It's the [New] Economy, Stupid

A look back at Bill Clinton's high-tech legacy

BY K. DANIEL GLOVER



"I AM NOT A CROOK": President Clinton preaches the economic gospel from his Harlem pulpit.

When William Jefferson Clinton became the youngest elected president since John F. Kennedy, he moved into a White House technologically fit for Kennedy's generation. The state of affairs was so sorry that Clinton himself mocked it in a Silicon Valley speech just a month after his inauguration, and his description of the outdated phone system had his audience of technology executives in stitches.

"[W]hen we took office," Clinton said, "I walked into the Oval Office—it's supposed to be the nerve center of the United States—and we found Jimmy Carter's telephone system. ... No speaker phone, no conference calls, but anybody in the office could punch the lighted button and listen to the president talk, so that I could have the conference call I didn't want but not the one I did.

"Then we went down into the basement, where we found Lyndon Johnson's switchboard—true story—where there were four operators working from early morning 'til late at night. Literally, when a phone [call] would come and they'd say, 'I want to talk to the vice president's office,' they would pick up a little cord and push it into a little hole."

Makings of a Legacy

The White House is a different place today. Presidential aides communicate not just on more advanced telephones but by cell phone, pager, and e-mail, and the bulk of presidential documents, from press releases to the text of speeches to major policy papers, are available online.

The nation, too, is a different place. The Internet existed before Clinton was president, but it became ubiquitous during his eight years in office. Americans increasingly shop, chat, and conduct their business online. Companies that struggled to survive at the outset of Clinton's two terms in office, such as America Online, now rule the economic roost.

"When I became president," Clinton told Massachusetts Institute of Technology graduates in a June 5, 1998, commencement speech, "the Internet was the province of physicists, funded by a government research project. There were only 50 sites in the world. Now, as all of you know, we are adding pages to the World Wide Web at the rate of over 100,000 an hour, and 100 million new users will come on this year."

The Commerce Department's "Digital Economy 2000 Report," issued last June, made an even stronger point about technology in America. It told of 10 straight years of economic expansion, phenomenal increases in productivity, and the once-unimaginable state of low inflation *and* the lowest jobless rate in decades—and all that combined with plummeting computer prices, faster technology, and increased Internet access.

"The digital economy and digital society are no longer 'emerging.' They are here," the report concluded, in an intentional break from the language of similar reports in 1998 and 1999 that had been dubbed "The Emerging Digital Economy." "Americans have definitively crossed into a new era of economic and social experience bound up in digitally based technological changes that are producing new ways of working, new means and manners of communicating, new goods and services, and new forms of community."

America, in short, has thrust full bore into the Information Age. And as Clinton, a former president whose obsession with his legacy has become legendary, starts his quest to secure a friendly reading of his administration in the pages of history, perhaps he should think technology first.

Ask the average American today what they know about Clinton and the Internet, and they may have visions of Matt Drudge, the cyberscribe who broke the story of the president's sexual escapades with former White House intern Monica Lewinsky, or of Kenneth Starr, the determined prosecutor whose detailed account of that affair lives on dozens of webpages. But those sensational episodes may be mere footnotes when historians ponder Clinton's technology legacy.

"In the most general sense, President Clinton may be remembered as a person skilled in getting in front of parades—knowing where trends and attitudes are leading people," Kevin Taglang, managing editor of the Digital Divide Network, a partnership between the federal government and the private sector that the Clinton administration helped initiate, said last year. "It is no different in regard to the information/digital revolution. I believe the president realized what a great economic force IT developments could be and has sought to champion them."

Choice of the Techies

Few people would characterize Clinton as a computer geek—even the ex-president reportedly considers himself "computer challenged"—yet he earned a reputation as a leader who "got it" when it came to technology. That insight helped get him elected in 1992 and re-elected in 1996.

