyurl.com/3gss8qd>

ments in real wages," he says. But he also says business has done well in the recovery. "The profitability of American business has been extraordinarily high," he says.

Public discontent with economic conditions, however, is both wide and deep. A Gallup survey in September found that 58 percent of respondents saw the economy as getting worse compared to 37 percent who thought it was getting better. Gallup's so-called "Economic Confidence Index" has been negative since March 2015.<sup>14</sup>

Despite those surveys, Burtless is bullish on the U.S. economy. "The recovery went better in the United States than in most other countries," he says.

### Has Obama helped improve race relations in the United States?

Eight years after Obama's election as the United States' first black president, Democrats adopted a platform pledging to end "systemic and institutional racism" in the country but without citing any specific accomplishments under his administration. In contrast to the detailed planks in the Democratic charter, the Republican platform includes only a brief paragraph endorsing "the opportunity to pursue [the] American dream

free from discrimination" while it criticizes a half-century of Democratic-backed anti-poverty programs.

Recent surveys indicate that most Americans, black and white, believe race relations have worsened over the past eight years, a period punctuated by rising racial tensions over repeated videos showing shootings of unarmed black men by police.

But Obama takes the long view. "Race relations have improved dramatically in my lifetime," Obama remarked at a memorial service for slain Dallas police officers on July 12. "Those who deny it are dishonoring the struggles that helped us achieve that progress."<sup>15</sup>

Race is "the defining feature of our forty-fourth president's two terms in office," Michael Eric Dyson, an African-American professor of sociology at Georgetown University in Washington, writes in his book *The Black Presidency*. Obama has been torn, Dyson writes, between "demands from blacks to be blacker, and the wish of many whites to whitewash the story of American race and politics."<sup>16</sup>

In his book, Dyson lists 37 statements or speeches by Obama on race, including the president's comments following the shooting deaths of black

teenagers Trayvon Martin by a white neighborhood security guard in Sanford, Fla., and Michael Brown by a white police officer in Ferguson, Mo. Obama linked the two deaths, two years apart, to racial profiling of black youths and later sought to counter disappointment among African-Americans and others after failed prosecutions in both cases.<sup>17</sup>

Earlier, Obama had tried to serve as peacemaker-in-chief by hosting a "beer summit" at the White House between the prominent African-American Harvard professor Henry Louis Gates Jr. and the white Cambridge, Mass., police officer who mistook him for an intruder at Gates' own home. Obama used the July 24, 2009, get-together to repeat his earlier description of Gates' arrest as an "over-reaction," but he added that Gates had "probably overreacted as well."<sup>18</sup>

Newspaper editor Days agrees that racial issues have gotten more attention during Obama's presidency. "We're talking about racial issues a lot more," he says, while acknowledging that some of Obama's comments — such as those on the Gates episode and following Trayvon Martin's death — triggered backlashes. But, he adds, "You'll see a lot of black folks who say he hasn't talked enough about race."

Political blogger Margolis sees many of Obama's comments as divisive. Obama "used pretty much every opportunity to divide Americans by race or ethnicity, not unite them," Margolis says. "He has had many opportunities to start a real dialogue on race relations and chose, without fail, to lecture Americans instead." The conservative columnist Victor Davis Hanson agrees. "Too often Obama has gratuitously aroused racial animosities with inflammatory rhetoric . . . or injected himself into the middle of hot-button controversies," writes Hanson, a senior fellow with the conservative Hoover Institution think tank at Stanford University, citing the Gates episode and the aftermaths of the deaths of Martin and Brown.<sup>19</sup>

Eddie Glaude Jr., chair of the Center for African American Studies at Princeton University, says Obama's election and presence, along with his family, in the White House are "symbolically significant" but that the effects have differed along racial lines. "He has had an enormous impact on the way in which we think about race, particularly from the vantage point of African-Americans," Glaude says. But, he adds, "There's been a group of folks who've never conceded his legitimacy." Obama's "very presence makes the tensions explicit," Glaude says.

Polls by *The Washington Post-ABC* and *The New York Times-CBS* both found the numbers of white and black Americans who described race relations as "generally bad" to be the highest figures recorded since May 1992, shortly after the videotaped beating of the African-American taxi driver Rodney King by Los Angeles police officers. "This is certainly the worst political climate that I've seen in my lifetime," Peniel Joseph, the founding director of the Center for the Study of Race and Democracy at the University of Texas's Lyndon B. Johnson School of Public Affairs, remarked to *The Washington Post*.<sup>20</sup>



Getty Images/David McNew

*Demonstrators in El Cajon, Calif., protest on Sept. 30, 2016, after the fatal police shooting of an unarmed black man. Most Americans believe race relations have worsened over the past eight years, but President Obama says they "have improved dramatically in my lifetime."*

Besides the racial divide on whether Obama has made race relations better or worse, a Pew Research Center survey also found a sharp partisan divide on whether racial issues are getting too much or too little attention. A majority of Republicans — 59 percent — said too much, while a near-majority of Democrats — 49 percent — said too little. Among independents, 42 percent said too much, 25 percent too little and 30 percent "about the right amount."<sup>21</sup>

Days gives Obama generally good marks on policies affecting African-Americans. "If you look at things black people care about, he's done pretty well," he says. He notes as examples two of Obama's early successes — the automobile bailout and Obamacare — that benefited minorities without being presented and advocated in racial terms.

Glaude is less impressed. "He hasn't put forward policies that would actually tackle the issue of racial inequality," Glaude says. Black unemployment is more than twice the figure for whites, he notes. "The fundamentals are deep and abiding inequality."

Obama got high marks across the board for his comments in June 2015

after the mass shooting of a minister and nine parishioners at an African-American church in Charleston, S.C., by a white supremacist-influenced youth. "For too long, we've been blind to the way past injustices continue to shape the present," Obama said before leading mourners in singing the beloved spiritual "Amazing Grace."<sup>22</sup>

"I think he touched all of America with what he said," says Days. "I don't think we've had a president who was able to talk about race and be as effective." ■

## BACKGROUND

### A Fast Start

Barack Obama campaigned for the presidency under the slogan "Yes, we can," and took office with a Democratic-majority Congress on his side and his can-do confidence at its height. Quickly, he began reversing policies adopted by his Republican pre-



# Chronology: 2009-2012

## **First Term**

**Obama takes office as first African-American president; wins important legislative victories; vows to wind down U.S. role in Afghanistan, Iraq.**

### **January-June 2009**

Obama outlines ambitious agenda in inaugural address (Jan. 20) . . . vows to close Guantanamo prison within one year (Jan. 21) . . . signs \$787 billion fiscal stimulus (Feb. 17) . . . sets 18-month deadline to end combat operations in Iraq (Feb. 27) . . . announces plan to buy toxic assets from financially troubled banks (March 23) . . . takes first step to broaden auto industry bailout (March 30) . . . nominates Sonia Sotomayor for Supreme Court (May 26); Senate confirms her on Aug. 6.

### **July-December 2009**

Obama meets with Harvard professor Henry Louis Gates Jr. and Cambridge police officer in “beer summit” at White House (July 24) . . . is awarded the Nobel Peace

Prize (Oct. 9) . . . announces increase of 30,000 troops to Afghanistan while vowing to begin withdrawals in 2011 (Dec. 1).

### **January-June 2010**

Obama criticizes Supreme Court’s *Citizens United* campaign finance decision in State of the Union address (Jan. 27) . . . signs Affordable Care Act after partisan fight in Congress (March 23); opponents challenge law in court . . . nominates Elena Kagan for Supreme Court (May 10); Senate confirms her on Aug. 5.

### **July-December 2010**

Obama signs Dodd-Frank Wall Street reform law (July 22). . . . Republicans gain control of House, narrow Democrats’ majority in Senate (Nov. 2). . . . Obama signs prospective repeal of military’s “don’t ask, don’t tell” policy on gay service members (Dec. 22).

### **January-June 2011**

“Arab Spring” revolts test U.S. policy in Middle East; administration backs “regime change” in Egypt, Libya;

civil war breaks out in Syria. . . . Navy SEALs kill Osama bin Laden in raid (May 1).

### **July-December 2011**

Obama pushes Congress to pass jobs bill, without success . . . says U.S. combat troops to be out of Iraq by end of year (Oct. 21).

### **January-June 2012**

Obama signs agreement with Afghan president Hamid Karzai to transfer security to Afghan forces (May 2) . . . announces “deferred action” for immigrants who entered illegally before age 13 (June 15). . . . Supreme Court largely upholds Affordable Care Act (June 28).

### **July-December 2012**

Obama re-elected to second term with modest gains for Democrats in House, Senate (Nov. 6) . . . appeals for gun laws after Sandy Hook Elementary School mass shooting (Dec. 16); later institutes some changes by executive actions, including strengthened background checks for gun owners.

decessor, George W. Bush, on topics ranging from the war on terror to stem cell research. And after being in office for less than three weeks, he signed into law a \$787 billion fiscal stimulus aimed at lifting the economy out of the worst recession since the Great Depression.<sup>23</sup>

Obama outlined an ambitious agenda in an inaugural address that tempered the day’s celebratory atmosphere with passages both determined and sober. On economic policy, he promoted his plan to use tax cuts and federal spending to get the country out of what he called the “winter of our hardship.” On national security, he drew a contrast with Bush administration policies by vowing to “reject as

false the choice between our safety and our ideals.” He offered to the Muslim world “a new way forward, based on mutual interest and mutual respect” but defiantly warned terrorists, “You cannot outlast us, and we will defeat you.”<sup>24</sup>

On his second full day in office Obama put his stamp on counterterrorism policies by ordering the closure of once-secret CIA prisons used to detain suspected terrorists outside the United States and the repeal of a Justice Department memo authorizing coercive interrogation techniques. Obama also vowed to close within a year the Guantanamo prison camp in Cuba that the Bush administration had opened in 2002 to hold suspected terrorists. His promise remains unfulfilled, thwarted

by restrictions imposed by Congress, even though the administration reduced the number of prisoners at Guantanamo from 241 in 2009 to 60 in October.<sup>25</sup>

Congress also acted quickly to approve a package of tax cuts and federal spending introduced on Jan. 26, 2009, passing it on mostly party-line votes within less than three weeks. The 1,100-page American Recovery and Reinvestment Act included \$288 billion in tax cuts and nearly \$500 billion in federal spending, including \$105 billion for infrastructure investments. In signing the bill into law, Obama called it “the beginning of the end” of what was needed to restore the country’s economic health. Tellingly, no House Republicans and only three Republican senators voted for the bill.<sup>26</sup>

# Chronology: 2013-2016

## **Second Term**

**Obama presses policy goals despite weakened position in Congress.**

### **January-June 2013**

Bush-era tax cuts expire (Jan. 1), but are extended for low- and middle-income taxpayers (Jan. 2). . . . Obama sketches liberal agenda in second inaugural address (Jan. 21).

### **July-December 2013**

Obama pleads for calm after acquittal of security guard in shooting death of Florida teen Trayvon Martin (July 19). . . . Federal government shuts down for two weeks after spending bill impasse (Oct. 1-16). . . . Senate confirms Obama nominees for District of Columbia Circuit Court judgeships, creating a Democratic majority on the court (December).

