

RICHARD A. ARENBERG
Staff to Senators Paul Tsongas, George Mitchell and Carl Levin

Oral History Interviews
June 8, 2010 - June 10, 2010

Senate Historical Office
Washington, DC

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Richard A. Arenberg

[date]

Accepted on behalf of the
Senate Historical Office by:

Donald A. Ritchie

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Preface

On Patriots' Day, April 15, 1974, Richard Arenberg was working in his tiny office—a converted bathroom—in the political science department at Boston University, when Paul Tsongas came to ask him to conduct polls and serve as issues director for his upcoming campaign for Congress. A Middlesex County commissioner and former Lowell city councilor, Tsongas was running for the Democratic nomination from Massachusetts' Fifth District. Tsongas had been attending a Red Sox game that day, and appeared unshaven, with his shirttails out, wearing old running shoes. Arenberg's first impression of this disheveled man was that he was unlikely to win the primary, let alone beat an incumbent congressman. But he was immediately taken with Tsongas' candor. At the time, Arenberg was contemplating taking a job in Washington with Senator Edmund Muskie, but he decided to join Tsongas' campaign, at least until the primary in September. Initially, the cause seemed little more than tilting at windmills, but Tsongas won the primary and went on to defeat the incumbent and claim a seat in the House of Representatives. He then invited Richard Arenberg to Washington with him, where Arenberg stayed for 34 years.

For the next four years, Arenberg served as legislative director for Representative Tsongas. In 1978 he helped Tsongas win an upset election to the Senate, defeating the popular Massachusetts senator Edward Brooke. Stricken with cancer, Senator Tsongas did not run for reelection in 1984, and Arenberg joined the staff of Maine senator George Mitchell. From 1984 to 1987, he was Mitchell's administrative assistant. In 1987, he became Mitchell's staff member on the Select Senate Iran-Contra-Committee, and in his spare time, helped Senator Mitchell and Mitchell's Maine colleague, Senator William Cohen, write their account of the investigation, *Men of Zeal*. From 1987 to 1989, when Senator Mitchell held the title of Deputy President pro tempore, Arenberg was his chief of staff. When Mitchell was Senate Majority Leader, from 1989 to 1994, Arenberg served as his special assistant for national security affairs. After Mitchell left the Senate, Arenberg became legislative director and deputy chief of staff to Senator Carl Levin, from 1994 until Arenberg's retirement in 2009.

Richard A. Arenberg was born in Norwich, Connecticut, on October 16, 1945. He graduated from the Norwich Free Academy and attended Boston University, where he received a bachelor's degree in 1967 and a master's degree in 1976. He also served in the

U.S. Army Reserve from 1968 to 1974. From 1971 until to 1974 he was a teaching fellow in political science at Boston University, working on a PhD in political science until he joined Paul Tsongas' congressional staff. In 2009 he returned to teaching as an adjunct lecturer in Public Policy at Brown University's A. Alfred Taubman Center for Public Policy and American Institutions, where he offers courses in Congress and the Federal Budget, Congressional Leadership, and Parties and Public Policy. He has been writing a book with former Senate Parliamentarian Bob Dove on the historical development of the filibuster.

On Arenberg's retirement from the Senate staff in 2009, Senator Carl Levin observed: "Rich has an encyclopedic knowledge of Senate history, procedure, and protocol. He has been a mentor to countless Hill staffers, as well as a thoughtful, reasonable, skilled advisors to the Members he has served. He is a gifted storyteller who enlightens and entertains my office with anecdotes of his decades on the Hill. And above all, he is an incredibly decent human being devoted to his work, loyal to the people around him, with a passion for life." In this oral history, Richard Arenberg shares his memories of the senators for whom he worked and the landmark legislation they struggled to enact.

About the Interviewer: Donald A. Ritchie is Historian of the Senate. A graduate of the City College of New York, he received his Ph.D. in history from the University of Maryland. His books include *James M. Landis: Dean of the Regulators* (Harvard University Press, 1980), *Press Gallery: Congress and the Washington Correspondents* (Harvard, 1991), *The Oxford Guide to the United States Government* (Oxford University Press, 2001), *Reporting from Washington: The History of the Washington Press Corps* (Oxford, 2005), *Electing FDR: The New Deal Campaign of 1932* (University Press of Kansas, 2007); and *The U.S. Congress: A Very Short Introduction* (Oxford 2010). He served as president of the Oral History Association and of Oral History in the Mid-Atlantic Region (OHMAR), and received OHMAR's Forrest C. Pogue Award for distinguished contributions to the field of oral history.

Illustrations:

Frontispiece:

Left to right, Richard Arenberg, Senator Paul Tsongas, and Dennis Kanin.

Following page 93:

A Capitol wedding.

Following page 167:

Above: Richard Arenberg on the Senate floor with Senator George Mitchell.

Below: Richard Arenberg in the recording studio with Senator Carl Levin.

TO CONGRESS WITH PAUL TSONGAS

Interview #1

Tuesday Morning, June 8, 2010

RITCHIE: I'm really curious about this book you're writing. What's the story there?

ARENBERG: Oh, well, Bob [Dove] and I are friends and go way back. The book is about the filibuster. The working title is *Soul of the Senate: Defense of the Filibuster*. My interest in the history of the Senate and the history of the filibuster also goes way back. I've been somewhat distressed, I guess I would say, because I see the lurking danger of the current Senate overreacting to frustration with the filibuster and perhaps reforming it in such a way as to bring the Senate all the way to be a majoritarian body, which I think would be an enormous mistake. Now that I'm in academia I read the academic literature, and certainly the popular press. The criticism of the filibuster is almost universal. The view is it's anti-democratic, it's obstructionist. I think there is a perspective from people inside of the Senate—I know Marty Paone once jokingly described it as the “Stockholm Syndrome”—but I think there is from the perspective of people who have spent a number of years in the Senate that there are aspects that the filibuster which affect the operations of the Senate in ways that are not obvious even to the best scholars and others on the outside.

I'm thinking about the pressures towards consensus that are created by the supermajority requirements under Rule XXII. For example, we'll talk about the Alaska Lands Act later on. There's an example where it might not be very obvious how the filibuster played a role. There were two filibusters. There was a sweeping unanimous consent agreement. There was a cloture motion. There were all of those things. It was almost unique in that way. And yet, I think the final outcome was as solid and as lasting as it was because Senator [Ted] Stevens has the leverage of a potential filibuster and was able to negotiate. In the end, Senator Stevens came along and didn't press it all the way to the wall and try to defeat it. Without the filibuster we would not likely have had an Alaska Lands Act that stood the test of time as it has.

So that was the idea behind the book. I sent a note to Bob. Bob, who obviously knows as much about the subject as anyone. I said, “What would you think about doing a book together?” He loved the idea, so we launched into it.

RITCHIE: Well, I'm impressed that you convinced him. Because he didn't seem to be focused on writing a book, but I always thought he'd be the perfect person to do it.

ARENBERG: It's a great collaboration, because he's willing to let me write. So I've been writing and he's been to date largely editing. It's tremendous for the texture of the book to have someone involved who brings so much to it. I think I know Senate rules pretty well, but when you have somebody like Bob Dove reading it and not saying, "What's this? You're crazy about this." That's a terrific thing. We're well along in that project.

RITCHIE: One of the first interviews I did back in the '70s was with Floyd Riddick, who was the retired parliamentarian, and it was one of the most valuable for me because he explained the logic of the rules. You had to understand what was behind the rules to understand why the rules were the way they were. There's usually some reason why they proceed in ways that from outside the Senate seem totally unreasonable.

ARENBERG: I read that interview. In fact, I've quoted it a couple of times in the book. These interviews are really enormously helpful. And I love that quote—Bob uses it all the time—where Riddick said the Senate rules are perfect, and when they're changed the Senate rules will be perfect. [Laughs] That really encapsulates a Senate eye-view of how the rules operate.

RITCHIE: Let us know if we can be of any assistance in terms of providing material.

ARENBERG: That's great. If you're interested in reading some draft chapters, I'd be delighted to send them to you and seek your advice.

RITCHIE: Okay, and we have an interview with Marty Gold, I don't know if you've seen that, on Senator [Bill] Frist's approach to the "nuclear option." And we've done a number of other interviews with Marty Paone and others who have been involved with procedures on the floor. We can provide those to you as they open.

ARENBERG: We've been awarded a research grant from the Dirksen Congressional Center, and I think what we're going to use that for is to do some firsthand interviews of our own with some former senators, to see if we can generate some new information.

RITCHIE: It's a very timely book right now, that's for sure.

ARENBERG: Yes, episodically. That's one thing about writing about the filibuster. A little like writing a Christmas song. You can be sure that from time to time it will suddenly be timely again!

RITCHIE: And ironically, the next time the parties will probably be reversed, and each will be saying the opposite.

ARENBERG: Sure, that's one of the interesting things about it is that the view can be so situational. I think a lot of observers mistake that for a lack of deep convictions about the principles behind the filibuster. I don't think that's the case. I just don't think that anything that's as central to the way the Senate operates would have persisted for 200 years, basically back to 1806, unless it's served a valid purpose that senators were committed to. There's ample evidence for that. It gets dismissed too easily by academics, I think.

RITCHIE: Well, that Brookings Institution conference on filibusters was perfect on that: three Senate insiders were defensive of the filibuster, and the panel of political scientists who followed them were indignant about it. They were really not there to discuss filibusters, they were there to condemn them.

ARENBERG: Exactly. I don't want to be disrespectful to them. I think Sarah Binder and Steve Smith and those folks have done a real service in the kind of work they have done on filibusters, but I think they have developed a point of view and a stake in it, and I think there is kind of an academic bubble in which they operate. In some ways the Senate can be, as you know, kind of opaque. Analyzing the Senate, looking at vote studies and that sort of thing, can be very illuminating, but it's also like staring in from the outside through a small window. Sometimes the glass isn't even all that clear as to what's going on inside. I think even those that have spent some time here, on fellowships or spent a few years here maybe, I think miss some of the deeper impacts that Rule XXII has on the way this place operates. From my perspective, it's very profound. It's central to why the Senate is such a unique institution and its almost unique status as an upper body in the world. It's about the only place where the upper body is arguably more powerful than the lower body in a national legislature. I think the filibuster has a lot to do with that.

RITCHIE: And the relationship between the two houses is an interesting factor in that. People tend to study one or the other, but it's really the point/counterpoint that actually goes on, the strategies that need be considered in the House because of the unusual circumstance in the Senate.

ARENBERG: Dick Fenno did that marvelous little book. I forget the exact title but it was something like *The Senate, A Bicameral Perspective*, or something like that.¹ I always felt it was great but it was too brief. That really needed to be expanded into a full scale look at the Congress. I agree with you, it's so difficult to study these two bodies. I think you're caught as an academic trying to study the quantitative aspects like how many votes, and how many holds, how many bills were introduced, and how many passed, things that they try to do to come up with this kind of quantitative, scientific analysis. Then if you try to do something that's more contextual, you wind up with a case study. When you spend a lot of time in the Senate, you come to realize, as I always say, that these offices are 100 feudal fiefdoms, each with its own prince or princess, and its own currency, its own structure, its own culture. There are some marvelous studies. There was one on [Edmund] Muskie, the name escapes me now—

RITCHIE: By Bernard Asbell.²

ARENBERG: Yes, great book. Then I think it was Liz Drew that did one on [John] Culver.³ That's a great book. There are lots of fascinating books that way that really got at what was going on in a particular Senate office. But it's very difficult to generalize from that. I could write three volumes just trying to compare and contrast the three senators I worked for, and you multiply that by 100 in any given time, even more than that, it makes it very difficult to study this institution.

¹Richard F. Fenno, Jr., *The United States Senate: A Bicameral Perspective* (Washington, D.C.: American Enterprise Institute for Public Policy Research, 1982).

²Bernard Asbell, *The Senate Nobody Knows* (Garden City, N.Y.: Doubleday, 1978).

³Elizabeth Drew, *Senator* (New York: Simon and Schuster, 1979).

RITCHIE: Well, good, we'll give you the opportunity to do that kind of comparing and contrasting over the next couple of days. I thought we'd start by talking about you. Can you tell me about your family background?

ARENBERG: Sure. I grew up in Norwich, Connecticut, which is one of those old New England mill towns that was in decline in the period that I came along. My dad, when I was young, he was a tailor and worked at my grandfather's tailor shop. I'd stop there after school and play with the box of buttons, and the old typewriter in the back, and stuff like that. He then went on to become a corporate vice president for a national men's clothing company. He and my mom are still alive, they live in Florida. I graduated from a very interesting high school. Norwich, Connecticut, has this institution called the Norwich Free Academy. I think there are only three institutions like this in New England, that when the public school movement came along, there were all these private academies all over New England. In these three instances, and Norwich is the largest one, rather than beginning a public high school, the city just began paying tuition to this academy, and they named it the Norwich Free Academy. It's still to this day a pretty unique institution for that reason. The way the classes are designated, it's the old British system, so you're a junior in your first year, and then a lower middler and then an upper middler, and then a senior. The school calendar was different than the public schools around the state, so there was a real sense of it being quite a unique institution. It had its own museum. It had its own library and art gallery. A very interesting place.

I went to college at Boston University. I then went to graduate school at B.U. I have a master's degree in political science. I was a PhD candidate, and was a Vietnam antiwar activist. Those were the days when I didn't go to my college graduation because it didn't feel right at the time. That was '67 when I graduated, so that was right in the heart of the most contentious part of the Vietnam War debate. As I said, I stayed at B.U. in the PhD program. I completed all of that, but at the time I was preparing to write my dissertation was when I first got involved with Paul Tsongas.

Let me just back up a little and say that during the time I was in graduate school, I was a community organizer for the Elizabeth Peabody House, which was an old time settlement house in Boston. It had actually been established in Boston's West End, and when the West End of Boston was redeveloped in the 1950s redevelopment craze and basically obliterated, replaced by some high rise apartment buildings, the settlement house moved out to Somerville, Massachusetts, which is a blue-collar, working family kind of community in the Boston area. When I came along, I was a community organizer

in Somerville. I worked in public housing, organizing tenants groups, and trying to improve living conditions. At the same time, I was going to graduate school at B.U.

About the time I was planning to begin work on my dissertation, I had some interest in coming to Washington at some point, and I heard about a job opening that Senator Muskie had in Washington. So I came down here and interviewed for the job. It seemed very interesting. It was a new staff position that he was getting on what was then the Public Works Committee. I think it was Jennings Randolph who was chairman and who had awarded him this new position, but it wasn't coming until the fall. So while I was here interviewing with Senator Muskie, the final decision was deferred for a number of months. I was told I was a viable candidate for it. I went over to see a former PhD program colleague of mine who was working for Joe Moakley over in the House. I sat down with her just talking about my interest in coming to Washington, what I was planning for my dissertation, and all of that. She said, "Well, you know, my son is going to run the campaign for this candidate who is going to run against Paul Cronin"—who was an incumbent congressman from Massachusetts—"up there in the 5th District, a guy by the name of Paul Tsongas"—who I had never heard of—"and you'd probably be the perfect person to be the issues director for the campaign." I said, "Well, you know, I've got so much on my plate right now. But on the other hand, this Washington job, I'm not going to hear about it until the fall. I'd like to meet this guy, anyway."

So I went back to Boston. We arranged this meeting. I'll always remember it was Patriots' Day. Patriots' Day is a holiday in Massachusetts commemorating the Revolutionary War battles at Lexington and Concord, and the reason I remember it is because it's the one day of the year that the Red Sox play a game in the morning. The game ends generally right around the time that the marathoners are arriving at the finish line of the Boston Marathon. So it's a big event. Paul Tsongas had gone to the Red Sox game in the morning and he called my office—I was a teaching fellow as a graduate student. They had given me what had been an old bathroom in the departmental office. A lot of the departmental offices at B.U. were in these brownstone buildings on Bay State Road. So I was given what had been a bathroom. They just basically took the toilet out, put a board down, and stuck a desk in there. You almost had to catapult over the desk to get behind it, that's how small the room was. So I a little sheepishly invited Tsongas to come over to this office. He came in, and he had been at the game and he had his shirttails out, he hadn't shaved, he had these old ratty running shoes on, his hair was a mess and everything. I'm looking across the desk and I'm thinking to myself: This guy's not even going to win the primary let alone beat an incumbent congressman. I don't

know where this is going.

We began to chat and he was such an engaging guy. The thing about Paul Tsongas, which carried through throughout his career, was just his absolute candor. He wasn't just the most candid politician I've met, he was the most candid person I've ever met. He always just said what he thought. I just was very taken with him. I found myself thinking: Well, the primary is in September. This might be a fun thing to do. We'll go tilt at windmills and have a good time and probably lose the primary. Then in the fall I'll find out about this Muskie thing. Meanwhile, I'll start putting together this dissertation. Of course, you can figure out what happened. About two or three weeks into the campaign I was such a true believer that I called Senator Muskie's chief of staff and said, "I'm in this thing for the duration. This guy is going to win a seat in the House. So I'll see you in Washington." That really was the launch of my career along with his. He did win that primary in September. He went on to upset the incumbent congressman—that was the famous Watergate class. And he asked me to come to Washington, with him, and I spent four years in the House with him. Actually, I told him that I would like to come to Washington for eight or nine months and then get back to Boston, which I love, and my PhD. It took me more than 34 years to get back.

RITCHIE: Before we get into that, I'd just like to go back to ask what was it that brought you into the field of political science in the first place?

ARENBERG: Well, it's an interesting thing. Growing up as a young Jewish kid, everybody always asked me: What are you going to be when you grow up? I always said I was going to be a doctor, because in the culture I was in, that was the pinnacle. You got the biggest response. "Oh, a doctor! Your mother is blessed." All that kind of stuff. It was a totally unexamined ambition. I went on to school, I started as a pre-med. I got into invertebrate zoology and organic chemistry, and I was doing okay. I got a job working as a surgical technician at the old Boston Lying-in Hospital. It was a famous OBGYN hospital, part of the Harvard Medical Center. It's since been swallowed up by the Brigham Hospital, I think. I worked as a surgical technician, basically the scrub nurse. I was trained to scrub in on operations and to know what instruments to hand to the surgeons at the right time. I did that for a couple of years and then in fact went over to what's now called University Hospital, part of the Boston University system. It was the old Mass. Memorial Hospital. And I even got some exposure to general surgery there, eye surgery and open heart.

I found it very interesting, but I began to develop an appreciation for—to look at it on the positive side of the coin, how dedicated to their professions these surgeons were, to look at the dark side of that same coin how narrow their lives were. It was medicine, surgery, maybe golf on Wednesday, but you were really single-minded. Seeing this so intimately, along with how I was feeling about my studies at the time, I began to realize that this wasn't going to be for me. So I began to look around for what was a more exciting major for me.

Well, as I said, I was becoming an activist. I was very interested in politics. At one point I got involved in a campaign for the mayor of Boston, a guy by the name of Tom Atkins, who was a Boston City Councilor. He went on to be the chief counsel of the NAACP, died at a too-young age. But he was in a five-way race for mayor of Boston, which was another case of tilting at windmills. I mean, the principal race was between Kevin White, who was the longtime mayor of Boston, and Louise Day Hicks, who was famous for her opposition to school busing. But Tom was a very interesting guy, and one of the things I had developed as a student was an interest in public opinion research. I had designed and done several studies academically, and I was able to bring it into his campaign and give the campaign an in-house polling operation that was pretty unusual. And for a campaign that couldn't afford to go out and hire a full-blown pollster, it gave us a lot of flexibility. I enjoyed doing that a lot. I'm losing where the chicken and egg was in there, but basically I was shifting towards an interest in politics and political science, and all this seemed to fit together pretty well for me. None of it involved a thought about: Where is this going to take me five years from now? In that particular era, it's not something that students were doing a lot. We were very much focused on the moment, and the politics of the moment, and it all seemed a lot more relevant than where my education was going and what I was going to do with it. I was carried along by that.

Ultimately, that polling capability is something that I did for all of the Tsongas House campaigns, both of them, and then it played a role in Paul's decision to run for the Senate against Ed Brooke, and in his Senate campaign I did the polling as well. Ironically, we had to go out and hire—after my polls had indicated that he could beat Ed Brooke, we then had to go out and hire a pollster to confirm that so we could convince contributors that in fact that was the case, because there was of course this natural skepticism about a poll that was being generated inside the organization. But, ultimately, those polls did earn a lot of credibility with outsider observers like the *Boston Globe* and so forth. We were able to do some things that were, up until that time and may still be, pretty unique. For example, after he won his first Senate race, we went back out in the

field the next day and did a poll to learn what it was about the campaign that had actually worked and to set a benchmark for future polling that he would do as a senator.

RITCHIE: Do you think that when you moved from the medical sciences to political science that you brought some of that perspective with you? Was that perhaps one of the reasons why you got interested in polling?

ARENBERG: Maybe. Maybe I had a bit of taste for statistics, that sort of thing. So I guess there was that side of it. But my perception of it was that the movement to political science, a lot of it was a flight! It was moving as far down the other end of the spectrum as I could go! I was perceiving of it less as science and more as politics, a perch from which to immerse myself in what was really exciting me, which was politics.

RITCHIE: You mentioned also the Vietnam War. It had heated up while you were an undergraduate. How influential was that in shaping you at that time?

ARENBERG: It was a very big part of my politics. I was concerned about it. I was very torn. I didn't want to go into the military and pursue this war, and I'm very proud of the fact that I had turned against the war as far back as when [John] Kennedy was president. I walked my first anti-Vietnam War picket line when Madame Nhu came to Cambridge during a visit she had to the United States when Kennedy was still in the White House. I remember carrying a sign, which I thought was very clever, which said, "So This Is the Nhu Frontier." It doesn't look so clever anymore, in retrospect, but at the time I was very idealistic.

It was very difficult in those days to get into the Army Reserves, as you know. I saw that as a compromise. It was short of going to Canada. A lot of good people around me were making those kinds of decisions. I fell into an opening—here's where the medical background did play a role, now that I think about it—I had gone to a wedding of a friend that I graduated with in Philadelphia. While I was there, I was talking to a third friend who told me that he just got into an Army Reserve unit in Philadelphia and they had openings. There were waiting lists everywhere, and I thought this was a good thing. I had a flight back to Boston. The very next morning, I got in my car and I drove down to Philadelphia, I checked into a hotel, and I called this unit and I said, "I understand you have openings." They said, "No, all our openings are closed." So now, here I am in Philadelphia. The only person I know who lives in Philadelphia is on his honeymoon. So I started going through the phonebook, calling military units. Well, I

started with general hospital units. I got ahold of this unit and I mentioned that I had this background as a surgical technician and they said, “We have an opening that’s specifically for somebody to do that kind of work. If you come down right now, we’ll sign you up.” So I drove to South Philadelphia, went in there, and he signed me up, swore me in, and that was it.

The first thing is you had to be local. These units were all Reserve units. You had to be local. It met in their case for Saturday and Sunday once a month and then two weeks in the summer. Of course you had basic training and all of that. He said, “So where are you living?” I said, “Funny you should ask, I’m moving to Philadelphia next week.” [Laughs] And so I did. I worked in a woman’s shoe store in downtown Philadelphia for a few months while I was waiting to go onto active duty. I did my basic training at Fort Polk, Louisiana, and my advance training at Fort Sam Houston in Texas, where they do the medical training. One of the things about the Reserves in those days was once you were in a unit and then you moved, it was relatively easy to transfer at that point. So then I was able to move back to Boston and transfer my unit to a general hospital unit in Boston. So I did my military service in the Army Reserve, rising to the level of a sergeant. It worked for me. Unlike many of my compatriots who did serve in the Reserves, I’m not shy about saying that for me it was an act of opposition to the war, and I’ve always felt a patriotic one. That’s something that always disappointed me about the posture Bill Clinton took, for example, about his service. He seemed more to try to explain it away than to really stand up and defend it. When you believe that this was wrong, from my perspective at the time it was the patriotic choice to make, and I still think so.

RITCHIE: Well, it gives you more military experience than the majority of the current Congress.

ARENBERG: Yes, that’s true.

RITCHIE: It obviously was an enormous issue that confronted college students that government was making decisions for them that could have serious consequences.

ARENBERG: One thing I like to tell my students now is that in political theory they always talk about the theories of representative government: Are representatives delegates or are they trustees. That’s a very familiar debate. I always use that example from that time. When I first turned against the war, I would write letters to my

congressman. The war was very popular and he was for the war. I would write letters and say: “You need to be a leader. You need to stand up. This war is wrong and you need to stand up and say so. Despite the fact that the majority of your constituents support the war, you have to stand up and lead. You’re a trustee. Part of being a representative is leadership.” Fast forward a half a decade, when the country had turned against the war, here I was writing to this same congressman saying, “You don’t have any choice about this. Overwhelmingly, your district is against the war. You represent us in Congress. You’re a delegate. You need to stand up and be against this war!”

RITCHIE: So what is a member of Congress, a delegate or a trustee?

ARENBERG: The real answer is some of both. It varies. I think there are some issues that are more clearly delegate-type issues. If your community supports the construction of a new bridge over the river and there aren’t severe environmental issues, it probably leans more in the direction of a delegate issue. There are some issues that are clearly because they are issues of your own moral view, the obvious one is abortion, but there are others that tend to be trustee-issues, where you stand up and you say what it is you believe. People either go along with that, support it, or they don’t. And then I guess there are a lot of gray areas in between where members make those decisions for themselves. Very often it’s a mix. “I’m willing to lead on this issue, even if I’m in the minority, but maybe not too minority-ish.” Things sometimes get shaped that way, where the trustee part of your view of things is pulling you in a particular direction, and maybe it gets shaped by the delegate part of it. We often see that. You trim your sails a little bit. That’s part of consensus building—and that’s a positive thing.