ILLUSTRATIONS BY **DORIT RABINOVITCH**

Clinton won the resounding endorsement of numerous technology leaders in 1992, including loyal Republicans such as then–Hewlett-Packard Co. President John Young and then–Apple Computer CEO John Sculley. The choice between the baby boomer who addressed technology issues in his campaign manifesto, "Putting People First," and George H.W. Bush, a "greatest generation" alum who reportedly was amazed by the simple technology of a grocery-store scanner, was a no-brainer.

Bob Dole's 1996 candidacy did little to elevate the GOP in the eyes of techies. "[Clinton] got it before the other side did," said Harris N. Miller, president of the Information Technology Association of America, who met Clinton in 1991. "He understood the issues much earlier than anybody else did. ... It was a one-sided opportunity in both 1992 and 1996."

Within a month of taking office, Clinton unveiled a technology policy initiative that offered the promise of more money for technology research, partnerships between government and the private sector, and support for high-performance computing, among other things.

At the end of 1993, he appointed the National Information Infrastructure Advisory Council, a collection of state and local officials, advocacy groups, educators, business representatives, content providers, and privacy and security experts. Over the next two-plus years, the council studied the revolutionary impact of the Internet and other technologies. It submitted a final report, including five fundamental goals and discussions of key policy issues, in February 1996.

Short of initiating discussions on the issues that might shape the future, however, Clinton accomplished little on the technology front in his first term. Battles both legislative (First Lady Hillary Rodham Clinton's failed national healthcare plan) and political (the monumental 1995 GOP takeover of Congress) distracted him.

Preaching the E-Gospel

But then came the Internet, the e-commerce revolution, and the rise of technology as an economic engine. Clinton used the presidential bully pulpit to preach the doctrine of the "new economy" and the global village, and he saw technology as the heart of both. He heralded the Web as "the future of America" and admonished the nation to seize their "age of opportunity." He practiced what he preached, both in substance and symbolism, signing a law to overhaul the telecommunications industry for the first time in decades, for instance, and imposing an "e-rate" to fund an effort to put computers in every classroom by 2000. Clinton also signed statutes designed to make intellectual-property laws relevant to a cyber age, and to give electronic signatures the same force of law as an ink-on-paper John Hancock.

In 1994, soon after he took office, Clinton put the White House online, which he then had the site redesigned three times during his presidency—in 1995, 1996, and 2000. His 1998 commencement address at MIT was the first to be delivered over the Internet by a president. And he scored firsts for a live, Web-based video feed of a State of the Union address; a presidential webcast to announce plans for the first-ever federal government portal, Firstgov.gov; and an online town hall.

Clinton also appointed to powerful posts technologically astute allies such as eventual White House Chief of Staff John Podesta, who co-founded the technology lobbying shop Podesta.com with his brother, Anthony; Ira Magaziner, who led the team that drafted the administration's e-commerce blueprint; and John Koskinen, the Y2K czar who spearheaded the mostly successful effort to quash the "millennium bug."

Vice President Al Gore in particular was widely regarded as knowing more about technology than Clinton, and Clinton apparently realized that. He considered technology policy one of Gore's "spheres of influence" from the start of the administration.

The Rest of the Legacy Story

Clinton's instincts, or what Podesta calls his "intuitive feel," for the significance of technology, and his knack for picking tech-wise leaders enabled him to boast a long list of accomplishments: narrowing the "digital divide," backing technology-related research, imposing a moratorium on Internet taxes, fighting cyberterrorism and Internet crime, moving the government online, and more.