### **January-June 2014**

Obama directs Labor Department to widen eligibility for overtime

pay (March 13); final rule is published two years later, challenged in court.

### **July-December 2014**

Obama notes “mistrust” between police and minorities after shooting death of black teenager Michael Brown in Ferguson, Mo. (Aug. 18) . . . announces “deferred action” policy for illegal immigrant parents of children who are U.S. citizens, lawful residents (Nov. 20); so-called DAPA plan is challenged in court, later blocked. . . . Obama orders restoration of diplomatic relations with Cuba (Dec. 17); visits Havana in March.

### **January-June 2015**

White House is lit in rainbow colors to celebrate Supreme Court’s same-sex marriage ruling (June 26).

### **July-December 2015**

Iran nuclear deal is finalized (July 14). . . . Trans-Pacific Partnership trade agreement is signed in Atlanta (Oct. 5); Senate opponents stall vote.

### **January-June 2016**

Supreme Court puts administration’s Clean Power Plan on hold pending appeal (Feb. 9). . . . Merrick Garland is nominated for Supreme Court (March 16), but denied hearing by Senate Republicans. . . . U.S. joins 170 nations in climate change agreement (April 22). . . . Supreme Court 4-4 deadlock leaves DAPA immigration policy blocked (June 23).

### **July-December 2016**

Obama gives valedictory address to Democratic National Convention (July 27). . . . Chicago’s Jackson Park is selected as site for Obama Presidential Center (July 29). . . . Voters to choose between Democrat Hillary Rodham Clinton and Republican Donald J. Trump to succeed Obama (Nov. 8).

### **2017**

Obama to leave office (Jan. 20); will live in Washington until daughter Sasha completes high school. . . . Obama Presidential Center and museum expected to open in 2021.

The money went not only to infrastructure — roads, bridges and the like — but also to initiatives in such areas as education and health care. In education, the bill created the “Race to the Top,” competitive grants for states to seek based on adopting various education reforms long favored by public-education critics but resisted by teachers’ unions. Other money went to improving energy efficiency, modernizing health information technology systems and providing new equipment for law enforcement and port security.

Despite the pump priming, unemployment rose in Obama’s first two years, peaking above 10 percent early in 2010 before steadily declining for the rest of his time in office. In March

2009, however, Obama stepped in to save two troubled U.S. industries. He announced a plan on March 23 to use public and private funds to buy so-called toxic assets from financially strapped banks, setting the stage for stabilizing the banking industry.<sup>27</sup> A week later, on March 30, he began the intervention that effectively forced troubled General Motors and Chrysler into bankruptcy reorganization before accepting government aid.<sup>28</sup>

By summer 2009, Obama turned to health care, touching off the fierce struggle that culminated in enactment of the Affordable Care Act in March 2010. The massive and intricate bill included the controversial mandate requiring everyone to have health insur-

ance. It also authorized funds for states to expand Medicaid for the poor and provided subsidies for the near-poor to buy insurance through so-called health exchanges, new insurance markets to be established either by states or the federal government. No Republican voted for the final version of the bill. Opponents filed the first of many legal challenges the day after Obama signed the measure on March 23, 2010.

Against the backdrop of domestic policy successes, Obama also took initial steps to bringing U.S. troops back home from Afghanistan and Iraq. For Afghanistan, he announced on Dec. 1, 2009, a surge-like increase of 30,000 U.S. troops to fortify the government’s efforts to put down a continuing in-

## Diversity Marks Obama's Judicial Legacy

*He has appointed record numbers of women and LGBT individuals.*

President Obama leaves a lasting imprint on the federal judiciary with the most diverse pool of judicial nominees ever, but he is being blocked by Senate Republicans from giving the Supreme Court a liberal-leaning majority for the first time in more than 40 years.

Obama's nomination of veteran federal appeals court judge Merrick Garland has gone nowhere since the president announced his selection on March 16. A month earlier, immediately after Justice Antonin Scalia's death on Feb. 13, Senate Majority Leader Mitch McConnell had vowed to block a hearing or vote for any Obama nominee.

Senate Republicans also have slowed action on Obama's nominees to federal district and circuit courts over the past eight months, but Obama still leaves a legacy of a record number of women, African-Americans, Hispanics, Asian-Americans and LGBT individuals appointed to lifetime federal judgeships.

Obama also has changed the political orientation of the nation's federal circuit courts of appeals, the intermediate courts immediately below the Supreme Court. When Obama entered office in 2009, Republican appointees were in the majority on 11 of the 13 courts; Democratic appointees dominated the Ninth Circuit in the West, and Republican and Democratic appointees were evenly balanced on the New York-based Second Circuit.

As he leaves office, Democratic appointees are in the majority on nine of the courts. Republicans still outnumber Democratic appointees but by narrower margins on four circuits: the Fifth, Sixth, Seventh and Eighth, which cover 17 states in the nation's heartland from Ohio westward to the Dakotas in the north and Texas in the south.<sup>1</sup>

Nan Aron, founder and president of the liberal Alliance for Justice, says the federal circuit courts are important because

they "are often the last word on important issues relating to civil rights and civil liberties." She says Obama's nominees overall have been "moderate," "fair" and "open-minded," in contrast to what she describes as "agenda-driven" judges named by President George W. Bush. But Curt Levey, former president of the now defunct Committee for Justice and now a legal fellow with the conservative group FreedomWorks, complains that Obama has appointed "more liberal activists" than previous presidents.

The White House touts Obama's record on a website page with the headline, "This Is the First Time Our Judicial Pool Has Been This Diverse." The Alliance for Justice has an interactive, up-to-date "dashboard" that lists all of Obama's judicial nominees and counts them by gender, racial or ethnic background and sexual orientation.<sup>2</sup>

In all, Obama has nominated 172 women for lifetime federal judgeships, more than either of his two predecessors. Of Obama's female nominees, 138 have been confirmed, including two Supreme Court justices — Sonia Sotomayor and Elena Kagan — giving the court three female justices for the first time in history. Of Obama's 34 female nominees who have not been confirmed, seven have been blocked, and 27 are awaiting Senate action. By comparison, Republican President George W. Bush nominated 71 women for judgeships, and Democratic President Bill Clinton, 111, according to the Alliance for Justice.

The alliance also counts a record number of racial or ethnic minorities among Obama's nominees, with 62 African-Americans confirmed, 36 Hispanics and 22 nominees of Asian or Pacific Islander ancestry. Obama has nominated 14 openly LGBT individuals to federal judgeships, 11 of whom have been confirmed.

surgency, coupled with plans to start withdrawing troops by 2011. Obama also committed to making good on the Bush administration's decision to withdraw U.S. troops from Iraq by 2011. The plans allowed Republicans to attack Obama as retreating from operations that they said were still needed to defeat al Qaeda and buttress U.S.-friendly governments in both countries.

The Democratic filibuster-proof supermajority of 60 votes in the Senate enabled Obama to make his mark on the Supreme Court by replacing two retiring liberal justices, David H. Souter and John Paul Stevens, with two nominees expected to join the court's liberal wing. Sonia Sotomayor and Elena Kagan

won confirmation in 2009 and 2010, respectively, with more than 60 votes but with all but a few Republicans voting no. The appointments cheered women's groups by bringing the number of female justices to three for the first time in history. Both quickly began fitting in with the court's liberal wing but were unable to prevent significant setbacks for the administration at the hands of the court's conservative majority — most notably, the so-called *Citizens United* ruling in January 2010 freeing corporations and unions to spend unlimited amounts on federal elections.<sup>29</sup>

Obama's popularity had started to fall because of sharp partisan attacks

on the health care reform that was being pejoratively labeled Obamacare. The issue combined with the slow economic recovery to produce what Obama described as the "shellacking" in the November 2010 midterm elections. Republicans regained control of the House of Representatives by adding 63 seats and cut the Democrats' majority in the Senate from 59 to 53.<sup>30</sup>

Despite the setback, Obama achieved one more victory in the lame-duck session, winning enactment of a bill to abolish the military's "don't ask, don't tell" policy on gay and lesbian service members, subject to a Defense Department review to be completed within six months.<sup>31</sup>



Before Obama took office, there was only one openly LGBT federal judge, Deborah Batts, nominated by Clinton in 1993 after the Senate failed to approve her nomination by President George H.W. Bush two years earlier.

Garland has had a reputation as a moderate liberal during his 19 years on the federal court of appeals for the District of Columbia circuit. McConnell has public or tacit support from all but two of his 53 Republican colleagues in refusing to allow a hearing on the nomination. McConnell says the position should be held for the next president to fill so “the American people” have a voice in the selection. Obama, Democratic senators and liberal groups have criticized what they call an unprecedented and unjustified tactic.

The Supreme Court has had a generally conservative majority since William H. Rehnquist, the fourth of President Richard M. Nixon’s four appointees, took the bench in January 1972. Before Scalia’s death, the court included five Republican and four Democratic appointees. In many of the most closely divided decisions, the justices divide along partisan lines, but Justice Anthony M. Kennedy often breaks with his GOP-appointed colleagues to join the bloc of liberal Democratic appointees.

Obama has criticized the current court after several of its high-profile decisions, including the so-called *Citizens United* decision in January 2010, which allows unlimited corporate spending in federal election campaigns. During his State of the Union address two weeks later, with six of the justices seated in the House chamber just below him, Obama said the ruling opened the door for campaign spending by foreign corporations. Justice Samuel A. Alito Jr. was seen on camera to mouth the words, “Not true.”

Aron calls the increased diversity on the federal bench “one of



Getty Images/The Washington Post/Melina Mara

*House Minority Leader Nancy Pelosi, D-Calif., takes a selfie with Associate Supreme Court Justices Elena Kagan, Ruth Bader Ginsburg and Sonia Sotomayor. With President Obama’s appointment of Sotomayor and Kagan, the court for the first time now includes three women.*

Obama’s greatest achievements.” Diversity is important, she says, because it “builds confidence among a very diverse population of Americans that the courts are open and available to everyone. It’s critically important in both the perception and the reality of justice.”

— **Kenneth Jost**

<sup>1</sup> Jeremy W. Peters, “Building Legacy, Obama Reshapes Appellate Bench,” *The New York Times*, Sept. 13, 2014, <http://tinyurl.com/qgrzj97>. The article includes a graphic attributed to Russell K. Wheeler, a senior fellow at the Brookings Institution; Wheeler confirmed in an interview that Republican appointees continue to hold majorities on the four circuit courts as shown in the graphic.

<sup>2</sup> White House: <http://tinyurl.com/k8tdafd>; Alliance for Justice: <http://tinyurl.com/zw86kkm>.

## Middle Innings

With Republicans in a stronger position on Capitol Hill, Obama faced stalemates and roadblocks for the rest of his presidency even after winning re-election in 2012. With the House under GOP control, Obama scored few legislative victories and faced constant second-guessing on foreign policy and national security. Political conditions in Afghanistan and Iraq continued to be unsettled even as the Syrian civil war and the rise of ISIS posed new and intractable difficulties for the United States and its allies.