RITCHIE: People often quote Edmund Burke’s assertion that he needed to think for himself and resist the desires of his constituency, without mentioning that he was defeated in the next election.

ARENBERG: Yes. [Laughs]

RITCHIE: You also mentioned your community activism, your interest in public housing. What were you thinking about in terms of a future for yourself? You were involved in community projects at the same time you were in academics and you were interested in coming to Washington.

ARENBERG: Well, I very much enjoyed community organization. I believed then and I still believe that it's the kind of thing you do for a short time and then move on. It's one of these all-consuming endeavors that can be very difficult to sustain over a long period of time, and I think people who do it for too long—there are exceptions to this—sort of become cynical and hardened, and they lose the compassion and the passion that I think makes for good community organizers. It's analogous to my approach to being a congressional staffer, too. I always believed that there is a kind of continuum from true believers on the one hand to what I call the “hired guns” on the other. You can guess what I am from the way I describe the poles, I suppose, but to be fairer to the hired guns, I think there are staffers that view their relationship to their bosses as more like a lawyer-client relationship. As long as it doesn't too grossly violate their sense of what's right and proper, then they can represent their boss's point of view.

To me, being a staffer on the Hill was always an act of my own political activism. It was through the person I was working for, so I always felt the need to work for somebody that I agreed with. You never agreed with them 100 percent of the time, but the three men that I worked for, I agreed with well into the very high 90s. I really can't talk about my career as a Senate staffer without saying how incredibly lucky I felt to be in the right place at the right time to have those jobs with those three senators. There was an element of serendipity involved in that. It makes me weak at the knees when I look back and think about how easily it could have not happened.

But to go back to community organizing, I found it to be a kind of all-consuming activity that I did for two or three years. I could feel that if I had continued to do that sort of thing for five, or six, or seven years I would have been totally burned out by it. It's hard not to be beaten down and cynical. But it was a very enriching experience. It's one of those things that helped to inform my political sensibilities as I went forward and got more directly involved in politics—campaign politics and ultimately working on the Hill. My particular background, I think, gave me some insight into how constituencies were thinking. The other thing about my background was that it never got sufficiently specialized that—as you will see as we talk about things—my particular experiences over the years on the Hill were all over the place. I had come here somewhat as a generalist and built expertise as I went.

RITCHIE: One other thing from that time period. You mentioned Louise Day Hicks. This was a really tumultuous period in Massachusetts politically, in Boston in particular. There was a passage from the old New Deal period, whose coalition seemed to

be breaking up. Can you describe from your perspective what Boston was like back in the late '60s and early '70s?

ARENBERG: Well, my perspective may be just the optics that come from being where I was when I was. Let me pull back and do a broader frame. I see Vietnam, that issue and that period, as the launching point for the cultural divide that still plays a very large role. The reverberations from that still play a very large role in our national politics. We'll talk later on about the increasing polarization in Congress itself to almost alarming degrees and how that affects the filibuster debate and all of that. But from my perspective it has its roots in Vietnam. That was very true at that time in Boston. The Democratic Party was tearing itself apart, both in the city of Boston, specifically over the busing issue—and of course civil rights was a big part of all of that, too. But even more deeply, as Vietnam came along, it began to legitimize these two wings of the Democratic Party, particularly in Massachusetts. For a while there, the Republican Party was just standing on the sidelines. Occasionally, somebody like a Frank Sargent or an Ed Brooke could pick up the pieces, but it was the old-line, old-style machine Democratic urban politics versus the Vietnam era activists. Right around this period was when Mike Dukakis was elected governor of Massachusetts as a Democrat, beating in the primary a guy named Ed King, who was an old-line conservative Democrat, who then turned around and beat him four years later, and then Dukakis beat him four years after that. It seemed for a while there that that was the two-party system in Massachusetts: There were the new Democrats and the old Democrats.

In Boston politics, of course there was a big racial component to all this. As I said I was working for the first black candidate for mayor in history. Boston was not yet ready to elect a black mayor—I mean, it still hasn't elected a black mayor—but I believe that today the right African American candidate could win in Boston. But in those days, with all of these racial politics going on over busing, a black candidate was a red flag in many ways. I remember on election night, my memory is the 5th Ward of Boston is South Boston. South Boston, as you may know, is a deeply Irish Catholic community. Boston is made up of these constituent neighborhoods that are still—much less so today than through its history, but more so than a lot of cities—these communities still had their own identities. A lot of it is ethnic identity and South Boston certainly was like that in the '60s. Not only as an African American would you not walk the streets of South Boston by yourself, but as an Italian American you wouldn't do that, even an Italian-Catholic American you wouldn't do that. You were all right in East Boston, but you wouldn't walk the streets of South Boston all by yourself.

Well, comes election night and we need poll watchers to go watch them open the machines—they used machines in those days. They'd open up the back of the machine and there's a counter in there. Every campaign looks over the shoulder of the person from the registrar of voters who writes down the number. The Atkins campaign couldn't find anyone to go into South Boston and represent the Atkins campaign. So, being the fool that I was at that time, I said, "Okay, I'll do it." I think there were five or six precincts in the ward. I had to careen around South Boston, from precinct to precinct, to try to be a poll watcher at each of these voting precincts for the Atkins campaign, which I did. I came back sheepishly to headquarters in order to report. I think we garnered maybe seven votes in all of those precincts combined. But it was quite an experience.

RITCHIE: I interviewed Charlie Ferris, who was connected with the Democratic Policy Committee. He said he grew up in South Boston and you didn't ask what neighborhood someone came from, you asked what diocese.

ARENBERG: Yes, exactly. I've got one more quick South Boston campaign from the Tsongas Senate campaign in '78. One of my colleagues was a great guy. I mentioned that we did the polling in-house. Well, the Tsongas campaign in that era was very unique in that we had two in-house guys that did all of the TV spots. It really was the kind of self-sufficient campaign that really wouldn't be imaginable today in a viable way. These two guys who were doing our TV spots, and the leaflets and things like that, and one of them, a friend of mine, had a girlfriend he lived with who was not very political. She had borrowed his car for the day, and he had left in the trunk several big packages of leaflets. These were "Why Tsongas is Good on Israel" leaflets. Well, his girlfriend decided she was going to do him a big favor. She drove the car into South Boston, as it happened, and started leafleting the streets to help out the Tsongas campaign. She came back and announced this to Fred, and he just shook his head. I'm sure there were loads of folks in South Boston who were glad to hear that Tsongas was very supportive of Israel. [Laughs]

RITCHIE: When you signed on with the Tsongas campaign, he was from a pretty large district that contained the city of Lowell—

ARENBERG: And had not had a Democratic representative for about 100 years, since the late 19th century. The Republican registration in the district was pretty small—larger than in most other districts in Massachusetts, but still pretty small. The

Democrats certainly had a very large majority. The Republican registration was something like 18 or 20 percent. The Democrats were 50 percent, something like that as I remember it. But there had been a sequence of Republican representatives who had been there for a very long time. The most recent one was [Frank Bradford] Brad Morse, who was the congressman from that district for a very long time. Then I think [Richard] Nixon appointed him to a position at the U.N. So Morse left the House and it was right around the time of Nixon's reelection campaign.

Paul Cronin won that open seat. So he had been a one-term congressman at this time. What often happens in Massachusetts districts, even today, is that Democrats hold the seat for a very long time. When they leave, or retire, or go on to something else, or in this case a Republican has left the seat open, there's a huge primary on the Democratic side. The winner of that primary goes on to win the seat and holds it for a long time. That's pretty much been the pattern, with a few exceptions. When Brad Morse left, there had been eight or ten—all of the prominent Democrats in the district ran in that Democratic primary.

One of the wisest decisions that Paul Tsongas ever made was not to run in that primary. He was a Lowell city councilor at the time. He'd been kind of a maverick candidate for the city council, and a maverick city councilor. He decided that rather than run in that congressional primary like everybody else was doing—John Kerry, by the way, was in that race, and in fact won that primary—Tsongas instead decided to run for Middlesex county commissioner, on a ticket they put together. There were three candidates for the three commissioner positions. They were Paul Tsongas, Lester Ralph, who was the mayor of Somerville, and a guy named Counihan. The bumper stickers read "Tsongas Ralph Counihan." The story goes that people thought someone named Ralph Counihan was running and that "Tsongas" was a title like Senator or Rabbi or Monsignor or something. They ran on abolition of the county system in Massachusetts, and won. They didn't succeed in abolishing the counties, but they were a kind of reform ticket. You have to understand, unlike much of the country, the counties in Massachusetts are largely a patronage operation. There are county courts. There are some county functions, but it's certainly not what people from Maryland, or Virginia, or elsewhere around the country would be familiar with. The county government has much less influence on people's lives, and they were largely patronage operations with a lot of county workers doing whatever. They were good, well-paying jobs. Tsongas's view was this was all a big boondoggle and we needed to do away with that level of government.

He had run and won as a commissioner. Virtually all of the Democrats had been wiped out in the Democratic primary for Congress, losing to Kerry, who then went on to lose in the general election against Paul Cronin. Two years later, as Cronin was running as an incumbent, there was really nobody left standing except Paul Tsongas. He did have a primary opponent from the southern part of the district, but not a very serious opponent. He had a pretty good shot at getting the nomination, but he was considered really a very long shot against an incumbent congressman. People then didn't, as they for the most part don't now, defeat incumbent congressmen. In recent years, the media has gotten much better at focusing on which races are viable races, so we think of those as the congressional campaign and not much attention is paid to the 90-plus percent of congressmen who just quietly go about the business of getting themselves reelected again and again. And that was the case then. People expected that Cronin would win that race.

We ran that campaign on a shoestring. We were very proud of the fact that we raised \$100,000 in that campaign. Now, you know, that congressional district is now held by Niki Tsongas, Paul Tsongas' widow. She didn't succeed him, she won a special election just about three years ago. In our successful campaign in '74, we raised a \$100,000, and we were very proud of being able to do that. She raised \$2.5 million to win that same seat. So that says a lot about what's happened to politics in the interim. But, it's also misleading to say we raised \$100,000. Most of that money came in the last couple of weeks when it became clear that he in fact might actually *win* this seat. Most of the time, we were operating on nothing. We didn't even have a Xerox machine in the campaign. If you can imagine this: we took turns, each day, one of the campaign staffers would get in the car and drive to Cambridge where there was a place called Gnomon Copy in Harvard Square that did mass copying. We'd take all of the copying requests for the day down there and get them done and come back up to the campaign. Because in Lowell, we didn't have a Xerox machine. You could go to the library and pay 25 cents a page. It was incredible! We had one electric typewriter, an old IBM that had been donated. It had the old cloth ribbons. It didn't even have the take-up spool, so as you typed, the ribbon would go down and just accumulate on the floor.

Our headquarters was this old cleaners that still smelled of the cleaning fluids, which was actually very suitable, because the reason the Tsongas name was known in Lowell was because his father had run a well-known cleaners for many years. People remembered seeing the Tsongas name on the side of the trucks: Tsongas Cleaners. This hadn't been one of his old buildings, but it was a cleaning establishment. So, much to everyone's amazement, he won that race pretty handily.

RITCHIE: Lowell was in economic decline. It was one of the old mill towns.

ARENBERG: Yes, absolutely. One of the things that Tsongas seized on was the creation of the Lowell National Historical Park. That idea had been floating around. There was a commission. It was sold in Lowell as an economic development idea, and Tsongas had picked it up. He was a great champion of that. We raised it as part of that campaign, and then when he was elected to the House, it was one of the things he set out to do. Then it played a prominent role in his Senate campaign because he was able to demonstrate that as a freshman member—he only had two terms in the House—he was able to get something as significant as the first national historical park passed through the House of Representatives.

That is an interesting story in its own right, the Lowell Park. When he first started to sell it in the House, we were very naive about this. He went before the Interior Committee, which Mo Udall hadn't quite taken it over yet—he did in the second two years. Mo was chairman of the committee when the Lowell Park bill passed, but a congressman who had been chairman for many years—I've forgotten his first name now—[James Andrew] Haley from Florida, had been chairman of the Interior Committee for many years. Paul introduced this bill and he actually was successful in getting a hearing for it. They gave him a hearing because he had gotten himself named to the committee, so as a member of the committee they gave him a hearing in the Parks subcommittee.

He testified about all the jobs that this would create. We saw it as an economic development bill. It may have been Mo Udall himself who took Paul aside after that hearing and said: Look, you don't get it. This is not the culture of national parks. There is a real story to be told here, and there is a real argument for Lowell, but it's not economic development. That might be an interesting sidebar to what a national park in an urban area like Lowell might do. It might revitalize the city. It might bring it back. It might lead to all these other things. You're probably quite right. But it's not going to sell the Interior Committee on creating a kind of national park that's never been created before. They're thinking of Smoky the Bear hats and all of that.

RITCHIE: They were thinking of the West, also, not the East.

ARENBERG: Exactly right. There was all this Sage Brush Rebellion stuff going on, and the committee was stocked with people from Montana, New Mexico, and they were looking kind of skeptically. It might be interesting that Lowell played this kind of role in the industrial revolution, and these mills might be very interesting. And it's an interesting sidebar—I keep going off on these tangents, stop me if I'm going too far afield—but something like the Lowell Park owes its existence to the ineptitude of that particular city during the urban renewal era. The places that got their act together, they knocked all of that stuff down. In Lawrence, the proposal was to pave over the canals and turn them into inner highways, routes through the city. Lowell was sufficiently inept during that period that they never got the urban renewal funding, they didn't tear all this stuff down. So when you get to the '70s and there's a different sensibility about these things beginning to grow up, there it is, largely intact.

The backstory of how Lowell actually was able to get passed has to do with the leadership battle in the House of Representatives. When Carl Albert retired, in 1976, Tip O'Neill moved up to become Speaker and there was a four-way battle to be majority leader, which Jim Wright won. In that four-way battle, the outside thinking was that Jim Wright was probably third, and that the battle was between Phil Burton, who was a mover and shaker congressman from California, and Dick Bolling, who was one of the leaders of the reform movement in the House of Representatives in the '60s and '70s, and a guy who wrote a great book, *House Out of Order*, which I loved at the time.⁴ I learned a lot about the House from that book. The way those elections take place in the House is that you have the first ballot and whoever finishes last drops off. Then you have another ballot. And they're secret ballots. Well, Tsongas was the freshman lieutenant to Dick Bolling, supporting Bolling. The way the dynamic played out in that first round, as I remember it, I think Bolling came in first, and Burton was second, and Jim Wright was third. Burton was such an inside player he ultimately outsmarted himself by throwing some votes to Wright, thinking he was going to knock Bolling out of that final round, and that he was then going to be able to beat Wright. It became a Wright-Burton final, and Wright ultimately won, of course—by only one vote, I believe.

Paul was standing in line, waiting to cast his vote, and Burton came over to him and put his arm around him and said, "I hope you'll consider voting for me on this round." And, being Mr. Candid, he just opened his hand and showed him the piece of paper he was holding had Burton's name on. Well, when Burton lost, his fall back

⁴Richard Bolling, *House Out of Order* (New York: Dutton, 1965).

position was he became the chairman of the Parks Subcommittee on the Interior Committee! Mo Udall was chairman of the full Interior Committee, and he already had a favorable view towards Lowell, but Burton as subcommittee chairman really had control over that. I'll never forget that hearing. We had that experience of being burned the first time we had a hearing, but Burton just banged the gavel and said we'll have a mark-up next week. We came back and he banged the gavel and passed the Lowell Park bill and instructed the committee staff to write a few amendments which were deemed passed even before they were written, and moved on from there. That was it. We were out and in the full committee. A lot of it had to do—I always believed—that the right name was on that piece of paper at the right time.

We might have gotten Lowell Park done in the end anyway. It was a very meritorious idea. It has been very successful, and Lowell has had a tremendous renaissance. But it may not have, so it's one of those moments.

RITCHIE: It was coalition building.

ARENBERG: Yes, absolutely.

RITCHIE: One other question before we move on to Washington. The '74 election was the Watergate election. Was Watergate a major factor in that election?

ARENBERG: Absolutely. Cronin was one of the members of the House who had hung in there with Nixon for quite a long time. The very first piece of literature we did was one of these little folding leaflets, and on the front all it said: "Tsongas v Cronin on Nixon," and it made the case. The kinds of issues were good government issues. Tsongas revealed his finances and released his income tax returns and made them public, and challenged Cronin to do the same. Cronin was a developer in the area and he really resisted it. It became a tremendous issue in the campaign. Tsongas repeatedly challenged him to reveal his taxes, and then we did this big event. He had a radio debate with Cronin, and on the radio Tsongas said, "I will not only reveal all of my income taxes for the past five years, but I will reveal a list of all of my law clients, so that people will know who I've been representing, who I've taken money from." In the campaign, we all thought it was a riot because he hadn't been a very great lawyer—I guess he was a good lawyer, it was just that he did a lot of pro bono stuff and was practically taking barter. He didn't have a lot of heavy, high-rolling clients. There is a big IRS headquarters in Andover, Massachusetts, which is in the district, and he announced that he would be in front of the

IRS on such-and-such a morning a nine o'clock, and he was going to release his income taxes and a list of his law clients, and he challenged Cronin to be there. Of course, Cronin didn't come and we had the—it's now become kind of trite—empty chair with his name on it.

But the night before we had this big press conference, the campaign manager, Dennis Kanin, and I were sitting around the headquarters, and we had this sudden moment of realization when we said, "This might be a violation of lawyer-client ethics. I'm not sure we can release these names." So we got really worried about it. We got in the car and we drove up to Tsongas' house, he lived in this great old but at that time pretty run down house in Lowell up on a hill. We woke him and Niki up out of a deep sleep. It was probably one o'clock in the morning. He came downstairs and we had one of those classic Tsongas moments. We said, "We're not sure we're going to be able to do this. It may be a violation of ethics." He just shrugged his shoulders and said, "Look, I'm committed. If this blows the campaign up, well, so be it, I'll do something else." He went back up to bed and we went on wringing our hands.

We got there the next morning. It was one of those great shows of Tsongas candor and sincerity which became so much his trademark throughout his political career extending into the presidential campaign later on. But before he stepped up to the podium, he gathered all of the press around him on the sidewalk outside the IRS. He said, "Okay, I'm going to release a list of my clients. I'm going to ask you not to print it because we've developed this concern that it might be a violation of my clients' privacy. I've added an asterisk for everyone that I represented in open court, so I'm not revealing anything by saying that I represented them. So those names you're free to print. If any other name is of particular interest to you in some way, if you think it's significant, if you contact my campaign, we will approach that individual and see if we can't get clearance to release it." It just totally disarmed the whole thing. It wasn't a problem. They bought it. There was very little interest in any of the names except for one poor guy who happened to be named Edward Kennedy. It wasn't Ted Kennedy, but they wanted to know about that one: What had he done for Ted? It was classic Tsongas. He had that way of being—you know, in the Senate campaign, somebody trying *not* to be that complimentary of him described him as "terminally earnest." He was candid and straightforward. He told you that and it was hard not to believe it.

RITCHIE: During that campaign, you were tracking things by doing polls. Did you get a sense about opinion on openness in government and what was happening with Watergate?

ARENBERG: Oh, absolutely. There was a wave—I mean given the election results we know there was one of these huge election waves going through. It was perfectly clear to us in our district as well. There was an enormous wave of concern about the way in which things were done in Washington, which at that time meant Richard Nixon. We have these waves periodically and they're aimed at other presidents from time to time. But in that Watergate class there definitely was that, and I think ultimately the candidates because of the confluence with that Vietnam period that we were talking about, and all of these young new activists coming into the party, these things gathered into a perfect storm. You really had a wave of new members coming into the House of Representatives that were very different than most of the members that had preceded them. They were not life-long politicians, they were activists and they had a very different view. They seized on that reform movement that people like Bolling and [David] Obey had started a few years earlier in the House and had just begun to have success as O'Neill became Speaker. They added this huge wave of—I think it was 72 new Democrats that came into the House in that class—and they had a different view. And Tsongas was definitely a part of that.

The first thing they did was overthrow three longtime chairmen in the House, using the rules that had just been changed two years before that, subjecting these chairmen to election. They defeated Armed Services chairman F. Edward Hébert, Agriculture chairman William R. Poage, and Chairman Wright Patman on the Banking Committee, and threw a big scare into several others like Wayne Hays who barely survived. Here was this new caucus and some of these old chairmen hadn't gotten the memo about what this new class was like. They just dismissed them at their peril.

RITCHIE: In the House you have to have numbers to have influence. Even as freshmen you could have influence if you came in as part of a class of 72 who tended to stick together.

ARENBERG: That's right.

RITCHIE: Yesterday I was going through our file on Paul Tsongas, and I found this [letter from Richard Arenberg to the Joint Committee dated November 1974, with

biographical information on Tsongas]. I thought you be interested in seeing it. This was for the *Biographical Directory*.

ARENBERG: Oh, wow.

RITCHIE: They would ask each new person who was elected: Who are you? Send us your biography. That was about two weeks after the election.

ARENBERG: I'm already calling myself legislative assistant in writing. Isn't that a riot. That's amazing. I'm sure that was typed on that electric typewriter I was describing to you, where most of the ribbon wound up on the floor. Yes, you can see, it's definitely a real typewriter. If you got it today you'd think it was a ransom note! [Laughs]

RITCHIE: Well, you were teaching at Boston University, working on a dissertation, and you had just won a campaign. The question was whether you were going to go to Washington. Did you have any hesitation about that?

ARENBERG: No, I definitely wanted to come to Washington with him. But what I did say to him, which I have repeated many, many times since then with great amusement, was I told him, "This will be a great experience, I'd love to do this. I'd like to come to Washington for eight or ten months and then I need to come back to Boston. I want to come back to Boston and I want to finish my dissertation." Famous last words. Thirty-four years later I was still here.

RITCHIE: Can you tell me about setting up an office for a new member of Congress?

ARENBERG: Yes, first of all what happened in the period when that letter was written—and why I have absolutely no memory of it, of course, was that the first thing that happened to you was all of a sudden you start getting all of these letters. The House post office forwards them to you in your office in Lowell. You have no idea what to do with all this stuff, you start getting buried. You put a staff together and you come down here. We really didn't have a lot of experience. Being the kind of guy that Tsongas was, he brought people from the campaign. He didn't feel the need to go out and hire any old Washington hands, or anything like that, as newly elected members often do now. So we all arrived in Washington wet behind the ears. Our press secretary, who had been the press secretary on the campaign, arrived the first day for work and he had slept in somebody's

apartment the night before and he just threw the few things he had in a paper bag. He came to the office and his alarm clock was in there with a wire hanging out. I've often thought that today, guns would have been drawn. Even then, questions were asked and we had to go down and vouch for him. As well you know, it was a very different era in terms of perimeter security that we had here in the Congress. But I remember that morning when we got this call: "Can you come down and vouch for this guy?" They just thought it was amusing.

Initially, we were just feeling our way. We were sending out a "Dear Colleague" to the rest of the House every 15 minutes [laughs], doing that sort of thing. I think I probably wrote 300 memos to the congressman in my first week, because I thought everything that happened I had to tell him about and seek instruction, and so forth.

I do remember one moment when we first got to Washington. Dennis Kanin was his staff director and had been his campaign manager. The three of us were very close friends through all those years. He went on to be a law partner of Tsongas' when he left the Senate. He called Dennis and me into his office, the first day, the first moment. We walk in and he closes the door. Very somberly, he turns around and looks at us, and then he breaks into this sheepish grin and he shrugs his shoulders and he says, "Isn't this fun?" I thought about that many times over the 34 years that I was here. I think that's the reason I was a Hill rat for all those years. The reason why I didn't go off—many times I came to the edge, but never really went off anywhere else—was because I always wanted to shrug my shoulders and say, "Isn't this fun?" There was that element of it. Then he stepped back and looked at the two of us and said, "You know, I've never seen either one of you in a suit before."

Then we set about learning our way through the House. We made a lot of mistakes along the way, but there was a kind of openness and earnestness about Tsongas that made those kinds of mistakes easy to take. He didn't take himself too seriously, in a kind of personal sense. He never asked more of his staff than he asked of himself. He was not a Washington insider type who did the cocktail circuits, or the fund-raising circuits very much. In fact, all the years he was here, people would come up to me and say, "Your boss, he's got to be seen more, he's got to go here, he's got to there." I would tell him that and he would just kind of smirk at me. He was a family guy and even in those years, which were not very family-friendly in the Senate, he always made time for the family. If he could, he'd go home at six o'clock, and he didn't expect us to do anything more or less than he did. Of course, the Senate being the Senate, we did often, but it wasn't because we

feared that the boss was going to be upset if we went home for the kids' basketball game or something like that. That began in those very earliest days in the House.

It was a small staff. We jumped into issues, and some of them later—Alaska is a great example. He was on the House Interior Committee. It was one of the great issues before the House Interior Committee. I brought it to him and said, “This is an enormously important conservation issue. In the next few years, the Congress is going to decide what to do with the third of the state of Alaska that the federal government owns, and all of these decisions have to be made, and they're all going to come through the Interior Committee. You should play an active role in it.” At first, he looked at me like: “I represent Lowell, Massachusetts. I'm a freshman congressman. I just got here. Alaska?” But again he was a very substantive guy, too, and ultimately saw the importance of it, the potential, the opportunity to get involved in a great national issue.