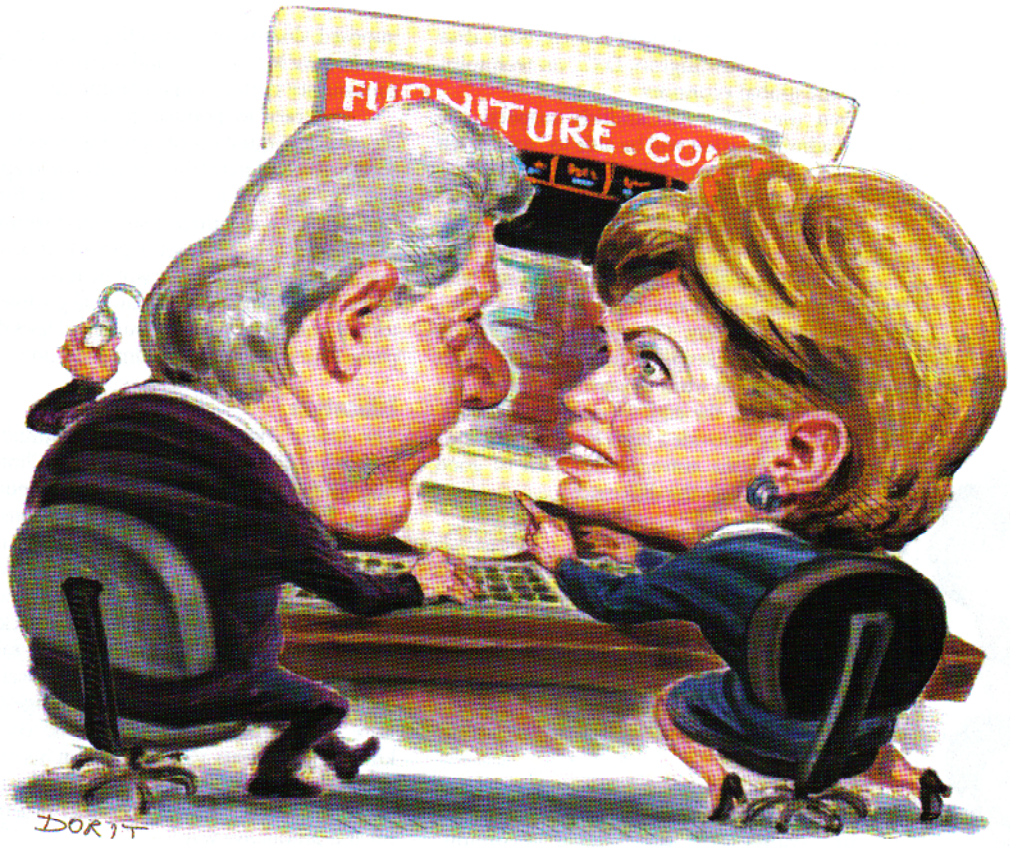
Yet, some of the administration's claims are debatable. Privacy advocates, for instance, find Clinton's contention that he did anything to ensure online privacy laughable. "His administration has done near zero to protect privacy in any way," Stanton McCandlish, the advocacy director for the Electronic Frontier Foundation, said last year.

The Clinton administration can tout the creation not only of dozens of agency websites and the central Firstgov portal, but also specialty sites focusing on topics such as exports, e-commerce, and even the obscure Section 508, an initiative designed to make government-backed technology more accessible to the disabled. But critics still have reason to question their e-government initiatives on several grounds, including lax security and poor privacy protection.

Clinton also gets low marks from other quarters for, among other issues, unleashing the Justice Department's antitrust machine on Microsoft and other technology companies. Adam D. Thierer, the Cato Institute's director of telecommunications studies, said the Microsoft case was just one example of how Clinton exhibited a willingness to regulate technology late in his presidency and set a

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"... AND THEN DENISE GAVE US THIS LOVELY COFFEE TABLE": The Clinton administration ensured that e-commerce remained tax free, but now even high-tech leaders are rethinking that position.

bad precedent for his successors.

"When the history of the Internet is written," Thierer said last year while he was still an economic policy fellow at the Heritage Foundation, "Clinton's tenure in office will be remembered as what might be the beginning of the Internet New Deal era"—an era marked by "political meddling" in a realm once virtually off limits to government.

Leader ... or Follower?

Still others said Clinton was a follower on technology issues, not a leader. Utah Republican Sen. Bob Bennett, the former chairman of the Senate Republican High-Tech Task Force, said Clinton's loyalty to unions, for instance, kept him from offering his complete and unqualified support to expanding the H-1B visa program for high-tech workers. "Leadership has had to come from Republicans," Bennett said last year, "and then if [Clinton] can do it without too much damage to his constituents like the trial lawyers and the unions, he will come along. ... He's been a good technology president as long as somebody else took the initiative."

