

THE FIRST “FIRST GENTLEMAN”: THE ROLE OF PRESIDENT JANE DOE’S HUSBAND

A SEQUEL*

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* Of course, the first female president may not be married. Her “First Gentleman” may be a significant other, a brother, son, and so on as was the case with some male presidents, e.g., Presidents Jefferson (his daughters and Dolley Madison), Jackson, and Buchanan (their nieces). See Carl David Wasserman, Note, *Firing the First Lady: The Role and Accountability of the Presidential Spouse*, 48 VAND. L. REV. 1215, 1243-44 (1995).

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INTRODUCTION

In 1999, two articles of mine were published entitled *The American "First Lady"*¹ and *The First "First Gentleman": The Role of President Jane Doe's Husband*.² In the first article, I reviewed the role played by the First Lady in the first two centuries of our national history.³ In the second, I speculated on the women who seemed to be potential candidates for the office of President of the United States, and of the role that the president's husband or significant other might play.⁴

In anticipation of the 2008 election, and thereafter, it seems timely to write a sequel to the original *First Gentleman* article. A few of my candidates from ten years ago are still on the national scene, notably Hilary Clinton. Many others are no longer viable, as a result of their age, withdrawal from public life, or other reasons.⁵ Of course there are new

1. John Dwight Ingram, *The American "First Lady"*, 27 CAP. U. L. REV. 487 (1999).

2. John Dwight Ingram, *The First "First Gentleman": The Role of President Jane Doe's Husband*, 7 AM. U. J. GENDER SOC. POL'Y & L. 523 (1998-1999) [hereinafter *First Gentleman*].

3. Ingram, *supra* note 1, at 501 (noting that some early Presidents preferred their wives to stay uninvolved in affairs of politics). Some, however, had politically active wives. *Id.* Among these politically active wives were Abigail Adams, Sarah Polk, Mary Todd Lincoln, and Edith Galt Wilson. *Id.*

4. Ingram, *supra* note 2.

5. The following list contains the year of birth of each woman discussed in this article in the order in which they appear in the text. The reader may then refer to this list as necessary.

Hilary Clinton	1947
Condoleezza Rice	1954
Barbara Boxer	1940
Diane Feinstein	1933
Barbara Mikulski	1936
Carolyn Maloney	1948
Jennifer Dunn	1941
Patricia Schroeder	1940
Susan Molinari	1940
Madeleine Albright	1937
Claudia Kennedy	1948
Lynn Martin	1938
Christine Todd Whitman	1946
Donna Shalala	1938
Elizabeth Dole	1936
Nancy Pelosi	1940
Kay Bailey Hutchison	1944
Maria Cantwell	1958
Debbie Stabenow	1950
Olympia Snowe	1947
Patty Murray	1950

potential candidates who emerged on the national scene in recent years, notably Condoleezza Rice.

Among those who were possible candidates in the past, but who probably are no longer include: Barbara Boxer, Diane Feinstein, Barbara Mikulski, Carolyn Maloney, Jennifer Dunn, Patricia Schroeder, Susan Molinari, Madeleine Albright, Claudia Kennedy, and Lynn Martin.⁶ Others whose current viability is questionable would include Christine Todd Whitman, Donna Shalala, and Elizabeth Dole.⁷

Most people agree that sooner or later we will have a female president of the United States. She may first serve as vice president, as has often been the case with past presidents. In seeking to balance the ticket, candidates for president consider such factors as geography, political philosophy, and religion. As more women become active in politics and public life, gender may become an important factor in balancing the ticket, and political parties will increasingly consider women as candidates, although to date only Geraldine Ferraro, in 1984, has been nominated to run for vice president.⁸

The most likely scenario for a female vice president's succession to the presidency is the constitutionally mandated ascension upon the death or resignation of the president.⁹ This has happened many times in our history.¹⁰ It is also quite possible for a woman to become president without previously serving as vice president. The long-standing prejudice against women in public office has lessened notably in recent years, as has been the case with regard to religion and race. We elected a Roman Catholic John F. Kennedy to the presidency, and it was widely believed that General Colin Powell could have been the first African-American President if he had chosen to accept either party's nomination.