Obama dropped the Bush administration’s phrase “war on terror” as unnecessarily inflammatory, but he and his national security team achieved the single most dramatic victory in the conflict with al Qaeda on May 1, 2011, when Navy SEALs killed 9/11 mastermind Osama bin Laden in a compound near Pakistan’s military academy in Abbottabad.<sup>32</sup> Obama announced the successful raid in a quickly arranged, late-night television appearance from the White House. The administration later released photos showing Obama and his key national security advisers, including Clinton, in the White House situation room awaiting word on the outcome of the mission.

Bin Laden’s death produced a short-lived bump in Obama’s approval ratings, but the president had already turned his principal attention to extricating United States troops from what had turned into difficult nation-building missions in Afghanistan and Iraq. In October, Obama announced that the last U.S. combat troops would leave Iraq by the end of the year. The move came despite continuing turmoil between the country’s Shiite-dominated government and Sunni majority and was criticized by Republicans, including Obama’s eventual 2012 opponent Mitt Romney.<sup>33</sup>

In Afghanistan, the surge of U.S. troops Obama approved in late 2009

# Obama Presidential Library to Rise in Chicago

*“It seems as though they’re saying we want things to happen here.”*

Four years or so after President Obama leaves office, a monument to his presidency will open on the south side of Chicago, his adopted home town. The Obama Presidential Center will be sited in Jackson Park, an urban, lakefront greenspace that already houses Chicago’s famed Museum of Science and Industry.

The center will join the 13 other presidential museums and libraries largely financed by private donations but administered by the National Archives and Records Administration. The museums, all celebratory in general tone, attract history-curious tourists and visitors, while the libraries serve as research repositories for presidential papers after they are organized, catalogued and released by archivists.<sup>1</sup>

Expected to cost at least \$500 million, the complex will rise in a 500-acre park designed by the noted landscape designers Frederick Law Olmsted and Calvert Vaux and created for the 1893 World’s Columbian Exposition. The Obamas picked Jackson Park despite some concerns from local preservationists and despite the hopes of the adjacent Woodlawn neighborhood that the center would be built in Washington Park and help revitalize that area.<sup>2</sup>

Back in 2009, when approached by the University of Chicago about housing his library, Obama “mused to a friend” about “an online library, not bricks-and-mortar,” according to author Jonathan Alter in his book *The Promise: President Obama, Year One*. But Alter rightly predicted that the demand for “a splashy museum” would be too great to resist.<sup>3</sup> When Jackson Park was selected as the site for the center, Obama said he was “proud that the center will help spur development in an urban area.”

The National Archives, an independent federal agency, gained responsibility for preserving presidential papers under a law passed in 1955 that followed President Franklin D. Roosevelt’s precedent-setting decision to donate his papers for public use. In two post-Watergate enactments, Congress passed a law in 1974 taking custody of President Richard M. Nixon’s papers and four years later ruled that the papers of all subsequent presidents were public property.

The papers have provided researchers and journalists a treasure trove of materials once becoming public five years after a president leaves office. Anthony Clark, author of *The Last Campaign*, a critical study, says that over time the museums’ roles in telling about and celebrating the presidents’ careers have relegated the research and archive functions to a distant second place.

“The presidential libraries are not about getting the record out,” he says. “They are about memorializing the past.”

The newly renovated Nixon library in Yorba Linda, Calif., was originally administered by a private foundation and was forced to redo the Watergate exhibit after the National Archives took it over. Clark notes that the Bill Clinton library tells the story of his impeachment in an exhibit entitled “The Fight for Power.” The Obama museum exhibits, he says, are likely to be “as celebratory, conflict-free and hagiographic as his predecessors.”

The National Archives administers 13 libraries covering the terms of presidents from Herbert Hoover through George W. Bush. Two of them serve in part as bases for the active post-presidencies of Clinton and Jimmy Carter. The Clinton Foundation, headquartered in New York City with offices also at the Clinton Presidential Center in Little Rock, Ark., works on a variety of global issues. The Carter Center in Atlanta supports the former president’s work in election monitoring and international mediation.

Clark expects the Obama Center will similarly be the base for an active public life for Obama after he leaves office. “It seems as though they’re saying we want things to happen here, not just be launched here,” Clark says. “They’re looking to physically create an environment that would foster the kind of work they want to do in the post-presidency.”

— **Kenneth Jost**

<sup>1</sup> For background, see Kenneth Jost, “Presidential Libraries,” *CQ Researcher*, March 16, 2007, <http://tinyurl.com/zx4v5lc>.

<sup>2</sup> See Kathy Bergen, Patrick M. O’Connell and Katherine Skiba, “Obama library chief vows to grow Washington Park; Parks group won’t contest winning Jackson Park site,” *Chicago Tribune*, Aug. 4, 2016, <http://tinyurl.com/jt2h7c5>.

<sup>3</sup> Jonathan Alter, *The Promise: President Obama, Year One* (2010), p. 154.

was being credited with blunting the momentum of the Taliban insurgency, but Obama persevered with plans announced in June 2011 to draw down the U.S. troop commitment. In a televised address, Obama said the graduated reductions would culminate in a complete transfer of security operations to the Afghan government by 2014. The plan was formalized in an agreement signed

by Obama and Afghan president Hamid Karzai on May 2, 2012.

By then U.S. attention had shifted to the bloody civil war that had broken out in Syria in March 2011. The rebellion against Assad’s regime had been part of a wave of revolts dubbed the Arab Spring that eventually fell far short of the hopes engendered among democracy advocates in the region and be-

yond. With his advisers divided, Obama approved only limited U.S. aid to the rebels and rejected calls for a U.S.-imposed no-fly zone to keep Assad from bombing his own people.

In a press conference in August 2012, however, Obama stated that the United States would consider the use of chemical weapons by the Assad regime as a “red line.” U.S. intelligence agencies

---

confirmed Assad's use of chemical weapons in August 2013. Obama first asked Congress to approve the use of military force. But with public and political support lacking, Obama withdrew the request. The embarrassment was mitigated only somewhat in November by a U.S.-brokered deal with Russia's help for Assad to destroy the stockpile of chemical weapons.<sup>34</sup>

On the domestic front, Obama's signature achievement, the Affordable Care Act, was surviving managerial bungling, partisan attacks and legal challenges. The Supreme Court upheld the bulk of the law in June 2012 by a sharply divided 5-4 vote but allowed states, on a 7-2 vote, to opt out of the act's planned expansion of Medicaid coverage.

Many Republican-governed states did exactly that, reducing what the administration had hoped to achieve in expanding health insurance coverage. The administration's rollout of the new health care exchanges was marred by computer problems that further stoked political attacks. And the Supreme Court dealt the administration another setback in 2014 by allowing employers to claim religious objections to avoid covering contraceptives in their health benefit plans. But the court dealt opponents a more important setback in 2015, with a 6-3 decision largely upholding the financial structure of the law.<sup>35</sup>

Obama was having less success in budget politics. Despite his re-election, Republicans retained solid control in the House. Obama had set his sights since 2011 on negotiating some kind of "grand bargain" on taxes and spending with the Republican speaker of the House, Ohio's John Boehner. But Boehner proved unable to bring along the hard-line Tea Party conservatives in his party's caucus. The negotiations failed most dramatically in October 2013, when the government shut down all but essential operations for 16 days with no spending bill approved for the start of the fiscal year. An interim spending bill allowed the government

to reopen until a full-year measure could be enacted in December.<sup>36</sup>

The impasse over spending reinforced Obama's growing resort to executive action to achieve his most contentious policy goals. Earlier in the year, Obama had responded to a December 2012 mass shooting at the Sandy Hook elementary school in Connecticut with a detailed package of gun control measures. He offered four major proposals on Jan. 16 for Congress to consider but also instituted some 23 executive actions aimed at strengthening background checks and bolstering mental health services.<sup>37</sup>

Even earlier, before his re-election, Obama had responded to Congress's inaction on immigration in mid-June by instituting a program, known as Deferred Action for Childhood Arrivals, to give renewable work permits and exemption from deportation to immigrants who had come to the United States illegally before the age of 13.<sup>38</sup>

With the public blaming Republicans more than Democrats for the government shutdown, Democrats approached the November 2014 midterm elections with hopes of defying the normal losses for the incumbent president's party. But Republicans made a modest gain of 13 seats in the House, and Democrats lost an historically high number of nine Senate seats, yielding the upper chamber to Republicans.

Boehner responded by promising "a new start" when the new Congress assembled, but on specifics he renewed the Republicans' previous calls to repeal Obamacare and threats to stall immigration reform if the president took any unilateral action.<sup>39</sup>

## **"Fourth-Quarter" Politics**

Obama rebounded from the 2014 midterm elections with determination to keep pushing an ambitious policy and political agenda at home and abroad. "My presidency is entering the fourth quarter," the nation's No. 1

basketball fan told an end-of-year news conference on Dec. 19. "Interesting stuff happens in the fourth quarter."<sup>40</sup>

His fourth-quarter strategy came to encompass four major diplomatic initiatives, all sharply criticized by Republicans, and continued efforts in signature domestic policy areas, including health care and immigration.

The first of the foreign policy ventures had come just two days earlier when Obama made the surprise announcement on Dec. 17 that the United States would restore full relations with Cuba after more than 50 years of diplomatic isolation.<sup>41</sup> Cuban President Raul Castro, brother of the nation's ailing former longtime leader Fidel Castro, made a similar announcement the same day in Havana.

Republicans criticized the decision, which did not require congressional approval, and signaled they would block repeal of the legislatively imposed trade embargo. Many Americans took advantage of the new freedom to travel to the island nation, including Obama himself, who paid a well-received state visit in March.

Obama faced significantly stronger criticism after the United States and six other nations signed an agreement with Iran on July 14, along terms previously agreed to on April 2, aimed at blocking that nation from developing nuclear weapons. The accord lifted international financial sanctions against Iran.

Republicans warned that the agreement to permit international inspections was incomplete and allowed Iran an opening to resume its nuclear program down the road. Despite the criticism, Obama thwarted efforts by Republicans to require congressional approval.<sup>42</sup>

The administration completed another protracted negotiation in October, when 12 Pacific Rim nations signed a trade-expanding, tariff-lowering pact called the Trans-Pacific Partnership (TPP).<sup>43</sup> Obama depicted the accord, signed in Atlanta, as benefiting the U.S. economy and cementing relations with Asian and other Pacific Rim countries.



It would also counter China's assertive use of its own economic and diplomatic influence, he said.