Lots and lots of issues that I've been involved in that we've dealt with over the years, all these critically important national issues come before the Congress, but issues like the Alaska Lands Act are different. It's really important what's in this year's transportation appropriations bill, but it won't be so important next year because next year's transportation appropriations bill will be what's really important then. It's true with a lot of issues, their shelf life isn't that long. Obviously, there are important exceptions to that, but when you deal with something like Alaska Lands, you're putting these lands in perpetuity. I was very conscious that I was having an opportunity to create national park land that my great-great-grandchildren were going to get to stand on and say, if they knew it—maybe they'll read it in the oral history now—“My great-great-grandfather had something to do with that.”

So the roots of his involvement on Alaska took place on that House Interior Committee, starting right from the get-go. He played a role in the House. Mo Udall was the chairman. He was the champion of the more-conservation oriented view of the Alaska issue. The ranking Republican on that committee was Sam Steiger, who was very funny guy from Arizona. He and Udall were two of the funniest people I've ever encountered in Congress, so it was very entertaining going to hearings of the House Interior Committee in that period. They were like a comedy team going back and forth. They agreed on nothing, but they greatly enjoyed it each other. And Don Young was only a couple of notches down the table, second or third on the Republican side, with the Alaska point of view, which was very hostile to this legislation. So Tsongas staked out the position to Udall's left, so to speak. He sat way out the end of the horseshoe, way down at the very end. And

from down there he would take potshots at Udall. He would say, “You’re giving away too much here. We need to add this.” For every amendment that Young would offer, chipping away at things, Tsongas would offer an amendment adding new conservation elements to it. They never sat down and coordinated this, but Udall loved this because it positioned him in the middle. Young spent his time attacking the Tsongas position. That was all very amiable too, because interestingly enough—how these things go—Tsongas and Young played paddleball in the House gym together all the time. So they had a very friendly patter back and forth. There were a lot of compromises forged in that early stage. Those were the days of less partisan polarization. Even when there were these very profound philosophical differences about this, they were nonetheless able to come to grips with each other over a paddleball game and say, “Well, maybe we can work this out here. I’ll support this if you’ll support that.” So there were some interesting compromises that were forged in that way. And of course, the Alaska lands bill was killed in that Congress. John Durkin from New Hampshire had been the champion of the conservationist side of the Alaska issue in the Senate. He left the Senate in the same year, 1979, that Tsongas got here and there was nobody to pick up that flag. Tsongas had all of these stripes on his shoulder from the issue, and a depth of information about it. I think it was two weeks into his career as a senator that he offered his version of the Alaska Lands Act. So as a brand-new senator from Massachusetts, he got himself in pretty deep on Alaska from the very beginning.

RITCHIE: It seems that on one hand, he was promoting a Lowell Park to create jobs, but in Alaska he was working against the people who said, “We need to drill. We need to develop the land.” Was there some duality there?

ARENBERG: No, I don’t think so because I think the nature of the historical part was that these jobs were being created consistent with the preservation of the history, and although it wasn’t strictly a natural history in that specific instance, which is why a lot of the traditionalists had trouble with Lowell being a park, today you walk down Merrimack Street and you’ll encounter a park ranger with a Smokey the Bear hat on and nobody thinks anything of it. In Alaska, the issues were not hostility to job creation, obviously, but a lot of the jobs that were being talked about, as you say, grew out of the exploitation of the physical resources. The state of Alaska had been permitted to choose a third of the lands of Alaska, and really chose a lot of the choicest parcels. Native Alaskans got a third. So the view was that the tremendous wilderness heritage that was up there and reflected in the federal lands needed to be protected, and ultimately successfully was through the Alaska lands legislation. That argument is still playing out, and we’ll see another round of

the ANWR debate, I'm sure, in the wake of this oil spill in the Gulf. When we talk about Alaska, I'll talk about the history of that ANWR provision that grew out of all this. It was a compromise provision and that's why the issue perennially still comes back to the Congress.

RITCHIE: I've been interviewing Tim Profeta, who worked for Senator Lieberman, and he went on a congressional tour up there and he said that once he got to see it he really felt it needed to be preserved. But Senator Tsongas never got there, did he?

ARENBERG: Tsongas never got there. I did, after the fact. Ted Stevens used to sneer at the fact—in a very friendly way—that we were in these negotiations but neither of us had ever stepped foot in the state of Alaska. I got to travel there in a staffers' dream trip, because about a year after the Alaska lands bill was passed and was signed into law, Mo Udall put together a trip to evaluate how well it was doing on the ground, one year later. It was a group of senior House members, mostly committee chairmen, a lot of clout, and a very large group. Because of my involvement with Alaska, he invited me to go along on the trip. It was the best of all worlds from the view of a congressional staffer because I was with a House group that had enough clout—we had an air force plane that took us to Prudhoe Bay; we had helicopters to go down and look at the mines; we had seaplanes so we landed on wilderness lakes and Gates of the Arctic. Anywhere they wanted to go, we went, all over the state of Alaska. And yet, on the other side of the coin, I didn't have a boss on the trip. I didn't have any responsibilities. I didn't have a report to write when we got back. I had nothing to do but go along for the ride and enjoy every moment of it. So I had a great experience up there, and got to see a lot of this first hand. We went everywhere, from Prudhoe Bay down along the Alaska Pipeline to Valdez. We went to Wrangell-St. Elias, Ketchikan, Juneau, Fairbanks, Kenai, and Denali National Park, and everywhere in between.

There's a great story—I won't wait till Alaska so I'll remember to tell it, because it just popped into my head. You know that Mount McKinley is the tallest peak in North America and in fact I believe it's the tallest mountain, from base to peak, in the world. All of the other ones start way up in the Himalayas or some other mountain range. McKinley starts almost from sea level. So from the base of the mountain to the peak, it's the tallest in the world. Tsongas wanted to change the name of the mountain back to Denali, which is the Native Alaskan name. I think it means the high one or something along those lines. The groups up there, the conservationists, the Native groups, a lot of Alaskans wanted to change the name back to Denali. He was all for this. The problem was that one of the

great environmentalist heroes of the bill, and chairman of the Parks subcommittee in the House of Representatives, was John Seiberling. It happens that the congressional district he represented in Ohio—you can see this coming—was [William] McKinley's district! It was a non-starter for him. He would not hear of it. So the compromise was to change the name of McKinley National Park to Denali National Park and the mountain remained McKinley (although if you go to Alaska today, most people refer to it as Denali). It's just one of those strange stories about how things work in the Congress.

The only other name thing like that was during the committee mark-ups in the Senate Energy Committee, Tsongas used to threaten Scoop Jackson all the time that he was going to offer an amendment to move the final "s" in the Tongass National Forest to right behind the "t" so that it would be the Tsongas National Forest.

RITCHIE: That was a moment when a lot of the established politicians were somewhat reluctant to go with conservation because they had spent years promoting the development of forest lands and mineral use, and things like that. Now you have a group coming in and saying we have to preserve this rather than develop it.

ARENBERG: You had those mineral interests. You had tremendous oil and gas interests. You had the NRA and the hunters' groups in Alaska that didn't want any of this federal land to be national park land, out of bounds. And the state government and the representatives of the state, they were very much opposed to much of this conservation approach. But of course there was also tremendous support for it across the country. We're used to thinking of environmentalists as a particular niche, but this was a much broader coalition than that. There are true conservationists out there who believe in being good stewards of the land, and many of them are sportsmen and hunters, so there was also tremendous support for it. But it was in doubt from start to finish, and ultimately was signed into law by Jimmy Carter in December of 1980, after he had been defeated by Ronald Reagan and before Reagan was inaugurated. It was really just by the skin of our teeth because Reagan clearly would have vetoed it. He brought in James Watt to be secretary of the interior. I think about all of the provisions we wrote into the Alaska Lands Act giving authority to the secretary of the interior thinking we were protecting things! It says something about the process and assumptions of these things that every time we were providing a decision or a sign-off for the secretary of the interior, we were thinking of Cecil Andrus, or even Rogers Morton. Almost all of the secretaries of the interior who had come before, at least on these land conservation issues, were pretty protective. And then

suddenly we had these land decisions being made by James Watt. Fortunately it was very difficult to roll a lot of that back.

When we start talking about the dangers of a majoritarian Senate, these are the kinds of things I think about. If we had been able to simply roll through an Alaska Lands Act in 1979 and '80, pay no attention to the minority, and done very little consensus building; if we had just flexed muscle and signed it into law, then what would Reagan have done when he came in that tremendous mandate he had, took back the Senate, and all that great success he had legislatively in those first months, in the wake of what was viewed as this huge Reagan mandate and this conservative wave. I used to argue with Tsongas about that because I never believed that that's what happened. I thought Carter's horrible defeat had negative coattails. For example Frank Church in Idaho lost by about 4,000 votes, less than a percentage point, while Carter got only something like 25 percent of the vote there. That means a whole lot of people who voted for Reagan voted for Church. But the point I'm making here is that the danger is that a lot of the Alaska conservation legislation would have been very quickly rolled back by a majority Senate.

RITCHIE: If you can pass something easily you can repeal it easily.

ARENBERG: That's exactly right.

RITCHIE: You were talking about the Interior Committee and usually there are mostly westerners on the Interior Committee.

ARENBERG: Well, that was Lowell.

RITCHIE: But Lowell put him on a committee that a Massachusetts representative usually would not have listed high as a desired assignment.

ARENBERG: When he went there, one of his highest priorities was to get Lowell done. Later on, towards the end of his Senate career, I used to tease him that he was the highest ranking city councilman in America. Because even as a senator he would sit at his desk and do things like design streetlight fixtures for downtown Lowell. By the end, he had his hands in so many decisions—in a very positive public way—but he cared so deeply about bringing that city back and protecting its historical heritage in all of those things. So it was very much on his mind when he was first elected to the House that first and foremost he wanted to be appointed to the Interior Committee, where the decision

would be made about Lowell. So that's why he was there. We got involved in strip mining legislation, and the boundary waters decisions up in northern Minnesota. He got tired of seeing me coming at him with some new issue that was not in the sweet spot for Lowell. But at the same time we were getting Lowell Park done.

And of course, he was a real voice for energy conservation and alternative energy. Many of the same prescriptions that we're hearing today, Tsongas was talking about there in the mid-'70s. Certainly, as the energy crisis hit during the Carter administration, a lot of the national focus was on that, but that was always a big part of his thinking about the future. In fact, he chaired the very first congressional hearings on global warming in 1975 or '76, I think it was in the subcommittee on the environment in the House Interior Committee. We didn't call it global warming then, we called it the greenhouse effect. But he very clearly saw that coming as a big issue. In fact, the *Lowell Sun*, which was the relevant big newspaper in the district for him, and was always very conservative—it had a conservative publisher who was always taking every opportunity to take on Tsongas—there was a drawing in the *Lowell Sun* that I'll always remember. It was a drawing of Tsongas standing there with a flower growing out of the top of his head. Underneath it said: "Greenhouse Effect."

RITCHIE: When he got into the House, Lowell was the local issue that he was promoting, but then he got involved in all these other issues from Alaska to Michigan. How much leeway does a representative have to deal with issues that really don't relate to his constituency?

ARENBERG: You know, if you ask me that question today, I'd be very reluctant to say that there's much. I think because of the effects of the partisan polarization and the impact that's had, especially in the House of Representatives (although it's true in the Senate too) where most members are thinking more often about primary politics than even about the general election, because if you're a Republican there's likely to be somebody who's more conservative than you who might come at you from your right if you haven't dotted all the "i's" and crossed all the "t's." And likewise if you're a Democrat, there's going to be some progressive, more liberal person out there who may well take you on if you stray towards the middle or do too many compromises, or wander away from tending to business back home. So I think there's a little less room today than there was at that time. But I think it was pretty unconventional then, too, particularly for a relatively freshman member of Congress. He was a sophomore, he had four years, but he was a new member throughout. If he hired my more seasoned me, and brought me back to those

years, I might have been more circumspect about things that I urged him to get into at that time. I don't want to say we were naive about it, but he was like that.

When I talk about comparing and contrasting, this was part of the enormous contrast that I went through when I moved from Tsongas' staff to Mitchell's staff. Tsongas was a very visceral politician. For him, the sufficient requirement to make a decision was for a question to be put to him, it didn't matter, it could come from a letter from a constituent, a question from a town meeting, somebody he had met on the plane, or something I was presenting to him in a memo. If you challenged him with an issue, and it interested him (which was almost everything), then he engaged on the issue. He was willing to take a position, and he was willing to pursue it. He was totally unafraid of changing his mind, and there are examples of this later in his career. He felt, "If I change my mind later on down the road, I'll say I changed my mind, and I'll explain the reasons why I did it." This was 180 degrees from George Mitchell, who had been a federal judge before he came to the Senate, and had this judicial view of the issues that was akin to *stare decisis*. The first thing he wanted to know was: "How have I dealt with this issue before? And why am I going in a different direction? What's the explanation for that?"

If I'm not jumping too far ahead here, I'll tell a story from almost one of my first interactions as a member of Mitchell's staff. I went to work for him as his chief of staff, and I went in there with my first decision memo. I had been around the Senate for six years, and I had overlapped with Mitchell for four of those, so I knew something about him, and I had also been through the process of getting hired for this job, so I knew that he was a deeply substantive guy and that he looked at issues in terms of very solid building blocks, what were the issues and what were the arguments, and you really had to make a case. So I wrote what was for me probably my ultimate decision memo, with a carefully reasoned background and three policy options, and all of these things, something that I would *never* have done for Tsongas. Tsongas, usually giving him a memo meant it would disappear into the ether. The best thing to do was to brief him on the run, orally. He absorbed things like a sponge and you could brief him enough on the way to a hearing in the morning that he would be right there as soon as you got there, and he picked it up and he used it. Tsongas was very adept that way. Mitchell read all of the memos. He was very detailed in all of that. So I brought this memo into him. I stood there very proudly while he read it. He kind of looked up at me over his glasses and gave me what—I'll clean it up—but what I came to call his "crap-for-brains" look. He gave me that look and he said, "Why do I have to decide this now?" Bang, I was confronted, coming from Tsongas, for the first time I was confronted with this notion of an issue ripening, which again is another

judicial issue. George Mitchell doesn't like to make decisions until it's time to make decisions. In his view, since you don't change your mind very often or readily, you're careful about the decisions you make. If you make the decision too soon, you're just closing off options that might turn out to be important when you make a more careful study of this later on, and new facts come in, and events change. Well, that was not a consideration for Tsongas. If events changed, you repositioned yourself based on those newer events. It's just a totally different way of looking at decision-making, based on their personalities, I think.

So my jaw just dropped. It had never occurred to me before that it was a consideration—a choice not to make this decision now. It was an interesting decision. There were parties on both sides. There were options. I had the expectation that we would decide it and that we would move on it. But I learned a real object lesson.

RITCHIE: Well, considering Tsongas' career, he was only four years in the House, six years in the Senate, he didn't have time for things to gel. He sort of jumped into things.

ARENBERG: Right, very mercurial that way. If his instincts weren't so attuned, somehow, and I don't entirely understand how that happens, but they were, but you would say he shot from the hip a lot. As a staffer, a lot of my gray hair comes from that. He would go out somewhere and he'd just say "blah, blah, blah." And then he'd come back and would say to me, "Well, I just said this. Go figure out if that's right." We did a lot of that and we spent weeks filling in behind what it was he'd said. Much more often than not, we came out where he was. But there are a lot of those pathfinder issues. Some of them not as well known. He wrote a book called *The Road from Here*,⁵ which makes very good reading now. It was written in the late '70s and a lot of it is very prophetic. He used to take these tough positions. Because he thought it was the only way we were going to deal with energy conservation, he called for a gas tax. He was for a dollar gas tax in the Senate campaign and politically people hated it universally, but it didn't bother him.

What I learned from him over the years was—I think of it like an initial minefield. When you start out on an invasion, and there are mines all over the place, most of the invaders get blown up in that first minefield. If you're like that, and I think a lot of

⁵Paul Tsongas, *The Road from Here: Liberalism and Realities in the 1980s* (New York: Alfred A. Knopf, 1981).

political candidates who are like that, they get blown up in that first minefield. They run for the board of education or dog catcher and they get blown out because they say things that are too candid. But if you can get through that minefield and over time you begin to establish a reputation, people begin to see that as a personal quality, as a characteristic. It becomes a kind of armor, and that definitely happened to Tsongas as he went forward in his career. Ultimately, even as a presidential candidate, people began to see that kind of earnestness, that straightforwardness, that candor. People were *forever* coming up to him and saying, "I don't agree with you about a damn thing, but I'm going to vote for you, because you believe what you say, you don't spin anything." Again, some of that gray hair he gave me, he would just go out there and say it. He was totally open to people.

With great amusement, I used to watch people work their way into what they expected to be the inner circle and then to great disappointment learn that there wasn't any inner circle. If he came in here with us now and closed the door and sat down, he would say the same things that he would say on national TV or to a stranger he met on the plane, or wherever he was. That's how he was. What he thought was what he thought and it didn't matter that this was a private meeting. There wasn't any inside story. Those of us who had spent a lot of time with him got used to that, but people who came to work with him and moved up into senior positions, I watched them get deeply disappointed: "Now I'm an insider. I used to know this same stuff when I was out there in the far office!"

He was always doing things to us. We'd be having some big meeting on some big, heavy issue. He'd have all of his senior people arrayed in the office, which he didn't mind doing, by the way. Some senators like to deal with their staff one on one to maintain the proper power relationship. He didn't mind. He could have 15 staffers in the room disagreeing with each other. He liked mixing it up that way. But he'd get us all in the room and we'd be pontificating about something or other and he'd reach over and buzz his secretary and say, "Send one of the interns in." One of the interns would come into the office and he'd say, "You know, I'm tired of listening to these people. I know where they all are on this issue. I want to know what you think." And he'd put the question to them! He was genuinely like that. Every now and then, that sort of thing would get him into trouble, but he did a lot of really unconventional things. He got frustrated with Carter's national energy policy. He felt that we weren't really addressing the issues. So he wrote something called the Mass Plan, which he put in the index of his book. It was a comprehensive plan for how the state of Massachusetts could protect its energy future by itself in terms of what kind of programs the state could enact, what kind of private-public partnerships, just this whole huge plan with a few federal pieces, but not the sort of thing

you would expect to come from a U.S. senator. It was way out of his bailiwick, but he just jumped into things like that. He thought it was time to build a new Boston Garden, that the Celtics had played in that old arena too long. He became the champion of a new Boston Garden. It was just out of the blue, he jumped in the middle of it and began saying that this was what they had to do.

RITCHIE: On the other hand, to survive politically you have to have a sense of what your constituency is thinking. If he talked to an awful lot of people, he must have had a sense of the public mood. For instance, on environmental issues, Massachusetts was way ahead of a lot of other places in thinking about it.

ARENBERG: Tremendous instincts, but also there was a courageous aspect to it. You mention that conservation issue. Well, in that Senate primary his principle opponent was a guy named Paul Guzzi, and I'll tell you something about that campaign later because it's very interesting. They were very close to each other on the issues. They were both very similar. They both were named Paul. They both had ethnic names. Guzzi's was Italian, Tsongas was Greek. The Italian one was a much bigger asset (because there are many more Italian-American than Greek-American voters in Massachusetts). Plus, Guzzi was much better known statewide. Tsongas had been a congressman. He had visibility of 18 percent in our first polls, so when Guzzi came into the race we were really up against it.

RITCHIE: He was the [Massachusetts] secretary of state at the time?

ARENBERG: That's right. And he was in the Dukakis-Tsongas wing of the party. He was another one of those guys. Somebody looking at this race from the outside probably wouldn't have been able to tell these two guys apart. That was something that was of very great concern to us. At the time that Paul made the announcement—I'll tell that story later but I do want to make this point about conservation: Tsongas shared with Mo Udall what I always described as he was a nuclear skeptic. In other words, he was very strong on nuclear safety and safeguards. He was very tough on the NRC [Nuclear Regulatory Commission]. He opposed the Clinch River breeder-reactor. He was a very strong conservationist, but he believed that nuclear power—it's sort of the position that a lot of conservationists are coming to today—that with the proper care it's reluctantly said that it's a better option than massive coal and oil burning in its impact on the environment. Well, that was the Tsongas point of view in the 1970s, and in 1978, in Massachusetts, in the primary, it was one of the few differences between Guzzi and Tsongas. And Guzzi

thought he had him on this one, because he was opposed to nuclear power and Tsongas was not. But Tsongas, when it came to issues like that, was unafraid. There was a trustee issue if there ever was one. He knew that a lot of his allies weren't real happy with how he felt about that, but he believed all the way down to his core that the dangers that we faced, because of this early sensitivity to global warming, and to acid rain, which was a big issue in the Northeast at that time, he believed that the impact of the reliance on fossil fuels was much more dangerous to the environment than nuclear power was, and he wasn't afraid to make that argument.

In the end, the primary campaign probably didn't turn on that, but he was able to neutralize the issue because he was very committed and he had a deep base of information. He knew what he was talking about and he would not trim his sails on that, and he felt assertive about that. It wasn't even like he was trying to downplay the issue, or push it aside, or de-emphasize it, or anything like that. He acknowledged that it was a central issue, that it was one of the things in the '70s that needed to be decided. It was one of the issues that would confront a new senator. But he was going to say what he believed.

RITCHIE: I just read that constituents are less forgiving on issues that affect them personally, particularly their pocketbook, and more forgiving on general issues, where if a man takes a stand you can admire him for taking a stand. That's one reason why foreign policy usually doesn't play much of a role in election decisions.

ARENBERG: I think that's right, but I would add to that issues that affect them personally and issues that are easily understandable to them in personal terms. A good example of that, probably one of the very few issues that has no shelf-life in politics, is voting for your own pay raise. You could have voted for your own pay raise in 1947 and it would still be an issue today if you were running for reelection and they dug that out. "You did it back then. You flip-flopped over the years, but you have voted for a pay raise for yourself." They'd find a way to spin it. It's one of those things, when it becomes something people can really get their arms about and understand the issue in personal terms, they make up their minds about it and they're unforgiving if they think you have it wrong.

RITCHIE: One other thing I was going to ask you about, which we've mentioned a bit in terms of names: There were a lot of Massachusetts politicians who had a lot of power when Tsongas came to Congress. Tip O'Neill was the House majority leader. You

had Ted Kennedy in the Senate. In the House you had people like Joe Moakley on the House Rules Committee.

ARENBERG: [Edward P.] Boland was chairman of the Appropriations Committee; Silvio Conti was the ranking Republican on that same committee, right. Massachusetts in those days had tremendous clout in the House—and O’Neill was preceded by John McCormack as Speaker just a few years earlier.

RITCHIE: On the one hand, I imagine it would be a real asset to come into such a powerful congressional delegation. On the other hand, it means you have to do a lot to distinguish yourself from all these people who have all that power and are getting all that publicity. What was Tsongas’ approach to the Massachusetts delegation?

ARENBERG: I would say that in the end it was an asset to him—and I’ll point to a couple of those things—but those considerations tended to be invisible to him. You’ll recall that later on when Ted Kennedy was running against Jimmy Carter for the Democratic nomination, that bruising campaign, right in the heart of that, Tsongas chooses that time to go before one of the premier liberal policy groups (Americans for Democratic Action) and declares himself as a—the phrase was new then—a “neoliberal,” or we sometimes called them an “Atari liberal.” The Japanese game company, Atari, was just the hottest new thing on the cutting edge. He had the view that liberal Democrats were too anti-business. All of this later became familiar in his presidential campaign, but it was a real sort of coming out for him. A national audience and he makes this big speech. Of course, the editorial writers all around the country look at this and they see this as Tsongas attacking Ted Kennedy. And I think the Kennedy people saw this as Tsongas attacking Ted Kennedy. They were a little unhappy about it. We’d even warned Paul a little about this in advance, but didn’t realize quite how it would play out. But you would go in there and talk to him about it and he just didn’t see how his stating how he viewed these issues that he saw as a very profound part of his political philosophy, he didn’t see that as impacting Ted Kennedy in any way other than he might try to persuade Ted on a couple of issues, something like that. He didn’t see the conflict. He just didn’t deal with it in those terms. A lot of the niceties of senatorial courtesy—and this was more than that—they were opaque to him.

I remember his maiden speech. Particularly back then, it was considered a big event to make your maiden speech on the floor. Well, I was with Paul in his office one day. He hadn’t been in the Senate very long, maybe a couple of weeks. I have to say by

way of back story, he was the first Peace Corps volunteer elected to the Senate. He had been in Ethiopia and then had been a trainer in the West Indies. He was very proud of the fact that he was the only member of the Senate to have lived in Africa, and he felt he knew a lot about Africa. We were in his office, and it was before the Senate was televised so we were listening over the squawk box in the background, as we always did. I always tell people that in those days to be a good staffer you had to know all 100 voices, otherwise you wouldn't know what was going on. Anyway, somebody was making a speech about something and referred to Ethiopia or Somalia. He perked up and said, "I don't agree with that. Come on." He drags me over to the floor. He stands up and gets recognition and he starts talking! Well, about five minutes into this address, all of a sudden you hear this bang as those twin swinging doors of the center aisle fly open and puffing down the aisle comes Ted Kennedy, at a trot. Because, as you know better than I, it was the tradition for the senior senator to introduce his junior colleague on the floor when he was about to make his maiden speech. Here was Tsongas making his maiden speech without any forewarning. Never mind to Ted Kennedy, without any forewarning to his staff or his speechwriter or anybody else. He just had something to say and went down and said it.