Mary Landrieu	1953
Chris Gregoire	1947
Janet Napolitano	1957
Kathleen Sibelius	1948
Jennifer Granholm	1959
Kathleen Kennedy Townsend	1951
Oprah Winfrey	1954

6. *Id.*

7. *First Gentleman*, *supra* note 2, at 529.

8. Biography of Geraldine Ferraro, <http://content.scholastic.com/browse/article.jsp?id=4940> (last visited Mar. 6, 2007).

9. See U.S. CONST. art. II, § 1 (making the Vice President first in the line of succession in the event that the President dies or can no longer fulfill the responsibilities of his office for any reason).

10. See Biography of Lyndon B. Johnson, <http://www.whitehouse.gov/history/presidents/lj36.html> (last visited Mar. 6, 2007) (noting that President Johnson became President in November of 1963 after President Kennedy died).

I. FROM WHENCE COMETH PRESIDENTS?

A. *Sources in the Past*

As I indicated, many of our presidents first served as vice presidents, and it seems probable that this will be true in the future. Because there are no former vice presidents who are women, such a succession will have to await at least the election of the first woman vice president. In my discussion of possible future women presidents, I include some of the women who seem unlikely to achieve the presidency directly by election to that office, but might first be elected to the vice presidency.

In the past, many American presidents had served as army generals¹¹ In more recent years, some presidents had served as state governors.¹² Others were members of Congress, most often the Senate.¹³ And some have been federal government administrators,¹⁴ or presidents of universities.¹⁵

B. *Women in Such Positions*

It seems likely that women who will be nominated as candidates for the presidency or vice presidency will come from these same sources, especially governors and members of Congress. Of course, it is possible that such a female candidate in the next few elections will be someone who currently has little or no national reputation. That certainly has happened in the past. So, my discussion of potential women presidents or vice presidents in the near future must focus on presently nationally known women. Thereafter, I will try to visualize the role that a First Gentleman might play in the administration of one of these women.

11. See Biographical Sketches of Past Presidents, http://www.cr.nps.gov/history/online_books/presidents/bio.htm (last visited Mar. 6, 2007) (listing the eleven presidents who served as generals as Washington, Jackson, William Henry Harrison, Taylor, Pierce, Grant, Hayes, Garfield, Benjamin Harrison, Theodore Roosevelt, and Eisenhower).

12. See *id.* (acknowledging that eighteen presidents served as territory or state governor before becoming president, which are Jefferson, Monroe, Jackson, William Henry Harrison, Van Buren, Tyler, Polk, Andrew Johnson, Hayes, Cleveland, McKinley, Theodore Roosevelt, Wilson, Coolidge, Franklin D. Roosevelt, Carter, Clinton, and George W. Bush). Five past presidents, Hayes, Cleveland, Wilson, Franklin D. Roosevelt, George W. Bush, were state governors when they became president. *Id.*

13. See *id.* (stating that all but twelve past presidents served in Congress). While most served before their Presidencies, John Quincy Adams served in the House of Representatives after his term as president and Andrew Johnson served in the Senate after leaving the presidency. *Id.*

14. See *id.* (noting that Hoover served as secretary of commerce, as a World War I food administrator, and on various commissions for national and international relief).

15. See Biography of Woodrow Wilson, <http://www.whitehouse.gov/history/presidents/ww28.html> (last visited Mar. 6, 2007) (stating that Woodrow Wilson served as a professor and President of Princeton University before he ascended to the presidency).

1. Congress

There are many female members of Congress, but probably the only woman in Congress who currently appears to be a viable candidate for president is Hilary Rodham Clinton, the junior senator from the State of New York. Both as a former First Lady for eight years and as a senator for six years, she is very well known nationally and often discussed as a strong contender for the democratic presidential nomination.¹⁶

Among the other female members of Congress, the only one with a major position of power and a national reputation is Nancy Pelosi, congresswoman from California and Speaker of the House of Representatives. Her age, born in 1940, might work against her, and because she represents a very "safe" congressional district, she might prefer to retain her powerful position in the House rather than risk defeat in a national election.¹⁷

There are some other women in the Senate that might burst forth on the national scene in the years ahead. Among these would be Kay Bailey Hutchison of Texas, Maria Cantwell of Washington State, Debbie Stabenow of Michigan; Olympia Snowe of Maine, Patty Murray of Washington State, and Mary Landrieu of Louisiana. None of these women would seem to be likely candidates for the presidency anytime soon, but political parties may pursue them as vice presidential candidates to balance the ticket.