Rob Atkinson, director of the Technology and New Economy Project at the Progressive Policy Institute, a think tank affiliated with the centrist Democratic Leadership Council Clinton headed before he became president, agrees to some extent. Overall, he said, the Clinton administration did an admirable job on technology policy. "Their legacy will be putting in place a framework [that] subsequent administrations can follow," he said.

But Atkinson also criticized the administration for several missteps, including not backing more H-1B visas from the outset and not supporting limits on liability for any Year 2000 computer glitches that might have emerged. The president ultimately signed both measures but could not take any credit for them, Atkinson said, because he had resisted so long. "In terms of the average person ... it probably doesn't make a lot of difference," Atkinson said of the H-1B and Y2K issues. "[The Clinton administration will] probably get a lot of credit. But, I think in terms of the IT community, that [reluctance to act decisively] hurt the administration. ... The administration squandered [its credibility] a little bit on those two issues."

The loss of credibility may extend beyond Clinton to the party he represents. Two years ago Clinton's ties to the technology community gave Democrats an advantage over Republicans. Now Republicans are talking tech, too. "The Republicans were going to go there no matter what," he said. "But it became easier for them to make their case that they were going to be the ones on the side of the IT revolution" when Clinton failed to act on key issues.

Grudging Praise from Critics

Despite such criticisms, some of Clinton's harshest critics give him grudging praise on technology policy—for his hands-off approach to e-commerce, for his effort to get the federal government out of the domain-name business by creating the Internet Corporation for Assigned Names and Numbers (ICANN), and for pursuing an open-trade policy that gave technology companies inroads abroad, for instance.

"I would give him a seven" on a scale of one to 10, James K. Glassman, the host of

TechCentralStation.com, said last October after a conference in Washington, D.C., on technology and the global economy.

Even the EFF's McCandlish suspects the Clinton administration will be able to "spin" itself a largely flattering legacy. "If you look at the actual policy," he lamented, "they're not as Internet- and technology-friendly as they are likely to be remembered as."

"Perhaps one of the things we did quite well," Podesta said last year, in an analysis that many in the technology community, Congress, and elsewhere would echo, "was to keep our hands off of a lot of issues. We've tried to work in partnership with the private sector. ... In the end, we can be good partners. We can help provide a basis for having trained workers. But it's the entrepreneurialism of good companies that makes the difference."



E-Commerce

The Clinton administration scores its highest marks on e-commerce. Even critics who ridiculed a first-term economic policy that relied on "the largest tax increase in American history" and a failed "stimulus package" in 1993 laud Clinton for his approach to e-commerce—though some argue that the Republican-led Congress deserves more credit than Clinton.

The administration set the tone early in Clinton's second term with the July 1, 1997, release of the Framework for Global Economic Commerce, a hefty report that identified core principles of economic policy toward the Internet and e-commerce. The report addressed an array of issues from Internet taxation and privacy to intellectual-property protection and security issues. It argued for private-sector leadership and against "undue restrictions" by government. It also made the case against taxing e-commerce and vowed to defend the merits of making the Internet a "tariff-free environment" globally.

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John Podesta, Clinton's White House chief of staff

"We've had tremendous growth in electronic commerce in the last four or five years," Podesta said, in defending the administration's stance. "We could have, through trade policy and through regulation policy and through tax policy, really stunted that growth. The partnership that we've had with the private sector and the vision that was laid out in the report has been quite important in setting the tone and setting the direction."

Ben Isaacson, executive director of the Association for Interactive Media (AIM), agreed. His organization lobbied hard for a moratorium on Internet taxation and praised Clinton for backing that initiative. Before enactment of the Internet Tax Freedom Act in 1998, he said, some 7,600 taxing jurisdictions legally could have imposed dozens of competing tax policies that would have led to chaos and quashed the business community's interest in e-commerce.

