

## Introduction

If reports in the media are any indication, political scandals resulting from corruption or personal indiscretions are ubiquitous (Sabato, Stencel and Lichter 2000; Entman 2012). Governors fly to international locations on the public's dime for extramarital trysts or attempt to sell Senate seats. Presidents and their senior staff conspire to cover up political crimes. Political nominees are accused of financial misdeeds related to federal income tax returns. Other observers and scholars concur with this grim assessment of modern politics (Dunn 2000; Marion 2010). Scandals are argued to be on the rise because the media are more invasive, communications technology is more pervasive, laws are stricter, and political opponents thrive in using these events as political weapons (Garment 2001; Nyhan 2009). Assertions of "gotcha" politics have become predominant in shaping American political culture, changing how the media (Sabato 1993) and other political actors relate to the political system (Davis 2006). American presidents, in particular, tend to be highly susceptible to the perceived growing tide of scandal as their political fortunes are often linked to such events (Woodward 1999; Dallek 2010). This is especially true of certain presidents, who tend to be shrouded in accusations (Stewart 1996). The resulting legal skirmishes have given an avenue to the venom in partisan politics for a generation since Watergate (Ginsberg and Shefter 1999).

These scandals, and the media reaction to them, often seem overwrought: politicians involved in problems of their own doing, executive officials making bad political choices, and the media unnecessarily amplifying these events. Yet, scandals are more than just trivial decisions by occasionally immoral individuals or humorous fodder for the news. Scandals can have important impacts on the political system, trust in government, investigations by the legal system, and the ability of government to function properly. As Williams (1998) notes, the "apparent popularity of political scandals makes them hard for politicians to ignore" (1). Navigating negative media coverage

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Brandon Rottinghaus

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and avoiding public scrutiny are pastimes of modern politicians, and scandals provide the opportunity to engage in both. How politicians handle scandal can tell us a great deal about the ways in which they master political spin, control the media, and manipulate the public. But the institutional reactions to scandals can also tell us a great deal about political accountability, crisis governing, agenda setting, organizational pressure, and the legal system.

Despite the consequential effects scandals may have on the political system, there is little work on the medium- and long-term impacts of scandal on governing. Existing literature on presidential scandals consists mainly of isolated case studies, including descriptions of events (Stewart 1996; Toobin 2000; Woodward and Bernstein 1974, 1994; Coen and Chase 2012) and participants' evaluations of the events (Walsh 1997; Davis 1999; Blumenthal 2003). Several studies also describe the ways in which scandal compromises journalistic standards (Sabato, Stencel and Lichter 2000; Kalb 2001; Liebovich 2003) and its effect of fraying relations among politicians, the public, and the media (Feldstein 2010). Other work positions the politics of scandal as one facet of modern contentious American political life but only one factor in the growth of the "public integrity war" (Roberts and Doss 1997; Ginsberg and Shefter 1999). Countless studies identify how scandals affect the popularity of a politician or the public's reaction to allegations of illegal activity. These studies are informative and well researched but fail to provide insight into institutional strategies following scandals or a systematic approach to testing the impacts of scandal on the function of government.

More work needs to be done on the effects of scandals on American politics with respect to the ability of state and national governments to function in the wake of executive scandals. As Cameron (2002) notes, "The politics of scandal has not received the degree of serious scholarly attention it probably deserves. But if scandal seeking and scandal mongering are normal political tactics ... then political scientists need to learn their logic" (655). Williams (1998) argues that "despite the evident capacity of scandals to set political agendas, they have received surprisingly little academic attention." Markovits and Silverstein (1988) note that "political scandals represent a challenge to the very legitimacy of liberal democracies," making it critical to study the institutional effect of scandals (10). Because the United States entrusts the governing of the nation to individuals, when these individuals are distracted or preoccupied it can have ramifications for the ability of government to function. In studying scandal politics, therefore, it is imperative to study governing rather than simply public approval and to examine institutional ramifications over partisan politics.