2. Governors

There do not appear to be any female governors who would be likely candidates for the presidency, though there are several who might be chosen to run for vice president with a male presidential candidate. Here again, the goal would be to balance the ticket, with special consideration given to geography and political philosophy. Among those who might fall into this category are Chris Gregorian of Washington State, Janet Napolitano of Arizona, and Kathleen Sibelius of Kansas. Jennifer Granholm of Michigan is also highly regarded, but is constitutionally ineligible because she was born in Canada.¹⁸

During her eight years as Lt. Governor of Maryland, Kathleen Kennedy Townsend, the oldest child of Robert and Ethel Kennedy, was often looked

16. See *U.S. Senate Results*, CHI. TRIB., Nov. 8, 2006 (listing the results of the 2006 elections and recording a landslide victory for Senator Hilary Clinton of New York).

17. See Overview of Nancy Pelosi's Career, <http://www.washingtonpost.com/wp-srv/elections/2004/candidates/22575/> (last visited Mar. 6, 2007) (providing election result data on Congresswoman Pelosi's past campaigns).

18. Biography of Jennifer Granholm, <http://www.michigan.gov/gov/0,1607,7-168-57920-,00.html> (last visited Mar. 6, 2007) (stating that Jennifer Granholm was born in Vancouver, British Columbia).

to as a potential candidate for national office.¹⁹ Though she returned to private life, she is still relatively young and anyone named Kennedy must be taken seriously, politically!

3. *Others*

When we examine the backgrounds and experiences of our presidents and vice presidents, we find quite a variety. Some of these categories, such as army generals, university presidents, and federal government administrators, presently do not contain any woman who would be likely candidates for high office.

In the early years of our country, several presidents had previously served as secretary of state, i.e., Jefferson, Madison, Monroe, and John Quincy Adams; however, in recent years, no secretary of state has been nominated for the top two national offices. Despite her repeated statements that she is uninterested in running, there is a continuing discussion about the possible candidacy of Secretary Condoleezza Rice. She could certainly help balance the ticket with her gender, race, energy, and experience in foreign affairs, especially with a male presidential candidate whose primary interest and experience is in domestic matters.

Another woman in the public eye, with great charisma and appeal, is Oprah Winfrey, who some look to as a female Colin Powell. She is still relatively young, attractive, articulate, popular, well known, and she is rich enough that she could probably finance an election campaign with her own money.²⁰ While she has shown no indication of an interest in public office, we need only look to the political success of former actors Ronald Reagan and Arnold Schwarzenegger to see the possibilities.

II. THE ROLE OF THE FIRST GENTLEMAN

In previous articles I discussed at length the roles that a First Gentleman might fill. It is likely that a First Gentleman would serve as an official host for state occasions, both in this country and abroad. He might take on the management of the White House residence, though this would likely be left to the administrative staff, as most recent First Ladies have done. He might make public appearances around the country with the president and on his own. This could especially involve election campaigns and fundraising,

19. See Sally B. Donnelly, *Kathleen Kennedy Townsend: Just Like Her Father?*, CNN, July 26, 1999, <http://www.cnn.com/ALLPOLITICS/time/1999/07/26/kennedy.townsend.html> (detailing Kathleen Kennedy Townsend's political career and calling her "the most promising of the next political wave of Kenned[ys]"). The article points out, however, that despite her election twice to the position of Lt. Governor, Ms. Townsend is the only Kennedy ever to lose an election. *Id.*

20. See Forbes List of the 400 Richest Americans, <http://www.forbes.com/lists/2005/54/O0ZT.html> (last visited Mar. 6, 2007) (claiming that Oprah Winfrey is the 235th richest American, with a net worth of over 1.4 billion dollars).

depending partly on his political experience and on whether he was continuing his own career.

Perhaps he would promote some social cause of his own, as many recent First Ladies have done. This would carry with it, however, the risk that people might see it as an attempt to exercise power, as happened with Hilary Clinton's attempt to reform health care in the early days of Bill Clinton's presidency.