Contrary to popular perception, the law is silent on the question of applying sales taxes to e-commerce, and states theoretically could apply such taxes to the online sales of certain firms. But Isaacson said the three-year moratorium, which expires Oct. 31, 2001, set a precedent against any Internet-related taxes that will be difficult for policymakers to abandon. "The law will go down in history as one of the more monumental laws that were passed during [Clinton's] administration."

Education

The March 1997 release of the administration's Education Technology Initiative and Clinton's frequent high-profile comments on the importance of technology in educating future generations indicated how seriously Clinton considered the issue. So, too, did Education Secretary Richard W. Riley's Feb. 2, 2000 speech to the Web-Based Education Commission. "When historians look back on this time hundreds of years from now," Riley said, "I am confident that they will mark it as a critical point in history: the commencement of a new 'age of education.' Today, more than ever, at the core of the knowledge that sets an individual on his or her way are an understanding of and an ability to use computers, technology, and the Internet in a meaningful and productive way."

But Clinton's legacy on introducing technology into America's education system will be the subject of more debate than his legacy on e-commerce.

The former president's allies say that without his leadership, far fewer schools would be wired, and thus far fewer young Americans would be prepared for the technologically dependent future. Linda Roberts, director of the Education Department's Office of Educational Technology during Clinton's presidency, said the administration achieved its goals of connecting both schools *and* classrooms to the Internet. In 1994, only 3 percent of classrooms and 30 percent of schools were wired, she said, but by October 1999, those totals had climbed to 65 percent for classrooms and 95 percent for schools. The computer-to-student ratio also climbed—from one for every 38 children in 1994 to one for every six or seven children in 1999.

Clinton's critics, on the other hand, say he will be remembered for surreptitiously imposing the so-called Gore tax that was used to wire schools. TechCentralStation's Glassman, who takes credit for making public the deal that led to the e-rate, said history will not remember Clinton fondly for the much-maligned tax because it was "an open-ended mandate given to a government agency [the Federal

Communications Commission]" that has no role in education policy.

The Cato Institute's Thierer said the e-rate unwisely shifted education policy from the state and local levels to the federal government. He also complained that the fee amounts to a federal subsidy hidden in monthly phone bills. Even if the e-rate is defensible, he said, "It should be a budget item, accounted for somewhere, hopefully at the state or local level."

Others criticize the Clinton administration for not dedicating enough political capital to ensuring that students get the math and science education necessary for success in the future. Studies such as the one released on Sept. 27, 2000, by the National Commission on Mathematics and Science Teaching for the 21st Century, buttress their case. "[I]t is abundantly clear from the evidence already at hand that we are not doing the job that we should do—or can do—in teaching our children to understand and use ideas from these [math and science] fields," the report concluded. "Our children are falling behind; they are simply not 'world-class learners' when it comes to mathematics and science."

Digital Divide

Political observers are equally split on whether Clinton's persistent efforts to close the "digital divide" between the technology haves and have-nots—the white, wealthy, and urban Americans who own computers and have Internet access, and the minority, poor, and rural Americans who do not—will be a positive or negative mark on his technology legacy.

Clinton clearly made the issue a priority. "Our mission is to open [the digital] frontier to all Americans, regardless of income, education, geography, disability or race," he said in an April 4, 2000, speech kicking off the first of a series of digital-divide tours. "[T]he computer and the Internet give us a chance to move more people out of poverty more quickly than at any time in all of human history. ... But it won't happen by accident. We'll have to work to make it happen."

If his administration's last report on the penetration of technology across America is accurate, the administration may be able to boast success. Among other things, the report showed that from December 1998 to August 2000:

- Household Internet access increased from 26.2 percent to 41.5 percent.
- The percentage of people using the Internet rose from 32.7 percent to 44.4 percent.
- Some 116.5 million Americans were online at some location, up from 31.9 million.

But some people argue that Clinton would be wrong to take credit for closing a digital divide that, according to them, never existed in the first place. In an April 2000 policy paper he wrote for the Heritage Foundation, Thierer dismissed the "divide" as a "supposed crisis."