This book takes a systematic look at the universe and scope of executive scandals, the nature of these scandals, the reaction of the participants to these scandals, and the effect on the political system at both the state and national levels. Given the continual presence and the importance of scandal and the toll that such events take on cooperation, bargaining, and the arc of political careers, we need to understand better the dynamics of what shapes the duration of a scandal, the way scandals affect the executives' capacity to govern, and the strategic choices executives make in confronting scandal. This book will help to clarify our understanding of the dimensions of how scandals shape the political environment (and the aftermath) at both the state and national levels. It specifically explores the frequency of scandals at the state and national levels affecting both governors and presidents from 1972 to 2012, how these scandals cause executives to react to allegations, conditions under which executives and related officials "survive" scandals, the effect of scandals on policy and political actions, the effect of scandal on executive-legislative relations, and the reaction of the legal system to scandals. These topics give us a broader perspective on why scandal is important and its specific effects on governing in the political system.

#### SUMMARIZING THE INSTITUTIONAL AND BEHAVIORAL IMPACT OF SCANDALS

This book explains the impacts of scandal, allowing us to separate when scandals are consequential from when they are not. When do scandals have a limited (or no) effect on the political system? Critics of scandal politics argue that government is rendered impotent by frequent highly visible scandals. Such adverse outcomes do occur but not consistently. For most low-level scandals, government largely proceeds with business as usual. Most scandals are brief and involve few actors, often leading to quick resignations. In other instances, their impacts are present but minimal. The legislative process at both the state and national levels shows few detrimental effects on presidential or gubernatorial administrations in the aftermath of scandals. On key legislative votes or for total legislative support of the president from the U.S. Congress, there is no significant effect of political scandal. Scandals do not damage all actors equally; indeed, scandals are more damaging to Republican presidents, especially in legislative support among their own party. Similarly, high public and partisan support has only modest effects in helping political actors survive scandals. Support from partisans in the legislature is only a ballast against removal from office for presidents, not governors. Even popular governors or presidents are not immune to scandal, as public approval has no impact on the duration of a scandal.

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Of course, scandals also create moments of crisis for executives, leading to strategic changes in behavior and limiting accountability in democratic government. When do scandals have a consequential effect on the political system? Executives change the way they govern in the aftermath of scandals. Scandals embolden governors to act more aggressively with their legislatures and encourage the president's public, political role. Governors expand their agenda, veto more frequently, issue more unilateral orders, and focus on consensual legislative issues. Presidents shy away from the national stage but "go local" more often; turn away from most unilateral uses of power, vetoes, and policy requests; and focus more on "bread and butter" policy issues. Scandals also have an effect on the openness of government. Scandals are most troubling when they lead to stonewalling, which is more likely for governors when government is divided or their personal power is weak and for presidents when investigations are budding or during election years. Personal scandals tend to end quickly, while financial and political scandals tend to drag on, often without resolution before an executive leaves office. Scandals also have a recurring, systemic effect on partisanship in the political system: They create more partisan legislative unity, but they do so for both parties, making scandal a further harbinger of polarization.

In the aftermath of scandal, political actors demonstrate a robust institutional resiliency, and although political accountability is often compromised, the political system responds with additional scrutiny. Indeed, chief executives are generally more likely to adapt than retrench. Executives react as expected to scandals, dictated by their central position in the political system. Both presidents and governors respond aggressively to revelations of scandal, large and small, by adapting their behavior and using the powers of their office to demonstrate political fortitude. Although the institutions of government survive these crises, democratic accountability, the lifeblood of the public political system, is often limited by scandal. Scandals involving presidents or governors are more likely to be met with obfuscation than truth telling (especially if a scandal is serious), nominees involved in scandal are permanently thwarted, and more legislative allies and political stonewalling lead to greater political survival. The system, though, bends but does not break in the aftermath of these crises; it maintains good health and is responsive in predictable ways. The system reacts to investigate and admonish further wrongdoing in the aftermath of scandals: More legislative hearings are held to probe wrongdoing and more investigations by internal and external agencies are conducted. Ultimately, the institutional ramifications for

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executive scandals demonstrate impressive adaptability of the actors involved and the system at large.

