Moynihan's legacy

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As the new century begins, the career of the man whom the *Almanac of American Politics* calls "the nation's best thinker among politicians since Lincoln and its best politician among thinkers since Jefferson" comes to a close. Retiring in 2001 from a coveted Senate seat, Daniel Patrick Moynihan and his career were at least temporarily overshadowed by the race to be his successor. Perhaps in an anticipatory move to stem such a tide of attention, Johns Hopkins University Press has published *Daniel Patrick Moynihan: The Intellectual in Public Life*, a probing, while highly celebratory, compilation of essays about Moynihan from authors in fields as diverse as Moynihan's accomplishments. (This book has been strangely overlooked by reviewers, especially in contrast to the widespread and immediate attention devoted to a later Moynihan biography by Godfrey Hodgson.) The 12 authors range from former Senator Bill Bradley writing on what it's like to serve with Moynihan, to Nathan Glazer on Moynihan's contribution to the concept of ethnicity, to NBC's Tim Russert on Moynihan's "wit and wisdom" as seen through his 25 appearances on "Meet the Press." The compilation not only catalogues Moynihan's accomplishments but also explores what it is about Moynihan that has enabled him to be on the vanguard of so many modern issues, and examines why, in a time of bitter partisanship, Moynihan is arguably the most widely respected Senator on both sides of the aisle.

A consistent theme throughout Moynihan's career has been his singular ability to reframe the debate on a given public-policy problem by relying on data, not ideology, and to do it all with such wry wit and eloquent wisdom that it cannot escape one's attention. This unique skill, however, has proven to be not only his greatest asset but also his biggest encum-

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brance. A social scientist’s strict reliance on data over a 50-year career means that Moynihan’s party allegiance to a new proposal, or his role as policy maker (not just policy critic), frequently gives way to a principled, if often frustrating, insistence on relying only on what is known about solving a problem, and more importantly, acknowledging what remains unknown.

Moynihan himself summed up his approach in a July 1993 letter on his misgivings about President Clinton’s early welfare proposals. The letter could well have described Moynihan’s differences with Clinton over any number of issues (most particularly health care) as well as differences with other politicians throughout his career:

In the last six months I have been repeatedly impressed by the number of members of the Clinton administration who have assured me with great vigor that something or other is known in an area of social policy which, to the best of my understanding, is not known at all. This seems to me perilous. It is quite possible to live with uncertainty, with the possibility, even the likelihood that one is wrong. But beware of certainty where none exists. Ideological certainty easily degenerates into insistence upon ignorance.

The great strength of political conservatives at this time (and for a generation) is that they are open to the thought that matters are complex. Liberals have got into a reflexive pattern of denying this. I had hoped that twelve years of denying this [during Republican presidencies] might have changed this; it may be it has only reinforced it. If this is so, current revival of liberalism will be brief and inconsequential.

Being celebratory, the *Festschrift* volume is in no way an objective critique of Moynihan’s work. The book’s value lies instead in its description of the breadth of Moynihan’s career, the successful predictions he has made in so many areas of policy, and the legacy he will leave behind.

Largely overlooked by the essays are Moynihan’s critics. From the Left, there has been the refrain that Moynihan’s chosen role as strict adherent to data and principle and somewhat pessimistic approach to social policy have been a cover for laziness in actual legislating. As Hanna Rosin in *New York* magazine put it, adhering to “principles ... [got] him and New York nowhere.” From the Right, critics argue that Moynihan, once viewed as a neoconservative, only gives the “appearance of independence, then retreat[s] to the party.” He has thus traded conservative “principle after principle for a cozy life in an unthreatened seat” from a largely liberal state. Who is
right? Moynihan somehow manages to offend both political extremes, while nevertheless retaining the respect of his peers and the electorate.

**Renaissance man**

The intellectual in public life, common at the founding of the American Republic, is much rarer today. In the Festschrift's introduction, editor Robert Katzmann explains this absence of the scholar-politician as a result of what Richard Hofstadter termed the modern intellectual's struggle between "alienation and conformity." Katzmann writes:

On the one hand, ... [intellectuals] seek acceptance of their ideas; on the other hand, they believe that fierce critical detachment, indeed alienation, is necessary for the exercise of their creative juices. For the intellectual in politics, life is lived on a slippery tightrope, on which balance is difficult to maintain for very long.

Moynihan has thrived on this tightrope and has maintained his standing at the acme of both the political and academic arenas. From the book's appendix one notes that Moynihan is the recipient of sixty honorary degrees and such prestigious academic awards as the Thomas Jefferson Medal of the American Philosophical Society and the Britannica Medal for the Dissemination of Learning.