"Somehow we've turned this wonderful positive of the Internet into a negative," he added in an interview last October. "The fact of the matter is [that] Internet technologies have been spreading throughout our economy faster than any previous technology that we could debate. ... We're getting Internet quicker than we got toilets in this country."

The ITAA's Miller questioned the effectiveness of the e-rate and other federal subsidies, arguing that both ultimately will be only minor factors in closing gaps in technology access. "The marketplace is going to bring the Internet everywhere," he insisted.

Miller and even Atkinson of the pro-Clinton PPI also criticized the inflammatory rhetoric about a "divide," arguing instead that Clinton should have talked about the "digital opportunity" and used the power of the presidency to rally the private sector. "No one ever talked about the VCR divide," Miller said. "No one ever talked about the TV or the Model T divide."

On that point, the Clinton administration apparently listened. The subtitle of its last report on the subject, "Toward Digital Inclusion," marked an intentional, albeit measured, move away from the "divide" language of the first three reports. But Podesta still defends the administration's decision to raise the issue of the digital divide as "the right course" to follow.

Antitrust Law

Some officials who lauded Clinton for not regulating or taxing e-commerce, and not supporting



"...AND THEN I BRIDGED THE DIGITAL DIVIDE": Clinton takes credit for closing the digital divide, but critics are mixed—some say he merely narrowed it, while others say it never existed.

those who tried, lamented his administration's decision to target Microsoft in a divisive antitrust lawsuit. That case, they argue, set a bad precedent on applying antitrust law to the Internet, and depending on the final outcome, it may undermine Clinton's largely favorable technology legacy.

The impact of Judge Thomas Penfield Jackson's rulings against Microsoft thus far have been devastating, TechCentralStation's Glassman said last October at the Brookings Institution seminar on "Keeping the Good Times Rolling." He argued that the "ill-advised antitrust suit" was largely responsible for the dramatic decline in the value of tech stocks. "It's not just Microsoft. What it is, in my opinion anyway ... is a growing realization in the capital markets that politicians who had generally laid off of high technology ... suddenly had discovered it. And they were going to get their piece of it."

The White House downplayed its role in the case. Podesta called it an example of "civil enforcement," not a policy issue that was, or even should have been, debated within the administration. He took the same stance on the proposed merger between America Online and Time Warner, and the concerns the Federal Trade Commission and Federal Communications Commission raised about a merger between the Internet powerhouse and the cable giant.

Cato's Thierer, however, said both cases are evidence of a broader trend. "There has been an explosion in antitrust enforcement activity ... that is almost without precedent," he said, adding that antitrust law is now being used as "backdoor regulation for a good portion of the Internet. We've seen the Clinton administration enthusiastically endorse the old notion that big is bad."

But AIM's Isaacson said the Microsoft case was warranted, even if, as many observers now believe, it ultimately is decided in the software giant's favor, because it forced the government to consider the role of industrial-era antitrust laws in

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"MISS APRIL'S NUMBER HAS TO BE IN HERE SOMEWHERE":
The Clinton administration raises the ability to spy on citizens, to a whole new level.

the Information Age. He said the proactive approach of the administration was necessary "to ensure the future growth of technology and the Internet," and that Joel Klein, the government's lead prosecutor in the case, should be praised for making it a high-priority issue.

"We won't know for many years to come whether the investigation hurt the enhancement of technology," Isaacson added. "Microsoft still has a fighting chance."

Privacy

Privacy advocates were among the Clinton administration's harshest and most consistent critics, but they received scant attention outside civil-liberties circles until the Internet started bringing the issue into Americans' living rooms. The privacy concerns of the 1990s can be broken down into two broad areas: government intrusion into individuals' lives and private corporations' ability to track people's interests and actions.

On the government side, Clinton's Justice Department received much of the approbation, accused of going too far in allowing law enforcement's ability to implement electronic surveillance. The government began with its early battles to gain a back door into encrypted telephone- and computer-based communications by demanding the establishment of an encryption-key database or the inclusion of wiretap-enabling "clipper chips" in computers. Late in Clinton's tenure, groups such as EFF, the American Civil Liberties Union, and the Electronic Privacy Information Center decried Clinton's support for the FBI's since-renamed "Carnivore" e-mail wiretapping system, which they say would allow the FBI to read

anyone's e-mail at will.

