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On Leadership



LEGAL SCHOLAR

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**THE QUESTION**

**Do we need more Joe Liebermans?**

**Last week, one senator avoided partisanship and ideological rigidity and successfully leveraged his vote to win what he believed were necessary changes in key piece of legislation. So why was Sen. Joe Lieberman so bitterly criticized rather than praised for his leadership on health care?**

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**Judging Joe**

Whether Senator Lieberman deserves a place in principled heaven or self-indulgent hell turns on two very different issues: the merits of his position and the nature of his intent.

On the merits, I find his opposition to the watered-down public option unpersuasive. In a period of fiscal crisis and overwhelming federal deficits, Lieberman claims it is a mistake to create another entitlement program

In its later versions, the public option would, however, only be triggered if there was a failure in the insurance market to provide competitive pricing (and if there were a state opt-out on top of that). The Congressional Budget Office found this would reach relatively few people and have relatively little cost. We need all the experimentation we can get in our dysfunctional health care system.

The deeper problem--having little to do with a modest public option -- is controlling both public and private health-care costs, which are projected to grow at over six percent in the next decade. These high costs will continue to eat up ever-higher percentages of GDP (rising to 20 percent of GDP in ten years, and 25 percent by 2025).

In my view, if we want to judge Senator Lieberman today, we should debate his substantive positions.

This is so because the second issue---the nature of his intent---is much more complicated and hard to understand. One would have to get inside Senator Lieberman's mind to untangle the various motivations for his position. Although I have had limited contact with the senator (from my state) over the years, my knowledge of him comes overwhelmingly from media accounts. It is the symptom of the time that we are fascinated with snap judgments about personalities, as opposed to a discussion of the merits of their positions.

One can choose among many motivations attributed to Lieberman in media reports (or sheer media speculation). Among them:

The senator truly believes in fiscal restraint in these stressed times and, following a precautionary principle, doesn't want to take a chance on another entitlement program.

The senator has felt marginalized since his unsuccessfully run for the vice presidency in 2000 and his loss in the Democratic senatorial primary in 2006 and, egotistically, wants to get back in the limelight.

The senator is courageously going against the wishes of a majority in his state of Connecticut, who voted overwhelmingly for Obama (while he was campaigning for McCain) and today still approve of the president and the health-reform legislation.

The senator is cynically positioning himself for his 2012 Senate race as an independent. By opposing the public option, he gains good will on the conservative side of the spectrum, but his general support of health care allows him to appeal to moderate independents (and a few Democrats).

The senator is trimming his sails to please a large commercial constituency in his home state---the insurance industry--- whether he runs again in 2012 or whether he plans to retire in 2012 and is looking for board seats or other moneyed positions as he exits public life.

The senator is shrewdly or crassly playing senatorial politics. As an independent, not up for re-election, he can take the fire for opposing a public option that others in the Democratic Caucus also oppose, while other such opponents are more politically vulnerable and want to lay low (e.g. Blanche Lincoln of Arkansas who, alone among the "centrists," is up for re-election next year). But he had to be there as the 60th vote against cloture: otherwise he risked being thrown out of the caucus and stripped of his role as chair of the Homeland Security and Government Affairs Committee. (Why have him in the caucus if he didn't deliver that critical 60th vote on the most important piece of legislation in 2009?)

And on and on....

So, I am prepared to criticize the senator for his position on the merits. I don't know enough about his personal history---and his current motivations---to have any considered judgment about his intent and character (just being "unpopular" with many in his party doesn't do it for me).

Like the 2,000 page piece of legislation that has thrust him back into center of controversy, Senator Lieberman's character as opposed to his policy positions is, at least for this observer, not easy to fathom.

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