The completion of the trade deal came against the backdrop of growing concern about free trade from politicians in both parties and the general public. Many blamed free trade policies for the steep decline in manufacturing jobs that began in 2000, even though many economists saw technology and automation as more important factors. On Capitol Hill, McConnell, the Senate majority leader, said he would not bring the TPP up for a vote this year. On the campaign trail, both Trump and Clinton opposed the agreement as harmful to the U.S. economy but without citing specific provisions they object to.

separate action aimed at reducing greenhouse gas emissions from U.S. fossil fuel power plants. The Environmental Protection Agency's so-called Clean Power Plan had been stalled by the Supreme Court in February while awaiting a federal appeals court hearing on legal challenges brought by 27 states and an array of private utility companies.<sup>45</sup>

The diplomatic initiatives came to fruition as the administration was dealing, less successfully, with an array of other vexing challenges. Russia had effectively annexed Crimea in 2014, carving the strategic peninsula out of the former Soviet republic Ukraine, and continued to back pro-Russian separatists in their conflict with the pro-U.S. government in Kiev. China was

rulings by the Supreme Court, each significantly backed by the administration's top lawyer at the high court. The administration had joined with gay rights forces in 2013 in urging the justices to invalidate the so-called Defense of Marriage Act (DOMA), the 1996 law that barred federal marriage-based benefits to legally married same-sex couples.

A year later, Solicitor General Donald Verrilli again argued for the administration in urging the court to guarantee same-sex couples a constitutional right to marry nationwide. Obama, who had first backed same-sex marriage in 2012, hailed the June 2015 ruling; the White House was lit up in rainbow colors on the night of the decision.<sup>46</sup> In their 2016 platform, however, Republicans vowed to reverse the decision.

The administration fared less well in the courts on other domestic issues. Obama had announced a new immigration initiative in November 2014 to lift the threat of deportation from immigrants who were parents of U.S. citizens or legal permanent residents. Texas led a coalition of 26 states in challenging the program, known as Deferred Action for Parents of Americans and Lawful Permanent Residents or DAPA, in federal court. A federal judge in Brownsville blocked the program nationwide, and his ruling was then upheld by the Fifth U.S. Circuit Court of Appeals.

The administration appealed to the Supreme Court and defended the program in April 2016 before eight justices following the death of Justice Antonin Scalia. As the term ended, the court deadlocked 4-4 along liberal-conservative lines, leaving the injunction against the program in place.<sup>47</sup>

Obamacare was also at the Supreme Court again in a challenge brought by religious charities and schools over procedures for gaining an exemption from the mandate that company insurance policies cover the cost of contraceptives. The administration had won in six of the seven federal appeals court challenges. The justices skirted what appeared to



Getty Images/The Miami Herald/Ai Diaz

*In December 2015 President Obama opened the way for full restoration of relations with Cuba after more than 50 years of diplomatic isolation. Republicans criticized the decision and signaled they would block repeal of the Cuban trade embargo. Many Americans took advantage of the new freedom to travel to the island nation, including Miriam Turner, above. Obama himself paid a state visit in March.*

With presidential politics in a crescendo, Secretary of State John Kerry joined representatives of 170 nations at the United Nations in New York City on April 22, 2016, to sign an agreement to curb greenhouse gas emissions in hopes of warding off further climate change.<sup>44</sup> With congressional approval required to implement the agreement, Republicans in their party platform vowed to reject the accord and Obama's

pressing island maritime claims in the South China Sea even as the United States engaged in naval operations aimed at supporting allied countries' view of the sea as an international waterway. And the Islamic State continued to hold broad swaths of territory in Iraq and Syria although Obama claimed progress in containing its spread.

On the domestic front, Obama basked in the glow of two successive gay rights

be a 4-4 deadlock in the cases by unanimously sending them all back to the appellate courts in hopes that the government and religious groups would reach a compromise.<sup>48</sup>

Meanwhile, the administration's figures showed enrollment as of March of about 11.1 million people in the health insurance exchanges, numbers that were far short of projections and that threatened financial viability for participating insurers.

Obama was unreservedly upbeat, however, when he addressed the Democratic national convention on its penultimate night in late July. One by one, he ticked off the achievements of his administration: a recession ended; deficits down; unemployment down; health care a right for all; troops home from abroad; and diplomatic initiatives toward Cuba, Iran and climate change.

"By so many measures," Obama said in summarizing, "our country is stronger and more prosperous than it was when we started."<sup>49</sup> ■

## CURRENT SITUATION

### Legacy Eyed

With his time in the White House running out, President Obama continues to try to add to his legacy but with the same mix of successes and disappointments from the previous seven years.

Obama returned from what is likely to be his last major international summit in early September with a formal commitment from Chinese President Xi Jinping to support a global climate change agreement. A month after the Group 20 meeting in Hangzhou, China, Obama hailed the news that the pact was set to go into effect in another

month because a sufficient number of countries had signed.

"This gives us the best possible shot to save the one planet we've got," Obama said in the Oct. 5 appearance in the White House Rose Garden.<sup>50</sup>

Separately, Obama left the summit with no apparent help from Russian President Vladimir Putin on securing a ceasefire in the Syrian civil war. Secretary of State Kerry later brokered a deal, but it collapsed. Kerry responded on Oct. 4 by angrily breaking off talks with Russia on the issue.<sup>51</sup>

The administration also suffered a setback of sorts when voters in Colombia rejected an agreement the United States had helped broker in the South American nation's protracted civil war. Voters in the Oct. 2 referendum apparently disapproved of the agreement's concessions to the Marxist Revolutionary Armed Forces of Colombia, known as FARC. The administration responded by dispatching a special envoy to join a meeting between the government and the rebels in an effort to salvage the truce.<sup>52</sup>

Meanwhile, U.S. troops deployed in Afghanistan, numbering fewer than 10,000, and the Taliban appeared to be gaining ground. In Iraq, U.S. and Iraqi forces were involved in a major assault to retake Mosul, the nation's second-largest city, from ISIS. The former commander of the U.S. operations against ISIS was voicing confidence in the fight based on the group's reported difficulty in recruiting new militants.

"Their backs are against the wall," Lt. Gen. Sean MacFarland told *The New York Times* in a telephone interview in early October.<sup>53</sup>

On domestic issues, Obama once again criticized the Republican-controlled Congress for failing to act on a range of issues, including his nomination of Judge Garland to the Supreme Court. "Every day that GOP Senate leaders block this nomination, they hamstring the entire third branch of government," Obama wrote in a signed op-ed in *The Huffington Post* on Oct. 4, the day after

the court had begun a new term.<sup>54</sup> But Senate Republicans were showing no signs of relenting on their refusal to convene a hearing on the nomination.

Obama went on in the article to criticize congressional Republicans more broadly for refusing to approve job-creating investments on infrastructure, failing to move on tax reform and delaying "serious funding" to combat the opioid epidemic. "On countless priorities," Obama concluded, "Republicans in Washington have traded progress for partisanship."

Meanwhile, critics were depicting the president's health care reform program as failing, citing rising premiums and the withdrawal of some private health insurers from the insurance exchanges created under the law. Obama himself had conceded some "problems" with the law in an article written for a medical journal over the summer, but Republican opposition through the years had killed any chance for legislative fixes. The administration was moving in October to try to shore up the marketplaces by trying to boost enrollment and by increasing some payments to insurers.<sup>55</sup>

Other economic news was also inauspicious for the administration: Although employment increased during September, the unemployment rate rose one-tenth of 1 percent — to 5.0 percent — because of an increase in the number of people looking for work. Republicans had long cited the declining workforce participation rate as a sign that the jobs picture was less rosy than the administration depicted.

In early October, the International Monetary Fund (IMF) significantly lowered its prediction for the U.S. economy's growth over the next year to 1.6 percent, more than half a percentage point below the figure it had projected in July. An IMF official blamed what he called "sub-par" growth on lagging investment and isolationist sentiment in Europe and the United States. Republicans have blamed Obama.<sup>56</sup>

On other fronts, Obama was adding to the record number of commutations

issued during his presidency by pardoning 98 nonviolent federal offenders on Oct. 27, bringing to 872 the total number of Obama commutations — more than the previous 15 presidents combined.<sup>57</sup>

Other Obama initiatives remained stalled in the courts, likely preventing any significant action while he is still in office. The federal appeals court for the District of Columbia heard argu-

Clinton is seeking to win the White House for a third consecutive Democratic term by generally promising to continue and improve Obama's domestic policies, including the Affordable Care Act, while distinguishing her position on some issues, such as the Trans-Pacific Partnership.

Trump is harshly criticizing Obama's policies across the board. He promises

something absolutely much less expensive." He specifically mentioned eliminating "artificial lines" that limit insurers' abilities to offer policies in different states. But he made no mention of tax-sheltered health savings account, a step prominently listed on the campaign web site that would principally benefit middle- and high-income taxpayers.

On immigration, Trump promises to build "an impenetrable physical wall" on the U.S.-Mexico border and triple the number of immigration control agents. Clinton says she would focus resources on "individuals who pose a violent threat to public safety." Trump's website also says he would immediately terminate Obama's "two illegal executive amnesties." Clinton says she would "defend" the two deferred action policies — DACA for so-called "dreamers" and DAPA for parents of citizens or legal permanent residents — "against partisan attacks."

Regarding climate change, Clinton promises to support Obama's policies, including new fuel efficiency standards for cars, trucks and appliances and the Clean Power Plan. "I won't let anyone take us backward," she says on her website. Trump's website does not address climate change specifically but says he will "[r]escind all job-destroying Obama executive action," and "reduce and eliminate all barriers to responsible energy production," specifically mentioning "anti-coal" regulations.

Clinton and Trump are on opposite sides of Obama administration policies on a range of other issues. Clinton supports steps to stem "gun violence," while Trump says he will support Second Amendment rights and has criticized Obama for taking "baby steps" to eliminate the Second Amendment.<sup>61</sup> Asked during the second debate what kind of nominee she would propose for the Supreme Court, Clinton said she wanted the court to continue to support abortion rights and marriage equality for same-sex couples, in line with administration

*Continued on p. 934*



Getty Images/The White House/Pete Souza

*The effort by Navy SEALs to track and kill al Qaeda leader Osama bin Laden in Abbottabad, Pakistan, made for a tense vigil in the White House Situation Room during the successful operation on May 1, 2011. Officials joining President Obama included Vice President Joe Biden, then-Secretary of State Hillary Clinton and members of the president's national security team.*

ments on the Clean Power Plan on Sept. 27 but gave no indication when the 10-judge panel would rule. The federal judge in Texas hearing the challenge to the "deferred action" immigration policy told lawyers in the case to agree by Nov. 11 on a schedule for further proceedings in the case.<sup>58</sup>

## Policies Debated

Hillary Clinton and Donald Trump are clashing sharply over President Obama's domestic and foreign policies as the two major party nominees, burdened by personal unpopularity, wage an acrimonious contest to succeed him.<sup>59</sup>

to repeal Obamacare, cut off illegal immigration, reverse Obama's climate change policies and strengthen the war against ISIS.

Clinton and Trump also clashed at length over the Affordable Care Act on Oct. 10, in the second of their three televised debates. Clinton listed various benefits of the law, including expanded health care coverage. "I want very much to save what works," she said. But she acknowledged that premium costs, deductibles and copays were "too high" and promised steps to "get costs down," including "help to small businesses."<sup>60</sup>

In his turn, Trump bluntly called Obamacare "a disaster." The solution, he said, was "to repeal it and replace it with



# At Issue:

## Has President Obama been successful in office?



**JOHN KENNETH WHITE**  
*PROFESSOR OF POLITICS,*  
*CATHOLIC UNIVERSITY*

WRITTEN FOR *CQ RESEARCHER*, OCTOBER 2016

Obama's has been a consequential presidency. Of course, that's not saying much. James Buchanan also had a consequential presidency that ended with secession and the onset of civil war. Then again, there are the consequential presidencies of George Washington, Thomas Jefferson, Abraham Lincoln and Theodore Roosevelt that are immortalized on Mount Rushmore. While Barack Obama's visage is unlikely to be placed on Mount Rushmore, his presidency is consequential nonetheless.