As an example of his striking a precarious but successful balance between scholarly pursuits and political survival, take Moynihan's original choice of committee assignments in the Senate. As recounted by Michael Barone, Moynihan said he chose Finance, "because that's where the money is." Moynihan's assignment on Finance allowed him to help control the vast flows of money in and out of the Treasury as well as to frame the debate on some of the most vexing social-policy issues of the day, many of which (taxation, welfare, Social Security, and Medicare) came within the committee's bailiwick. Moreover, his other committee assignment—Environment and Public Works—enabled Moynihan to maintain his dedication to reforming transportation policy and to delivering significant public-works projects to every county in New York (not to mention indulging his aesthetic passion for encouraging superior architecture in federal buildings).

These accomplishments have not prevented Moynihan's left-wing critics from complaining that he "was an idealist and controversialist, a theory-bound professor who enjoyed argu-
ment and relished grand gestures in defeat.” Barone in his essay acknowledges that there may some truth to this claim. “But Senator Moynihan has also been a skilled legislative politician, capable of building a consensus around ideas, marshaling support in committee, assembling a coalition, seizing the right moment to take a measure to the floor.”

Other essayists in the book add to the list of legislative achievements by noting Moynihan’s role in passing the Social Security Amendments in 1983 with Senator Bob Dole, the Tax Reform Act of 1986 signed by President Reagan, and, in arguably Clinton’s most seminal accomplishment, ushering the Deficit Reduction Package of 1993 out of the Finance Committee and on to passage by one vote in the Senate—the deciding vote being cast by Moynihan’s friend Bob Kerrey after a fabled call from Liz Moynihan. Even so, Moynihan is known for his distaste for lobbying other Senators in the causes he believes in.

More evidence that Moynihan was a skilled politician, not just an idealist, can be found in his continuous reelections. In 1988, he received the highest vote total for any candidate for statewide office in New York State history; he also received the largest margin of victory in U.S. Senate history, winning 61 of 62 counties. In 1994, he defied the nationwide anti-incumbent, anti-Democratic mood, and became only the third New Yorker ever elected to four terms in the Senate. If Moynihan has benefited consistently from a lack of credible Republican challengers (State Assemblywoman Florence Sullivan in 1982, after former congressman Bruce Caputo withdrew; Long Island attorney Robert Macmillan in 1988; and furniture-fortune heiress Bernadette Castro in 1994), this can be seen as a testimony to Moynihan’s strength, not necessarily Republican weakness. For example, in 1988, the 29 possible Republican opponents who bowed out at some stage of the Senatorial campaign included U.S. attorney Rudy Giuliani, Representative Jack Kemp, and former secretary of state Henry Kissinger.

The social science of race

As to Moynihan’s consistent, historical reliance on data and the limited, if crucial, role of social science in policy making, Seymour Martin Lipset, in his essay “The Prescient Politician,” best encapsulates this little understood but critical element of Moynihan’s beliefs:

[Moynihan] argued that social science rarely comes up with sufficient evidence to provide a scientific underpinning for broad policy
changes, whether presented by liberals or conservatives. Research generally sustains the null hypothesis—that is, not proven. He, therefore, laid down the dictum, which has become highly controversial, that "the role of social science lies not in the formation of social policy, but in the measurement of its results." Then and later he argued that while social science "can call attention to some probable consequences of certain types of actions," it cannot and should not formulate policy.

Moynihan maintained that a responsible politician must acknowledge both the history of findings on the subject and the limited nature that policy change can have on changing human behavior like illegitimacy—no matter what the political sentiment at the time.

Here some background may be helpful: In his 1965 report, "The Negro Family: A Case for National Action," (better known as "The Moynihan Report"), Moynihan had taken pains to point out that family structure is sensitive to variables of family income and employment. He was blaming not the victim but what he termed a "tangle of pathology." The authors of the most extensive and objective account of the Moynihan Report, William Yancey and Lee Rainwater, pointed out that oversimplification by the press was the central cause for the outrage that followed: "Taken as a whole, the effect of the press coverage of the Moynihan Report was to subtly exaggerate the already dramatic and sensational aspects of Moynihan's presentation and as a result to considerably deepen the impression that the report dealt almost exclusively with the [Negro] family, its 'pathology,' and 'instability,' as the cause of the problems Negroes have." Thus one finds William Ryan, a psychology professor at Harvard Medical School, in the most widely distributed reaction to the Report, writing in both the Nation and the Crisis (a publication of the NAACP), that Moynihan's report "encourages a new form of subtle racism."