Whereas most First Ladies attempted to create a public image of being devoted wives and "homebodies," it is very unlikely that people would expect or desire that a First Gentleman become a "house-husband." While an increasing number of men in American society are occupying that role, we probably are unprepared to accept it in the White House.

Depending on a First Gentleman's experience—political, fiscal, foreign, and otherwise—he might play a role as a counselor and advisor to the president. This might occur only in private, or it might be open and public. A thoughtful First Gentleman would exercise great care to avoid any appearance of undue influence or control over policy matters. Presumably, if the people elect a woman to serve as president, they want power to be in her hands.

Thus far, no First Lady has continued her own career after moving to the White House, even though some had successful careers of their own. It is likely that a First Gentleman will have had a career of his own and, unless retired, will choose to continue that career, being careful, of course, to avoid any conflicts of interest. We still expect men to be employed, and that may excuse a First Gentleman from many of the duties we expect a First Lady to assume.

III. FIRST GENTLEMEN OF POSSIBLE FEMALE PRESIDENTS

Among the women in Congress who might be considered potential candidates to become president or vice president, there is no question that Hilary Clinton stands far above all others. For that reason, and because the role of First Gentleman for Bill Clinton could be very interesting, I will save that discussion for last. First, I will briefly run through the list of other possible women candidates.

House Majority Leader Nancy Pelosi "is married to inventor Paul Pelosi; together they have amassed a large portfolio of . . . real estate . . . and shares in publicly traded companies."²¹ Senator Patty Murray is married to Rob Murray, a computer specialist and analyst for SSA Marine, a terminal operator in Seattle.²² Senator Mary Landrieu is married to Frank Snellings,

21. Zacharie Coile, *Bay Lawmakers Among Wealthiest*, S.F. CHRON., June 26, 2004 (noting that many California lawmakers amassed personal fortunes through real estate and the stock market).

22. See Rick Anderson, *Pork-Pillow Politics*, SEATTLE WKLY., Aug. 4, 2004

an attorney.²³ Senator Kay Bailey Hutchison's husband, Ray Hutchison, is an attorney specializing in public finance and a former member of the Texas legislature. Senator Maria Cantwell is single, and there is no one who seems to be a likely First Gentleman if she became President. Senator Debbie Stabenow is married to Tom Athans, Executive Vice President of Progressive Talk Network, a division of Air America Radio.²⁴ Senator Olympia Snow's husband, John McKernan, was governor of Maine from 1987 to 1995; he is an attorney.²⁵

Among the governors, Kathleen Sibelius is married to Gary Sibelius, a federal magistrate judge, who suggested an alternative title for the governor's husband, "First Dude."²⁶ Chris Gregoire's husband, Mike Gregoire, retired in 2003 after thirty years as a health care investigator for the state's Department of Social and Health Services.²⁷ Former Lt. Governor Kathleen Kennedy Townsend is married to David Townsend, a professor at St. John's College in Annapolis.²⁸

Stedman Graham is Oprah Winfrey's long-time significant other. He is CEO of S. Graham & Associates, a corporate and educational marketing and consulting firm.²⁹ Would present-day American society accept a live-in First Gentleman who was not married to the president? While some people surely would not, many would, and Mr. Graham might well decide to remain largely out of the public eye.

Condoleezza Rice is unmarried. She has dated some over the years, and was at one time engaged to Denver Broncos wide receiver Rick Upchurch. As far as we can learn, there is no man who occupies an important role in her private life.

And last, but surely not least, there's Hilary Clinton's husband Bill, the

(reporting that Patty Murray's husband works for SSA and that his retirement package, valued at over five million dollars, is her main financial asset).

23. See Biography of Mary Landrieu, <http://www.nndb.com/people/277/000032181/> (last visited Mar. 8, 2007) (listing her husband as E. Frank Snellings, who, in addition to being an attorney, is also the Lieutenant Governor of Louisiana).