## WHY POLITICIANS CARE ABOUT SCANDALS

Political scandals can have impacts that are minor and short-lived or major and long term, depending on the issues and players involved. Scandals most often damage the reputations of executives and officials, sometimes irreparably. Executive prevarication, sometimes related to scandals and sometimes not, has shaped the post-war history and “presidential dishonesty about key matters of state – whether moral or immoral – is ultimately and invariably self-destructive” (Alterman 2004, 22). Of course, specific actions and actors produce lasting effects on politicians. Busby (2001) notes that “the presidency of William Jefferson Clinton was blighted by accusation of scandal, personal indiscretion, and inappropriate private conduct. For all the President’s public achievements, it appears likely that Clinton’s presidential legacy will be forever tarnished by scandal” (1). Illinois Governor George Ryan was acclaimed nationally and internationally for ending capital punishment in Illinois, yet his moral policy legacy was tarnished by his involvement in several scandals, eventually leading to him leaving office in disgrace and serving time in prison (Schneider 2003). These types of events may not just end political careers (either briefly or permanently) but, in addition, be inexorably intertwined with these individuals for the duration of their political life.

The easiest way to measure reputational damage due to scandals is to examine the decline in public support in public opinion polls. It is not surprising to say that being associated with a scandal will harm the popularity of a politician, especially an executive. For instance, Newman and Forcehimes (2010) argue that negative events, such as scandals, have deleterious effects on presidential approval. They find that many scandals, including the emergence of the Iran-Contra scandal, the resignation of John Sununu and the exposure of the scandals at the Housing and Urban Development contributed negatively to presidential approval. An “approval diminishing” event, such as a scandal, combined with no rallying moment to galvanize the public, drops presidential approval by almost 3% (Simon and Ostrom 1989). Although scandals tend to hurt the approval ratings of a politician, the public can distinguish between behavior it believes central to the actor’s job and those it considers private (Renshon 2002). In fact, in isolated instances, presidents may actually maintain or even expand their popularity, depending on

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the specific conditions present (Zaller 1999;). Prior approval of a politician and perceptions of the importance of the scandal also shape the attitudes of the public. In the case of President Clinton during the Lewinsky scandal, citizens constructed “seemingly reasonable justifications” for what they believed and wanted to continue to believe: that the President was an effective leader (Fischle 2000, 151).

Why does scandal affect approval as it does? The degree of elite political cuing (either for or against a politician involved in scandal) has an effect on the evaluation of executives during scandal (Woessner 2005). Media attention also has an effect on public judgments. For instance, in the case of the Clinton-Lewinsky scandal, more media coverage in general is associated with a positive favorability of the President while more media coverage of the scandal is associated with a negative relationship on job approval (Kioussis 2003). More media coverage may also simply generate “white noise” that the public ignores (Lawrence, Bennett and Hunt 1999). Again, the type of scandal matters, where “competence qualities” are more important as a factor in a candidate evaluation (Funk 1996). Approval is also tied to how the scandal is framed. Shah, Watts, Domke and Fan (2002) note that the “mass approval of Clinton was sustained and encouraged by news content presenting the scandal in terms of attacks by conservatives and critical responses by liberals” in addition to frames about the President’s performance. Scandals also have the ability to prime the public’s assessment of a politician’s policy actions, as intervention in Central America “loomed larger” in the public’s assessment of President Reagan’s performance after the Iran-Contra scandal broke in November 1986 (Krosnick and Kinder 1990).

Another way to determine the effect of scandals on the electorate is to examine the subsequent vote share of those politicians caught in scandals, if they decide to continue in politics. This relationship is most prominent for Members of Congress whose scandalous actions can negatively affect public perceptions of political institutions (Bowler and Karp 2004). Members of Congress who had one or more of their actions referred to the House Ethics Committee, the Committee that adjudicates potential wrongdoing by Representatives, were less likely to be reelected (49%) than those Members who did not have a case referred (87%) (Praino and Moscardelli 2013). Members involved in scandals were also significantly more likely to be defeated in a primary (14%) than those not involved (4%). In general, Members who had cases heard by the House Ethics Committee, and likely faced related issues the campaign, reduced their margin of victory by 14% (see also Dimock and Jacobson 1995). Basinger (2013) also found that the specific type of scandal matters: corruption scandals led to an

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8% reduction in vote share, sex and financial scandals led to a 5% reduction in vote share. Republican incumbents are more strongly affected than Democratic incumbents (Welch and Hibbing 1997). The public may forgive a politician for a past indiscretion, but the effect in the short term can be costly (Doherty, Dowling and Miller 2011).