Obama rescued an economy on the brink of disaster; instituted health care reform that eluded every prior president since Theodore Roosevelt; facilitated major social and cultural changes (especially in the area of gay rights); largely disentangled the United States from disastrous wars in Iraq and Afghanistan; and killed Osama bin Laden. He also extended diplomatic recognition to Cuba; successfully negotiated the Iran nuclear deal and, a Trans-Pacific Partnership trade agreement and ordered restrictions of carbon emissions. Although each will require further action, they all are important beginnings.

This is nothing short of miraculous. When Obama assumed the presidency in January 2009, the United States lost nearly 600,000 jobs in that month alone. To fight the Great Recession, Obama needed congressional passage of a \$787 billion stimulus package, a Dodd-Frank bank reform bill and a rescue package for the auto industry.

Obamacare occurred despite unanimous Republican opposition and challenges that survived Supreme Court review. Some 11 million Americans are enrolled in Obamacare, many receiving subsidies to purchase health insurance. Political scientist Paul Pierson writes, "On domestic issues, Obama is the most consequential and successful Democratic president since LBJ. It isn't close."

Of course, there are regrets. Syria is one. Failing to obtain comprehensive immigration reform is another. So, too, is Obama's inability to reform the nation's gun laws following numerous mass killings. And his failure to bridge a widening partisan divide belies his promise to restore the nation's motto, *E Pluribus Unum*, — "Out of many, one" — to its full meaning.

But Obama's accomplishments outweigh the regrets. If voters knew in 2008 that the economy would recover; the dream of universal health care would edge closer to reality; the wars in Iraq and Afghanistan would taper off; Osama bin Laden would die; and Bill Clinton's "Don't Ask, Don't Tell" military policy would be repealed and gay marriage would become legal, they would be astonished. Barack Obama's presidency can be summed up in one word: consequential.



**JOHN J. PITNEY JR.**  
*ROY P. CROCKER PROFESSOR OF AMERICAN*  
*POLITICS, CLAREMONT MCKENNA COLLEGE*

WRITTEN FOR *CQ RESEARCHER*, OCTOBER 2016

during the 2008 presidential campaign, candidate Barack Obama invoked the themes of "hope" and "change," raising high expectations about what he could accomplish. As president, he fell short.

Consider economic growth, the heart of domestic policy. Between 1946 and 2008, real gross domestic product grew at an average yearly rate of 3.3 percent. Between 2009 and 2015, that figure was just 1.5 percent, or less than half. Supporters of the administration try to paint a brighter picture by highlighting a drop in the official unemployment rate. But a good part of that change happened because so many adults are outside of the workforce. Among developed nations, reports the president's own Council of Economic Advisers, the United States now has the third-lowest labor force participation rate for prime-age men.

Next to "hope" and "change," Obama's most famous promise involved his health care law. "If you like the plan you have, you can keep it," he pledged. "If you like the doctor you have, you can keep your doctor, too. The only change you'll see are falling costs as our reforms take hold." But by 2016, the law's online marketplaces were grappling with double-digit premium hikes, the collapse of nonprofit co-ops and the exit of major insurance companies. Meanwhile, health plans shrank provider networks and raised deductibles. Former Rep. Barney Frank (D-Mass.) said in 2014: Obama "should never have said as much as he did, that if you like your current health care plan, you can keep it. That wasn't true. And you shouldn't lie to people. And they just lied to people."

In 2009, Obama accepted the Nobel Peace Prize. The award was not for his accomplishments — he had served for only a few weeks — but instead reflected the hope that he would make a real difference for the cause of world peace. The data suggest otherwise. Between 2010 and 2015, fatalities in armed conflicts around the globe more than tripled, from 49,000 to 167,000. Obviously, the president was not to blame for all of this bloodshed, but in some places he bore at least some responsibility. *New York Times* columnist Nicholas Kristof writes that "allowing Syria's civil war and suffering to drag on unchallenged has been his worst mistake, casting a shadow over his legacy."

*Proverbs 25:14* provides an epitaph for the Obama presidency: "Like clouds and wind without rain is one who boasts of gifts never given."

Continued from p. 932

positions. Trump said he would appoint justices “very much in the mold” of Justice Antonin Scalia, who dissented consistently on abortion-rights decisions and in the marriage case.

On foreign policy, Trump blames the rise of ISIS on the decision that he attributes to Obama and Clinton to withdraw U.S. combat troops from Iraq. “That’s why ISIS formed in the first place,” he said in the Oct. 10 debate. Clinton answered only indirectly. “I hope by the time I am president that we will have pushed ISIS out of Iraq,” she said.

Paradoxically, Clinton has taken a more hawkish position on the Syrian civil war than either Obama or Trump. In the debate, Clinton called the situation in Syria “catastrophic” and noted that as secretary of State she unsuccessfully advocated establishing a no-fly zone in rebel-controlled areas. In his turn, Trump rejected a position taken by his vice presidential running mate, Indiana Gov. Mike Pence, in favor of using military force against the Syrian regime. “He and I haven’t spoken,” Trump said, “and I disagree.”

In another paradox, both Clinton and Trump oppose the Trans-Pacific Partnership trade agreement. “We have to renegotiate our trade deals,” Trump said in the first of the presidential debates on Sept. 26. He went on to take credit for what he depicted as Clinton’s changed stance in opposing the agreement. Clinton insisted she came out in opposition only after seeing the final agreement. “I was against it once it was finally negotiated and the terms were laid out,” she said.<sup>62</sup>

In a contest already dominated by issues of temperament and character, policy issues receded even further when an audio tape surfaced on Oct. 7 of lewd comments that Trump made to the “Access Hollywood” host Billy Bush in 2005. Trump was heard on the tape boasting of grabbing women’s genitals and of unsuccessfully attempting to force himself on a married woman.<sup>63</sup> \*

Obama addressed the comments in a campaign-trail appearance the day after the Oct. 10 debate. “You don’t have to be a husband or a father to have heard what we heard a few days ago and say, ‘That’s not right,’” Obama told a rally in Greensboro, N.C., on Oct. 11. “You just have to be a decent human being.”<sup>64</sup> ■

## OUTLOOK

### The Partisan Divide

In the final months of his presidency, Obama remains surprised, disappointed and chagrined at the unbridled, gridlock-producing partisanship that he found in Washington and that he now expects will outlast his time in the White House.

In a candid interview with *New York* magazine writer Jonathan Chait, Obama recalls how the Republican opposition to the administration’s fiscal stimulus in the first month of his presidency led to his realization that the GOP had decided on a strategy of opposition rather than cooperation.

“It established the dynamic for not just my presidency,” Obama told Chait, “but for a much sharper party-line approach to managing both the House and the Senate that I think is going to have consequences for years to come.”<sup>65</sup>

The scant support that Obama got for the fiscal stimulus from a handful of Republican senators and the total GOP boycott of the Affordable Care Act set the stage for the rest of his presidency. “Obama received less support from Republicans than any other Democrat in modern times,” according

to Edwards, the Texas A&M professor, who has published data on presidential support for 40 years.

Rudalevige, the Bowdoin professor, agrees. “It became clear that the new Republican Congress just wasn’t going to work with him,” he says.

The partisan divide that Obama describes is not confined to Washington, but appears to be increasing among Americans nationwide, according to polling by the Pew Research Center in spring 2016. The survey of self-identified Democrats and Republicans, conducted in April and May, found majorities of partisans in each party holding “very unfavorable” views about the rival party for the first time since 1992.

Among Democrats, 55 percent of those surveyed said the Republican Party made them “afraid,” 47 percent said it made them “angry” and 58 percent said it left them “frustrated.” Among Republicans, 49 percent said the Democratic Party made them “afraid,” 46 percent “angry” and 57 percent “frustrated.” Percentages were higher in each category among partisans with “high engagement” in politics, such as people who make campaign contributions or volunteer in campaigns.<sup>66</sup>

Obama “has been one of the most polarizing presidents in the history of public opinion polls” along with George W. Bush, according to Schier, the Carleton political scientist. “What is distinctive is the bitterness of the opposition.”

Edwards notes that the Republicans’ opposition to Obama is based in part on misinformation. “Large percentages of Republicans think that unemployment hasn’t come down,” he says. “They think illegal immigrations are pouring across the border, and yet we’ve had net out-migration.” They are “entirely wrong,” he explains. “It’s just crazy.”

Margolis, the anti-Obama author and blogger, disputes the picture of a president completely thwarted by a Congress controlled by Republicans. “It is difficult to claim that Obama didn’t get most of what he wanted, Margolis says.

\* In the succeeding two weeks, 11 women accused Trump of unwanted sexual conduct in various settings and at various times dating from the 1980s to as recently as 2013. Trump strongly denied all the accusations. Those accusations are beyond the scope of this report.

On the eight-year balance sheet, Obama can list on the positive side the fiscal stimulus, Obamacare, two Supreme Court appointments and a generally free hand in Afghanistan, Iraq, Syria and elsewhere in foreign affairs despite frequent partisan second-guessing. Through executive actions and regulatory initiatives, he also has tightened fuel efficiency standards, expanded protections for workers and adopted rules to limit anti-LGBT discrimination. On the negative side are such steps as immigration reform, the Clean Power Plan, a third Supreme Court appointment and an array of legislative initiatives that were dead on arrival on Capitol Hill and dozens of pending judicial nominees.

In the interview, Obama recalled that some of his critics, including talk radio host Rush Limbaugh, cheered when the International Olympics Committee, in his first year as president, rejected the bid by his adopted home town of Chicago to host the 2016 summer Olympics. "It was really strange," Obama remarked.

As he leaves office, Obama worries that the partisan divide will continue for the foreseeable future, but he hopes that it will not. "If there's one wish that I have for future presidents, it's not an imperial presidency, it is a functional, sensible majority-and-opposition being able to make decisions based on facts and policy and compromise," he told Chait.

"That would have been my preference for the majority of my presidency," he continued. "It was an option that wasn't always available. But I hope the American people continue to understand that that's how the system should work." ■

## Notes

<sup>1</sup> Obama defeated Republican John McCain in 2008 with 365 electoral votes to 173 for McCain; his popular vote margin was slightly over 9.5 million: 69,456,897 to 59,934,814.

Obama defeated Republican Mitt Romney in 2012 with 332 electoral votes to 206 for Romney; his popular vote margin was approximately 4.9 million: 65,446,032 to 60,589,084. See "Historical Timeline: 270 to Win," <http://tinyurl.com/nzfxfh>. For background on the start of Obama's time in office, see Kenneth Jost, "The Obama Presidency," *CQ Researcher*, Jan. 30, 2009, pp. 73-104.