That really encapsulates the way he was, and the way he viewed these conventions. It happened on Alaska, it happened on the Chrysler bill, it happened on a lot of the small issues that we'll talk about, but his view of what happens in a conference committee is usually—this is when we still had them, of course—was the House would come at, for example, 10 million, the Senate would come in at 20 million, and we would agree ultimately at 15 million. He liked to come swooping into a conference committee and say, "Mr. Chairman, look, we're going to spend a lot of time on this, we're going to go back and forth, but we're going to come out in the middle. Let's just adopt this and get this over with and save everybody a lot of time." It is an oversimplification, and he was guilty of that from time to time as well, but more often than not he was right. There was a lot of hemming and hawing that went on, a lot of pulling back and forth. Ultimately, if they were going to get legislation done, the House and Senate were going to compromise with each other, and that's what a conference committee was all about, and you could understand that going in.

He believed very profoundly that on *any* issue, if you got reasonable men and women of good will to sit around the table with the desire to come to a solution for that problem, that it could be done, that people could resolve virtually anything that way. I think more than anything else that if he would observe where we are with the Senate right

now, I think that's what would distress him the most. I often say it's not how polarized the Senate has become, it's that too often neither side has that desire to resolve the difference. Both sides are content to polish the cutting edge on that issue that they're going to take to the electorate in the next election. A lot of difficult, complicated issues fall by the wayside that at least in my humble view are very susceptible to real legislative solutions. Some of these old bulls of the Senate would have known exactly how to resolve them. They would have gotten in a room and butt heads, and done a little logrolling, and done a little horse trading, and all of that, but they would have come out with some kind of compromise. Because ultimately they wanted to legislate. I think that gets lost too often now on issues where it shouldn't.

I think immigration reform is a very good example of that. Everybody knows the system is broken, everybody knows there's a problem that has to be solved. In their heart of hearts, everybody knows what the basic parameters of that solution are, and that if it could be approached right now in the current political environment, in the current political culture that way, where men and women of good will brought their points of view and sat around the table with the desire, with the conviction that we have to resolve this problem now. The kind of pressure that we were under on Alaska, for example, where both sides wanted to resolve this issue once and for all. They wanted a legislative outcome. Even Ted Stevens, who was opposed to all of this, wanted to come to that ultimate solution. On immigration, at least in the past, we haven't been able to get there. We get as far as Republicans saying "Wow, this amnesty is a great issue for us." And we get Democrats saying, "Wow, we could change the shape of the Hispanic vote for decades to come with this issue." Ultimately, too often, too many members are satisfied to have that issue and it's too dangerous in the middle—that's the other piece of it. The whole political culture is so polarized now that that middle ground becomes so dangerous. When Senator [Robert] Bennett is not sufficiently conservative for his own party, that middle ground becomes pretty dangerous.

RITCHIE: There was a book that came out in 1980 by Sidney Blumenthal, who was writing in those days for the alternative press in Boston, watching the collapse of the old machine politics. The book was called *The Permanent Campaign*. His argument, which seems very prescient now, was that machine politicians were being replaced by the campaign managers, and that governing was going to become campaigning, that everything was going to be focused on the next campaign.

ARENBERG: I think that's absolutely right, and that's been the history of the time in between. It's what Tsongas used to call—not he alone, others too—but he called it “bumper sticker politics.” Campaigns themselves used to be more substantive. If you go back and look, I maintain that the Tsongas-Brooke Senate campaign was the last highly contested Senate campaign anywhere in the country where there was no—zero—negative campaigning. Tsongas' first words on election night, in front of those national cameras, were, “Those are big shoes to fill.” He had tremendous respect for Brooke. They had respect for each other. When he would see Brooke years later he'd always go up to him and say, “How come I won and you lost and you look so happy and prosperous?” As the campaign became more professionalized, more money, all of that, campaigns themselves became more and more about the bumper stickers.

If you go back and look at that Tsongas-Brooke campaign, not only wasn't there any negative campaigning, but both campaigns were having difficulty finding issues to disagree about. It was a very intense campaign with the Boston media. They'd come to us and say, “What are the issues here?” They'd do the same thing with Brooke. Well, I remember we finally were able to isolate five issues, and they would make you laugh how specific they were. Brooke favored the nuclear aircraft carrier and Tsongas was opposed to it. Brooke favored the neutron bomb, and Tsongas was opposed to it. The other one I remember right off was national health insurance. Now that's a big issue, but what's comical here was that Brooke had a national health insurance plan well to the left of anything that was considered by anybody in the recent round. I often tell my students, if you go back and look at Richard Nixon's proposal, that was to the left of these plans that are being characterized as socialist today. Remember that well known socialist president, Richard M. Nixon? Well, Brooke had a national health insurance plan like that. What we were attacking him for was it wasn't sufficiently similar to the Kennedy-Corman plan, which was the big Democratic standard plan at the time, Ted Kennedy's national health insurance plan. Of course, running in Massachusetts, we were all for that. We were criticizing, we would tear apart Brooke's national health insurance plan.

I told you about that post-election poll. One of the things that that poll demonstrated—and there's a lot of national press clips that I have from that poll—was that because the focus was so narrowly on only these five issues, the electorate got them. That's what they made the decision on. There was all this stuff about Brooke's divorce and all of that. People when they think back on that, sort of think, “Oh, poor Ed Brooke, he ran into trouble with his wife and it cost him his seat.” What that polling showed us was that by the time we got to election day, the percentage of people who were upset with

Brooke because of his divorce was almost exactly the same, totally washed out by the people who were very sympathetic with him because of the way that they thought he had been mistreated by the media over this issue, and that his wife had been unreasonable and all these sorts of things. So it really was kind of a wash out. What people were able to cite, even in open-ended questions, when you say, “What was the issue that most led you to decide who to vote for?” They’d say, “Oh, I just don’t think that nuclear aircraft carrier is such a great idea.” [Laughs]

RITCHIE: I remember being in Massachusetts that year—I went up for a wedding—and talking to people who were liberal Democrats, who were in Tsongas’ district, but who had always voted for Brooke. They were really in a quandary. They expressed almost anguish because they liked both candidates. I think they went with their party instinct eventually.

ARENBERG: It was a very difficult thing, and I think even at the time we were making that decision to run, the question got expressed: Is it where you want to be to run against the only black member of the United States Senate? Again, all I can say is this is Tsongas at his core. He thought about it and he said, “To not run, just solely for that reason, would be so condescending. It would undermine what Brooke’s position in the Senate represents. I disagree with him on specific issues.” One of the big things was that after 12 years in the Senate he just wasn’t coming home. It’s a familiar issue, but in Tsongas’ view he was a senator who had “gone Washington.” He was critical of that, and he wanted to put his vision out there. He was ready to run. That decision brings together a lot of themes that we’ve been talking about. One was you had all these powerbrokers in Massachusetts, and how is he going to deal with that? Right at the time we were thinking about it, I’ll never forget because the *New York Times* had just done a big story about how Ed Brooke was the Republican senator that labor unions loved to support, and then there was a piece in the *New Republic*. The theme was Ed Brooke is about to run for reelection and everybody likes him because they can show their bipartisanship by supporting him. Here we were thinking, “What mountain are we climbing?”

The way we first got into that, it was time to do our polling for Tsongas’ reelection race in the Fifth Congressional District. We were expecting that he was going to run for a third term. When we did that poll, I often used Brooke as a measure. I used Kennedy this way, I used Brooke that way as solid, very well-known politicians. You couldn’t run Tsongas against anyone else. There weren’t Republican figures who could get above the invisibility factor. They just weren’t well known enough to run against him to see how

strong you were in your own district. So I used to create this hypothetical race against Ed Brooke, because Ed Brooke was a known quantity and we could test our strength that way. Well, what I discovered, much to our amazement, that if you hypothesized a Senate race against Ed Brooke, that in the southern tier of the Fifth District, which was a portion of those kind of liberal bedroom communities around Route 128 in Boston—the ones that are in the Fifth District, Lexington, which is very Democratic, Concord, which is very Republican, and Republican towns, places like Bedford and Acton and so forth, really upper-middle-class and very progressive. They are crucial to Republicans winning elections in Massachusetts. If you are Bill Weld, or in the old days Frank Sargent, or Ed Brooke, because of the overwhelming Democratic vote in all of these old cities, you've got the Republican vote out in rural Massachusetts (but there's not that many voters there), you have these liberal suburban towns (in today's politics you would characterize them as independent, but even then, although we view them as Democratic or independent, they were more progressive than anything else). So a Republican could capture those towns and if he or she did, that's how you won statewide in Massachusetts. Seeing that Brooke's support, even within our own district, had atrophied badly in those communities was an eye-opener.

I took that to Tsongas and I said, "You know how we're always talking about how he doesn't come back to Massachusetts and everything. I think he's very susceptible to the assertion that he no longer cares about Massachusetts, and asking what has he done for Massachusetts lately?" He just didn't have that localized view in the way Kennedy did. Kennedy was always present. As many years as he had been in the Senate, he was on the local street corners and he was hanging out with the pols and singing at the St. Patrick's Day breakfast. Brooke was no longer doing that. So the next question was: Does this apply elsewhere in the state? We didn't have the resources. I had built this in-house operation for the Fifth District, but we didn't have the people, the resources, the phone lines to go statewide. What I proposed that we do was: we pick out a few of the other similar bedroom communities along the 128 corridor, places like Hingham on the South Shore, Braintree, and a few others going all the way around the arc, outside of the Fifth District. Take maybe a half dozen of those and do a poll in there. If they reflected the same weakness, then we really had grounds to start thinking about a statewide poll. We did that and it did.

So we put together a memo for Paul, and he said "There are three ducks that I want to put in a row before I agree to do this. The first one is I need to go to Tip and get his blessing. If he doesn't want me to take this on, it's a non-starter." Because he was a

freshman member of the House and O'Neill was the Speaker. The second one was, "I've got to go to Ted and get his agreement." The long-standing posture of the Kennedy family, going back to Jack Kennedy, was that they didn't mess in the other Senate race. Jack Kennedy had coexisted with [Leverett] Saltonstall, and Ted Kennedy with Ed Brooke. They just kept hands off that other race. That was their position. They didn't get involved. They just stayed above the fray. So our perception was we weren't going to ask for much but we wanted Kennedy's tacit endorsement, and if we could get it: one fundraiser and one TV commercial. That was the ask. The third of the Tsongas "ducks" was he would go to the publishers of the *Boston Globe* and not ask them to endorse him but just that they would not blow him out of the water right at the very outset, before he could establish a race. Because politically, particularly if you are a Democrat in Massachusetts, you go nowhere without the *Boston Globe*. The *Globe* loved Ed Brooke for the same reasons. He gave the *Globe* that same feature that all these other labor unions and everybody else got. They could endorse this Republican senator and that made the *Globe* less susceptible to the argument that it was a totally Democratic newspaper. So we weren't going in with the expectation we were going to talk them out of endorsing Brooke, but only that they would not editorialize right out of the gate: "What's this younger whipper-snapper, four years in the House, and now he's going to take on our great statesman?" We were afraid they were going to blow us out of the water before we even got going.

He wanted to put those three ducks in line. First he goes over and sits down with Kennedy, and Kennedy says, "Okay." We were kind of surprised by that, and he took a lot of flack for that, ultimately, for years after that. Ted Kennedy was Ted Kennedy—he wasn't going to suffer badly in the African-American community, but it got brought up for many years after that. Of course, Tsongas' relationship with the African-American community post-election ultimately became very strong too, so that helped with the healing. So Kennedy said okay. Tsongas went to the *Globe* and the publisher of the *Globe* said, "Well, we'll let this unfold. This is a very interesting development and we'll let this unfold." He no doubt already knew that he had this spotlight team that was looking into Brooke's divorce papers, but we certainly didn't know that. So then Tsongas approaches Tip O'Neill on the floor of the House. He goes up to Tip and says, "I'm thinking about this." Tip turns to him and says, "Funny thing but my son is thinking about the same thing." Total deflation. His son was Mike Dukakas's lieutenant governor at the time, Tom O'Neill, much better known around the state in Democratic politics, and he had the O'Neill name. This was going to be a non-starter. We just basically shut it all down. Within a couple of weeks after that, it leaks out that O'Neill is thinking about this. The *Globe* and others start asking him if he's going to run, and he starts saying, "I haven't

decided. I'm thinking about it." Then he goes off and has a summit. He leaves town to think about. Politically, they're starting to knock his block off. He's indecisive. Either he's committed to it or not, all this kind of stuff. We're just watching all this happen around us.

I'll never forget, it was Mother's Day. I was at home with my then two-year-old son, Josh. I was in Alexandria [Virginia]. The phone rings, I pick up the phone, it's Paul Tsongas on the line. He says, "Are you sitting down?" I said, "No." He said, "Sit down. He says he's not running." I said, "I'll be up there tomorrow." That was it. The funny thing was, he never made the decision to jump into that race. He walked to the edge of it, was lining his ducks up, and then Tip pulled the rug out from under it and it all deflated. Then when suddenly the opportunity reappeared, it was like he fell off the cliff. We never went back to revisit the issues or re-debate it. He just announced a couple days later, in a sort of classic Tsongas press conference at the Parker House in Boston.

I remember a TV reporter standing up and saying—this is also relevant to how things have changed in terms of the Democratic Senatorial Campaign Committee, and the Washington powers that be, and all of the stuff that we're accustomed to now—the first question was: "What's the view of the party leaders? You're giving up a safe seat to make this quixotic run against an incumbent senator. What do the leaders of the Democratic Party think?" Paul just kind of looked at him and said, "They've got something to say about this?" It reflected how he was: it never occurred to him, except for the very pragmatic steps with Kennedy and O'Neill that I described, it never would have occurred to him to contact the Democratic Senatorial Campaign Committee or talk to the state committee in Massachusetts, or any of the party elders, or talk to the labor unions, or any of that stuff. He made a personal decision to run and he went out and announced it. It reflects the fact that it wouldn't have occurred to him, but it also reflects how much all of that has changed, how much more influential those committees in Washington are today in playing this role in these local House and Senate races, a much greater role than they did before in terms of fund-raising and everything else. About the only thing the DSCC did for us in that '78 race was if we wanted to line up a senator to come into the state and maybe do a fund-raiser or endorse him or something like that, all of which didn't seem all that relevant to us either, they could arrange that. But it wasn't a very significant effect in terms of fund-raising and certainly in terms of consulting on planning how the campaign was going, strategy and all that, totally out of the picture, really.

RITCHIE: He had been only four years in the House and had a relatively safe seat. Was he in any way frustrated with the House? Did that contribute to his decision to

make the run for the Senate and give up the long-term seniority that he could have gotten in the House?

ARENBERG: I don't think so. The whole seniority thing kinds of falls into that category with Paul. He thought it wasn't such a great idea anyway, although Mo Udall always used to say, "The longer I'm around here, the better the idea of seniority sounds." But I think it was more that he saw it as a challenge. He cared about these energy conservation issues. He had these things that he wanted to get done and he saw the Senate as a better—in that sense he saw that a senator had a great deal more leverage. It wasn't just that it was a higher office or statewide, it wasn't the trappings that appealed to him. He saw that senators had a lot more leverage than somebody who had been around the House of Representatives for four years. But I don't think it would be fair to categorize him as frustrated, because he really had a lot of accomplishment for somebody who was only in the House for four years.

A lot of it was Lowell Park, but when Carter announced his national energy initiative, the first thing Tip did in the House was create an ad hoc committee on energy, very prominently. What he did was he appointed virtually all the major committee chairmen. It was [Dante] Fascell and [John] Dingell and all the powers that be at the time in the House. Tsongas went to him and said, "I've got this tremendous interest in energy. I really want to make a difference. Would you put me on this committee?" So it was all these senior members of the House and Paul Tsongas down the end of the table. It didn't faze him one bit. He would offer amendments. He came up with a national bike study to be conducted by the Department of Transportation. It seemed from one perspective almost trivial, but again with this kind of foresight he saw bicycle commuting as a real conservation measure, and he wanted the Department of Transportation to carry out this study. So he wrote this amendment, and I'll never forget it because the committee was having these around-the-clock mark-up sessions. He offers this amendment and John Dingell, now of course he's dean of the House but already in 1976 he was a very senior, very powerful member of the House. Dingell looked down the table at him and he said, "Mr. Chairman, I raise a point of order that this amendment is nongermane."

The bill had two titles, one was the regulatory title, the other was the tax title. This was under House rules not germane to either title. Tsongas leans back to me and says, "What do I do now?" I said, "Offer it as a title." So he goes, "Mr. Chairman, I'd like to offer Title 3 to the National Energy Act, the National Bike Study Title." This was in the Cannon Caucus Room, and it was jammed packed full of all these hard-bitten—I mean,

you can imagine who would have been there at midnight for this ad hoc energy committee mark-up, it's all these hard-bitten oil industry lobbyists and everybody, all these energy guys. Dingell opposes it, there's a roll-call vote and the amendment passes. The room stands up and gives Tsongas a standing ovation. It's almost trivial in a sense but it really says a lot about the character of the man. The trappings of the congressional system were not appealing to him, he was about trying to solve these problems and whatever it took to get it done. So I think he felt—and he did get two amendments passed on the House floor on the National Energy Act—a very unusual accomplishment, particularly for a young Congressman—one providing additional funding for ERDA, which was the predecessor agency to the Department of Energy, to do some conservation programs, and then there was the bike study, and ultimately DOT did that study, not that it went anywhere but they could dust it off now and it would probably be a good idea.

So when he made that decision to run for the Senate, I think he felt as though—in fact the very first ad that he did, I should mention this ad, which totally was done in-house. When he announced that he was running, everybody thought that this was tilting at windmills. Everyone thought he would get the nomination, because he was now a congressman in a race that only had three candidates already in the Democratic primary, but one was a state rep, another was a state rep who was at that time the only announced gay office-holder in Massachusetts—a woman who had announced that she was a lesbian and she was a member of the state house—and Howard Phillips, who you'll remember at that time was still calling himself a Democrat. So when Tsongas entered the race, he was now the 800-pound gorilla in the primary. O'Neill had said he wasn't going to run. Paul Guzzi, who had won a reform campaign, beating an old-line machine politician who had been secretary of state forever, Guzzi was a young guy who was very progressive, very well-liked by all of the same organizations that liked Tsongas. The difference was Guzzi was known by about 90 percent of the state, and Tsongas had a visibility of about 18 percent, representing the Fifth District, so we were really worried about Guzzi. Paul had called him and Guzzi had said, “No, I will support you, and I will endorse you.”

We were really concerned about him, because we figured, “How are we ever going to get Tsongas known with Guzzi in the race? He's already better known, they have virtually the same positions, they've got the same first name. They even look a lot alike, they're both sort of dark, ethnic guys. Plus, Guzzi is Italian and Tsongas is Greek, which is a much smaller minority in Massachusetts. We thought, here would be a real impediment if he got into the race. Well, several weeks into the race, when those *Globe* stories suddenly break about Brooke, Guzzi reconsiders and he jumps into the primary.

Now we've got this big problem: How are we going to deal with all of this? Well, the first TV commercial that we did was based on something we did in the first House campaign. We had done this spelling bee of kids trying to spell Tsongas. So we did this spot, it was a man on the street thing, where they were shown Tsongas' name and they tried to pronounce it. It begins with an introduction of Tsongas walking in front of one of the mills in Lowell. He says, "If I want to be your senator, then I've got to tell you what I've done as a congressman, and you've got to know who I am," or something like that. Then it starts breaking to these people and they say, "Testgas" or all these butchering attempts at trying to say his name. It wound up, the last one was this little kid, and it actually happened, it was this cute little kid, they showed him the sign and he goes: "Tickets!"

Well, we put that on the end and we knew we had a winner from day one. He would walk in a parade and people would shout "Tickets!" at him from the sideline. It totally turned this name confusion problem around. Suddenly, Guzzi was at events at various places explaining he wasn't the "Tickets!" guy. It was really a remarkably thing. And then ultimately there were issues, I described the nuclear thing before. We wrapped up the last ad just before election day. We went back to that. We got all the exact same people, four or five adult people. Tsongas says, "Now people know who I am." Each of them now pronouncing the name correctly, "Tsongas!" "Tsongas!" "Tsongas!" "Tsongas!" And then they go back to that same clip and the kid goes "Tickets!" Then it goes back to Tsongas, and he's kind of grinning and he says, "Well, four out of five's not bad." It was a killer, it was really a killer ad, and that catapulted him into the general election.

RITCHIE: A little humor goes a long way.

ARENBERG: Oh, yeah, it's hard to do. It's really hard to click. But when it does, it really has a tremendous impact. That was a great spot. What we knew, because we had in-house polling, was that right at the outset he was ahead of Ed Brooke. This was even before the *Globe* spotlight stories about the divorce broke. It was hard to convince people outside the campaign about that, because of the skepticism about the credibility of an in-house poll, but we had years of experience with my polling skills, I'm proud to say, and so Tsongas definitely believed in it. We knew that we were on much firmer ground, and that's how my polling ultimately got its credibility, is because the rest of the polling caught up with them later on, as statewide polling started to be done. By the end, even the *Boston Globe* was reporting on my poll numbers.

RITCHIE: Well, what is the secret in terms of polling? Is it the questions you ask, or the types of samples you create?

ARENBERG: I think most of the national political pollsters these days, their methodology is very good. There are some differences in methodology, some that I would take issue with, and some that are better, but I think we had very solid methodology. I was very tough. Having cut my teeth on academic studies, I knew how to put a sample together that was very rigorous. What I always saw as a tremendous benefit to our in-house polling, and where I think even some of the better national pollsters, they're all pollsters/political consultants these days. They all take from their poll a point of view and push it forward. As a result, I think they strain to pull a point of view out of the data. Sometimes things get crossed up there. Whereas, in my relationship with Paul, I was very comfortable in saying to him, "This data isn't very clear. Here are the questions we asked. Here are the responses. I think the range is in here somewhere." I would want to go back and test that two or three different ways. That kind of adding caveats, that was just part of my relationship with him. From a pollster that you were paying \$30, \$40, \$50,000 to do a poll, you were much less likely to get that kind of response. You've got a question, they want to give you an answer, and advice.

RITCHIE: Polls also assume that people have made up their mind, and in fact it takes a long time for the public opinion to gel.

ARENBERG: Absolutely. And the other place where polling has difficulty, and the best ones all recognize this, is in trying to figure out the turnout. It's not taking an accurate sample of the electorate, it's figuring out who's going to actually be in the electorate and cast ballots. They all have different solutions to how you do that. Because of the way I was able to approach these things with Paul—they all used screens, I used three separate different screens. I would come to him with the range and say, "I've got turnout A, turnout B, and turnout C. Here's how all of these various questions look, given this range of turnout." If you draw the same conclusion on something, irrespective of the screens, then I'm very confident about it. I think this screen's better than that one, and so forth. But I think there were a lot more shadings in the discussions that we could have about making these decisions than I have observed in subsequent years dealing with professional pollsters. They're much faster than I was. These days, I could probably be just as fast, given that you can carry all the computing power you need in a laptop. I used to have to go to a computing center and punch in all the data at a keyboard. It took me three or four days to get the data back.

RITCHIE: Were you aware of many other members of Congress who had people on their staffs who did the kind of polling that you did?

ARENBERG: I didn't know any. I look back at that, sometimes I look at the old newspaper clips and the hair stands up on the back of my neck because of the way I would be characterized as Tsongas' congressional staffer and pollster. I'm thinking about the kinds of ethics sensitivities that we would have today. It was a different environment back then. I was very careful. We never used federal resources or staff people or my time as a staffer. I either got off the staff for the campaign, or anything I did I did in the nighttime on a volunteer basis. All of the workers on the polls were volunteers that I trained myself. Nonetheless, you wouldn't want to be characterized the way some of those articles did then. You wouldn't want to do it today. In fact, when I worked with George Mitchell after the Iran-Contra affair, when he wrote his book, *Men of Zeal*, with Bill Cohen, I worked with both of them on that book and working for Judge Mitchell, believe me, we did it by the book—excuse the pun. But it was right about that same time that Jim Wright got into trouble on the House side over the handling of his book. But Mitchell and Cohen had great sensitivity to doing it properly. I had to be very careful about how I characterized that and what we were in fact doing. I was working around the clock, weekends and overnights, outside of my official duties to be involved in all that. I certainly wasn't being exploited, I was having the time of my life doing this.

It was great fun and produced a wonderful book.⁶ I am really proud of my involvement. Bill Cohen wrote on the flyleaf something: "You should wear a laurel wreath (over your green eye shade) for your patience and persistence in dealing with the final and never-ending touches to this book. Thanks for your friendship. Bill." I was touched by that. Cohen has a wonderful touch with the language. When he signed my copy of his novel, *One-Eyed Kings*, he called me, "A man who enters the land of the blind daily and yet 'sees' the things that others miss." I was honored to be thought of that way—even if it is overly generous. Senator Mitchell wrote very kind words in my copy of *Men of Zeal* also. We'll probably talk more about the book later.

RITCHIE: Well, I think there are plenty of people on Capitol Hill who have written things that have been signed by the politicians they worked for.

⁶William S. Cohen and George J. Mitchell, *Men of Zeal: A Candid Inside Story of the Iran-Contra Hearings* (New York: Vintage Books, 1988).