24. See Kathy Bachman, *Air America Taps Tom Athans as Exec. V.P.*, MEDIAWEEK, Nov. 1, 2005.

25. See Biography of John Rettie McKernan, Jr., <http://print.infoplease.com/biography/us/congress/mckernan-john-rettie-jr.html> (last visited Mar. 8, 2007) (noting that Mr. McKernan is a graduate of the Maine School of Law, has been a lawyer in private practice, was a delegate to the Republican National Convention twice, and was governor of Maine in the late eighties and early nineties).

26. See Nedra Pickler, *Kansas Governor to Lead Governors' Assn.*, ABC NEWS, Dec. 4, 2006, <http://abcnews.go.com/Politics/wireStory?id=2699443>.

27. See Information on Mike Gregoire, <http://www.governor.wa.gov/about/mike/default.asp> (last visited Mar. 8, 2007).

28. St. John's College, List of Faculty Members, <http://www.stjohnscollege.edu/main.aspx?page=6559> (last visited Mar. 8, 2007).

29. See Stedmangraham.com, You Can Make It Happen, <http://www.stedmangraham.com> (last visited Mar. 8, 2007) (conveying that Stedman Graham is also a best selling author and educator).

former president of the United States. In the years since he left office he has remained very much in the public eye speaking, writing, advocating causes, campaigning for political candidates, and fundraising.

IV. WHAT ROLE SHOULD A "FIRST GENTLEMAN" PLAY?

Regardless of the gender of a president, he or she needs a "First Consort" who can help "to build an appealing public identity while offering encouragement and support."³⁰ It seems probable that the husband or significant other of a female president would live with her in the White House. Some would continue in their own careers and other activities. Some would already have retired, or would choose to terminate or suspend their previous careers or activities. They would almost certainly be available to serve as official host on state, and perhaps other occasions. Beyond that, a president may expect and look to the First Gentlemen as a counselor and advisor, perhaps open and publicly, perhaps only in private. It would, of course, be crucial to avoid any perception that he is unduly influencing or controlling the decisions or policies of the president.

Nowhere would this situation come more into play than with President Hilary Clinton's husband Bill. Surely, they will remember the negative reaction in 1993 to Hilary's attempt to play a major role in Bill's administration.³¹ Yet Bill has much to offer to a Hilary Presidency.

It has often been said that the Clintons have "more [of] a business relationship than a marriage."³² Despite his long history of sexual misconduct, she has never condemned him publicly or given any hint of leaving him. However, Hilary may not have forgiven him for his infidelity. She obviously recognizes the advantages of a public image, of a close and affectionate relationship, even though it may well be professional rather than romantic.

The payoff for Hilary Clinton commenced in 2000 when she ran for a Senate seat in New York. Bill campaigned for her vigorously and raised significant amounts of needed funding. As First Gentleman, it could be expected that he would continue to make important contributions in that area. He still has a great deal of charisma, and is very popular with many voters, especially African-Americans. He is a very effective public speaker, and since the Clintons seem to agree on their political philosophies, he could be a useful advocate for the President. He could

30. GIL TROY, *AFFAIRS OF STATE* 374 (1997) (describing a consort as someone with whom one keeps company and who helps one harmonize the people and events in one's life).

31. See Interview with Hillary Clinton, United States Senator, on the Today Show (Feb. 14, 2004), available at <http://www.msnbc.msn.com/id/4281379/> (claiming that Hillary Clinton had tried to reinvent the role of the First Lady and had modeled herself after her idol, Eleanor Roosevelt).

32. TROY, *supra* note 30, at 361.

represent the President in humanitarian and similar causes, as he did in coordinating relief donations on the Gulf Coast after Hurricane Katrina and before that in response to the Indian Ocean Tsunami.

CONCLUSION

It will be most interesting to see what role our first First Gentleman will play. It may well be a very active and involved role, though it is likely that such a role will not be very evident publicly. Probably, unless Bill Clinton plays the role, a First Gentleman will follow the example of Denis Thatcher, the husband of former British Prime Minister Margaret Thatcher. He was quite happy to be in a secondary position in the public eye, continuing his own professional career with little public visibility. Yet Margaret Thatcher said of his role: "He was a fund of shrewd advice and penetrating comment. And he very sensibly saved these for me rather than the outside world, always refusing to give interviews."³³

33. MARGARET THATCHER, *THE DOWNING STREET YEARS* 27 (1993).