<sup>2</sup> For coverage, see Julie Hirschfeld Davis and Michael Davis, "Obama, at Convention, Lays Out Stakes for a Divided Nation," *The New York Times*, July 27, 2016, <http://tinyurl.com/hhlyz54>. "Full text: President Obama's DNC speech," *Politico*, July 27, 2016, <http://tinyurl.com/zx7xyz7>. A video of the 44-minute address can be found here: [www.youtube.com/watch?v=aip0BAWrdLw](http://www.youtube.com/watch?v=aip0BAWrdLw).

<sup>3</sup> Andy Barr, "The GOP's no-compromise pledge," *Politico*, Oct. 28, 2010, <http://tinyurl.com/zekepwpx>.

<sup>4</sup> Maggie Haberman and Alan Rappeport, "Trump Drops False 'Birther' Claim but Offers New One: Clinton Started It," *The New York Times*, Sept. 16, 2016, <http://tinyurl.com/hgoupsv>.

<sup>5</sup> See Ian Schwartz, "Obama: I Will Consider It An Insult To My Legacy If You Do Not Vote; Want to Give Me A Good Send Off? Go Vote," *Real Clear Politics*, Sept. 17, 2016, <http://tinyurl.com/zovjvt>; talk show quoted in Aaron Blake, "Obama's sweet 'on the ballot' revenge," *The Fix, The Washington Post*, Sept. 28, 2016, <http://tinyurl.com/jgk9k7g>.

<sup>6</sup> See "The 2016 Democratic Platform," <https://www.democrats.org/party-platform>; "Republican Platform 2016," <https://www.gop.com/platform/>.

<sup>7</sup> Joseph R. Biden Jr., "Building for Success: Opportunities for the Next Administration," *Foreign Affairs*, September/October 2016, <http://tinyurl.com/jb86q9c>.

<sup>8</sup> For background, see Reed Karaim, "Defeating the Islamic State," *CQ Researcher*, April 1, 2016, pp. 289-312.

<sup>9</sup> For background, see Kenneth Jost, "Unrest in the Arab World," *CQ Researcher*, Feb. 1, 2013, pp. 105-132.

<sup>10</sup> Quoted in Binyamin Appelbaum, "U.S. Household Income Grew 5.2 Percent in 2015, Breaking Pattern of Stagnation," *The New York Times*, Sept. 14, 2016, <http://tinyurl.com/zzdvhgq>. See also Jim Tankersley, "U.S. household incomes soared in 2015, recording biggest gain in decades," *The Washington Post*, Sept. 13, 2016, <http://tinyurl.com/j3o42ep>.

<sup>11</sup> See Julie Hirschfeld Davis, "Obama Condemns Trump in Full-Throated Pitch for Clin-

ton," *The New York Times*, Sept. 13, 2016, <http://tinyurl.com/zwhq284>.

<sup>12</sup> Nelson D. Schwartz, "U.S. Economy Grew 2.9% in 3rd Quarter, Picking Up the Pace," *The New York Times*, Oct. 28, 2016, <http://tinyurl.com/zgkxqud>.

<sup>13</sup> For background see Peter Katel, "The Federal Reserve," *CQ Researcher*, Jan. 3, 2014, pp. 1-24.

<sup>14</sup> "U.S. Economic Confidence Index Lingers at -12," Gallup, Sept. 27, 2016, <http://tinyurl.com/z9722wl>.

<sup>15</sup> Quoted in Philip Bump, "The unusual split in perceptions of race relations between Donald Trump and Barack Obama," *The Fix, The Washington Post*, July 12, 2016, <http://tinyurl.com/js4kcsc>.

<sup>16</sup> Michael Eric Dyson, *The Black Presidency: Barack Obama and the Politics of Race in America* (2016), pp. x, 258.

<sup>17</sup> Jackie Calmes and Helene Cooper, "A Personal Note as Obama Speaks on Death of Boy," *The New York Times*, March 23, 2012, <http://tinyurl.com/hpftak7> (Trayvon Martin); Mark Landler and Michael D. Shear, "President Offers a Personal Take on Race in U.S.," *The New York Times*, July 19, 2013, <http://tinyurl.com/l9wxgx2> (George Zimmerman acquittal); Julie Hirschfeld Davis, "Calling for Calm in Ferguson, Obama Cites Need for Improved Race Relations," *The New York Times*, Aug. 18, 2014, <http://tinyurl.com/znuugcq> (Michael Brown death); Monica Davey and Julie Bosman, "Protests Flare After Ferguson Police Officer Is Not Indicted," *The New York Times*, Nov. 24, 2014, <http://tinyurl.com/oahkcxj> (no indictment of Officer Darren Wilson).

<sup>18</sup> Peter Baker and Helene Cooper, "President Tries to Defuse Debate Over Gates Arrest," *The New York Times*, July 25, 2009, <http://tinyurl.com/j6d39w9>.

<sup>19</sup> Victor Davis Hanson, "The legacies of Barack Obama," *The St. Augustine (Fla.) Record*, Sept. 15, 2016, <http://tinyurl.com/hogb6ju>.

<sup>20</sup> Krissah Thompson and Scott Clement, "Poll: Majority of Americans think race relations are getting worse," *The Washington Post*, July 16, 2016, <http://tinyurl.com/jtt9fth>.

<sup>21</sup> Renee Stepler, "5 key takeaways about views of race and inequality in America," Pew Research Center, June 27, 2016, <http://tinyurl.com/hnbahpk>.

<sup>22</sup> See Kevin Sack and Gardiner Harris, "President Obama Eulogizes Charleston Pastor as One Who Understood Grace," *The New York Times*, June 26, 2015, <http://tinyurl.com/ppuj5ac>.

<sup>23</sup> Some background drawn from Chuck Todd, *The Stranger: Barack Obama in the White House*,



2014, and Michael I. Days, Obama's Legacy: What He Accomplished as President, 2016, . . .

<sup>24</sup> For the text and video, see "President Barack Obama's Inaugural Address," The White House, Jan. 21, 2009, <http://tinyurl.com/zsfvmy8>. For coverage, see Peter Baker, "Obama Takes Oath, and Nation in Crisis Embraces the Moment," *The New York Times*, Jan. 20, 2009, <http://tinyurl.com/hw7e3d5>; Michael D. Shear and Anne E. Kornblut, "A Historic Inauguration Draws Throngs to Mall," *The Washington Post*, Jan. 21, 2009, <http://tinyurl.com/bzv9mt>.

<sup>25</sup> Scott Shane, "Obama Orders Secret Prisons and Detention Camps Closed," *The New York Times*, Jan. 22, 2009, <http://tinyurl.com/hsk2yl2>. For current population, see "The Guantanamo Docket," *The New York Times*, updated Oct. 20, 2016, <http://tinyurl.com/6h8xka>. For background, see Patrick Marshall, "Closing Guantanamo," *CQ Researcher*, Sept. 30, 2016, pp. 793-816.

<sup>26</sup> For coverage of the bill signing, see Michael A. Fletcher, "Obama Leaves D.C. to Sign Stimulus Bill," *The Washington Post*, Feb. 18, 2009, <http://tinyurl.com/cp362s>. The House passed the bill on Jan. 28 by a vote of 244-188, the Senate on Feb. 10 by a vote of 61-37.

<sup>27</sup> See Edmund L. Andrews and Eric Dash, "U.S. Expands Plan to Buy Banks' Troubled Assets," *The New York Times*, March 23, 2009, <http://tinyurl.com/car786>.

<sup>28</sup> See David Espo, "Obama puts GM, Chrysler on short leash," The Associated Press, March 31, 2009, <http://tinyurl.com/hkug44w>.

<sup>29</sup> The decision is *Citizens United v. Federal Election Commission* (Jan. 21, 2010). For an account, see Kenneth Jost, *Supreme Court Yearbook 2009-2010*. For general background, see Kenneth Jost, "Supreme Court Controversies," *CQ Researcher*, Sept. 28, 2012, pp. 813-840.

<sup>30</sup> See William Branigin, "Obama reflects on 'shellacking' in midterm elections," *The Washington Post*, Nov. 3, 2010, <http://tinyurl.com/mr8g2ql>. Republicans increased their numbers in the House from 193 to 256; the Democrats' 53-47 majority in the Senate included two independents who caucused with the Democrats.

<sup>31</sup> Sheryl Gay Stolberg, "Obama Signs Away 'Don't Ask, Don't Tell,'" *The New York Times*, Dec. 22, 2010, <http://tinyurl.com/27rajpd>.

<sup>32</sup> Peter Baker, Helene Cooper, and Mark Mazzetti, "Bin Laden Is Dead, Obama Says," *The New York Times*, May 1, 2011, <http://tinyurl.com/6d7p9o6>. SEAL is the Navy's acronym for specially trained Sea, Air and Land teams.

<sup>33</sup> Mark Landler, "U.S. Troops to Leave Iraq by Year's End," *The New York Times*, Oct. 21, 2011, <http://tinyurl.com/3brltd7>.

<sup>34</sup> See Todd, *op. cit.*, pp. 432-449.

<sup>35</sup> The Supreme Court decisions are *National Federation of Independent Business v. Sebelius*, June 28, 2012; *Burwell v. Hobby Lobby Stores*, June 30, 2014; *King v. Burwell*, June 25, 2015. For accounts, see respective editions of Jost, *Supreme Court Yearbook*.

<sup>36</sup> See Jonathan Weisman and Jackie Calmes, "Two Parties Start Work to Avoid Repeat Crisis," *The New York Times*, Oct. 17, 2013, <http://tinyurl.com/lzjip7v>.

<sup>37</sup> See Peter Baker and Michael D. Shear, "Obama to 'Put Everything I've Got' Into Gun Control," *The New York Times*, Jan. 16, 2013, <http://tinyurl.com/adxooln>. For a complete list of actions, see "What's in Obama's Gun Control Proposal," *The New York Times*, Jan. 16, 2013, <http://tinyurl.com/bqqql2v>.

<sup>38</sup> For background, see Christina L. Lyons, "Presidential Power," *CQ Researcher*, March 6, 2015, pp. 217-240.

<sup>39</sup> See Ed O'Keefe and Sean Sullivan, "Top Republicans openly gloat about their midterm elec-

tion wins," *The Washington Post*, Nov. 6, 2014, <http://tinyurl.com/zpgnwnzl>.

<sup>40</sup> See Zeke Miller and Alex Altman, "Obama Looks to the '4th Quarter' of His Presidency," *Time*, Dec. 19, 2014, <http://tinyurl.com/jubrnb2>.

<sup>41</sup> Peter Baker, "U.S. Will Restore Full Relations With Cuba, Erasing a Last Trace of Cold War Hostility," *The New York Times*, Dec. 17, 2014, <http://tinyurl.com/olk6aky>.

<sup>42</sup> Michael R. Gordon and David E. Sanger, "Deal Reached on Iran Nuclear Program; Limits on Fuel Would Lessen With Time," *The New York Times*, July 14, 2015, <http://tinyurl.com/o54nzl2>.