ARENBERG: That's right. By contrast, Tsongas used to say—he used to love to pull a speech out of his pocket and say to an audience, “This is what my staff thinks I should say today.” He would then throw the printed speech back over his shoulder and then just launch into whatever it was he wanted to say.

RITCHIE: Just one other question on that and then I think we should take a break for lunch. You were polling and looking at what public opinion was, and what the range was, and yet you were working with this visceral politician who was likely to say whatever was on his mind. It's kind of ironic that he doesn't seem like the kind of person who was constrained by polls.

ARENBERG: Yeah, and he wasn't really. He was informed by them. He was fascinated by it. He loved that we had capability to do these unconventional things, and that we'd ask unconventional questions about things that he was curious about. But, no, I never felt like there was ever a time when I would go to him and say, “We can't say this, because look at the poll numbers here.” He didn't look at it in that respect that way. He might think about how to frame something, but it wasn't any of the stuff that you see in today's polling, where you're testing specific words. Do we call this a tax cut or a tax break? Do we call it tax reform or, you know.

RITCHIE: Or revenue enhancement.

ARENBERG: Revenue enhancement, yeah, all that stuff. They poll that. I think as somebody who feels like I have some minimum polling credentials of my own, and being in the political world, I've always been slightly amused by politicians who will say to you—the same guy will say when you ask, “What's your share of the vote,” will say, “Well I have 52.3 percent of the vote going into election day.” This same person will be able to tell you, in great detail, what the impact of the weather forecast on his chances on that same election day. If it rains, sun, snows, whatever it might be, he's thought that out carefully, but somehow it doesn't occur to him that that might change the 52.3 percent, down to a tenth of a percentage point. People have gotten progressively better informed about what “margin of error” means, but they still don't understand it. A lot of what we look at falls into the margin of error ultimately. Newspapers have gotten very good about announcing “this is what the margin of error is,” and then they go about telling you that somebody's about to win the election because they've got a two point lead with a five

point margin of error. And in the end, it's only a snapshot at a given point in time—even if it's accurate—it is subject to many of these factors which can move the numbers.

RITCHIE: Well, this has been a wonderful kick-off.

ARENBERG: Oh, good.

RITCHIE: You've covered a lot of territory and you deserve to have a break. I'm going to be at the Democratic Conference luncheon until one o'clock. I give a historical minute and then I have to be out the door before anyone says anything political. So take your time with your lunch.

ARENBERG: Okay. We're going to meet over there [in Carl Levin's office] about one o'clock. We picked that time as we always did to coincide with the members' lunch, so I knew that way his staff wouldn't be all that tied up. I'm sure that 2:15 will be the outer limit of this lunch. I used to go to those [Democratic Conference] lunches from time to time with Mitchell. That's an interesting view of the Senate from that perspective.

RITCHIE: It's a little like a high school lunch room, in the sense of who sits at whose table, who saves a chair for their favorite person to sit next to them.

ARENBERG: It's funny that you say that because I was with Mitchell when he won the leadership fight and I have this whole view about how to characterize leadership fights. I always tell my students that the best approximation I can tell you is it's a little like running for the queen of the high school homecoming. There's a little bit of substance in there, there's a little bit of popularity contest in there, there's a whole lot of "what does this mean for me?" Some of that's the falling dominoes: Do I get a chairmanship out of this? Do I get a subcommittee? Who's moving where, all of that stuff. And some of it's just: Is this someone I have a sufficient relationship with that this will benefit my situation? Do our states have similar concerns that are coming down the road? But I steadfastly believe that who's winning a race is inversely proportional to how much news they're making about that race. I think if you're outside of a Senate race, which is virtually everybody including the staffs of the people who are in that race, to me it's the closest to the vest thing that happens around here. It's member to member. But I got a little picture of that from Mitchell from time to time. If you're outside of that circle of people who have some idea about what's going on, the best indicator is if you see

somebody making news about it on the outside, they're not winning, and that was very clear in the Mitchell race.

Everybody thought that Danny Inouye was going to win that race. And if anybody was second, they thought it was [Bennett] Johnston. Mitchell was sort of, "We're not sure why he's running, but some of the younger guys like him." And yet, he's a very hard-headed vote counter. He basically had the votes from the get-go. Bennett Johnston was making all the news. He did a very smart thing. In August, before the election, before the caucus vote, everybody was out of town, he stayed here in Washington where he had the press corps to himself. If you go back and look at it, there were all these stories about how Bennett Johnston was surging. I don't remember, it was seven votes or something was all he really had—but there were all these stories about what was going on with his surge. Because if you think about it, if you're trailing, it's in your interest to stir the waters and get people to think something is happening. People are talking about him. He's in the press. Maybe other of my colleagues are moving. It is a secret vote. Maybe something's happening that I don't get. If you're ahead, you're sitting there with the vote count, the last thing in the world you want to do is rock the boat. You want everything to stay as quiet as possible.

RITCHIE: And then the other factor is that your colleagues will look you straight in the eye and tell you they're going to vote for you, and then your votes don't add up.

ARENBERG: Yeah, I have a theory about why that happens. I think it's less that they lie to each other than it is the way senators talk to each other. They don't like to squarely confront each other, and so they'll say, "I hope you'll be with me, Jim, on the vote." Jim will slap them on the back and say, "Oh, I think you'll make a hell of a leader. You know I've always been a big supporter of you. We're great friends, don't worry about it." They'll walk off and the candidate will go, "Okay, I got him," And the guy, walking in the opposite direction, is going, "Phew, I dodged that one!" But Mitchell was a former federal judge, he's very precise. He would say, "Do I have your vote? On the first ballot? On such-and-such a day?" He'd go to everybody's office. He'd go and sit and look them in the eye. He never counted anybody unless he felt he had a four-square commitment. And it's dangerous to lie these days, because enough people leak. If you go back and look at the more recent elections, *CQ* usually figures who voted for who, at least in the Senate, they'll figure it out and you may just get hung out to dry. I think there's an awful lot of that, where you've got more than one member who is counting the same guy. It probably is accurate to say they're misleading each other, but most of the time I don't think they're

really lying to each other. It's just they're letting them believe what they want to believe. It's in the nature of most politicians, they're just not disciplined enough as vote counters. It's not how they're used to dealing with their colleagues. They're much more indirect than that. It's much more of a kind of massage. And they do their vote counting that way, too.

RITCHIE: The noncommittal commital.

ARENBERG: Yeah, right.

RITCHIE: Well, this has been terrific. I've really been enjoying this.

ARENBERG: Oh, good, I'm glad.

[End of the First Interview]

THE ALASKA LANDS ACT
Interview #2
Tuesday Afternoon, June 8, 2010

RITCHIE: We left off in transit between the House and the Senate. Representative Tsongas gets into that Senate race. Was there anything else about the race in 1978 that you wanted to add about the way he approached running against Ed Brooke?

ARENBERG: Well, again, I mentioned that the tone of the debate was so different from every competitive race that we've seen since, and even at that time, was somewhat unusual. I remember another incident which reflects that. We were very concerned about the first televised debate. I mean, we were doing very well in the polls, Tsongas was ahead, but Brooke had been tied up with the Senate in Washington and so forth and he was finally coming home to Massachusetts to campaign. They had their first televised debate at WBZ in Boston, and we were very concerned about that. We had a lot of confidence in Paul, but we thought, for the first time he's going to be on the same stage with this revered senator. At least the potential is there for a real game-changer, to kind of be blown away by the senior senator. That sort of thing. So, just in case, we were ready to rebound from a disastrous debate. Let's put it that way.

We had a bunch of our staff line the corridor coming out of the studio, thinking that if we needed to buck the candidate up, we were going to do it right away. We had signs and everybody was waiting. We watched the debate on monitors and he did very well and we felt very good about it and everything. Then it ends and the door to the studio opens and out walks, first, all by himself, Ed Brooke. He walks down this long corridor of silent Tsongas people with hats and signs and banners. He walks quietly down the whole corridor. He gets to the far end of the corridor just where he's about to leave the building and he turns around and he says, "You guys are working for a real class act." And I thought, boy, you don't see many of these. You really don't see many of these. That moment reflected the tone of the whole campaign and also who Ed Brooke was—also a real class act.

RITCHIE: Senator Brooke came back to the Senate about two years ago, after he published his memoir, and gave a lecture that was just superb. I wished he was still in the Senate now, in a lot of ways.

ARENBERG: Yeah.

RITCHIE: He was really right on the current issues. And he has a presence that for a man who is now, I guess he's getting close to 90, was quite remarkable. I can imagine going up against that in front of a TV camera was a bit daunting.

ARENBERG: Yeah, right, exactly. He's really a fine man. And it was just a really very interesting race.

RITCHIE: I always thought that the one thing that worked the most against him was that photograph of him dancing with Elizabeth Taylor at the Iranian Embassy. He was having a good time, obviously, but it suggested that he had gone Washington and was perhaps having too good a time.

ARENBERG: Yeah. I just think he really didn't spend the time in the state that he needed to. It seems to be a Senate disease that never quite goes away. It seems like every generation or so there's an example of that, whether it's [J. William] Fulbright or whoever. Everybody relearns that lesson and is a little more careful about it, I guess. But there are examples at every time in the Senate, where there are members who just aren't connected back home—we all know how incredibly difficult that is. That's one thing about the Senate, the popular view of what life as a senator is like couldn't be any more wrong. The idea that it's kind of a posh job and these are powerful figures and they just move around in high circles and don't do very much work and so forth. My experience with most senators—and I know there are exceptions—but with most is just what an incredibly difficult job it is here in Washington, and their constituencies expect them to be here all the time and they expect them to be there all the time, depending on where they need them at the moment. For the most part, these are incredibly hard-working and dedicated people in the Senate. And, I'd include the staffs in that as well.

RITCHIE: It's ironic that we elect them to go to Washington and then complain that they are in Washington.

ARENBERG: That's right.

RITCHIE: The other thing about Senator Brooke is he represents a Republican Party that almost doesn't exist anymore. When he was a senator, there were as many Eisenhower Republicans as there were Goldwater Republicans in the Senate. And that created much different kinds of voting patterns. It also created these elections, like the

one with Senator Tsongas, in which there really wasn't a lot of difference between the two candidates.

ARENBERG: That's right. If you look at what political scientists were writing in the '60s—there's that famous commission of the APSA [American Political Science Association], which basically warned that both parties were too indistinct. They didn't really stand for anything. They were in danger of atrophying. It wasn't healthy for democracy. All of these things. I remember reading a [David] Broder piece in the *Washington Post* around that time and it made the same kind of arguments, that the parties needed to stand for something. They needed to develop more of an ideological base. Well, looking at that from the perspective of 2010, it's pretty quaint. The parties are more homogenous than they've ever been, and it's reflected in the Senate, and certainly in the House even more so. This itself creates additional—I think of them as centrifugal forces. We talked about what happens in electoral politics where members are looking over their shoulders at potential primary challenges from the more extreme portions of their own party, but also the purification of both caucuses, pulls on these people.

As a measure of polarization, I kept track of the percentage of time that every other member of the Senate voted with Senator Levin, and I've continued to do that. I use him as a rough standard of a progressive senator. It rank orders members of the Senate on a rough liberal-conservative basis. Of course, the Senate's more polarized now than it has been at any time since Reconstruction. The most polarized session yet was the first session of this Congress—the 111th Congress. And the second session has been even more polarized so far. For 35 years or so—since the mid '70s—the Senate has become ever more polarized. You see that process happening and a good test case is somebody like Arlen Specter, who changes parties. Of course, he had always, for years, been consistently if not the most moderate Republican, right in there with [Susan] Collins and [Olympia] Snowe. One, two, three in there in some fashion. As soon as he became a Democrat, as you might expect, he began to move up across that divide and on up. I remember saying to my students, “Well, watch the second session. He'll be up around 90 percent.” I said, “It's not that anything has changed about Arlen Specter's philosophy. It's just all of these forces.” If you want to be a moderate Republican in the Republican caucus, or a conservative Democrat in the Democratic caucus for that matter, Ben Nelson or [Evan] Bayh, you're always being pulled in that direction. In fact, it seems as though they feel like if they've had to stand up and vote against their caucus on this vote, they've kind of got to try to make up for it. So they're leaning in that direction. So even the outliers in these more homogenous caucuses get pulled back further away from that moderate

middle.

I've gone back and looked at all of the Congresses since Levin came to the Senate, which of course was the same election as Tsongas—the 1978 election. I had originally started doing this with Tsongas. Then in fact the DPC started doing it in much the same way. But I went back through all of those Congresses, rank ordered all the senators and then concentrated on what was the overlap from the most liberal Republican to the most conservative senator. How many senators fell into that overlap? Don't hold me to the exact numbers because I don't recall them exactly. But that first year, '79, I think it was 33 or 34 senators, a full third of the Senate, that was in that middle overlapped group. This included many great senators of both parties. The average for those first 10 years was in the high 20s somewhere. The next 10 years it had dropped all the way down to 11 or 12 or something like that. And for the last 15 years or so, it averages less than one senator— actually about .4 senators. If we hadn't had Linc Chafee around here, in the last number of years, there hasn't been any overlap at all. Since he has been defeated, there has been no overlap. In fact, looking at it right now, there's a pretty big gap between the highest (most liberal) Republican and the most proximate (most conservative) Democrat.

Although I think you can overdo quantifying things by looking at vote studies, because there's a lot of distortions, those of us who know the Senate know there's a lot of distortions in there based on a lot of other factors, but over time it certainly reflects this process of growing partisan polarization. By the way, I didn't even include Jake Javits and Harry Byrd. I treated them as outliers. Because if you considered Jake Javits and Harry Byrd you would have had everybody in the middle basically. Javits was in the top dozen or so most liberal member of the Senate, and Byrd, who caucused with the Democrats, was among the ten or so most conservative senators. So I threw those out but left everybody else in. You can go down that whole list of moderate senators in both parties and there just aren't people like that left in today's Senate. You mentioned Brooke, but Charles Mac Mathias and Charles Percy and Mark Hatfield, Howell Heflin, David Boren, John Chafee and Bob Packwood and on and on down the list.

RITCHIE: When Senator Tsongas came to the Senate, every vote was a bipartisan vote. There was never a party line vote.

ARENBERG: Very rare, right.

RITCHIE: Whereas today party line votes are commonplace. When I look in the *Record* and I see Akaka and Alexander, I know that occasionally somebody crosses the line but for the most part it's going to be a pretty straight party line vote.

ARENBERG: Yeah, and we're not going to solve that problem by making this a majoritarian institution. I always joke that all you need to know about the House is who has the keys to the bulldozer. If you have a previous question in the Senate, you're very quickly going to have a Rules Committee or some mechanism like it controlling what amendments are in order, how much debate and when the votes take place. If the Senate is as polarized as it is today, the majority is going to stop paying attention to the minority completely and just roll things through here. Then if you've got a president of the same party? Well, then you've got a form of one party rule which our system wasn't designed to operate that way. At least in the parliamentary system there's a way to pull the government down if it gets too far out of line. I think it would be really a dangerous circumstance. And I think a lot of academics kind of dismiss the connection back to the founders by saying, "The filibuster doesn't go back that far" and, "There was a previous question until 1806," and all of those kinds of arguments. They like to argue that it happened accidentally. You could argue it happened accidentally but it happened accidentally pursuant to a perception of the Senate. A framework which the founders had, if you go back to the "necessary fence," the balance wheel that [Robert C.] Byrd talks about all the time. Extended debate served that purpose in a way that the founders hadn't explicitly designed, but they did give the Senate the right to create its own rules.

RITCHIE: And there's a reference in William Maclay's diary about people trying to talk a bill to death.

ARENBERG: Yeah.

RITCHIE: You mentioned amendments before. I was reading Paul Simon's memoir and he said that when he spent 10 years in the House and every time he had an idea, if he wasn't on the committee, it would get knocked down by the chairman on the committee saying, "We're looking into that." He said the reason he loved being a senator was you could introduce an amendment on any bill and any subject at any time. It didn't even have to be germane to the bill that was coming up.

ARENBERG: Right. You could get it up, and if you were persistent enough, you could get a vote. That right to amend goes hand in hand with extended debate to make the

Senate what it is—it's what Bob Dove and I call "The Soul of the Senate" in the book. I think it's all part of the consensus-building that happens so naturally in the Senate when it is working well. I know that all the senators that I've worked for, I know the very first question—you bring them an amendment, you bring them a good idea—the very first question you're going to get from them is, "Who's the Republican cosponsor?" If you tell them it's Susan Collins or Olympia Snowe, or somebody, they'd say, "Well, can we get [Orrin] Hatch? How much further into the caucus can you reach to try to build consensus? Can we find a partner that will give us some bipartisan credibility here?" Unfortunately it's in the nature of politics that we're always in the moment and when things are as difficult and frustrating as they are right now, it's hard to see those consensus building aspects. I know I keep saying it, but it just scares me that the Senate, in frustration, in these kinds of times, will do something to itself that it shouldn't ought to do. Fortunately for 200-some-odd years, as you well know, the Senate, in the end, has come to those moments and shied away from it and always opted for some sort of incrementalism, some sort of compromise. I believe we'll see that again, and I hope we will.

RITCHIE: They get to the edge of the cliff and choose not to jump.

ARENBERG: Yeah, right. But sometimes they come perilously close. Like the nuclear option, that was an instance of that. We really came perilously close. I know the Republicans repeatedly said that this was only going to apply to filibusters on judicial nominations, but boy is that a slippery slope. I felt as though, yeah, that will only last until the first big legislative issue comes along where a majority can't explain to its own constituency why it's not exercising this precedent to overcome a filibuster. I think we probably would have had it on health reform. If the Republicans had done that in 2005, creating the precedent, and if we hadn't gone down the slippery slope before then, when we did get to health reform and suddenly we went through what we went through and Democrats were searching for a way to overcome what they saw as an obstruction, I wouldn't have wanted to be there trying to defend the filibuster against the use of a nuclear option.

RITCHIE: It's a little bit like what they said about Harry Truman. It was easier for him to drop the bomb than to explain why he didn't drop the bomb.

ARENBERG: Right.

RITCHIE: That's the probable case for any majority leader faced with that.

ARENBERG: Right.

RITCHIE: Well, you've now won an election with Tsongas and he's coming to the Senate. I was curious, having spent four years in the House, how different was it setting up an office in the Senate?

ARENBERG: Very different. I always said the worst of all worlds is to be a newly elected senator with a House office, because everybody knows where to bring the resumes. [Laughs] We were, of course, immediately inundated with them. Newly elected senators usually come to Washington and they set up house somewhere before they're officially in office, usually in the office of somebody friendly in the delegation. When I'm giving advice to people about how to get a job with people like that, I say, "Call all the likely suspects and you'll really stand out if you track them down while they're hiding in another senator's office or another congressman's office or something. You track them down and get them a resume." But when you're a House member and you've been elected to the Senate, there's no place to hide. They can come right in the front door and drop off the resume. We had these enormous piles. It was a huge job putting that together.

Then we started putting together the staff. At least for us we knew a lot more about what we were doing. We had been on the Hill for four years and we had a little more foundation and we were able to put together a staff pretty quickly. And Tsongas, as I've said, he was ready to go. He introduced the Alaska lands bill within a few weeks, I believe is my memory, after he first came to the Senate. I told you about his maiden speech. I mean he just was off and running. It was always characteristic of him. I'll say present company excluded, but he really attracted remarkable people. We had some really outstanding staff people along the way. That was true in the House and when we got to the Senate we really were very proud of the staff that we put together.

But it was a real change. In the House, most members spend their time in the bushes. If you want to be paid attention to on any issue, you've got to jump out of the bushes and wave your arms over your head and then maybe if you're lucky you'll get some attention. The only other way is you build numbers. You start building a coalition and you get other people to jump out of the bushes with you and you become a sizable enough group that you're hard to ignore. Senators don't start out that way. In fact if they

have a good idea, they're more likely to hold it close to the vest until they've got it shaped and ready to go. They're not running around looking for a crowd of 15 people to introduce it. They don't need to jump out of the bushes. In fact, you can't stay in the bushes if you're a senator. The media and everybody are going to come beating the bushes looking for you on virtually any and every subject. So that's a real change.

Members of the House tend to specialize on issues where they have committee assignments and they don't have much leverage at all unless they're in the leadership or a head of a committee or something like that. They only have any leverage at all in areas where they've built expertise and people look to them as knowing more than anybody else in the House about such-and-such. But they have much smaller staffs and less staff resources and so their staffs tend to be generalists. The Senate's the other way around. Senators have to be prepared on virtually every issue to some level of sophistication. So they have more specialized staffs, larger staffs, and they tend to be more specialized.

This contrast creates some interesting situations in conference sometimes. When we had the negotiations on Alaska Lands, the House members who had built an expertise on Alaska wanted to be personally involved in the negotiations. They'd built this expertise and they had a stake in this. The negotiations took place in Scoop Jackson's hideaway up in the upper recesses of the Capitol on the third floor. Five or six House members would typically be in every one of these long sessions. Well, as a matter of protocol then you had to have a senator there. So the senators who were involved in the negotiation—Stevens and Tsongas and Jackson and Hatfield were the principal ones—they would take turns going there and kind of sitting at the table providing the cover for Senate staff to negotiate with these House members. Because they didn't want to be as deeply involved. Even if they have that substantive depth—and some of them do—they don't want to be that deeply involved in negotiating the last acre of Gates of the Arctic or something like that.

Every time those negotiations would hit an impasse, we'd have to go back to the senators and say, "We've hit an impasse." We used to call it kicking an issue up to the senator level. We'd go in and say, "We've hit a snag. We need guidance on this." Invariably they would pat us all on the shoulder and say, "You're doing good work. Keep it up. Go back to work." We'd walk out of there without any kind of particularized guidance and we'd go back re-energized or whatever and we'd cut through that until we got to the next impassible object and we'd go back to the senators. And this would be repeated. It came to the very final issue on Alaska Lands was over the width of the

corridor on either side of a wild and scenic river. In the lower 48, there's a one-mile zone of protection on either side of a wild and scenic river and in our version of the Alaska bill we wanted to make it three miles. It was the last issue. We couldn't resolve it. We went and we had one of those senators' meetings where we said, "We've reached an impasse. We need guidance." They listened and almost in unison, they went, "two miles!" [Laughs] So that's how the last issue was resolved. It was kind of the old Tsongas formula of, "three and one? Obviously it's two." So there's a two mile corridor in Alaska.

RITCHIE: The Alaska bill had been going on for years, since the early 1970s. The House passed a bill version in 1978 while Tsongas was still in the House. It didn't get through the Senate. I think Mike Gravel was going to filibuster against it.

ARENBERG: Right.

RITCHIE: But here you come and you arrive in the Senate in early 1979 and there's this great urgency about passing the bill. So it's on the agenda most of that year. What was driving it? Having turned it down in '78, why was the Senate so anxious to move on it in '79 and '80?

ARENBERG: Well, there were a couple of things driving it. There was a deadline in the Statehood Act. My memory is there was a deadline out there in the future in law. But the thing that was really driving the process was that Carter and Cecil Andrus had hit on the idea of using the Antiquities Act to withdraw many of these lands that were proposed in the conservationist version of the Alaska Lands Act to be national parks. To withdraw them and make them national monuments, which he could do by executive order. Nobody had ever used it at that scale before. These national monuments are usually pretty small areas. But Carter finally, after the bill was blocked that first time, withdrew some really huge proposed park lands and created national monuments. They were threatening to make that permanent. If you look at the restrictions in a national monument, if anything, they're even more extreme if you're interested in development or hunting or other uses, from the perspective of a Ted Stevens or the Alaska side of the issue. The restrictions on the activities on those lands are even greater under a national monument status than they are under national parks. It's almost like a wilderness designation.

This was kind of a stick in the closet that kept Stevens and the state of Alaska wanting to resolve this issue. They wanted to resolve it as much in their favor as they

could, but they wanted to get it off the table. They feared what Carter would do. Of course, they didn't know whether he was going to win reelection or not. There was an election coming, which we were very conscious of too. We had a long series of mark-ups in the committee and the Senate Energy Committee reported a bill which was unacceptable to Tsongas. He was the one vote against it in the committee. He immediately filed a substitute, essentially the House-passed bill. As soon as he did that, Byrd pushed the timetable for consideration of Alaska further back and we began negotiating over a unanimous consent agreement. Tsongas very much wanted to keep Stevens from going into a kind of all out filibuster mode, both because we weren't absolutely certain we could overcome that, although we thought we had the votes ultimately, but also because he wanted to build consensus behind this. We were taking actions that were going to have consequences for decades, if not hundreds of years. He wanted it to be a lot more consensus behind that bill, as much as possible. Even if Ted Stevens was not happy about what was passed, he wanted the seal of approval that the process had been fair and open and Tsongas had kept his word and all of those very senatorial things. They both behaved in that way and had, ultimately, a lot of respect for each other.

Ultimately, they came to a unanimous consent agreement which gave Tsongas the right to offer five major amendments to the bill that came out of the committee plus a complete substitute. One was a major parks amendment. There was a major wildlife refuge amendment. A major wilderness amendment, and so forth. The idea was after we had tested how well we could do on those issues, we would then come back with a package that would then supersede the bill, if we could get there. Gravel, through all of this, was kind of like, "I'm not playing ball. I'm going to filibuster everything." Somehow he agreed to the unanimous consent agreement, but he still wasn't participating in all this. He was going back to Alaska and trashing it. He was still the lone wolf on this. As you may know, notoriously, he and Ted Stevens didn't get along with each other. So there wasn't a lot of coordination going on on that side.

