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The Vice Presidency of Joe Biden. An Early Assessment

Abstract

The article is a tentative analysis of Joe Biden activities as the vice president of the United States in the first 500 days of Barack Obama administration. Looking from institutional and political perspectives, Author argues that Biden's main duties are related with relations of the White House and the U.S. Congress, with simultaneous active role in the field of foreign policy. Basing on his longtime experience in the Senate, Biden is also valuable advisor on issues related with both domestic and foreign policy. In addition, as former member of the Senate Judiciary Committee, Vice President Biden is reliable source of opinion in the field of Supreme Court nominations. Comparing Joe Biden's fields of interest as vice president with his predecessors, Author argues that of three models created by Biden's predecessors after 1976, the year when new method of selection process was established and was crucial in transforming the institution of American vice presidency, Vice President Biden's way of holding office is a mixture of models of first counsel and partner in power (established by Walter Mondale and Al Gore, respectively). At the same time, Biden completely ignored Dick Cheney's model of imperial vice presidency.

'I'm the most experienced vice president since anybody.'

Joe Biden¹

As June 2010 marked 500 days since Barack Obama inauguration, it is an excellent opportunity for a tentative review of the actions undertaken by the president and those around him. As this Author's major research interest lies within the executive branch of American government, it is important to focus on office that gained much power in the last few decades, the vice presidency. Thus the Author will analyze activities of Joseph Biden as the Vice President of the United States in the first 500 days of the Obama administration.

In the paper, I will firstly say about functions that are main features of the contemporary American vice presidency, followed by the brief analysis of how Joe

¹ Quoted in: Peter Baker, "Biden outlines plans to do more with less power," *The New York Times*, January 14, 2009: A24.

Biden performs these duties, and finally attempt at assessing how Biden fits the models of vice presidency, established by some of his predecessors. Instead of the term “vice presidency” or “vice president,” sometimes common abbreviations, V.P. or Veep, will be used.

It is commonly perceived that times when vice presidency had been a target of jokes and quips, are long gone. Changes in history and American political system, and to name only a few of essential but no sufficient variables – growing and strengthening of the executive branch under Franklin Delano Roosevelt, vice presidential tenure of Richard Nixon, or changes in the running mates’ selection method since 1976 – turned the position of the second office almost upside down. The above mentioned processes, among many others, elevated the vice presidency to the point where political scientists Joel Goldstein and Paul Light were actually able to create typology concerning vice presidential functions. Recently, Jody Baumgartner updated the typology, and drawing from all the three concepts we can say that functions of contemporary American vice presidency can be viewed from such perspectives as constitutional, institutional, political and ceremonial, along with some functions in the electoral campaigns.²

Constitutional functions are pretty clear. The vice president is *ex officio* the President of the Senate, who has a right to preside over its sessions and has a tie-breaking vote. Veep assumes the presidency in case of the president’s death, resignation or removal from the office. Since the ratification of the 25th constitutional amendment in 1967, in some circumstances vice president may temporarily become Acting President.

When it comes to institutional roles, vice presidents often chair or oversee the works of various executive agencies, councils, working groups, or task forces to indicate that projects or programs these bodies prepare or review are of high profile for the administration. Also, vice presidents are frequently send as special envoys, the term connected with foreign policy assignments, as Veeps go on the fact finding missions, good will trips, or carry important messages to partners abroad.³

Turning to political⁴ duties of American vice presidents’, the major contribution here is that of becoming a link between the Congress and the White House. As mentioned, vice president is the President of the Senate, and the vice presidential spacious Senate office is situated just beside the higher chamber floor entrance. More importantly, in recent decades the tendency of vice presidents being Washington insiders can be observed, mainly experienced senators, who have a deep knowledge how the city works and operates. Once in office, Veeps also serve as link to their parties, sometimes becoming even their informal leaders, while the Presidency, as the

² See Joel K. Goldstein, *The modern American vice presidency* (Princeton, NJ: Princeton University Press, 1982), 113–133, 151–201; Paul C. Light, *Vice-presidential power: Advice and Influence in the White House* (Baltimore: Johns Hopkins University Press, 1984), 27–62; Jody Baumgartner, *The American vice presidency reconsidered* (Westport, CT: Praeger, 2006), 109–134.

³ Goldstein, *The modern American vice presidency...*, 151–176.