<sup>43</sup> David Nakamura, "Deal reached on Pacific Rim trade pact in boost to Obama economic agenda," *The Washington Post*, Oct. 5, 2015, <http://tinyurl.com/qgg7g2m>; Kevin Granville, "The Trans-Pacific Partnership Trade Accord Explained," *The New York Times*, Oct. 6, 2015, <http://tinyurl.com/jmff39o>.

<sup>44</sup> Darryl Fears, "U.S. and 170 other nations sign historic climate agreement," *The Washington Post*, April 22, 2016, <http://tinyurl.com/jf24vk2>.

<sup>45</sup> For background, see Jill U. Adams, "Air Pollution and Climate Change," *CQ Researcher*, Nov. 13, 2015, pp. 961-984.

<sup>46</sup> The decisions are *United States v. Windsor* (June 26, 2013); *Obergefell v. Hodges* (June 26, 2015). For accounts, see respective editions of Jost, *Supreme Court Yearbook*.

<sup>47</sup> The decision is *United States v. Texas* (June 23, 2016). See Jost, *Supreme Court Yearbook 2015-2016, op. cit.* The Court does not specify the votes of individual justices in 4-4 decisions, but observers uniformly assumed on the basis of oral arguments that the four conservatives voted to uphold the injunction against the administration policy, and the four liberals votes to reverse it.

<sup>48</sup> The decision is *Zubik v. Burwell* (May 16, 2016). See *ibid.*

<sup>49</sup> See "President Obama's speech at the Democratic convention," *The Washington Post*, July 28, 2016, <http://tinyurl.com/zmoz26p>. For coverage, see Jonathan Martin and Patrick Healy, "Championing Optimism, Obama Hails Clinton as His Political Heir," *The New York Times*, July 28, 2016, <http://tinyurl.com/z7cxq8c>.

<sup>50</sup> See Nancy Benac, "Obama hails climate change deal as potential turning point," The Associated Press, Oct. 5, 2016, <http://tinyurl.com/z2md66o>; Mark Landler and Jane Perlez, "Rare Harmony as China and U.S. Commit to Climate Deal," *The New York Times*, Sept. 3, 2016, <http://tinyurl.com/hl3a789>.

## About the Author



**Kenneth Jost** has written 170 reports for *CQ Researcher* since 1991 on topics ranging from legal affairs and social policy to national security and international relations. He is the author of *The Supreme Court Yearbook* and *Supreme Court From A to Z* (both CQ Press). He is an honors graduate of Harvard College and Georgetown Law School, where he teaches media law as an adjunct professor. He also writes the blog *Jost on Justice* (<http://jostonjustice.blogspot.com>). His earlier reports include "The Bush Presidency" (February 2001) and "The Obama Presidency" (January 2009).

<sup>51</sup> Rod Nordland, "John Kerry Criticizes Russia, Saying It 'Turned a Blind Eye' on Syria," *The New York Times*, Oct. 4, 2016, <http://tinyurl.com/zoavorl>; Mark Landler, "Gaps of Trust With Russia Bar New Effort to Broker Syrian Cease-Fire, Obama Says," *The New York Times*, Sept. 5, 2016, <http://tinyurl.com/zrchl66>.

<sup>52</sup> Karen DeYoung, "U.S. envoy to Colombia's peace process to join talks on salvaging agreement," *The Washington Post*, Oct. 5, 2016, <http://tinyurl.com/jkvetaw>.

<sup>53</sup> See "Voices From a Worsening Afghan War," *The New York Times*, Oct. 7, 2016, <http://tinyurl.com/hdayoga>; MacFarland is quoted in Helene Cooper, Eric Schmitt, and Michael R. Gordon, "U.S. Set to Open a Climactic Battle Against ISIS in Mosul, Iraq," *The New York Times*, Oct. 7, 2016, <http://tinyurl.com/jrl3kje>.

<sup>54</sup> Barack Obama, "Republican Obstruction Is Undermining Supreme Court, Enough Is Enough," *The Huffington Post*, Oct. 4, 2016, <http://tinyurl.com/zuqv6dv>.

<sup>55</sup> See Robert Pear, "Ailing Obama Health Care Act May Have to Change to Survive," *The New York Times*, Oct. 2, 2016, <http://tinyurl.com/h7hmryx>.

<sup>56</sup> See Ylan Q. Mui, "International Monetary Fund slashes prospect for U.S. growth," *The Washington Post*, Oct. 4, 2016, <http://tinyurl.com/js2v7dn>.

<sup>57</sup> Gregory Korte, "Obama grants 98 more commutations, setting single-year clemency record," *USA Today*, Oct. 27, 2016, <http://tinyurl.com/jyhm6m4>.

<sup>58</sup> Anne E. Marimow and Brady Dennis, "Appeals court considers Obama's Climate Change Plan," *The Washington Post*, Sept. 29, 2016, <http://tinyurl.com/jlaq7db>; judge's order tweeted by Josh Blackman, associate professor, Houston Law School (@joshblackman): <http://tinyurl.com/zo3zyn4>, Oct. 6, 2016.

<sup>59</sup> Policy positions drawn in part from campaign web sites: Hillary Clinton 2016: [www.hillaryclinton.com](http://www.hillaryclinton.com); Make America Great Again: [www.donaldjtrump.com](http://www.donaldjtrump.com).

<sup>60</sup> For a transcript of the second presidential debate, as prepared by CQ Transcriptwire, see <http://tinyurl.com/zdq6n5x>.

<sup>61</sup> Quoted in Mark Hensch, "Trump: Obama taking 'baby steps' to eliminate Second Amendment," *Ballot Box* blog, *The Hill*, Jan. 4, 2016, <http://tinyurl.com/huprgcs>.

<sup>62</sup> See Aaron Blake, "The first Trump-Clinton presidential debate transcript, annotated," *The Washington Post*, Sept. 26, 2016, <http://tinyurl.com/zlxdw34>.

<sup>63</sup> David A. Fahrenthold, "Trump recorded

## FOR MORE INFORMATION

**Alliance for Justice**, 11 Dupont Circle, N.W., Washington, DC 20036; 202-822-6070; [www.afj.org](http://www.afj.org). A liberal advocacy group that works to ensure the federal judiciary advances core constitutional values and adheres to the even-handed administration of justice.

**American Enterprise Institute**, 1789 Massachusetts Ave., N.W., Washington, DC 20036; 202-862-5800; [www.aei.org](http://www.aei.org). Nonpartisan, nonprofit think tank, partly funded by business interests, that advances ideas rooted in a belief in democracy, free enterprise and American strength and global leadership.

**Cato Institute**, 1000 Massachusetts Ave., N.W., Washington, DC 20001; 202-842-0200; [www.cato.org](http://www.cato.org). Public policy research organization dedicated to individual liberty, limited government and free markets that has played a prominent role in the debate over the Affordable Care Act.

**Center for American Progress**, 1333 H St., N.W., Washington, DC 20005; 202-682-1611; [www.americanprogress.org](http://www.americanprogress.org). Liberal organization that says it promotes a strong, just and free America.

**Center on Budget and Policy Priorities**, 820 1st St., N.E., Suite 510, Washington, DC 20002; 202-408-1080; [www.cbpp.org](http://www.cbpp.org). Nonpartisan think tank that promotes policies to reduce poverty and inequality and to restore fiscal responsibility that has played an important role in the debate over the Affordable Care Act.

**Economic Policy Institute**, 1225 I St., N.W., Suite 600, Washington, DC 20005; 202-775-8810; [www.epi.org](http://www.epi.org). Nonprofit, nonpartisan think tank, partly funded by labor organizations, that addresses the needs of low- and middle-income workers in economic policy discussions.

**FreedomWorks**, 400 North Capitol St., N.W., Suite 765, Washington, DC 20001; 202-783-3870; [www.freedomworks.org](http://www.freedomworks.org). Conservative organization, formerly Citizens for a Sound Economy, that advocates on legal issues and judicial appointments as part of promoting free enterprise and limited government.

**Heritage Foundation**, 214 Massachusetts Ave., N.E., Washington, DC 20002; 202-546-4400; [www.heritage.org](http://www.heritage.org). Seeks to promote conservative policies based on free enterprise, limited government and a strong national defense.

### ***Here are the national committees for the two major political parties:***

**Democratic National Committee**, 430 South Capitol St., S.E., Washington, DC 20003; 202-863-8000; [www.democrats.org](http://www.democrats.org).

**Republican National Committee**, 310 1st St., S.E., Washington, DC 20003; 202-863-8500; [www.gop.com/](http://www.gop.com/)

having extremely lewd conversation with women in 2005," *The Washington Post*, Oct. 8, 2016, <http://tinyurl.com/jok7bph>. Fahrenthold's scoop resulted in massive coverage and commentary in print, broadcast and social media. The comments were the topic of the first line of questions in the second presidential debate.

<sup>64</sup> Julie Hirschfeld Davis, "Obama, in North Carolina, Lashes Trump as He Urges Blacks

to Back Clinton," *The New York Times*, Oct. 11, 2016, <http://tinyurl.com/jn72sqz>.

<sup>65</sup> See Jonathan Chait, "Five Days That Shaped a Presidency," *New York*, Oct. 2, 2016, <http://tinyurl.com/zjjgxul>.

<sup>66</sup> "Partisanship and Political Animosity in 2016," Pew Research Center, June 22, 2016, p. 51, <http://tinyurl.com/zcwlwz>.

# Bibliography

## Selected Sources

### Books

**Chait, Jonathan, *Audacity: How Barack Obama Defied His Critics and Transformed America*, HarperCollins, forthcoming January 2017.**

The liberal politics columnist for *New York* magazine argues in a compact overview that Obama has had a successful presidency despite some foreign policy failures, disappointment among some supporters and staunch opposition from Republicans in Congress.

**Days, Michael I., *Obama's Legacy: What He Accomplished as President*, Center Street, 2016.**

The editor of the *Philadelphia Daily News* admiringly details Obama's accomplishments as president subject by subject. Includes chronology, detailed notes.

**Dyson, Michael Eric, *The Black Presidency: Barack Obama and the Politics of Race in America*, Houghton Mifflin Harcourt, 2016.**

The Georgetown University sociology professor and one-time Obama campaign surrogate finds that Obama has brought new light to racial issues in the United States while diminishing the role of traditional black powerbrokers. Includes detailed notes and list of 50 statements and speeches by Obama on racial issues.

**Margolis, Matt, and Mark Noonan, *The Worst President in History: The Legacy of Barack Obama*, Victory Books, 2016.**

Two political bloggers present what they call 200 reasons why Obama is the "worst president" in U.S. history, compiled in 10 separate chapters on such areas as the economy, Obamacare, foreign policy, civil liberties and radical Islam, among others. Includes 60 pages of sources.

**Savage, Charlie, *Power Wars: Inside Obama's Post-9/11 Presidency*, Little, Brown, 2015.**

The Pulitzer Prize-winning *New York Times* correspondent comprehensively examines how the Obama administration dealt with the legal issues posed in post-9/11 counterterrorism and national security policies. Includes detailed notes.

**Schier, Steven E. (ed.), *Debating the Obama Presidency*, Rowan & Littlefield, 2016.**

Ten essays by contributors representing a range of views and backgrounds provide differing perspectives on Obama's record in foreign policy, economic policy and governance. Schier is a professor of political science at Carleton College. Each essay includes sources.