It came to the floor, that was July, I think, and the first major amendment was the wildlife refuge amendment. There was some major debate about that. Jackson fought the Tsongas amendment. In a classic Tsongas moment—I keep talking about these classic Tsongas moments—but Jackson rolled out Bennett Johnston, who of course, everyone viewed as "Mr. Oil and Gas" in the Senate. He was the authority on gas and oil resources. He came out and made a major statement in support of the committee-passed bill, talking about the critical national security requirement for oil resources under these wildlife

refuges in Alaska. He named a few of them. So Tsongas very politely got up and you have to understand, we had I think 40 mark-ups or something like that, early in the morning because Gravel was objecting to the committee meeting. As you know, under the Senate rules it takes unanimous consent to allow committees to meet beyond the first two hours when the Senate is in session. So by two hours after the Senate came in, we had to be done with the mark-up. It was dragged out over a long period of time.

One great personal moment for me which again reflects Paul Tsongas's character was when my daughter Meg was born. I came straight from the hospital to make that early morning markup. I got into the committee room a bit late. Tsongas was on the dias, he jumped up with the audience watching and with a great flourish pulled a cigar out of his insider pocket and presented it to me. From that day on, we always referred to Meg as the "Alaska baby."

Back to Bennett Johnston, I don't think he had a particular interest in Alaska. He wasn't a particular participant in the committee mark-ups. But he was the heavy guns on this particular issue on the floor, so Scoop Jackson got him to come out on the floor to impress the Senate with the need for the oil in these refuges. So Tsongas very politely got up and asked—in the Senate Chamber there were all these easels around the back of the chamber with maps of Alaska and different refuges and everything like that—and Tsongas said something like, I don't remember exactly which refuge it was, but he said, "The Senator just mentioned the oil reserves under such-and-such refuge. For the information of the Senate, would he be willing to step to one of the maps in the back of the room and point that refuge out for the senators?" Well of course, Johnston didn't have a clue where that refuge was.

He didn't really want to embarrass him, but we all know that not that many senators are there and paying attention to the debate and those kind of moments, they don't have a real impact on the decisions that senators are making, but it had a real impact on Scoop Jackson. It had a real impact on Bennett Johnston. It had a real impact on Paul Tsongas and Ted Stevens. They all knew what was going on. It really was an early shot across the bow that this freshman senator—they had dealt with him in committee, they knew that he was going to be formidable—but he could in a very nice, polite way, he knew how to play hardball on the Senate floor. Then ultimately, we came to a roll-call and the Tsongas amendment succeeded. At which point, although we were operating under a unanimous consent agreement, Stevens launched a filibuster. He just made it clear that he understood the rules and he knew there were lots of ways he could

keep this bill out there. And so the majority leader promptly pulled it off the floor and urged the participants to go into these negotiations.

We then went back into these negotiations for many weeks. It was the time when the Iran hostage crisis was going on and I think it was *ABC Nightline* was counting the numbers of days and so we began referring to ourselves as the “Alaska hostages.” [Laughs] “This is day 12 of the ‘Alaska hostage crisis,’” and so forth. It did drag on for some time. But they did ultimately come to a compromise that Tsongas and Jackson and Hatfield all signed on to and brought back to the floor. Although Stevens didn’t cosponsor the compromise, he did back off the filibuster threat and it did move the process forward. Even in spite of that, it did in the end take a cloture vote to get to final passage. We got cloture and we got to final passage and it passed with 70-some odd votes.

RITCHIE: Didn’t Gravel get defeated in a primary in the middle of all that?

ARENBERG: He did. It’s one of the sort of unintended consequences of all of this is that he wound up, I think, looking to Alaskans as somewhat inept, I think, on fighting Alaska Lands. Whereas Ted Stevens was very skillfully fighting for Alaska’s point of view, Gravel was sort of being run over by it. Tsongas would have certainly preferred to have dealt with him as well, but he just wasn’t buying any of it. Then he lost. It was Ernest Gruening’s son, as I remember it, who beat him in that Democratic primary.

RITCHIE: Yes.

ARENBERG: And then he lost in the Reagan landslide to Frank Murkowski, Lisa Murkowski’s father in the general election.

RITCHIE: Now I get some sense that the Alaskans also were looking to settle this, and so having their own senator filibustering and working against the bill probably, while he thought he was doing it in their defense, it didn’t sell well there.

ARENBERG: Yeah, particularly when Stevens was being very public and very open about his disagreements with Gravel and that he thought Gravel was being sort of unhelpful. That it wasn’t helping matters what he was doing and so forth. So I think that dynamic was unfortunate. Tsongas certainly wasn’t interested in defeating an incumbent

Democratic senator, but it was just one of the unintended consequences of what happened.

Then, as I mentioned earlier, Reagan beat Carter. The House wasn't happy with our compromise. Tsongas had compromised further than Udall and the environmental groups were initially willing to accept. Again on my list of classic Tsongas moments, he made a speech on the Senate floor where he was basically talking to the gallery and saying to his allies—these environmental groups, these labor unions—“You know,” he said, “a point comes in a legislative process where you have to choose between perfection of the issue and getting legislation.” And he said, “We've come to that point and I want to legislate.” It was a funny sort of dynamic because he was still a hero with those groups. He had successfully gotten things through the Senate that they had never been able to get through the Senate before. And they were closer to a bill than ever. But now the name of the game was to try to get what we called “a second duck bite” at this bill and see if you couldn't go to conference with the House and get even closer to the House bill. Udall was holding out for that. The Senate wasn't playing ball terribly. Then the election took place and Reagan beat Carter, and Udall folded his hand, and the House passed the Senate bill, and it went to Carter and he signed it into law. He signed it into law, I think it was like December 2nd of 1980, a month after the election. He was a lame duck, and only a few weeks passed before Reagan was inaugurated.

RITCHIE: Every once in a while when there's a lame duck session, we get questions from the press, “Has there ever been a productive lame duck session?” Most lame duck sessions are usually pretty frustrating, but we always say, “Oh yes, in 1980 they passed ANWR during the lame duck session.” It's one of the remarkable accomplishments at the end of that Congress, and it's the exception to the rule.

ARENBERG: Right. It had a lot more to do with it being a lame duck president than it being a lame duck session of Congress, really. It's just that Carter having lost the White House, and Republicans having swept into the majority in the Senate for the first time since 1955—at that point, there was no longer any argument. This bill was good enough. Now one of the major compromises in this bill was what we did with ANWR. This is interesting because Ted Stevens, on the floor of the Senate over the number of recent years that this issue has come up, over and over again says that in those negotiations, he had a promise from Paul Tsongas and from Henry Jackson that ANWR would be opened up in the future. I was in the room for all those negotiations. I would never accuse a senator of telling an untruth, but let me just say I remember it very

differently. And I know that Paul Tsongas had a very different understanding of what he was agreeing to. The inconvenient thing about that, of course, is that both Senator Jackson and Senator Tsongas have passed on, and there were very few other people in the room.

But what that compromise was all about was Tsongas wanted to make that north slope wilderness. He wanted to put a wilderness designation over it, which would have forever protected it from oil exploration. Stevens wanted to “drill baby drill,” as soon as possible. The compromise that was ultimately worked out in that final compromise bill was Tsongas was willing to concede—and this was one of the major things that his environmentalist allies were upset with him about—but he felt it wasn’t unreasonable to concede that there were conceivable national security circumstances under which that oil was demonstrably in the national interest to go back and get. He was really thinking about national emergencies, not that the price of gas had gone up a little bit or something. So what that compromise language did was it provided a procedure for that issue to come back to Congress for a determination of whether to open it up or not.

There have been, as you know, repeated efforts to do that—Republicans have repeatedly tried to open up ANWR to oil exploration. Again, when I list my arguments about the virtues of filibuster, there’s one of those in there where it would have happened. It would have been done. They had 51 votes and a filibuster was able to block it. I often remind my liberal friends, many of whom want to reform the filibuster out of existence, of that. There have also been efforts to use reconciliation as a way to circumvent the filibuster. Stevens wanted to do that and I think [John] McCain was not very happy about that, was my memory. Anyway, we were able to thwart that, but it comes back repeatedly as an issue. And it will come back again because the argument will now be made that, okay, we’ve demonstrated that it’s too dangerous to drill 5,000 feet under the surface of the Gulf, so that’s all the more reason we should drill on land, like hello, ANWR. I know as a matter of conversation with Paul Tsongas that if there’s anything he regretted about the compromise of the Alaska Lands Act, it was leaving that hanging out there. He thought, well if the kind of national emergency that I’m concerned about happened, they could undo a wilderness, too, Congress could do what it had to do. But it left it, I think he felt, too vulnerable. Certainly in the instances where the issues come before the Senate again. Ted Stevens even held up a picture on the floor of he and Jackson and Tsongas shaking hands after that agreement and saying, “This effort to kill this is going back on the agreement and the memory of Paul Tsongas,” and all of that. In my view, it’s just not accurate. But that process was a part of the compromise and it’s

still with us, as I say.

RITCHIE: Here's one of the great conservation accomplishments of the 20th century, the largest piece of land ever taken out of development, and yet the conservationists were upset that they didn't get everything that they wanted.

ARENBERG: Oh yeah. It more than doubled the size of the national parks in the United States. It's in excess of a 100 million acres. I think it more than tripled the amount of wildlife refuge in the United States. It's staggering what was involved there, and in incredibly beautiful areas, pristine. It's one of those things that makes my knees a little weak when I think about how close it came to not happening. I'll always be enormously proud of having played a small role in it.

RITCHIE: It's the nature of legislative compromise, that essentially a good compromise disappoints both sides.

ARENBERG: Yeah.

RITCHIE: But then it takes a while for everybody to realize how much they actually got in the process and to get over that they didn't get everything that they wanted and appreciate that they walked away with an enormous package.

ARENBERG: Well, and wind the clock back to that point and turn the Senate into a majoritarian body—I apologize if I've said this already—then go through that Alaska lands scenario. The pro-conservation side, no doubt, would have pushed through a much stronger bill. Through the House, right through the Senate, and Carter would have signed it. Then fast forward to November and maybe it would have happened a year or two later, I'll concede. But then fast forward to November of 1980 and Reagan wins that landslide victory and brings in a new majority in the House. What do you think would have happened at the beginning of the Reagan administration? He had what was viewed as a tremendous mandate. All that legislative success that he had. With James Watt at the helm, they would have gone back to roll back as much of that as they could, maybe repeal it.

RITCHIE: It's hard to imagine it surviving the Reagan administration.

ARENBERG: Certainly not intact. We still had the House. I suppose we would

have had some epic battles over it and so forth, but certainly the Alaska Lands legislation as we know it would have been severely weakened in the wake of that. And what we did pass has been a very stable piece of law for these past 30 plus years.

RITCHIE: In the early '80s there was a group called “the gang of five,” sometimes “the gang of six.” They were liberal Republicans, led by Robert Stafford, who would threaten to vote with the Democrats on environmental issues unless the Reagan administration toned back some of its plans. It just took five senators to be the balance of power at that stage.

ARENBERG: Sure.

RITCHIE: But that was an indication that a simple majority wasn't enough. That really gave them huge clout.

ARENBERG: Yeah. And of course, on the nuclear option battle we had an echo of that in the gang of 14. Although as a Democrat, I thought it was a pretty bad deal for the Democrats. Nonetheless, I was very glad to see the crisis averted. And I thought pretty ingeniously.

RITCHIE: In Tsongas' first two years in the Senate, the Chrysler bailout came up as well. How did he get so involved in that?

ARENBERG: That's sort of another example. He was on the Banking Committee. He was pretty hostile to what was going on with the auto companies at the time. He didn't like the fact that they were fighting conservation measures. He thought that some of the labor agreements that they had come to were inflationary. He didn't start off looking very kindly on the idea of bailing out Chrysler. There was, at some point early on in that—I made some notes to get the dates right—but he made a trip to Detroit to give a speech on another matter. It had nothing to do with this. I don't recall exactly what it was, but I do remember him coming back from Detroit, calling me into his office, and saying, “That city reminds me of Lowell so much.” Again, this was the visceral politician coming up against the reality here. The Chrysler bailout wasn't an abstract issue in the Banking Committee. He'd seen it up close and personal. He said, “Now I'm going to be the swing vote in the Banking Committee.” The Banking Committee was equally divided with [William] Proxmire, as chairman, totally opposed to the bailout, and [Don] Riegle leading the fight for the bailout. Again, this is another one of those Tsongas

shooting from the hip, visceral moments. He said to me, "I'm going to be the swing vote and if I'm going to be the swing vote, I'm going to write this bill."

Yeah, I'm looking around the room like, a Chrysler bailout bill? We had no such expertise on our staff or anything like that. But it's, "Okay, boss." I called the legislative staff together and I said, "Don't completely ignore your responsibilities, but from now on, everybody's staffing the Chrysler bill. We're going to start reading. We're going to divvy stuff up. Everybody's going to work on this bill." We had a congressional fellow named Bob Barbera on our staff on an AAAS fellowship and he was a resource economist or something like that. He didn't know much about the finances of Chrysler or bailing it out, but he was a very smart guy and he was an economist. I seized on that and made him the lead guy. He ultimately went on to be a shooting star. He's been, for a long time now, one of the most respected economists on Wall Street, and has written a book, one of the better explanations of the Wall Street collapse, by the way. So he saw a lot of that coming, in a way.

He was the lead and we got everybody involved and then we went to the Proxmire staff and the Riegle staff and said, "Look, Tsongas is the swing vote. He's going to write a substitute here. It's in your interest to educate us." We told both sides that on the theory that, you know, ping-ponging back and forth between them, we would develop some real sense of reality. That worked pretty well. And then Senator [Richard] Lugar got in. Tsongas approached Senator Lugar who liked the whole idea of the compromise and they put together a compromise.

RITCHIE: He also came from an auto-producing state.

ARENBERG: Right. That's true. It was built around the idea that there would have to be concessions from all sides, which was a strong Tsongas conviction. That the UAW was going to have to make some concessions and the stockholders were going to have to make some concessions. By then [Lee] Iacocca had taken over at Chrysler and he and Tsongas had a real rapport and were able to negotiate some items. They wound up taking a compromise to the floor. The filibuster comes into play here again because the concession, and I'd have to look at my notes to remember the numbers or anything like that, but the concessions that were written into the Tsongas-Lugar substitute were amended on the floor and watered down a bit, which I know it upset Tsongas. But Lowell Weicker, who was another player, immediately got up and said, "This is it. I'm filibustering this bill." Again, it came screeching off the floor. There was another round

of negotiations. They re-forged the compromise and ultimately were able to get it passed. I don't remember the exact numbers, but the federal government made something on the order of \$400 million on the whole bailout in the end. In the most recent round of discussions about bailing out the auto industry again, people were going back to that bill to see, well you know, how do we get this done?

RITCHIE: Senator Proxmire, who was a liberal Democrat, was also a very fiscal conservative in terms of spending federal money.

ARENBERG: Right.

RITCHIE: So his argument, basically, was just that this was beyond the scope of what government should be doing?

ARENBERG: Yeah. It wasn't what the government should be doing. He saw, I guess, as the ultimate "Golden Fleece." [Laughs]

RITCHIE: There was a group of Democrats, Paul Simon and Paul Douglas as well, who argued that they're liberal on social issues, but conservative on fiscal issues.

ARENBERG: Right.

RITCHIE: There was a little of that in Tsongas as well, wasn't there?

ARENBERG: Yeah, he definitely was moving in that direction—more than I personally was happy with. I used to kid him that when he would call himself a neo-liberal, I used to call myself his paleo-liberal. [Laughs] But the only place where we very strongly disagreed with each other was on the line-item veto. He bought into that and became a supporter of the line-item veto, and I always saw it as an abdication of congressional responsibility and authority.

RITCHIE: Senator Byrd would agree with you.

ARENBERG: I agree with that. By the time the line-item veto that passed in the Clinton administration and went to the Supreme Court, I was working for Levin who, along with Moynihan and Byrd—

RITCHIE: Filed the suit, right?

ARENBERG: Initially filed a suit. And then the Court said they didn't have standing. Then they filed an amicus when the decision was finally made. It still seems very odd to me that the Court would argue that three U.S. senators didn't have standing to challenge the constitutionality of the line-item veto. It seems a very odd decision.

RITCHIE: But then they immediately had a state that had standing.

ARENBERG: Yeah, that's right. Of course, the Supreme Court ultimately rules that the line-item veto was unconstitutional.

RITCHIE: In our office, we were happy that the Court overturned it because we keep charts on anything statistical, including vetoes. That chart became impossible to compile. It was "line such-and-such, section such-and-such," for the few months that Clinton exercised it, we had pages and pages of material.

ARENBERG: Well, and what would have been even worse for you was if that Senate-passed version had become law. Because remember, what it did was it solved the problem by chopping the bill into little pieces, each of which would then be sent to the president and he'd have to veto each of them individually. You'd have, on a major piece of legislation, you could have 600 bills go to the White House. It was really crazy. I remember Robert Byrd on the floor. He kept calling them "billetes," "It's going to be divided into little billetes." [Laughs]

RITCHIE: The period that we're talking about, when Tsongas was in the House and then his first two years in the Senate, all took place during the Carter administration. What was his general relationship with the Carter administration?

ARENBERG: He had a very good relationship with Jimmy Carter, actually. I think he liked him personally. I think Carter liked Tsongas. Certainly on Alaska, Carter called it the environmental bill of the century. In fact, he sent me one of the pens that he signed the Alaska Lands bill with, one of my proudest possessions. (I also, by the way, own one of the pens with which LBJ signed the 1964 Civil Rights Act. My father-in-law, Ned Kenworthy, had covered the bill for the *New York Times* and Mike Mansfield gave him a pen—which he later gave to me.) But returning to Carter and Tsongas, during the energy crisis, when Carter then came out with the National Energy Act, Tsongas sort of

famously called it . . . the Carter line was “the moral equivalent of—”

RITCHIE: “Of war.”

ARENBERG: “Of war,” yeah. And Tsongas said that the Carter bill was “the moral equivalent of Strawberry Shortcake.” [Laughs] He felt that it was too little too late and wanted a much more aggressive response. As I said, he was for a one dollar gas tax. He really wanted to take action. So he was critical of Carter on that. And then, of course, by the time you get into the “malaise” period and Kennedy launching the challenge in the primaries, Tsongas clearly was a Kennedy supporter. In fact, our mutual friend that I mentioned earlier, Dennis Kanin, who was Tsongas’ chief of staff, went off and left the staff and managed Kennedy’s campaign in New Hampshire. So certainly by that time, Tsongas’ relationship with Carter was not that close.

RITCHIE: As a person who was taking polls, what was your sense of public opinion at that time? Among historians right now, there’s a controversy as to whether the 1980 election was the culmination of a long drift towards the right or the voters were essentially making up their minds at the last moment and could have gone either way.

ARENBERG: My view of it, and it’s interesting because this is something that Tsongas and I always argued about. He wasn’t happy about it, but he saw that as a conservative wave and a real sea change election. I think it did turn out to be a sea change election. I agree with that. We’re still dealing with the reverberations of that 1980 election. But I don’t think it was all about a conservative wave. I think it was all about Jimmy Carter. The evidence that I would marshal for that is when you take a look at all of those Senate races where all of those progressive Democratic liberal senators that had been around for so long fell like dominoes, Frank Church, and Birch Bayh, and Gaylord Nelson, and all these marvelous senators, from my perspective, every single one of them ran well ahead of Carter in their states. It was a kind of reverse coattails pulling back on them. In my memory, the worst one was Frank Church in Idaho, who lost to Steve Symms by less than a percentage point. I don’t remember what it was, half of one percent or something like that, in a state where I think—I may be exaggerating now through the fog of memory—but I think Carter got something like 25 percent of the vote in Idaho. It was something minuscule. So when you think about the number of people that had to be voting for Ronald Reagan against Carter and for Frank Church for reelection, it’s hard to say that Steve Symms was elected to the Senate by a conservative wave. I don’t think that was the case at all. I don’t think people were thinking about Steve Symms.

It's just that Carter, at that point, with the hostage crisis—I always felt it's the kind of thing that happens in these moments of national crisis often. The first response was to rally around Carter. I used to say that Ted Kennedy, in that race, was tied up, gagged and thrown in the closet. What could he say? He could no longer criticize the president. The president was wrapped in the flag. He was turning off the Christmas tree. And we had the hostage crisis going on. But as it dragged on, Carter began to look more and more ineffectual. Then it really began to drag on Carter and by the time we got to the election, Ronald Reagan was the antithesis of that. He was the cowboy. The man of action. I think it was all about that, not the liberal/conservative spectrum, at the time that he was elected. Now what happened in the wake was you brought in this much more conservative Senate. You brought in a conservative cabinet. You began to build a case and a philosophy. Reagan was a popular president, and so going forward from that, it did become a conservative wave. I think it's a conservative drift that we still haven't recovered from.

I look at that healthcare debate as evidence for that. When you look at what Richard Nixon was proposing and you compare it to what was considered extreme in this debate, which was really—I don't want to get off on the health reform debate—but the most extreme proposal, basically, was a kind of corporate solution. There was nothing very radical about it. Certainly nothing socialist about it. But that's our political context now. I always like to say Tsongas considered himself the first of the neo-liberals. We don't have any liberal Democrats anymore that aren't neo-liberals in the sense that he meant, that is the liberal wing of the Democratic Party now. I'm not trying to give him more stature than he earned. I'm not saying he was the father of it or anything like that. I'm just saying that the political context has drifted to the point where what we think of now as sort of the extreme liberal posture, Ted Kennedy included in his later days, by that 1978 definition they were all neo-liberals. They were all taking a much more pro-business kind of approach to business-labor relations and all those things, financial policy and budget balancing.

RITCHIE: A phenomenon of American politics is that you can change politically just by standing still. Because the political system just shifts around you.

ARENBERG: Right.

RITCHIE: Someone like Senator Bob Bennett of Utah was here considered one

of the more conservative members and Utah defeated him for being too moderate.

ARENBERG: Absolutely. Looking at it from a kind of liberal Democratic perspective, it's mind-boggling to see that almost. It's really opaque. It's hard to understand it.

RITCHIE: At the end of his career, Barry Goldwater was considered to be sort of a moderate Republican because he was being criticized by social conservatives who thought that he wasn't strong enough on social issues that went against his libertarian streak.

ARENBERG: Right.

RITCHIE: Well it's about a quarter 'til four and I don't want to keep you. I know you have a meeting with the senator.

ARENBERG: All right.

RITCHIE: But tomorrow will you be able to come back?

ARENBERG: Oh sure. Start at nine again?

RITCHIE: That would be great. Usually we like to begin processing right away but I think it's better just to do the interviews and get you the transcripts later.

ARENBERG: That's fine.

RITCHIE: It's going to take us a little while to get these transcripts prepared, but you will have a chance to review everything.

ARENBERG: That's no problem. This is delightful. I think you've got the world's best job. This is great.

RITCHIE: Well I've been enjoying it. I was saying to somebody on my staff today that "I've discovered that the absolute best person to interview is somebody who teaches a course on the subject." Because not only can they articulate and explain it, but they also finish their stories.

ARENBERG: I do have the tendency to go off on tangents a bit.

RITCHIE: No, you always come back to the right place in the process.

ARENBERG: Okay, good.

RITCHIE: I think that's a classroom strength in there because you've got to be able to explain it to your audience.

ARENBERG: You've got to wrap it up somehow. It's got to have a point at the end, you know? Even if you have to completely manufacture it. [Laughs]

RITCHIE: But no, this has been great and I've really enjoyed doing this today, and I'm looking forward to it tomorrow.

ARENBERG: Me too.

End of the Second Interview

MASSACHUSETTS, MAINE, AND MICHIGAN

Interview #3

Wednesday Morning, June 9, 2010

RITCHIE: Is there anything that we should have covered yesterday that we didn't?

ARENBERG: No, but I was thinking about a couple of Tsongas stories that I think illustrate his character. There were three particular stories that came to mind from a trip we took to the Middle East in the early '80s. It was right after the Israelis had invaded Lebanon, which he was very critical of, which for awhile created some political problems in the Jewish community back home in Massachusetts. I remember in particular, he sent me up there to meet with a bunch of these groups. I used to kid him that I was his designated Jew on the staff to go up and put the fire out. But really he was a very strong supporter of Israel and it really was out of his concern that that particular military action was, from his perspective, outside of their character and their best interest.

We made a trip to the Middle East, and we were there over New Year's Eve—1982 or 1983, I think. I don't remember precisely what year it was. The first little story is that whenever I traveled with him overseas, we were both runners and he would always arrange with the embassy—or I would arrange on his behalf with the embassy—for somebody who was a runner on the embassy staff to come pick us up at the hotel in the morning and lead us out on a local run somewhere. This particular morning in Cairo, we get up early in the morning and we go out to the street to the appointed meeting place in front of the hotel, and there's an entire platoon of Marines. The entire security Marine contingent at the Cairo Embassy was out there. Now I mentioned earlier, Tsongas had been in the Peace Corps. He was very sensitive about not appearing like the ugly American. The last thing in the world he was going to do is run through the streets of Cairo with an entire platoon of American Marines. I mean, he was proud of the service of our troops, but running through downtown Cairo with a whole contingent of Marines was just a bit much for him. So reluctantly, we sent them away and went off on our own run. But he felt so badly about disappointing them. I mean after all, the chance to run with a U.S. senator and so forth. We called over to the embassy and he decided he would go over and drop in on the Marines' New Year's Eve party that night. So we went over there and they had a pool table in the middle of the room and they were playing pool. He rolled up his sleeves.