According to Lipset: "Only in the longer treatments of the report, or for the careful reader (which no journalist can count on) of some of the shorter articles, was there any clear communication of the vicious cycle with which Moynihan sought to deal." Lipset then does an admirable job in clearing up the confusion:

[Moynihan] did stress the higher rates of family instability and illegitimacy among African Americans, which, he emphasized, contributed strongly to the inability of many black youth to perform well in school and in the labor market. But, as noted, family conditions are intervening variables. The causes of instability lay,
according to Moynihan, in external social factors and economic conditions ... clearly he was not blaming the victim; he was blaming the society, the white society.

But the Left turned on Moynihan—and not only because of the 1965 report on the Negro Family but also because of a second incident four years later. In 1969, Moynihan wrote a confidential, but leaked, memorandum to President Nixon, encouraging him to allow the heated racial rhetoric in the nation to cool down:

The time may have come when the issue of race could benefit from a period of "benign neglect." The subject has been too much talked about ... We may need a period in which Negro progress continues and racial rhetoric fades. [The administration] should avoid situations in which extremists of either race are given opportunities for martyrdom, heroics, histrionics, or whatever.

According to Moynihan, the term "benign neglect" came from the nineteenth-century British minister Lord Durham in his 1849 report to Queen Victoria on how to quell the divisiveness between French- and English-speaking Canadians in Upper and Lower Canada. (It should be noted that after six months of research, including an aide being assigned to read the entire "Durham Report of 1849," no such phrase "benign neglect" could be found.) Moynihan had been arguing for three years that similarly divisive rhetoric in America from both the Right and the Left was making racial progress more difficult. He was worried about such rhetoric heating up and vindicating anger and unrest in the black community. Again, Moynihan in the memo:

With no real evidence I would nonetheless suggest that a great deal of the crime, the fire-setting, the rampant school violence, and other such phenomena in the black community have become quasi politicized. Hatred, revenge against whites, is now an acceptable excuse for what might have been done anyway.

But "benign neglect" as a phrase lost any historical context and was instead heard by a civil rights leadership, already skeptical of Moynihan after the 1965 Negro Family Report, as an abandonment of the plight of poor blacks. Moynihan responded that he was merely seeking to dampen the rhetoric by paying less attention to the extremes, while quietly maintaining important governmental efforts on behalf of poor blacks through a dialogue with more stable and respected black lead-
ers. Indeed, one month prior to the memo, Moynihan had adamantly maintained that “poverty and social isolation of minority groups is the single most urgent problem of the American cities today.” But Moynihan’s choice of phrasing, especially the word “neglect,” was seen as insensitive.

However wise or unwise the counsel of a period of “benign neglect” may have been, Moynihan worried (and still worries) that the two incidents “ruined him in the Democratic party.” So pained was he by the Left’s attack on him that the 1965 report and the “Benign Neglect” memo are the only major topics that neither reporter nor staffer can broach with Moynihan even today. Furthermore, in perhaps a nod to this wound, the essayists in the *Festschrift* also avoid discussing the notorious memo to Nixon. For a loyal man like Moynihan, losing the faith of the most liberal elements in his own party twice in four years was devastating, and the accusations of racism from those on the extreme Left meant that he could never fully trust them again.

### One and a half cheers from the Right

The criticism from the Right in Moynihan’s career has been from those who see a betrayal by one of their own. After all, Moynihan had been a post-Woodstock neoconservative in the 1970s; indeed, he was an original member of the publication committee of *The Public Interest*. But as Jay Nordlinger wrote to his fellow rightists in *National Review*, “[Conservatives] like him personally (as who apparently could not?). But they speak virtually as one in lamenting the course of this former golden boy, a figure so dazzling, so energetic, so capable, that some allowed themselves to dream of a second Jefferson in the White House.” But three factors consistently kept Moynihan from swaying too far to the right: his upbringing, the *New York Times*, and old-fashioned Democratic loyalty.

According to William Yancey and Lee Rainwater, Moynihan’s core dedication to a social safety net was a product of his Hell’s Kitchen upbringing and his steadfast Catholic beliefs. For political survival, Moynihan has also never strayed far from the left-leaning *New York Times* editorial page—the result of his witnessing its power after gaining its endorsement in his original 1976 narrow victory over Bella Abzug in the Democratic Senatorial Primary.