**Todd, Chuck, *The Stranger: Barack Obama in the White House*, Little, Brown, 2014.**

The former chief White House correspondent for NBC News, now political director and moderator of "Meet the Press," provides

a widely praised journalistic account of Obama's presidency through his first six years in office. Includes illustrations, notes.

### Articles

**Appelbaum, Binyamin, and Michael D. Shear, "Once Skeptical of Executive Power, Obama Has Come to Embrace It," *The New York Times*, Aug. 4, 2016, <http://tinyurl.com/jfpb8ja>.**

Reporters describe Obama as "one of the most prolific authors of major regulations in presidential history."

**Biden, Joseph R. Jr., "Building for Success: Opportunities for the Next Administration," *Foreign Affairs*, September/October 2016, <http://tinyurl.com/jb86q9c>.**

The vice president argues that the United States is "stronger and more secure" than when President Obama took office and describes Obama's foreign policies in the context of challenges for the next administration.

**Chait, Jonathan, "Five Days That Shaped a Presidency," *New York*, Oct. 2, 2016, <http://tinyurl.com/zjjgxul>.**

President Obama reflects in a lengthy and candid interview with the writer and commentator for *New York* magazine on five critical events in his presidency, including the passage of the fiscal stimulus in 2009 and the Affordable Care Act in 2010. The issue includes an illustrated eight-year timeline of events in Obama's presidency.

**Goldberg, Jeffrey, "The Obama Doctrine," *The Atlantic*, April 2016, <http://tinyurl.com/zfzlg5g>.**

Goldberg, recently elevated to editor in chief of *The Atlantic*, critically describes President Obama as "feckless" and depicts him as a supporter of "foreign policy realism" and skeptic of "liberal interventionist" policies.

**Sorkin, Andrew Ross, "President Obama Weighs His Economic Legacy," *The New York Times Magazine*, April 28, 2016, <http://tinyurl.com/heg5jvn>.**

*The Times's* financial columnist describes Obama's economic policies and quotes the president as taking credit for a successful recovery but blaming shortcomings on lack of "political capital."

### Obamacare

For sharply contrasting perspectives on the Affordable Care Act, see **Josh Blackman, *Unprecedented: The Constitutional Challenge to Obamacare*, Public Affairs, 2013**, and **Ezekiel J. Emmanuel, *Reinventing American Health Care: How the Affordable Care Act Will Improve our Terribly Complex, Blatantly Unjust, Outrageously Expensive, Grossly Inefficient, Error Prone System*, Public Affairs, 2014**. Blackman is an associate professor at South Texas College of Law; Emmanuel is a physician and a senior fellow at the Center for American Progress.



# The Next Step:

## *Additional Articles from Current Periodicals*

### ***Affordable Care Act***

**Luhby, Tami, “Obamacare enrollment projected to grow 9% in 2017,” CNN, Oct. 19, 2016, <http://tinyurl.com/zdgdmnz>.**

The Obama administration predicts Obamacare enrollment will increase 9 percent by 2017 to an average of 11.4 million people.

**Olorunnipa, Toluse, “Obama Says Obamacare Has ‘Real Problems’ Congress Refuses to Fix,” Bloomberg, Oct. 3, 2016, <http://tinyurl.com/hl8stwk>.**

President Obama acknowledges problems with the Affordable Care Act, which he says have worsened due to political polarization in Congress.

**Turner, Grace-Marie, “Middle-Income Americans Take The Biggest Hit With Obamacare,” *Forbes*, Oct. 27, 2016, <http://tinyurl.com/gmhplmw>.**

Middle-income taxpayers will shoulder much of the burden of Obamacare premium hikes via taxes, according to the former director of the Congressional Budget Office.

### ***Economy and Jobs***

**“Obama: ‘My Brother’s Keeper’ will benefit US economy,” *The Associated Press*, *Yahoo News*, Oct. 11, 2016, <http://tinyurl.com/hlaszfe>.**

Closing achievement, wealth and employment gaps through programs such as “My Brother’s Keeper” could grow the economy about 2 percent faster, according to President Obama.

**Jamieson, Dave, “Been Stiffed On Wages? Hurt On The Job? The White House Wants To Help,” *The Huffington Post*, Oct. 28, 2016, <http://tinyurl.com/zc2dte3>.**

The White House unveiled a new website to inform people about worker rights and workplace laws in the United States.

**Morath, Eric, “U.S. Economy Roars Back, Grew 2.9% in Third Quarter,” *The Wall Street Journal*, Oct. 28, 2016, <http://tinyurl.com/hfr6uj9>.**

U.S. economic growth propelled forward at the fastest rate in two years in the third quarter, with the gross domestic product increasing 2.9 percent.

### ***Foreign Policy***

**Landler, Mark, and Eric Schmitt, “Battle for Mosul Tests Obama Strategy to Shift Fight’s Burden From U.S.,” *The New York Times*, Oct. 17, 2016, <http://tinyurl.com/zquvsbb>.**

The fight to retake the city of Mosul from ISIS forces in Iraq is one of the Obama administration’s last defining counterterrorism initiatives as his second term ends.

**Lederman, Josh, and Darlene Superville, “In parting words**

**to UN, Obama calls for ‘course correction,’ ” *The Washington Post*, Sept. 20, 2016, <http://tinyurl.com/jr5zl3e>.**

At his last speech to the U.N. General Assembly, President Obama cautioned other nations not to hide behind walls in fear of ethnic and religious divisions.

**Ordonez, Franco, “For first time, U.S. changes its position on U.N. resolution blasting Cuba trade embargo,” *The Miami Herald*, Oct. 26, 2016, <http://tinyurl.com/hc72gra>.**

For the first time in 25 years, the United States declined to oppose a United Nations resolution condemning the economic embargo against Cuba.

### ***Race Relations***

**Bacon Jr., Perry, “How Americans See Race and Racial Relations is Shifting Dramatically,” NBC News, Oct. 3, 2016, <http://tinyurl.com/hz48jh8>.**

An increasing number of Americans are concerned about race relations, more than a third of whom “worry a great deal.”

**Lowery, Wesley, “Black and white Americans still worlds apart in views on race, Obama and Black Lives Matter,” *The Washington Post*, June 27, 2016, <http://tinyurl.com/h77d2fu>.**

Blacks and whites disagree about whether there is still work to be done for blacks to achieve equal rights and whether the U.S. will ever achieve racial equality, according to a Pew survey.

**Rampton, Roberta, “Obama responds to critics in conversation on race and police,” Reuters, July 15, 2016, <http://tinyurl.com/hb453qh>.**

During a town hall meeting, President Obama expressed support for police officers but acknowledged data showing disparities in police treatment of African-Americans.

#### **CITING CQ RESEARCHER**

Sample formats for citing these reports in a bibliography include the ones listed below. Preferred styles and formats vary, so please check with your instructor or professor.

##### MLA STYLE

Jost, Kenneth. “Remembering 9/11.” *CQ Researcher* 2 Sept. 2011: 701-732.

##### APA STYLE

Jost, K. (2011, September 2). Remembering 9/11. *CQ Researcher*, 9, 701-732.

##### CHICAGO STYLE

Jost, Kenneth. “Remembering 9/11.” *CQ Researcher*, September 2, 2011, 701-32.

# In-depth Reports on Issues in the News

*Are you writing a paper?*

*Need backup for a debate?*

*Want to become an expert on an issue?*

For 90 years, students have turned to *CQ Researcher* for in-depth reporting on issues in the news. Reports on a full range of political and social issues are now available. Following is a selection of recent reports:

## Civil Liberties

Privacy and the Internet, 12/15  
Intelligence Reform, 5/15  
Religion and Law, 11/14

## Crime/Law

Jailing Debtors, 9/16  
Decriminalizing Prostitution, 4/16  
Restorative Justice, 2/16  
The Dark Web, 1/16  
Immigrant Detention, 10/15  
Fighting Gangs, 10/15  
Reforming Juvenile Justice, 9/15

## Education

Apprenticeships, 10/16  
Free Speech on Campus, 5/15  
Teaching Critical Thinking, 4/15  
Race and Education, 9/14

## Environment/Society

Pornography, 10/16  
Women in Leadership, 9/16  
Child Welfare, 8/16  
Nanotechnology, 6/16  
Social Security, 6/16  
Women in Combat, 5/16

## Health/Safety

Opioid Crisis, 10/16  
Mosquito-Borne Disease, 7/16  
Drinking Water Safety, 7/16  
Virtual Reality, 2/16

## Politics/Economy

Populism and Party Politics, 9/16  
U.S.-Mexico Relations, 9/16  
Modernizing the Nuclear Arsenal, 7/16  
Reforming the U.N., 6/16  
Arbitrating Disputes, 3/16  
U.S.-Iran Relations, 3/16

## Upcoming Reports

Power Grid Security, 11/11/16

Student Debt, 11/18/16

Arctic Development, 12/2/16

## ACCESS

*CQ Researcher* is available in print and online. For access, visit your library or [www.cqresearcher.com](http://www.cqresearcher.com).

## STAY CURRENT

For notice of upcoming *CQ Researcher* reports or to learn more about *CQ Researcher* products, subscribe to the free email newsletters, *CQ Researcher Alert!* and *CQ Researcher News*: <http://cqpress.com/newsletters>.

## PURCHASE

To purchase a *CQ Researcher* report in print or electronic format (PDF), visit [www.cqpress.com](http://www.cqpress.com) or call 866-427-7737. Single reports start at \$15. Bulk purchase discounts and electronic-rights licensing are also available.

## SUBSCRIBE

Annual full-service *CQ Researcher* subscriptions—including 44 reports a year, monthly index updates, and a bound volume—start at \$1,131. Add \$25 for domestic postage.

*CQ Researcher Online* offers a backfile from 1991 and a number of tools to simplify research. For pricing information, call 800-818-7243 or 805-499-9774 or email [librarysales@sagepub.com](mailto:librarysales@sagepub.com).

## CQ RESEARCHER PLUS ARCHIVE

GET ONLINE ACCESS TO VITAL  
ISSUES FROM 1923 TO THE PRESENT



*CQ Researcher Plus Archive* delivers fast, online access to every *CQ Researcher* report from 1991 to the present, PLUS lets you explore the complete archive of *Editorial Research Reports\**

from 1923-1990. Search and browse more than 3,800 in-depth reports.

Loaded with handy online features, *CQ Researcher Plus Archive* provides the trustworthy reporting and the advanced online functionality today's researchers demand. The "Issue Tracker" feature provides quick links to past and present reports on the specific topics you need.

For a free trial, visit:

<http://library.cqpress.com/static.php?page=freetrial>

For pricing information, call 800-818-7243 or 805-499-9774 or e-mail [librarysales@sagepub.com](mailto:librarysales@sagepub.com)

\**Editorial Research Reports*, the predecessor to *CQ Researcher*, provides the same expert, nonpartisan reporting on the vital issues that have shaped our society.

CQ Press • 2600 Virginia Ave., NW, Suite 600 • Washington, DC 20037