One thing about him, he was incredibly competitive. He played shortstop on our Senate softball team. He was probably the only senator that actually played on his own team. It's the one time that I ever saw him dress down, get really angry with a staffer was on the softball field—a poor woman who dropped a popup. [Laughing] So anyway, he's having a competitive good old time playing pool with these guys and it goes on and on. Their wives, the ones that were there, were sitting around, as was I, along the wall. It was getting later and later. At this point, I'm tugging at his shirttails and saying, "These guys want to party. This is New Year's Eve." We've got to get the senator out of the room. But he was having just too good a time. I finally got him out of there. But he just really felt badly about letting these guys down.

We went on from there to Jordan, where he had a meeting with King Hussein scheduled. When we got there the king had been in Moscow and was just scheduled that morning to return to Jordan from Moscow. He did, but the king's mother was, at the time, ill in the hospital and he went there. So Senator Tsongas met with then the Crown Prince Hassan, the king's brother. During that meeting, the crown prince got a call from the king who said, "I really want to meet with Senator Tsongas. Is there any way he can stay in Amman until this evening?" Well, we were scheduled to have this big evening event with Menachem Begin who was then the prime minister of Israel. We had to get back to Jerusalem that night. At least at the time—and I think it's probably still true—the Allenby Bridge, which is the bridge over the Jordan River between Jordan and the West Bank, is closed at night. There's a big electrified fence and all that. Nobody had ever crossed that bridge at night since, I guess, the '67 war. So Tsongas says to the crown prince, "If you can arrange somehow for the bridge to be open for us, we'll stay on later and I'll meet with the king and then I'll rush back to Jerusalem." Of course, on the Jordanian side, he calls in the minister of defense or whatever and bang, within ten minutes they're back and say, "Okay, no problem on our side."

But at the time there were not even any direct telephone communications between Amman and Jerusalem. We had to get on the phone and call our embassy, which connected us to the State Department in Washington, which connected us to our embassy in Tel Aviv, which connected us to the Israelis. It became this big huge bureaucratic nightmare and it couldn't be done and so forth and so on. Finally, after about an hour of negotiation, we finally got agreement that the Israelis would open the bridge for us at, I believe it was eight o'clock, and that we should be there at the gate and everything would be fine.

We went to the meeting with the king. I have the photograph. In classic Tsongas fashion, as everybody's taking pictures of the king and the senator, he gestures to me, "Come on. Get in the picture." [Laughs] And he gives the camera to the U.S. ambassador. So I have a picture, taken by the U.S. ambassador, of the three of us—Senator Tsongas, King Hussein, and me—standing there. Then he has a very interesting meeting with the king and then we go out in front of the palace and we hop into this car with the flashing lights and everything and we go swooping down to the banks of the Jordan. We're kind of on a bluff overlooking the river, and that's it: Nobody else is going any further than that. [Laughs] The U.S. ambassador, the Jordanian officials, nobody. So we walked down and it's just three of us; just myself and the senator and Dennis Kanin, who was his chief of staff. We're shuffling across this bridge, and of course, we're thinking about the fact that we know this has all been arranged, but we don't know what the Israeli soldiers on the other side of the river know. [Laughs]

My memory of it is Dennis and I are both trying to shuffle behind the senator a little bit and not look like we're doing that. But he's got his suit bag over his shoulder and he is looking around at the stars in the sky and he says to us, "Make a mental picture of this moment. You'll never forget this." Then we get to the other side and there's a huge gate., I don't know, 10 feet or something like that. It's an electrified fence. The gate is locked. There's nobody around. What do you do now? We started to make sounds, like "Yoo hoo!" [Laughs] But in a kind of falsetto so that it won't sound like any kind of threatening noise or anything. It had to sound very unthreatening, but get somebody's attention. Finally after what seemed like forever, this one Israeli soldier—I think he was an officer—came out of the bushes on the other side. He came up to the gate and he just looks at us and says, "Yes?" I, being as officious as I possibly could be, I said, "This is United States Senator Paul Tsongas. He's been assured by your government that we would be permitted to cross the bridge." And so forth and so on. Not much expression on the other side. The soldier looks at his watch and he says, "We were told you were coming at eight." And it was like seven. I couldn't help myself at that point. I said, "Well, what's the problem? If you open the gate, do you think there's going to be Jordanian tanks behind us or what?" [Laughs] "We're here now."

And so he disappeared back into the bushes. I guess it required orders from a higher authority to deal with this an hour early. But he finally came back and he opened the gate and led us through these bushes and into a field on the other side. We were just standing there shifting from one foot to another wondering what was going to be next. The soldiers all disappeared into a listening post and left us out there. Finally we saw a deuce

and a half come bouncing across the field, with a driver and one of the liaisons from the embassy who was traveling with us, hanging out the window of the truck waving his arms. So finally we did manage to get back to the cocktail party. Of course, this is all anybody wanted to hear about at the cocktail party. “You crossed what? When?” [Laughs]

Then the third quick story about that trip was we went out to a resettlement camp. At the time, it was a time when the Israelis were assisting Jews from Ethiopia in coming out of Ethiopia into Israel. I think, first kind of clandestinely, they were plucking them out of the desert. Later on, I think the Ethiopian government let them all emigrate to Israel and they did come in significantly large numbers. I don't know if you know about this group. They call them the Falashas, I believe. I think the name means something like “strangers” in the Ethiopian language, Amharic. This is a group of Jewish Ethiopians that I think some people believe that this is the lost tribe of Israel. They were off, isolated in Ethiopia for many, many years. I don't know how many, but they didn't know that the rest of the Jewish world existed. They still carried on such phrases as, “Next year in Jerusalem.” I don't think they were really clear on where Jerusalem was or anything. Interestingly, they still even had kohein, which are the priests. For the rest of Jews around the world, a rabbi is a clergyman, but the word “rabbi” means “teacher.” They are not really priests. Jews haven't had priests since the destruction of the second temple in Jerusalem. Except these Falashas had koheins. Anyway, the Israelis had set up this resettlement camp where they were teaching them Hebrew and helping to train them with skills so that they could go into a modern society like Israel and be able to function and earn a living and integrate into society.

Tsongas was very interested in this, particularly because of his interest in the Horn of Africa and his experience in the Peace Corps in Ethiopia. So we went to this camp and it was pretty late at night when we got there. This group of Falashas, they'd been really whipped up into this state of excitement because the Israelis who were there who the Falashas looked up to as almost godlike, these people who had helped them out of their impoverished conditions in Ethiopia, where they were discriminated against, and now brought them into Israel and were teaching them Hebrew and everything. They thought very highly of this group of Israelis. This group of Israelis were just beside themselves that a U.S. senator was coming to see their camp and so it was almost like the king was coming or something like that. Tsongas entered the room. It was very dramatic. They greeted him and everybody was speaking this kind of rudimentary Hebrew. Then they introduce Tsongas and he stood up and began to speak to them in Amharic, their native language. As I said, he had been in the Peace Corps. Well, you know, it was one of the

most magical moments I've ever experienced in my life. It's very hard to describe it. But it was late at night off in this camp. Here are these people who had suffered through who knows what coming through the desert to get to Israel, who saw this, what they saw as this, very exalted figure coming and suddenly he was speaking to them very matter-of-factly in their native language. It's hard to describe what that was like. I can only say it was dramatic—almost magical.

So then they ran and they get their kohein. Their kohein comes in and he places his hands on Tsongas' head and gives him a blessing. Well Tsongas was so taken by this that he sent me back to the car to go get this silver bowl that we had brought from Washington. You always bring gifts. I guess it was probably really pewter, but it was engraved "U.S. Senate." We had brought it because our next stop was Egypt. It was intended for President Mubarak. But he took this bowl and he presented it to the kohein because he was just so taken with him. I'm in the background thinking, what are we going to give Mubarak? [Laughs] Anyhow, I just thought those were kind of three examples.

RITCHIE: Yesterday I was asking about why Senator Tsongas wanted to move from the House to the Senate, but he had a strong interest in foreign policy.

ARENBERG: Yes.

RITCHIE: Wouldn't the Senate have given him more opportunity to focus on foreign policy issues?

ARENBERG: Yes, I think that's right. When he came to the Senate, he did go onto the Foreign Relations Committee. And it was very important to him. He very quickly became chairman of the Africa subcommittee. And that's right, he did focus—I mean, he always had that interest, but the Senate gave him the freedom to focus a lot more on foreign affairs and he certainly exercised that. He was very active on the boycott of Rhodesia, you know, before the Zimbabwe independence, activities in South Africa; efforts to free Mandela and all that, Tsongas was always very prominent in those issues.

RITCHIE: On the other hand, the funny thing about foreign policy is that it can often create problems back home.

ARENBERG: Yeah.

RITCHIE: I come from New York, where anybody who was going to run for mayor always made a trip to Ireland, Italy, and Israel. Those were the foreign policy issues that they had to be concerned with. They had to be right on those issues and couldn't be independent minded, otherwise they'd offend one group or the other.

ARENBERG: Well, I think that's right, but, consistent with what I've said about him before, he was interested in foreign policy and he did what he believed in. Particularly in terms of foreign policy, I don't think that the back home politics, most of the time, played a very great role. Like any elected official, he had to pay attention to it. I did mention that he got himself into trouble over Lebanon somewhat, but his reaction to that was to go back and earnestly explain himself to the community back home. It wasn't to trim his sails. It wasn't to change his point of view on what he thought was right in terms of foreign policy or in terms of U.S. interests. He was very active on disarmament issues. He was deeply involved in the embargoes against South Africa and then-Rhodesia. He was very active, actually, in the foreign policy arena.

RITCHIE: In 1980, Ronald Reagan won the election and obviously Tsongas was out of step with that administration, but how did that affect his views on Reagan's foreign policies?

ARENBERG: Well, he certainly was critical of Reagan. I think consistently, I think he felt about the Republican administrations that he had encountered, that their foreign policies were too focused on military response and less focused on more diplomatic oriented approaches. I think that was pretty consistent throughout. He certainly had problems and he was critical of Reagan's response in Lebanon. He was critical of Reagan's response in Granada. So there certainly were problems there.

RITCHIE: What I remember most was his opposition to Kenneth Adelman to be the head of the Arms Control Agency.

ARENBERG: Yes.

RITCHIE: What was that about? How would you describe that incident?

ARENBERG: Well, I remember the incident clearly, but I've forgotten a lot of the substance about Adelman except that he'd had a disastrous hearing before the Foreign Relations Committee in which he basically answered all of the questions about arms

control with answers like, “I haven’t thought much about it.” Consistent about the way he felt about the Reagan administration, I think he felt that there wasn’t the kind of commitment to the disarmament negotiations that he thought the negotiators should have or the kind of experience and competence. That was sort of the basic thing, although I don’t remember all of the specifics. What I do remember about it, connecting back to talking about the role of the filibuster and so forth, is that he threatened to filibuster that nomination. There was actually a very prominent story that *People Magazine* did about that. They did a spread of pictures of him and a several page article about this young senator who was threatening this filibuster. They asked him about it in that article and he said, “Well, my legislative director, Rich Arenberg is going to be with me every step of the way. And he better know what he’s doing.” I think he called me something like his “parliamentary counselor-of-war.” So that was one of the early experiences I had with Bob Dove, who was the parliamentarian. I immediately went to Bob and said, “Help!” [Laughs] Because I thought, as a Senate staffer, I did have a pretty good grip on the rules. I’d always been interested in them. But suddenly I’d been outed in *People Magazine* and I felt a considerable amount of pressure from that. The whole country would be watching our little filibuster and I didn’t want to screw it up. Bob calmed me down. In the end, the filibuster didn’t come about, but Tsongas did wind up voting against the nomination as I remember it.

He also, by the way, opposed the nomination of Alexander Haig. I think he and [Paul] Sarbanes, in my memory, were the only two who did. I think it was about Haig specifically and his involvements with the Nixon administration, but I think it reflected the fact that he wasn’t really happy about the direction that Reagan seemed intent on going. Because he opposed Haig, I think he bent over backwards and actually did not vote against [James] Watt when that vote came before the Senate a couple of days or weeks later. He always regretted that vote very profoundly and said so publicly at every opportunity. And in fact, when Watt left his deputy, I think was it Don Hodel, I may have forgotten his first name. In the committee hearing, Tsongas gave him a very hard time. He was very honest about it. He told Hodel, “This is less about you and more about Watt and his policies and so forth, but you know, I voted for him and I regret it and I’m not going to make that same mistake.” And he voted against Hodel—because of his involvement in Watt’s policies at Interior, but mostly because he regretted not having voted against James Watt.

RITCHIE: I remember the Adelman case in particular because it was one of those peculiar situations in which Adelman lost in the committee when they voted.

ARENBERG: Oh yeah.

RITCHIE: Then it got to the floor and he won on the floor. We keep lists on things like that and that was one of those rare occasions.

ARENBERG: That's right. I had forgotten about that. Where it was reported to the floor in disagreement. Yeah.

RITCHIE: At that point Tsongas was threatening to filibuster, but then wound up not. I always wondered if the threat was more to draw attention to the issue rather than an all out attempt to defeat him.

ARENBERG: Oh, I think there's a lot to that. I don't think he thought that he was going to be successful in defeating the nomination with a filibuster. I'm not sure if he would have even—I mean, I think if he could have defeated the nomination he probably would have—but I think really his primary purpose was in drawing attention to it and I think that's why. I think he was satisfied that he did that.

RITCHIE: And part of the issue was that Adelman had no previous experience?

ARENBERG: And that it was a reflection of the Reagan administration not being serious about arms negotiations. It's kind of ironic that Reagan wound up doing what he did. I mean, I think Reagan often surprised us in various ways.

RITCHIE: Almost every senator is interested in both domestic and foreign policy to some degree. Even those who aren't on the Foreign Relations committee always have something to say about whatever international issue that's coming up. Isn't that a major distinction between the Senate and the House, that unless a House member is on the Foreign Affairs Committee, no one cares what they think about foreign policy?

ARENBERG: That's absolutely right, although I think it's probably true that the Foreign Relations Committee in the Senate—I don't want to say this in a disrespectful way, but I recall some years ago it was really viewed as one of the major assignments in the Senate, one of the most sought after assignments in the Senate. The time that Tsongas was named to the Foreign Relations Committee, that was considered a great coup for a freshman senator in his first year to be placed on it. I don't think he was in his first year, I think he did have to wait. Because he was initially on the Energy and Banking committees

and then he moved to Foreign Relations very quickly after that from Banking. Then in later years he regretted that and went back to the Banking Committee, not leaving Foreign Relations. I think he left Energy at some point.

But over the years, for whatever reasons—and I think it has much more to do with the broad relationship between Congress and the presidency in terms of control of foreign relations—I think most historians would agree that the role of the president has become stronger and stronger in that arena. That’s reflected itself in terms of the role that the Foreign Relations Committee plays within the Senate. Obviously it’s still a very important and attractive committee. I don’t mean to disrespect it in any way, but I don’t think it’s up there as one of the absolute most sought after committee assignments in the Senate as it once was. At one time it was viewed as if you thought you were a future presidential candidate, then it was important to be on the Foreign Relations Committee to establish your foreign relations credentials. Probably as a reflection of the fact that individual senators, particularly more junior senators, are out there and more prominent than they were in the past, and more happens on the floor irrespective of what the committee may have done or not done. Senators planning to run for president these days don’t feel they have to be on the Foreign Relations Committee necessarily.

I always thought one of the true tests of peoples’ interests in foreign affairs and so forth are senators who go onto the Intelligence Committee, because it’s a lot more thankless. Much of what you do is in secret. There’s not much payoff for it back home. A lot of it you can’t talk about. The hearings, most of them, are in closed session, no TV cameras, no speeches. It does give you a bit of a credential. People say, “Well, he’s on the Intelligence Committee, he must know something about what’s going on.” But it’s interesting, those senators, aside from the chairman and the vice chairman on the committee, I don’t think there’s much payoff for that. The ones who are active, who really do a lot of work on that committee, I think they have a genuine interest and a genuine commitment to that role. It’s an interesting thing.

RITCHIE: It’s either that or their party leadership has twisted their arm to go onto the committee.

ARENBERG: To go on it. Yeah, that happens sometimes. They can’t quite fill out the committee. And it happens in spades with Ethics, of course. But then, the way that the Intelligence Committee is set up, I think it’s a six-year rotation. That’s the way the select committee was set up in the Senate. The majority leader makes appointments to the

Intelligence Committee directly, and of course the minority leader on the other side. And then there's a six-year rotation. They're supposed to rotate off. Almost invariably, they come back and lobby for additional years on the committee and usually get it. They do eventually rotate off, I think.

When Mitchell was majority leader and I served as his liaison to the Intelligence Committee, that's one of the few things that we disagreed about consistently throughout. I always advocated to him that the Intelligence Committee ought to be made a standing committee. I thought it was a disadvantage to be rotating senators through there because of the nature of the intelligence community and I think I felt like as soon as senators built up enough expertise to really be able to dig into things and figure out what was going on in the intelligence community they were rotating off the committee. I believe it's true that the House has now made their Intelligence Committee a permanent standing committee.

But Mitchell felt strongly, consistent with the original rationale, which was the rotation kept fresh blood going through the committee and that it gave more senators the opportunity to be on the Intelligence Committee. Not to ascribe motivations to him, but of course it's one of the powers the majority leader has is to make those appointments and I guess he didn't want to give any of those away either. I'm not sure.

RITCHIE: Speaking about majority leaders' power to make appointments, what was Senator Tsongas' relationship to Senator Byrd when he came? Did they click and did that help him with things like committee assignments?

ARENBERG: I think he had a good relationship with Robert Byrd. I know he respected him. I don't know that they were tremendously close, but I think he felt that he was fairly dealt with by the majority leader when he went to him with something. I know there was a public picture that appeared published somewhere of Byrd walking into the Capitol Building carrying some papers and a book—and you could clearly see that the book was *The Road From Here*, Tsongas' book. So he loved that picture. I remember him mentioning that several times. I think he had a good relationship with Byrd, but I don't think it was special in any way.

RITCHIE: How about the other senator from Massachusetts? That had to be a tricky situation in that Senator Kennedy had been there for 20 years at this point and was a national figure. How do you be the junior senator to someone like Ted Kennedy?

ARENBERG: Yeah, well it's a very interesting question. The Kennedy operation—not just the senator, but the staff, as everyone knows—was sort of a Senate institution. There wasn't an issue that Ted Kennedy wasn't into. So the first problem, of course, that confronts any junior senator from Massachusetts coming into a situation like that is: Where are you going to carve out your niches? It wasn't particularly a personal problem for Tsongas because of just the way he was personally. As I described to you, he didn't worry a lot about all of these Senate trappings. He liked and respected Ted Kennedy, but he dealt with it really on a kind of fact by fact basis. If he wanted to get into something, he got into something and he wasn't particularly concerned about whether it was Kennedy turf. He just didn't see things in those terms. I described to you his maiden speech—that was very characteristic of their relationship. Kennedy, certainly in his later years, was a man of the Senate. He was one of the Senate lions and he thought about all of those things and he knew about all of the senatorial courtesies and the expectations and the privileges of seniority and all of that. It wasn't that Tsongas disrespected that, it just wasn't the way he was. It just didn't concern him and he had a job and he was going about doing it and he had his interests.

Often that was very challenging on the staff level. We used to joke that the Kennedy staff dealt with the Tsongas staff one level down always. In other words, Kennedy's chief of staff would call the senator and the legislative director would call our chief of staff and the LA's would call me. It was always like we weren't all quite on the same level. But we saw that with some amusement. I've always maintained it's a much more difficult thing, in most instances, for the two senators from a state who are of the same party to deal with each other. Obviously they share the same constituency and it's a natural comparison. It's always a natural question, "How come Senator Kennedy voted for this and you voted against it?" The media is always looking to pit you against each other. Sometimes you're competing for the same sources of funding. There are lots of things that make it difficult. Whereas if you have a senator from the other party in the other seat, then everyone's expectation is you're going to vote differently and you're not going to agree on much. In fact, if you get along pretty well and you're one of those pairs of senators that can say, well, when it comes to "x," Levin and Spencer Abraham, when he was the Republican senator from Michigan and they were able to work together on behalf of Michigan, then that's seen as a plus for both of them back home. In some ways, that's an easier relationship to manage than the other one. Of course, there are many Senate pairs of the same party which are very effective allies, so I wouldn't overstate the case. And there are opposite party pairs, like Stevens and Gravel who I mentioned earlier, who just could not stand each other.

In the Tsongas/Kennedy situation, it really never got to be a serious problem. One of the things we used to do periodically—maybe once a year—we would arrange a summit meeting in which Kennedy and Tsongas and the senior staffs would get together and the two senators would give us a pep talk and say, “Now guys, you’ve got to get along. We got to work together. Let’s put aside whatever problems that have come up over the last year and so forth and get back to work.” It was almost a staged operation, but it made everybody kind of clear the deck so we could all go back to whatever. Whatever sensitivities were built up about this or that issue, we were able to all shake hands and put it aside and so forth. But you’re right, it could be challenging. Back home, I think as you said at one point earlier, the nature of Massachusetts politics, it’s kind of a star system. I always used to joke that in Massachusetts politics, arguing about the Red Sox or politics was really kind of the same thing. You go into a bar and they might be saying something about Carl Yastrzemski or Larry Bird or somebody in Boston sports, and they would be talking about Tip O’Neill or Ted Kennedy or Kevin White or any of these figures in much the same terms. Politics is seen that way. It’s personal. There are winners and losers. There are issues, but the personalities and who they are plays a very big role in the Massachusetts style of politics—going back, at least to people like James Michael Curley, a huge figure in Boston and Massachusetts politics for virtually all of the first half of the 20th century. He was the inspiration for that famous novel, *The Last Hurrah*.

Tsongas had his own persona. It was off in its own kind of sphere and he was seen in one way. That didn’t really clash with Kennedy very much, and I don’t think they got in each other’s way. I don’t really know, but my own intuition is Kennedy would scratch his head sometimes and look at Tsongas and say, “Sometimes I’m not sure what makes this guy tick, he does odd things sometimes.” But I think they respected each other and really appreciated each other. Certainly in those later years that was very definitely true. So they always had a good relationship.

When I moved from the Tsongas staff to the Mitchell staff—now I’m from New England, so these subtleties were not lost on me, but Maine politics were different. Maine, in many ways, has many similarities to Massachusetts, and in fact, much of the electorate, at least in southeastern Maine are people who have moved from Massachusetts, and of course, way back in their colonial history they have a connection. Maine, of course, was originally part of Massachusetts Bay colony. But in terms of the politics on that particular spectrum, the way I just described Massachusetts politics, Maine is about as far away from that as you can get on the spectrum. Maine politics are extremely substantive. Figures gain some prominence in Maine, but it’s not that kind of gladiator-

politician/sports-figure type situation. It's very substantive and when you run for reelection in Maine, the first question is: Why shouldn't we send the senator back? Maine has had this history of senators who have sat in those seats for a very long time and have been very distinguished. They're viewed in that way, which is an interesting thing, particularly in a small state where you have a very small congressional delegation. In states like that, often there isn't as much distinction between the House members and the senators because they have a statewide constituency, or in the case of Maine it's two members.

In Maine there was that kind of elevated sense about what was expected from their U.S. senators, but it was tied to substance. My first real experience with that working for Mitchell was on the [William] Rehnquist nomination to be chief justice. He was already on the court when he was elevated to be chief justice. But Senator Mitchell and Senator Cohen each spent a long time on that issue. They both really struggled with it. They really studied it. They made the decision in the fashion that I described Mitchell before. He weighed all the evidence. He wasn't willing to make a decision until that decision was ripe, which was right before he voted. And he announced that he was going to vote against Rehnquist. Cohen, at roughly the same time, announced that he was going to vote for Rehnquist. The next morning there was an editorial in the *Portland Press Herald*, which is one of the two largest papers in Maine and one of the most significant papers politically, and the editorial praised both senators for the process by which they had come to "the well-reasoned decisions" that they had come to. I read that and I thought, boy, I really am in a different world! I just couldn't imagine that in the political arena of Massachusetts. There would have had to have been blood on the floor and a winner and a loser.

RITCHIE: Do you think the size of the population made the big difference there—that Maine is a relatively small state, with more territory than population?

ARENBERG: I really don't know. I feel as though my history, with respect to Maine, going way back, is probably not strong enough to make that judgement. Part of it is a lot of the state is very rural. It's immigrant history is a little bit different than Massachusetts. It didn't have the dominant urban industrial centers that Massachusetts had, although it did have the shoe industry and lost it. So it had some of those same issues that Massachusetts did. But of course, the timber industry was not a very big factor in Massachusetts. It certainly was in Maine. And the potato farmers. Northern Maine, in particular, is what in Maine they refer to as "the other Maine." I mentioned the politics of southeastern Maine, I think that's pulled Maine politics more in the direction of

Massachusetts politics in more recent history.

When most people who haven't spent much time in Maine think of Maine, they think of that tiny southeastern corner. They think of lobsters and fishermen and the quaint seacoast and all of that. Of course, Maine, by East Coast standards, is a very large state. When I traveled up there when I was Mitchell's chief of staff, I used to be fond of telling people down here that you realize when you drive from Washington to Madawaska, which is way up on the St. John River up in the bell of Maine, way up at the top, when you get to the New Hampshire border, you're roughly half way. When you're used to the smaller southern New England states, that's a little mind boggling. People don't really think about how large Aroostook County is up there.