Parenthetically, the *New York Times*’s decision to endorse Moynihan had been controversial enough to split John Oakes,
the editor of the editorial page who favored the ultra liberal Abzug, from "Punch" Sulzberger, the Times's publisher and Oakes's cousin. Oakes considered resigning and would write in retrospect, "I damn near died," characterizing Moynihan as "that rambunctious child of the sidewalks of New York." Moynihan barely won the primary with 36 percent of the vote to Abzug's 35 percent. In the most important political race of Moynihan's career, the New York Times had essentially cast the deciding vote. Moynihan staffers would learn of his reverence for the paper "of record," as he called the Times, when they would futilely try to convince Moynihan that four or five "mentions" in upstate newspapers could on occasion be equivalent to one mention in the Times. To Moynihan, the national statesman, absence from the Times was paramount to being absent from the debate.

Moynihan's alliance with, and reverence for, the Times reflects his steadfast belief in loyalty to those who helped him along the way. This characteristic, incidentally, helps answer criticism from those who might think "Moynihan the Scholar" has no allegiances. As Bill Bradley recounts in his essay in the Festschrift:

I asked ... [Moynihan] once, "Are you staying with the labor guys on trade again?"
He said, "Yes."
I said, "Why?"
He said, "Because they were with me in 1976 when I needed them."

But whatever their misgivings, conservatives have generally respected Moynihan for his acute appreciation of history. The editor of the Festschrift cites George Will on why Moynihan is essential for national politics:

[Moynihan] is at the top of the short—the very short—list of indispensable senators. They are indispensable in part because they do important things that would not get done if they were not there.... And in a town that is, in matters of the mind, constantly inventing the wheel, he supplies an unrivaled sense of intellectual and institutional history.

He's all that

Beyond Moynihan's belief in history as prologue, his reliance on data, and his loyalty to his Democratic party roots, the New York Times, and his Catholic faith, there is the immea-
surable and inimitable appeal of his style. At a time when few Senators are known for their wit, off-the-cuff remarks, or a courageous willingness to speak candidly, Moynihan shines in liberal and conservative circles alike. Nordlinger cites two critics who answered why Moynihan remains the liberal politician whom conservatives love best. "Style," said one, "he's a glittering dinner companion, an astounding intellect, whose knowledge is unparalleled"; another added, "He's one of us. He's not Al D'Amato; he's a professor. It's a little like the New Republic: they have a thousand interesting things to say, even if they wind up—you know—being for Mondale." This style has been Moynihan's trademark throughout his career. Steven Hess recounts President Nixon at Moynihan's departure from his administration: "I disagreed with a lot of what he said—but he certainly did light up the place!"

One example of Moynihan's style was his response to an unveiling of a new and expensive governmental edifice:

In the Spring of 1981, construction was nearing completion of the ... Hart Senate Office Building. All winter, the scaffolding had been sheathed in heavy plastic against the weather to allow the exterior marble to be installed. One day, the plastic came off. Moynihan promptly introduced a resolution: "Whereas the plastic cover has now been removed revealing, as feared, a building whose banality is exceeded only by its expense; and Whereas even in a democracy there are things it is as well the people do not know about government: Now, therefore, be it Resolved, That it is the sense of the Senate that the plastic cover be put back."

This anecdote also highlights Moynihan's seminal influence on architecture. He was centrally involved with the renovation of Union Station and Pennsylvania Avenue in Washington, D.C., as well as Grand Central Station and Pennsylvania Station in New York—the last of which his New York senatorial colleague Charles Schumer has proposed naming after Moynihan. In the Spring of 2000, Moynihan was the first non-architect to be honored by the University of Virginia with its Thomas Jefferson Architectural Award.

The Moynihan mode, combining a wit's style with a scholar's approach, may have attracted criticism from the political extremes but, in the end, was his greatest asset. Furthermore, Moynihan's scholarly detachment was never likely to change. Stung by both sides in his career, he always kept a reminder of this history in the most private area of his Capitol office. In his washroom hung two magazine covers: one, a 1979 issue of the Nation entitled "The Conscience of a Neoconservative,"
and a 1981 issue of the New Republic titled, "Pat Moynihan, Neo-Liberal."

**Futurologist**

Then there is Moynihan’s prescience. Based on his understanding of the influence of ethnicity in international politics, Moynihan realized early on that neither the Soviet Union nor Marxism elsewhere could ultimately succeed. As Nathan Glazer writes: "Others had to discover [after Moynihan] that the prospect of workers joining together across ancient or even not-so-ancient national and ethnic boundaries to advance common class interests was generally a chimera."