⁴ Typology of political function of the vice presidency from Goldstein, *The modern American vice presidency...*, 177–201. See also P. Light, *vice-presidential power*, 34–37.

office that is expected to unify the nation, they are not advised to get involved in highly partisan activities. Unlike Chief Executive, vice presidents “do not need to show such an inhibition.”⁵ Finally, the role of presidential spokesperson means that Veeps are often involved in presenting the administration’s proposals and to the public opinion. This is done by touring the country and highlighting the main ideas and solutions their project would provide or by praising the programs in the media. It is the strategy “to take the White House’s case to the people, counting on public opinion to move Congress to support its policies.”⁶ These activities, known as the *rhetorical presidency* or *going public*, terms introduced by Jeffrey Tullis⁷ and Samuel Kernell⁸ respectively, are not only major jobs of the contemporary American presidency, but of vice presidency as well.

Another perspective is connected with campaigning,⁹ and candidates for the second office share major part of the duties as well. First of all, their job is to provide a media campaign. Secondly, the vice presidential candidates campaigning is mainly active within its party base of voters, and mobilizes them, while the standard bearer tries to reach the independents. Thirdly, there is a public campaign, where running mates’ role is that of echo, hit person and chief surrogate. Echo is the function of basically strengthening the message, as it means praising the standard bearers personal assets, and positive aspects of their programs. Hit person duty means basically running a negative campaign on the opposing ticket. Similarly to the party role, presidential nominee should not attack opponents, because if elected, the harsh rhetoric might not help in making deals with the congressional opposition. The role of the chief surrogate is getting to the places the presidential nominee cannot. Even though presidential campaigns are now limited to only a few states, people can be still in one place at a time. Running mates can relieve this burden, in particular in the situation that rallies they attend are mainly partisan ones.

There are also ceremonial functions that the Author will mention in the further part of this paper.

As constitutional functions are clear, and campaign duties will not be part of Joe Biden portfolio until campaign before elections of November 2010 and 2012, the Author will now turn to analyze Biden’s activities of vice president in the institutional and political areas, according to the presented typology.

As commission chairman, Biden has served in Middle Class Task Force, which major mission was to review how to increase the number of Americans in the middle

⁵ Goldstein, *The modern American vice presidency...*, 100.

⁶ George C. Edwards III, *Governing by campaigning. The politics of the Bush presidency* (New York: Longman, 2007), 27.

⁷ Jeffrey K. Tullis, *The rhetorical presidency* (Princeton, NJ: Princeton University Press, 1987).

⁸ Samuel Kernell, *Going public. New strategies of presidential leadership* (Washington, DC: CQ Press, 2007).

⁹ Typology regarding campaign duties is taken from Goldstein, *The modern American vice presidency*, 90–112. See also Light, *Vice-presidential power*, 37–44.

class as well as “targeting at raising the living standard”¹⁰ of this group. “The task force is expected to recommend specific pieces of legislation and executive orders that President Obama can issue.”¹¹ The vice president also coordinates the works of the Recovery Accountability and Transparency Board, which job is “to oversee the billions of dollars of public spending to ensure that it was invested properly.”¹² The function granted Biden *The Sheriff* nickname, as “if you’re misusing taxpayer money, you’ll have to answer to him.”¹³

The duty of special envoy has been real core of Joe Biden activities. To point at only few of vice president’s numerous missions, we shall mention the Munich Security Conference from February 2009, where Biden, speaking on behalf of the president, presented foreign policy goals of the new administration.¹⁴ A couple of weeks later, in NATO headquarter in Brussels, Vice President Biden asked the alliance to provide aid in Afghanistan,¹⁵ whereas at the beginning of May in the European Parliament, Biden remarked that “we need each other now than we have ever,”¹⁶ referring to the relations of the U.S. and the EU. Most importantly, however, vice president’s major activity is overseeing Iraqi policy of the White House. As the new administration is determined to end the mission inherited from the Bush years, Biden seems to be ideal person in charge. As a longtime member of the Senate Committee on Foreign Relations, vice president has a deep understanding of issues in this area. More importantly, he is credited with “knowing every player in Iraq down to the alderman level.”¹⁷

When it comes to advising the president, the wish of performing the role of “adviser in chief” was expressed by Joe Biden a day after presidential election.¹⁸ Basing on the knowledge gained through the long-rage Senate service, “Biden offers the president candid input on domestic and foreign policy issues.”¹⁹ Then vice president-elect was consulted on all of the Cabinet picks, and his opinions are considered valuable. As Rahm Emanuel, the White House chief of staff mentioned, there is “sometimes an

¹⁰ Anne E. Kornblut, A. Faiola, “Biden to lead task force on issues of the middle class,” *The Washington Post*, January 31, 2009: A03.