While the Carnivore fight is not over, conservative and liberal members of Congress have attacked the program fiercely. Even Podesta admits the clipper chip "will go down with the Edsel as a good idea on the drawing board but [one] with problems with process and execution." He also lamented the judgment of the people who decided to give a Web-based surveillance program a hostile-sounding name like Carnivore.

But those "false starts" are attributed to the challenges of making policy in a rapidly and ever-changing world. "These are hard questions when you're sitting where we're sitting as opposed to where they're sitting," Podesta said of the criticisms leveled by privacy advocates.

The Clinton administration did score points with some privacy interests by deciding to implement new rules on medical privacy in the waning days of Clinton's presidency. And as privacy invasion by corporations gained an increasingly high profile, at least one branch of the administration, the Federal Trade Commission (FTC), received praise for raising the issue of privacy to a new level. The FTC's May 2000 report on privacy broke with the conclusions of previous reports in 1998 and 1999 by advocating federal legislation designed to protect consumer privacy online.

The FTC also investigated the ad-serving firm DoubleClick for its proposal last year to combine anonymous "cookie" files that track sites computers visit with an offline database of consumers' buying habits—with names attached. The ensuing outcry knocked a third off DoubleClick's stock price and forced the company to retreat. It also made privacy a campaign issue. But the FTC, then just days into the new Bush administration, sparked new complaints from privacy advocates on Jan. 23 when it concluded its probe of DoubleClick without any action.

On another privacy front, Clinton was embarrassed last year when several federal websites—most notably the White House Office of National Drug Control Policy—placed tracking cookies on computers that visited them. While Clinton ordered the cookies removed, the nonpartisan General Accounting Office (GAO), the investigative arm of Congress, reported that only 3 percent of surveyed federal Internet sites met privacy standards.

Then there is the more contentious issue of balancing the right of law-enforcement officials to collect information necessary to protect citizens and the right of those same citizens to protection from privacy violations. The Fourth Amendment prohibition against illegal search and seizure is at the heart of that debate, and some privacy advocates roundly condemn Clinton for policies that they say undermined, or would have undermined, a sacred constitutional principle.

Corporations, for their part, criticized the Clinton administration's efforts, abandoned late in Clinton's presidency, to maintain restrictions on data encryption. Opponents of the limits said they leave company secrets vulnerable to corporate espionage and make it likely that U.S. firms will lose sales to foreign firms that can offer stronger encryption.

The ITAA's Miller agreed that the administration was "wrong" on issues like encryption, but he dismissed the strident condemnations from privacy advocates who he said wrongly see no "policing role" for the government. "Have they always got the balance exactly right? No. Sometimes they've been too aggressive," Miller said last year of the Clinton administration's policies. "But, generally, I don't think the administration had an overly intrusive approach to law enforcement and national security."

The EFF's McCandlish does not agree. "It's just not a good track record," he says. "[Clinton] show[ed] no regard for civil liberties at all."

The Clinton administration hopes history will give more weight to its economic track record than more narrow issues such as privacy protection, a fact that it made abundantly clear in a 105-page report it issued in December 2000. Dubbed "Leadership for the New Millennium: Delivering on Digital Progress and Prosperity," the parting shot of the Government Working Group on Electronic Commerce provided a detailed look at the administration's high-tech policy initiatives and concluded that Clinton's technology legacy will be a favorable one.

"When the president and I took office ... we faced a stark choice," then–Vice President Al Gore wrote in the report's preface. "We could either push into new frontiers or allow opportunities to slip away. The choices we have made since then have left us substantially better off than we were eight years ago." Gore then concluded: "[O]ver the last eight years, we have established a record of digital prosperity and progress. It is only a beginning. But we have blazed a trail that others can follow with confidence and conviction." ■sar

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