As long ago as November of 1979, in a Newsweek issue dedicated to the upcoming decade of the 1980s, Moynihan was asked, "What does the new decade have in store for America and the world?" He replied: "The Soviet empire is coming under tremendous strain. It could blow up." Pointing to an actual decline in productivity, a horrific rise in Soviet mortality rates, and most importantly, ethnic nationalism, Moynihan predicted the Soviet Union’s demise. Despite Moynihan’s spending the 1980s on the floor of the Senate doggedly adhering to this refrain, few were ready to concede come 1989 that he had been on the mark all along. One exception, however, was Henry Kissinger, who wrote him in 1992, "I stand corrected. Your crystal ball was better than mine."

The subject of subsequent vindication raises again the "Moynihan Report of 1965." Unfortunately, it took a sustained growth in illegitimacy for Moynihan’s critics to recognize the validity of the findings in his report. The proportion of black children born out of wedlock today is near 70 percent. Both the African-American leadership and many liberal scholars now recognize that Moynihan was right, and acknowledge the need to deal with family dysfunction.

In 1993 Moynihan was out front again, coining one of the single most popular phrases of the 1990s, by titling his American Scholar article "Defining Deviancy Down." Basing his theory on sociologist Kai Erikson’s work, Moynihan wrote that "we have been redefining deviancy so as to exempt much conduct previously stigmatized and also quietly raising the ‘normal’ level in categories where behavior is abnormal by any earlier standard." Moynihan then used the essay as the basis for a much publicized speech in New York City during his 1994 senatorial campaign, declaring that there should be a new
intolerance of petty crimes. Society had defined deviant behavior to be merely violent crime, he argued, thereby causing an escalation of all manners of crime, and a subsequent deterioration of city life. George Kelling's book *Broken Windows* and New York police commissioner William Bratton would build on Moynihan's theory. New York was subsequently blessed with an enormous decline in crime rates. Moynihan's phrase became a rallying cry. A recent Lexis-Nexis search of all news media revealed 420 mentions of "defining deviancy down" in the first half of 1999 alone.

But Moynihan can be prescient not only on the large social issues but also on such obscure technical issues as tort reform—but here, as always, with an insightful twist. Litigating car accidents, Moynihan long ago pointed out, required a complicated examination of fault that more often than not provided little compensation, didn't discover who actually was at fault, and drove up the price of auto insurance. Or as Moynihan would later put it, using the courts to sue over car accidents was like "litigating the common cold."

Moynihan has recently introduced federal legislation (largely based on work by the senior author of this essay) that would give motorists the option of choosing not to sue or be sued based on fault for pain and suffering damages after auto accidents. In return, they would be assured of payments regardless of fault for their medical expenses and lost wages and at a much lower annual premium. The savings, according to a Congressional Joint Economic Committee Study, could amount to as much as 24 percent of auto insurance premiums nationally or $35 billion a year.

Whence then the opposition? Obviously, trial lawyers stand to lose: Auto crashes mean billions of dollars for claimants' lawyers annually. The influence of personal injury lawyers on Democrats is especially pervasive—but not on the notoriously independent Moynihan, who was one of only three Democrats (including Joe Lieberman) in either the House or Senate to take on the tort bar on this issue so far.

It is important to note that Moynihan's approach to reform would not, like so many left-wing proposals, simply expand tort law by increasing personal injury claims; nor would it, like so many conservative initiatives, simply make it harder for injured parties to get payment or pay them less when they do get it. Rather, the quid pro quo under Moynihan's type of balanced reforms, including one for medical malpractice claims, is that every person who gives up the common law's claims for
higher damages, with all their disputation, receives lesser but prompt automatic payment of out-of-pocket losses, just as with workers' compensation.

With genuinely balanced civil justice reform, Moynihan, as with other issues in his career, has been able to see "old things in [a] new light and show the way to the future." Now, it will be up to his successors to follow his path of uncovering hidden truths on which to base beneficent public policy.

**The statesman**

If Moynihan's *Festschrift* has its shortcomings—namely, some gaps in an objective discussion of Moynihan's entire career—it nonetheless is a justifiable celebration of an extraordinarily distinguished public servant. Senator Moynihan will, no doubt, have some notable and influential pronouncements in his remaining years. But regardless of such future efforts, this *Festschrift* will admirably serve those who seek to chronicle or perhaps emulate the career of a man who is fond of reciting from memory on the floor of the Senate the oath of ancient Athens:

We will ever strive for the ideals and sacred things of the city, both alone and with many;
We will unceasingly seek to quicken the sense of public duty;
We will revere and obey the city's laws;
We will transmit this city not only not less, but greater, better and more beautiful than it was transmitted to us.