¹¹ Ibid.

¹² Jeff Zeleny, “Obama Vows, ‘We Will Rebuild’ and ‘Recover,’” *The New York Times*, February 24, 2009: A1.

¹³ Quoted in: “Obama, Biden Visit DOT,” *The Washington Post*, March 3, 2009: A15.

¹⁴ See Joe Biden, *remarks by the Vice President Biden at 45th Munich conference on Security Policy*, February 7, 2009, <http://www.whitehouse.gov/the-press-office/remarks-vice-president-biden-45th-munich-conference-security-policy> (accessed July 6, 2010).

¹⁵ See Biden, *Opening remarks by the Vice President to the North Atlantic Council*, March 10, 2009, <http://www.whitehouse.gov/the-press-office/remarks-vice-president-biden-north-atlantic-council> (accessed July 6, 2010).

¹⁶ Biden, “Remarks by Vice President Biden to the European Parliament,” May 6, 2010, <http://www.whitehouse.gov/the-press-office/remarks-vice-president-biden-european-parliament> (accessed July 6, 2010).

¹⁷ David Brooks, “The House of Tranquility,” *The New York Times*, February 8, 2010.

¹⁸ See Perry Bacon, “Biden Sees Vice President’s Role as ‘Adviser in Chief,’ Aides Say,” *The Washington Post*, November 5, 2008: A09.

¹⁹ Ibid.

institutional barrier to truth-telling in front of the president,”²⁰ whereas Biden is known for ability of speaking his mind. As a result, “it has become customary for Obama to solicit Veep’s opinion at the end of meetings,” as the president “has come to see Joe Biden as a useful contrarian in the course of decision-making.”²¹

Considering political roles of the current vice President, the chief one in this respect is of congressional lobbyist. Biden fits the job perfectly, with his 36-year-Senate experience and excellent working and personal relations with legislators on both sides of political spectrum. It is particularly important in dealing with the Capitol Hill, mostly with the Republican side of it. Biden is known for “having genuine relationships with Republican leaders in the House and the Senate”, and his strategy is to “spend much of his time working with his former congressional colleagues, possibly attending some of the weekly lunches hosted by Senate Democrats, looking to gain support from key lawmakers before Obama officially announces proposals to the public so he is aware of concerns from both Democrats and Republicans before they become major problems.”²² However, while the Vice President Biden can be valuable in bringing two sides together in minor deals, considering processes of passing major ones, such as in cases health care or finance reforms, even this experienced legislator has been helpless in the face of visible attitude of voting along the party lines.

In the duty of spokesperson, the main areas of activity for Biden during first 500 days were the same ones as in lobbying the Congress: stimulus package and health care. Vice president was travelling extensively around the country, giving speeches in small towns, venues combined of mayors and governors, as well as in such venues as Brookings Institutions. He also frequently appeared on TV, and even authored two articles in the *New York Times*, where he presented advantages of the recovery program for the economy and benefits of universal health care system.²³

When it comes to party work, midterm congressional election the time when the vice presidents traditionally provide help in the campaign rallies to their party candidates. Therefore, by far the vice president did not contribute greatly in this respect. If there is anything worth mentioning, it is believed that Biden might have influenced a party switch of the long time Republican, senator Arlen Specter.²⁴ In April 2009 Specter switched his party affiliation to Democratic, after 44 years of service as GOP elected official. The friendship between the two developed during the common work in the Senate, but also during the commuter journeys. Joe Biden, who as a senator never bought a house in Washington, was famous for every day train journey

²⁰ Mark. Leibovich, “Speaking freely, Biden finds influential role,” *The New York Times*, March 28, 2009: A01.

²¹ Ibid.

²² Bacon, “Biden sees Vice President’s role as ‘adviser in chief,’ Aides say.”

²³ See Biden, “What you might not know about recovery,” *The New York Times*, July 26, 2009: WK11; and Biden, “Why the senate should vote yes on health care,” *The New York Times*, December 19, 2009: WK09.