Beyond the consequences to the body politic of political leaders, scandals also have a damaging effect on the public's view that government can be effective, efficient and trustworthy. Scandals have greatly contributed to the "erosion of public trust as lies build up into vast institutional practices" (Bok 1989, xiii). Bowler and Karp (2004) find that scandals involving legislators (both in the United States and the United Kingdom) can have negative influences on constituent attitudes towards institutions and the political process in general (see also Hetherington and Rudolph 2008). Institutional support of Congress is also negatively affected by scandals, which in turn decreases overall trust in government (Chanley, Rudolph and Rahn 2000). Such a decline in trust has ramifications for institutional support of governmental institutions, especially the executive (Hetherington 1998) and on incumbent vote choice (Hetherington 1999). In turn, political cynicism towards elected officials affects how individuals interpret information about future political scandals (Dancy 2013).

Damage to political character, reputation, trust and approval all affect the ways in which politicians govern. Yet, the ramifications of scandal on institutions and policy are of greater importance because they affect more than the individuals involved. Williams (1998) notes "scandals can both disrupt and take over the political agenda of the politicians involved. In some cases it becomes necessary for public officials to resign because they are unable to work while simultaneously responding to criminal allegations. In extreme cases, scandals can paralyze the White House and divert Congress into forms of 'mindless cannibalism'." An administration's policy focus, even one considered successful, can also be hurt when politicians are caught in a scandal, such as President Reagan's administration's providing weapons to hostile regimes during the Iran-Contra scandal (Smist and Meiers 1997). This latter point is the nexus of this book: namely, the degree to which scandal alters the governing styles, accountability and strategies of state and national chief executives and the degree to which scandal has systematic institutional consequences for American politics. The effects of scandal on public opinion, vote choice or approval ratings give us a short term perspective on these phenomenon. This book provides a long-term and big-picture view of the institutional effects of political scandal on the executive branch (and governing partners) as a way to understand the systemic effects of scandal on American politics.

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## WHAT WE NEED TO KNOW

Despite the wealth of interesting studies on scandal in American politics, there are still important questions to be asked and answered with respect to the impact of scandal on the political system. Among these questions:

- Are the number of scandals increasing? Although reports suggest that politicians are constantly embroiled in scandals, is this accurate for executive branch politics?
- Do more scandals affect executives after their first terms or in divided government?
- How long do scandals last and what factors (economic, political, and/or institutional) hasten an end to an official's political life?
- When confronted with allegations of wrongdoing, do elected and appointed officials lie about their involvement or do they tell the truth?
- What specific effects do scandals have on the strategies, both political and policy-based, that chief executives use to govern? Put another way, do governors and presidents retreat to the throne of power or do they become more active agents in the political system?
- What effect does scandal have on the relationship between the executive and legislative branches?
- When scandals do emerge, does the investigatory political system, in implementing the many procedural rules they are tasked with enforcing in the wake of past scandals, respond with additional inquiries of other officials?

In short, the current literature has just scratched the surface of the information we would like to know about the short- and long-term roles that scandal plays in the political system. It is these institutional and governing effects that this book can help to uncover.

The literature often examines scandals individually as an issue of indiscretion or corruption, as commentary on the politics of the day or over interprets the nature of a scandal. Too often, a single scandal becomes fodder for the ills of unified government, lack of oversight from Congress, or the muscular exercise of executive power. But nor can we merely treat scandals, even individual ones, as "one-off" events which have little or no impact on the political system at large (Tiffen 1999, 11). By themselves, some scandals have the capacity to alter presidencies, force governors to resign, distract chief executives, alter legislative agendas or devolve into radical political charges in partisan warfare. Indeed, even when scandals involve merely personal indiscretions, these activities often have civil and criminal implications (Jirard 2011). Beyond this,



the number of scandals an administration faces cumulatively or concurrently may have a major effect on their ability to focus while governing, given the resulting sap of political capital and distractions inevitably caused by constant media attention to allegations. Such building blocks are essential to examine because the nature of effective government and democratic accountability are at stake.

The study of political scandals needs to be more systematic as well. Scholars often examine one element of a scandal (the effect on popularity, the prospects for reelection) or a single individual (a governor in crisis, the life span of a nominee). Journalists focus on salacious aspects of a handful of select scandals and ignore many others (Robertson 2013). Media commentators oversell the importance of a single scandal that may be minor in scope while minimizing others that may have lasting consequences (as explained by Entman 2012). At the outbreak of each new scandal, there is fresh speculation from the media about the survival of each politician or the effects on his or her legacy. This disconnect is problematic because it obscures the true impact of scandals on the system. Williams (1998) laments that “there is no obvious correspondence between the degree of controversy generated by scandals and the gravity of the alleged misdeeds. Some of those involved in scandals pay a heavy price: resignation, disgrace and even imprisonment. Others, who seem equally culpable, escape conviction and retire with dignity” (2). If the precise effects of individual or collective scandals are to be examined, an analysis must provide accurate measures of political, economic and environmental issues and the effects associated with each event.

#### EXAMINING EXECUTIVE SCANDALS

This book focuses on the institutional effects of executive scandals and the related accountability of elected executives. In terms of the governing ability of the executive, we know little about how executives respond to allegations in terms of their governing actions. We also know little about the long-term implications to accountability in the aftermath of scandals. Damage control measures engaged in by presidents and governors vary depending on the politics of the situation and the nature of the scandal. For instance, Busby (2001) notes that “damage limitation measures enacted to protect the President from liability for the scandal were sufficiently effective so as to make the Iran-Contra scandal a serious irritant, but far from catastrophic, for Reagan” (218). While Reagan was able to maintain a degree of control during scandal, other politicians may not have the cover that President Reagan had and may be forced to alter their strategy. Governor

Sanford of South Carolina, for example, who made headlines by flying to Argentina to have an extramarital affair, declined calls for him to step down in spite of allegations that the state was “mired in a distraction” (O’Connor 2009). Without the political cover available to President Reagan, Governor Sanford was less able to keep his executive office focused. Variations on this outcome are repeated in multiple ways.

This book focuses on how a specific subset of political actors – state and national elected chief executives, their appointees, staff, and nominees – involved in scandals respond to allegations and what impact these actions resulting from scandals have on the larger political system. This approach tapers what this book can say about scandal more generally, but because executives control and manage budgets, have unitary powers of command, possess bargaining ability with legislatures and maintain significant control over appointments, focusing on the effect of scandal on executive administrations can reveal a great deal about the effect of scandals on governing, legislation and politics. Members of Congress may get caught in a scandal but because of the sheer number of individuals, one scandal is not likely to have a major effect on the institution, legislation or governing. When scandals affect an executive administration, especially the president or governor him or herself, the effect on the institution can be significant because of the central decision making, the organization of the executive branch and the status of the chief executive as the singular and key agent in charge.

#### ADVANTAGES OF THIS BOOK

This book sheds light on several important features of political scandals. This book can help to expand the study of executive politics and connect executive strategies at the state and national level into a common intellectual framework. Using unique data on political scandals from 1972 to 2012, outlined in Chapter 1, this book examines scandals of governors and presidents, their families, their appointees, their nominees and their staff. Executives at both levels face similar opportunities and constraints: the nature of their institutional arrangements in terms of the separation of powers, the institutional bases for their authority (both constitutionally given and politically expressed), institutional limits to their authority (impeachment, removal from office and unilateral power), centralized control of their policy agenda, implementation and oversight authority over a branch of government and contextual factors such as partisanship. These factors make the study of these institutions necessarily comparable and important to consider in tandem. To date, however, there has been no systematic study of the effect of executive scandals at the state