²⁴ Carl Hulse, Adam Nagourney, “Specter switches parties; More Heft for Democrats,” *New York Times*, April 28, 2009: A1.

to his home in Wilmington, Delaware, ever since he joined the Senate in 1973. More frequently the same route was being taken by Specter, so when there was a necessity for a lobbying once Joe Biden moved to the Naval Observatory Circle, Pennsylvania Senator was among the first Biden was speaking to. Specter's switch helped the Democrats to maintain strong position in the Senate, in particular after Scott Brown victory in Massachusetts special Senate elections in January 2010. However, Specter will not serve as Democratic Party senator for a long time, as just in May 2010 he lost primaries for the Senate nomination of Pennsylvania Democratic Party to Joe Sestak, despite efforts to discourage Sestak from running for the Senate seat.²⁵

Vice presidents also have some ceremonial functions. But such responsibilities as "hosting parties for state officials, party leaders and foreign dignitaries, going to the funerals of foreign leaders, being dispatched to the sites of natural disasters"²⁶ or crowning winners of female beauty contents, are not always liked by Veeps themselves, as these duties are often time consuming but not rewarding. Often in the past ceremonial functions were the only kind of duties vice presidents were performing, and when they did so, the press was always there to make some fun of the VP for that matter.

With Joe Biden, who does not have a big ceremonial portfolio, there is another way to deliver material to poke him by the media. It is the fact that "vice president has a reputation for making remarks he shouldn't say in public." And it seems "the reputation is very well deserved."²⁷ It is somewhat confirmed in the quotation from the first page of this paper – while indeed Vice President Biden is one of the most experienced person in U.S. history to hold the second office, it is unlikely that any Veep in last few decades would have allowed himself to admit it so freely in public. However, what senator Biden was speaking in January 2007 ("I mean, you got the first mainstream African-American who is articulate and bright and clean and a nice-looking guy. I mean, that's a storybook, man."²⁸) weighed differently than words of the vice presidential candidate ("Hillary Clinton is as qualified or more qualified than I am to be vice president of the United States of America. Quite frankly, it might have been a better pick than me;"²⁹ "It will not be six months before the world tests Barack Obama (...) Watch, we're gonna have an international crisis, a generated crisis, to test the mettle of this guy."³⁰) or actual vice president ("If we do everything right, if we do it with absolute certainty, there's still a 30% chance we're going to get it wrong."³¹ "I wouldn't go anywhere

²⁵ See Michael Shear, "Sestak: Bill Clinton offered him job to quit race," *The Washington Post*, May 28, 2010: A05.

²⁶ Baumgartner, *The American vice presidency reconsidered...*, 120.

²⁷ Howard Kurtz, "A tale of two pols," *The Washington Post*, May 1, 2009: A09.

²⁸ Quoted in: Eli Saslow, Amy Goldstein, "For senator, another comeback," *The Washington Post*, August 24, 2008: A15.

²⁹ Quoted in: Dana Milbank, "The quiet man," *The Washington Post*, October 29, 2008: A01.

³⁰ Quoted in: *ibid.*

³¹ Maureen Dowd, "Oval newlywed game," *The New York Times*, February 14, 2009: WK 11.

in confined places now. (...) When one person sneezes it goes all the way through the aircraft. That's me. I would not be, at this point, if they had another way of transportation, suggesting they ride the subway;"³² "This is a big f***** deal!"³³). While not many people cared about the words of the Senator, during the campaign Obama operatives were sometimes furious with Biden,³⁴ not mentioning "Joe Biden moments" as vice president. In particular remark during the swine flu crisis in Mexico led to vice president's criticism within the White House, the media, and from numerous members of Congress. And while the f*** word incident during the ceremony of signing the Health Care Bill should be perceived more in the terms of folklore, John Podesta, who co-chaired Obama transition and has informally advised new administration, revealed, vice president "is much more disciplined now. He speaks less; he waits until the end."³⁵ Also administration officials confirmed that after initial slip-ups, Joe Biden "has taken steps to rein himself in – or others have insisted on it. He has begun to use a teleprompter more. He often uses note cards to stay focused while presiding over meetings."³⁶ Anyway, it is not conceivable we will hear from Biden soon, considering incoming midterm election.

So to sum it all up, it shall be said there are some existing models of active vice presidency, and defining his role as vice president Biden apparently took a careful examination of three of them.

Walter Mondale, who established the tradition of vice president operating from the White House on the regular basis (he had the office in the West Wing), contributed to the vice presidency enormously. His approach was that the position should be used solely in advising and coordinating terms, with no direct line assignments, committees or councils chairmanships or to pursue his political agenda, but only those of the president. According to Mondale, the vice presidency best serves the Chief Executive when is not involved in particular actions, but when Veep is general advisor in the broad area of political subject,³⁷ creating a model of vice president as first counsel.

Slightly different attitude was that of Al Gore. Coming to the office with 16 years of experience in Congress, running in Democratic Party presidential nomination in 1988 and having presidential ambitions, Gore was able to push a program of reinventing government and also some agenda in environmental policy. Another circumstances shaped the way he performed as vice president: negotiations over NAFTA Treaty he was very valuable in, new perspective of U.S.-Russia relations, Clinton's initial lack of expertise in foreign policy, inexperience in the way Washington works, or Clinton's

³² Kurtz, *A tale of two pols...*

³³ Off-microphone whisper to President Obama by Joe Biden during the Health Care Bill signing ceremony.

³⁴ For more on that, see John Heilemann, Mark Halperin, *Game change: Obama and the Clintons, McCain and Palin, and the race of a lifetime* (New York: Harper, 2010).

³⁵ James Straub, "After Cheney," *The New York Times Magazine*, November 24, 2009: MM 34.

³⁶ Leibovich, "Speaking freely, Biden finds influential role"...

³⁷ Goldstein, "The rising power of the modern vice presidency," *Presidential Studies Quarterly* 38, no. 3 (2008): 380–381.

tendency to avoid making decisions until the very last moment. These helped to build Gore's position in the White House in the first months of the new administration, and connected with good personal relationship of Clinton and Gore, president's high estimation of his Veep and willingness to seek not only advice but also encourage Gore to present his own initiatives, led to establishing model of vice president as partner in power.

Finally, Dick Cheney's attitude toward secrecy, accountability, and consistent efforts toward strengthening presidential branch led columnist Sidney Blumenthal to coin this model of holding second office as "imperial vice presidency."³⁸ Scholar Shirley Anne Warshaw argues that beside activities aiming at strengthening the executive, Cheney's role was even bigger, and that he "managed the larger portfolio of economic, energy, and national security policy."³⁹ As running mate and later vice president, Biden criticized Cheney a lot – during vice presidential debate he called Cheney very dangerous, and called Cheney's "notion of a unitary executive, meaning that in time of war, essentially all power goes to the executive, *dead wrong*."⁴⁰ It is interesting to observe that while "most incoming vice presidents arrive eager to expand the influence of the office,"⁴¹ Biden wants "to scale it back" and "to restore the balance,"⁴² after the imperiled legacy of Dick Cheney.

And it looks Joe Biden is quite successful. His major roles are being active in relations with Congress and foreign policy. We should also mention the potentially influential voice on Supreme Court nominees, "as the person in the White House most knowledgeable about Supreme Court nominations sits in the vice president's office."⁴³ As a member of the Senate Judiciary Committee, Biden participated in several Supreme Court confirmation hearings, including controversial and tense ones of Robert Bork in 1987 and Clarence Thomas in 1991. After retirement of John Paul Stevens, the Vice President "is the person of either having voted or advised on every sitting justice."⁴⁴ This very fact makes Joe Biden very important and influential player in the administration of Barack Obama.

The Joseph Biden's model of vice presidency is definitely not imperial model, and it recalls the one of Gore. On the other hand, if we consider that Gore had some direct line assignments he had strived for, it brings Biden closer to Walter Mondale, both trying to avoid this type of activity. However, as current vice president receives some

³⁸ Sidney Blumenthal, *The imperial vice presidency*, <http://www.salon.com/news/opinion/blumenthal/2007/06/28/cheney> (accessed July 6, 2010); See also B. Montgomery, *Richard B. Cheney and the rise of imperial vice presidency* (Westport, CT: Praeger Publishers, 2009).

³⁹ Shirley Ann Warshaw, *The Co-presidency of Bush and Cheney* (Stanford: Stanford University Press), 1.

⁴⁰ Rachel Swarns, "Cheney defends Bush on president's role," *The New York Times*, December 21, 2008: A16.

⁴¹ Baker, *Biden outlines plans to do more with less power...*, A24.

⁴² *Ibid.*, A03.

⁴³ Michael Fletcher, "Obama enlists Biden's expertise about high court," *The Washington Post*, May 11, 2009: A03

⁴⁴ *Ibid.*

of them anyway, it seems he probably is somewhere in between Mondale and Gore models. At the same time we shall remember that this assessment is only tentative, and next 500 days might equally bring change or continuity.

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