RITCHIE: We were talking about the relationship between Senator Tsongas and Senator Kennedy and how quite often if you're from an opposite party you have a better chance of having a good relationship than if you're from the same party. One of the areas of friction has been nominations: Who gets to make them and then who gets to take credit for them when the president makes them? Was that ever a particular issue for Tsongas? Was he particularly concerned about judicial nominations and things like that?

ARENBERG: I don't really recall it ever arising as a very large issue. I can't remember any specific friction between Kennedy and him on that particular issue. He was, he was never very much tied up in the power to make judicial suggestions to the president, although certainly he did. But again, it was one of those trappings of being a senator that he wasn't all that concerned with.

RITCHIE: Especially because Ted Kennedy was a big player on the Judiciary Committee.

ARENBERG: Right. That's true.

RITCHIE: But even the timing of press releases can sometimes create friction between two senators—who takes credit for what.

ARENBERG: Right, absolutely. We had worked out a kind of protocol for that. Well, with all the senators I've worked for, eventually you developed a working relationship with the other senator—sometimes more satisfactory than others. When I first went to work for Mitchell, there was some tension between the Mitchell and Cohen's

staffs. Because of course, Senator Mitchell was appointed to the Senate and when he ran for reelection the first time, which was before I came to his staff, Senator Cohen's two most senior staffers left his staff and went up to help try to save the [David] Emery campaign in Maine, the candidate who was running against Mitchell. At least for awhile after that, it was felt by Mitchell's staff that the Cohen folks had gone a step too far and so there were some bruised feelings about that that didn't so much reflect themselves in the relationship between the senators, but certainly did within that staffs. I felt as though one of the first things I had to do coming in as a new chief of staff was have a staff meeting and say, "Look, Senator Mitchell never has to run against Senator Cohen. The most important relationship between his staff and ours is that we can get things done jointly for Maine. We have to keep that in mind." And I think we did work on improving that relationship and that relationship did strengthen some. I was always kind of proud of helping to repair the relationship between Senators Mitchell and Cohen. Later I worked with both senators on their book.

These things, even when they are primarily at the staff level, have a way of reflecting themselves in the relationship between senators almost more often than the other way around. Obviously it can work the other way around. If senators don't like each other, then that reverberates through their staffs. I think that's almost unavoidable. But I often think sometimes, in some Senate pairs, that there are problems that really have their roots in the difficulties that staffs have in working with each other. I don't want to make this too strong a point, I just think in terms of shadings. If a senator hears his staff complaining to him all the time about his colleague taking credit where he or she shouldn't have or so forth, that has a way of slightly coloring their relationship. It's almost unavoidable.

RITCHIE: What was your position on Tsongas' staff?

ARENBERG: I was his legislative director and then for a period of time I was the chief of staff. I mentioned his chief of staff had gone off to run Kennedy's campaign in the New Hampshire primary. So I stepped in and became chief of staff. But as I mentioned, the three of us were very close and our understanding was always if Kennedy's race didn't work out, Dennis was going to come back. If it did work out and he moved into the White House or something like that, well then I would stay permanently in that position. So I think of myself as having been his legislative director.

RITCHIE: How would you describe those two positions in an office like that?

What sort of were the day to day types of things that you would do as a legislative director?

ARENBERG: Okay, well certainly the principal thing is to manage the legislative operation. In Tsongas' office we probably had five or six legislative assistants, three or four legislative correspondents. Although I didn't directly oversee the press secretary, the press operation and the legislative operation have to have a close integration. I was his principal advisor on legislative issues. His chief of staff and I were very close and we also collaborated politically and so we were, together, his principal political advisors. Certainly Dennis first and me second in that regard, but we did a lot in tandem. So I think of Senate staffs, in terms of hierarchy, on a continuum from very hierarchical staffs that have a very clear chain of command. I joke that there are some members of the Senate who couldn't pick some of their junior staffers out of a police lineup if they were forced to. Because of the way the paper flow works and they deal largely with their senior staff and it's a very hierarchical structure. At the other end of the spectrum is what I describe as the collegial structure where there's a lot of access to the senator—direct access—at various levels on the staff. The Tsongas structure was very much on that collegial end of the line. The senator was very approachable by all members of the staff at whatever station and he sought their opinion. I described to you his, on occasion, calling the interns into the office and asking them what they think. So there was not a very rigid structure in terms of paper flow and all of that. That kind of more open access, in turn, generally means a different kind of interaction among staffers—more collaboration and less combat—because each staffer doesn't need to protect their “turf” in order to assure “face time” with the senator.

But my management style as a legislative director (and I think this carried through all the way) was I felt that a good legislative director empowers the LA's to be more effective in the jobs that they need to do. Rather than trying to take control of issues as they began to come to a head, I saw my role as being a sounding board for the LA's that I was supervising. When they were on the early stages of the learning curve and building a relationship with the senator, that was even more important than it was later on. But I'm proud of the legislative staffs that I served with. All three of them over all of those years had good reputations in the Senate. Foremost, it always reflects the boss. I'm not just saying that as a loyal staffer, but I've always said one of the unique things about working as a staffer in Congress is that your boss and your product are the same thing. It's inseparable. If you're doing a good job as a staff, if you're well respected, then it has to reflect well on the senator that hired you. It's virtually impossible to earn that reputation if you have a senator who's not very effective in his own regard. That's a big part of the

reputation that you earn. So a big chunk of the credit goes there. But being responsible for those legislative operations, I always felt proud that they had very good reputations in the Senate.

Those were the principal elements to the role. With Senator Levin later on, I was formally his deputy chief of staff as well, but that was really informally. That's the way the structure in the Tsongas staff operated as well. I always say that it's never quite exactly the same again as it is with the senator that you come to Washington with. We had cut our teeth together. We had come through those early wars together. Tsongas, because of the personality that he had, I don't think it's saying too much to say, he really saw us as three kind of compatriots—he, Dennis, and I—and his role in that operation was to be the senator. So he was always very personal in the relationship. When my first son was born, he was right there. Before I bought my first house, he came to walk through it and check the basement for leaks and all of that sort of thing. So that's the kind of relationship we had.

RITCHIE: You mentioned your family. The hours that are required on Capitol Hill are notorious.

ARENBERG: Yeah.

RITCHIE: How was it balancing a personal life with your professional life?

ARENBERG: Well, I think it's a difficult thing. My first wife's father had covered the Hill for the *New York Times* for many years.

RITCHIE: That was Ned Kenworthy.

ARENBERG: Ned Kenworthy, that's right. So it was a familiar drill for her. But we had three kids, Josh, Meg, and Ned, and there certainly were those times where there were places—it was always as they were growing up, "I'll be there when I get there." "I'll be there if I can." I benefitted greatly from the fact, as I described before, particularly with Tsongas, that he had young kids. He had three young daughters, Ashley, Katina, and Molly, and he understood that and he wanted to be there and it was a value for him. Anytime he could get away early, he did that. He never bought the Washington advice that senators had to be out working the "circuit" at night. He didn't expect any less of us. So I was fortunate in that I had a boss who was very compassionate about that—and actually

wanted us to get home to our kids.

Nonetheless, the Senate being what it was, particularly in those years, when Byrd was majority leader, I think Senator Byrd saw using those late night sessions as a tool. He's been clear about that recently. He saw that as a tool, as a way of controlling the Senate. At least in my perception, I've never gone back and actually quantified it, but it certainly seemed to me that we ran those late hours a lot more often than in the contemporary Senate. And there was a little less advanced warning. It was a little like, "Okay, you don't want to come to a vote on this amendment? Well, roll out the cots. Here we go!" And off we were. It got to a point where we used to refer to the "vampire Senate" because it only worked at night. Frankly, during the race when Mitchell was running for majority leader, that was a very big issue. Making the Senate more "family friendly," was the phrase. It had become an issue among particularly the younger senators because it was so difficult to run a family life. I think that was a difficult thing when my kids were young. I was later divorced, but I certainly don't blame my divorce on that.

Then when I was remarried, I married Linda Baron, my high school sweetheart. We were married in the Capitol, which was one of the really lovely things about the kind of person that Carl Levin is. When I got married 13 years ago, we were married in his what we call "hideaway offices." He has one of those offices which has a big bow window that looks straight out right on the line down the National Mall to the Washington Monument and the Lincoln Memorial. We were married in front of that window facing out at that beautiful iconic view the the president has at the inaugural and it really was a great occasion. Carl Levin and his wife Barbara played the host to that event, and Carl signed my Ketubah, which is the Jewish marriage contract. We had a great event with some classical Levin moments in it as well. Getting to that hideaway with a large group of celebrants was quite an operation. We had set it up so that guests would come in and come up to his office in the Russell Building initially, which they did. Since this was pre-9/11, although we had to arrange it with Senate Security and the Capitol Police and everything, it wasn't quite as much of a task as it probably would be these days. People were able to park reasonably close to the grounds and everything.

We gathered in his office and led a procession through the labyrinth of tunnels all the way to the hideaway. One of the comical things about that was that George Tenet, who was at that time the DCI, the Director of Central Intelligence, is a good friend of mine. He was a guest at the wedding. I hadn't thought about the particularized security that he had, which is second, I think, only to the president. Knowing the CIA Protective Service, I

don't think they even view themselves as second to the Secret Service. They would contest that. But, so there was that whole thing. I later learned from some relatives who were in the back of this group being led through the tunnel that they didn't know what it was all about but there was some guy back there talking into his sleeve saying, "We don't know where we're going. We're following some lady in a wheelchair through the tunnels." [Laughing] This was my mother-in-law, who having had a stroke, was in a wheelchair, and I was leading the group pushing the wheelchair.

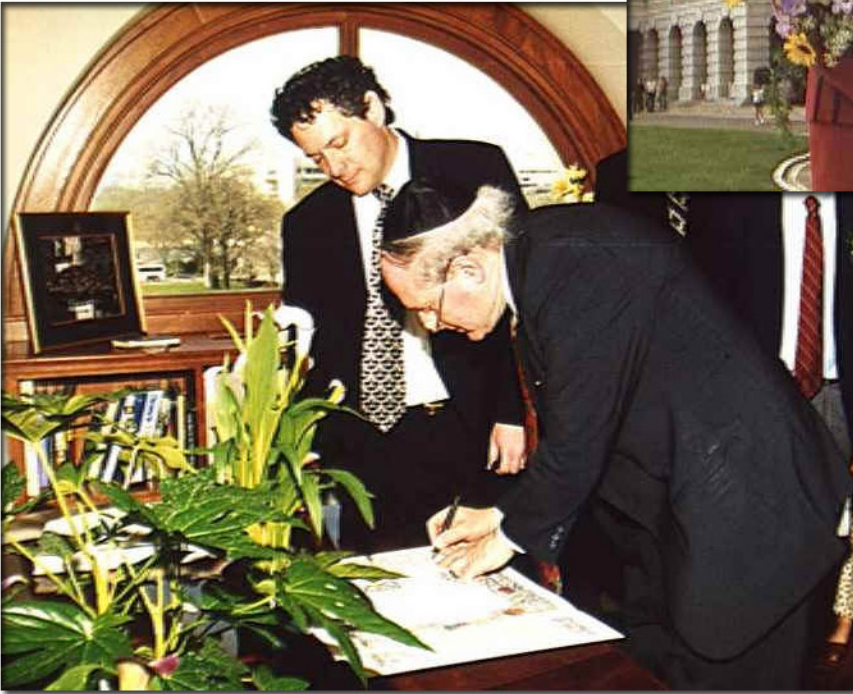
But coming back to the Levin story, we had thought this through and planned it all the way up to the point of, "I do." And we did and the wedding ended and it was a beautiful thing. We turned around and the guests were all kind of crammed into the room standing up and everything. And Senator Levin says to me, "What now?" My face fell. I hadn't thought about any kind of what now. This was, in some ways, the craziest wedding. The reception was out at a boat marina on the Chesapeake out closer to where we lived and so we had another procession through the streets that we had to lead. But at this point here we are still in the hideaway. So I said to Senator Levin, "Well, I guess people will find their way back to their cars." He said, "there's no 'finding your way.'" [Laughing] We had the photographer there and we had to go out, so Senator Levin led the group out of the Capitol while we went with the photographer out in front to take wedding pictures under the dome. We're out there doing that and suddenly I turn around and I see driving across the plaza is Senator Levin driving his car with my mother-in-law and father-in-law in the back seat. They're all waving out the window as he's driving them to their car. [Laughs] But boy I'll tell you, that's the kind of person he is.

RITCHIE: That's the Senate family at work.

ARENBERG: Absolutely. We always refer to the Levin family, and that's not just figurative. That's really true.

RITCHIE: Of course, in some cases, there's tension between the senator's family and the staff because the staff becomes the daytime family, essentially, for the senator and that creates some competition.

ARENBERG: Not true in the Levin family case. Barbara, his wife, is delightful and a great person. And his brother Sandy, who's now the chairman of the Ways and Means Committee in the House, is Carl's closest friend. They are each other's principal political advisor. When that stuff hits the fan, the first phone call goes to the brother.



They're incredibly close. They play squash, if they can't every day, as often as they can, they play squash together. It's really a lovely family and it extends through the staff in a very nice way.

The very first thing that I ever did for Carl—even before I was his staffer, still working for Mitchell, but after Levin had hired me—one of his daughters approached me because I had open access to the Senate floor as a member of the leadership staff—to arrange for senators to come off the floor and participate in a room off the floor in making a video for Carl's birthday. I don't recall all the senators, but I remember asking Senators Jay Rockefeller and David Pryor, Mark Pryor's dad. It was easy because everyone loves Levin.

RITCHIE: I wanted to go back to one other thing. You mentioned before that when Tsongas was going to have that filibuster, he said that you were his principal parliamentary advisor. Is that part of a legislative director's job, to know how to get things through on the floor? To remind the senator of the nitty-gritty legislative procedures?

ARENBERG: Yeah, it's a little bit of all of that. I always felt I had a pretty good command of the rules and strategy. But, you've got a lot of resources in the Senate. I can remember when Tsongas first invited me to come to Washington with him. As I described to you, I had already been thinking about looking for a staff job on the Hill. But when it was actually in hand, and I remember sort of that last night in Massachusetts laying awake, staring at the ceiling and thinking, oh my God, you know, I don't know anything about anything! [Laughs] How am I going to go to Washington and take on this job? It just suddenly seemed so intimidating. And then I got here and I began to realize the tremendous resources that any congressman, let alone senator, has at hand—in the Library of Congress, the Congressional Research Service. In the case of senators, the incredible skills of the Senate Library, the Parliamentarian's Office, the Legislative Counsel, the professional drafting that they do. It's amazing what the resources are. Now when you add on top of that the resources that everyone has given the Internet, it's only served to multiply all of that. The problem isn't finding information, it's synthesizing it and it's in dealing with it in little five-minute bites.

The only way I can describe life on the Hill is that I always admired the academic life and I guess that's what got me where I am now is that tremendous luxury to sit for a couple of hours and study a document and think about an issue or to write something, when for all those years I always felt like every task was done in little five-minute bites.

The phone was ringing. You were paying attention to something on the Senate floor. You had a constituent meeting. LA's were coming in looking for advice on things. You had memos to read. Suddenly the senator's back and he's calling you into his office and that trumps everything and so you're running off to that. I always thought of it in terms of the medical principal of triage. You deal with the biggest bleeder first. I always thought about it that way. You have to have the kind of personality where you're not totally defeated by the fact that there's more on your plate than you can ever possibly deal with. You have to just be able to deal with the fact that you deal with the bleeders first and you work your way down that triage to the next most important thing and you keep going.

I don't want this to sound immodest, but just in terms of describing the job, I always felt one of my greatest strengths was just being able to stay on an even keel. It was that I was usually the least excited person in the room. I could play that role with the staff that I supervised, "Okay, let's settle down. This is a crisis, but we can get through this. We've dealt with worse than this." As I built up experience over the years, if there are two things that helped me most, it was that ability to kind of slow things and settle down. It wasn't anything I hadn't seen before and we could deal with it and the sky wasn't falling in and we were going to live to see another day and all that sort of stuff. The second thing was where you started with this question, I think the experience helped a lot with the Senate ropes. The resources were always there, but knowing where to make that contact, who to reach out to, how to synthesize it, what was the most efficient way to do that. Being able to get the right person on the phone quickly because not only did you know who they were, but they'd dealt with you before. They knew who you were. All of those sorts of things were very helpful to me.

Just what you knew about the Senate was in many ways probably, in terms of the senator, probably the most—it sounds odd—but the most valuable thing was really my ability to say, "Well, I don't think the Senate will be in on that day." "We could have a 5:30 vote on that." That sort of thing. Just being able to read the rhythms of the Senate and to know what might happen next. Are we going to come to a vote on this? How late are we going to go tonight? Often it would be Senator Levin's wife, Barbara, calling me and saying, "Any chance he's going to be home for dinner? What's the prognosis?" Or the scheduler in Michigan saying, "Any chance he can do a Monday morning breakfast?" That sort of thing, some months in advance. The Senate is a very unpredictable place and very often there aren't any absolute answers, but over time with layers of experience, I'd developed the reputation as the "go-to" person on the staff who probably had the best guess about that, the most educated guess. Life in the Senate is so unpredictable in terms

of just daily life. Just in terms of knowing what to expect. What are the parameters of your day going to be? That's a very valuable skill. It has tactical applications legislatively too, of course.

It was important to me, too, because I work out every single day. It's not that I'm such a tremendously physically fit person, but I was a runner. Now I have some arthritis in my knees and I can't run. I ran some marathons in the old days, but I can't do those kind of distances much anymore. So I get into the gym every day. In the Senate, that was a tremendous challenge. In my job, I don't eat lunch. So that was a plus. I never had to take a lunch hour. But I was always looking for that moveable window of about an hour in the day when I could sneak off to the gym and get my workout in. So those skills came into play very much there because I had to be around. One of the roles for an LD is, at least in the offices I worked in, when issues came to the floor, I became the principal person on that. I advised the senator on votes. Like the senators themselves, I could never miss a roll-call vote. So the most important thing you have to know around here is: When's the next roll-call vote? Whether it's after the next recess or possibly within the hour or whatever. That's a very important piece of intelligence. And so I paid a lot of attention to that, too. And one of the things I could do for him is, again, there. The intelligence can be important just in terms of, you know, what's he going to do with his next 15 minutes or 20 minutes? Does he have time to go into this meeting? Is he going to be pulled out of that meeting? Or should we reschedule it, you know, just off the floor? You know, all of those kind of things were a part of my responsibility.

RITCHIE: How closely would you work with the Democratic secretary on figuring that out?

ARENBERG: Very closely. I knew Abby [Saffold] well. I was very close to Marty [Paone] when he was the Democratic secretary. In fact, we're having lunch later today. And close to Lula [Davis] in more recent years. And only very reluctantly after I retired from the Senate did I stop calling her on the floor to ask questions. [Laughs] I said, "Oh, you know, you really don't have to take my call anymore." But I tried to be respectful of the fact that there are always so many people coming to them looking for information and advice. But we had a very close relationship over the years. I always started my week with a call to Lula and I'd get some useful intelligence from her about what the week looked like. And we'd chew the fat and, you know, swap predictions and all that sort of thing. But they were always very helpful to me.

RITCHIE: When you came first, under Tsongas, it was before television.

ARENBERG: Right.

RITCHIE: And then afterwards C-SPAN was on in the background. But how different was life before C-SPAN?

ARENBERG: Well, one skill I have, and people like me had prior to TV, is I knew all 100 voices. You couldn't function very well without doing that. There was just a "squawk box" on my desk with an audio feed from the floor. Because if you didn't hear the presiding officer recognize "the senator from Iowa," and you didn't know the voice, then you weren't going to know—there was no way to follow what was going on on the floor. You didn't know who was saying what to whom. So that's the very first thing that was different, was I knew every senator by voice. And I think, in many ways, it was very similar even when it was on TV, where you develop a listening ability where it isn't even about the words, it's about the rhythms. You develop a sense—it's almost like animal trainers. The Senate becomes an organism to you and you can sense its tones and its moods. Suddenly I would realize that I had to pay close attention.

The voice of the majority leader was one of those things that caught your attention. When the majority leader took the floor, you might very likely be about to get a very important piece of information about what was about to happen or what was going on or so forth. So certainly his voice was one of those clues. But often it was just a question of tone. Was it just another senator droning on with a drafted speech that you didn't have to pay a whole lot of attention to or was the debate coming to a point? Was it quickening or were we about to have a roll call? Was something coming to a head? Was something very real happening on the floor? Suddenly, were two senators engaged in a real live colloquy where they were exchanging barbs or, you know, something was going on. So that was a very important thing. Then in later years, of course, the direct C-SPAN link was sitting there on my desk and one eye was on the floor, to the point now where, my wife thinks it's hysterical, but there's a TV on my desk in my office at home and I watch C-SPAN constantly. Because, after all those years, I just find it hard to be productive without the Senate droning on in the background.

RITCHIE: White noise, right?

ARENBERG: It's the white noise of my professional life. That's exactly right. And so I'm right there. In fact, I had lunch with the Levin staff yesterday and I said, "I just want you all to know that I spend more time watching the Senate floor than anybody else in this room." His chief of staff said, "Yeah, I get these midnight calls from him in which he says, 'That was a good speech Levin just made on the floor. I'm amazed he just said chutzpa in that speech. Did the speech writer write it or was it his own word?'" You know, that sort of thing. Old habits die hard.

RITCHIE: There is something that's very peaceful about hearing the reading clerk standing out and calling a quorum call. That long slow procession . . . "Mr. Levin, Mr.—."

ARENBERG: Oh yeah, right.

RITCHIE: Nothing is happening, but there's always something going on in the background.

ARENBERG: Right. And then when that quorum call speeds up suddenly, you say, "Okay, things are happening. Something's happening. The quorum call just went live." That's one of the fascinating things to me. I'm sort of the amateur Senate historian's office in that I keep all of these databases. Like, for example, all of the motions to instruct that have taken place going back for many years, I found that a kind of fascinating tool. And the different forms that it's taken: the motion to instruct; the motion to request. There's kind of gradation up to the motion to arrest absent senators. And of course, we had one of those also. But I kept this database in terms of what the vote was and who were the senators that voted against that. It always seemed an odd thing to vote against the motion to instruct the sergeant at arms to request the presence of absent senators, a responsibility they are sworn to uphold—the Constitution requires that they uphold. I always thought that was a kind of odd thing to vote against. In fact, in recent years, reflecting the gross partisan polarization that the Senate has come to, there was actually one instance in which the motion to instruct was defeated! [Laughs] In fact, I sent an email to your predecessor at the time and said, "I think we've just observed a first in Senate history." He thought that was probably right.

So I kind of collected things. There was also, as I recall it, in that very same week, there was actually a time in which the Senate actually vitiated a roll-call vote that had taken place. Without looking it up, I would butcher exactly what the circumstance was,

but I think the minority leader had forced the majority to a roll call, one of these roll calls that was kind of on a politically embarrassing thing that was being made—had to do, I think with the Senate advising President [George W.] Bush not to pardon Scooter Libby. The gloves were off. I always describe battles in the Senate to my students in this way: If you're a fan of hockey, you know that when there's about to be a fight, the gloves go flying straight up in the air. They throw the gloves up in the air, because particularly when you're on hockey skates, there's not much point to punching someone with your gloves on. If there's going to be a fight, you gotta get rid of the gloves and they throw them up in the air. In my mind's eye, I always saw the Senate that way. Everything is very collegial and everything goes along smoothly and easily. And then all of the sudden, something happens and those gloves go flying up. And that's the circumstance under which you better know the Senate rules, because the gloves are off, the courtesies are off and then it becomes a question of: what can you do under the rules? What can you prevent? It's really a question of hardball at that point, to mix my metaphors.

Well this was one of those hardball moments and they forced the majority into a roll-call vote on an embarrassing thing. The minority then came back with a more embarrassing amendment—involving Bill Clinton's pardons at the end of his term in office—in retaliation. I apologize that I can't remember exactly what they were. And if you'd like, over one of our recesses, I'll look it up and try to come back with it. But that led to a quorum call and it all got put into the back rooms, as the Senate does. They negotiated something out. They agreed to stand down and that second roll-call vote didn't take place. Then the majority leader moved to vitiate the roll-call vote that had taken place on that first embarrassing issue, and the Senate did it. It was expunged from the *Record* and away it went. I don't know whether that's true or not, but I again hypothesized to your predecessor as Senate Historian that this was probably the only time in Senate history that had ever occurred. My memory is those two things happened in the same week, so we're in a global warming period for Senate firsts, I think.

RITCHIE: Did you spend much time on the floor when you were on the staff?

ARENBERG: I episodically did. When I worked for Mitchell, I spent a lot of time on the floor and of course, as leadership staff, I had open access to the floor on and off and didn't have to wear the special tags or anything like that. As legislative director in both the Tsongas and Levin staff, and particularly in the way that I operate that position—some LD's do spend more time on the floor—I felt nailed to my desk many times. I felt that it was my responsibility to be there where the senator could reach me and that, legislatively,

that my principal responsibility was to operate through the legislative assistants and empower their ability to do things. There certainly were occasions when I went to the floor because I felt I could gain the attention of a committee staffer or someone in a fashion that another LA would have more difficulty with, but most often not. Most often, I would send an LA to the floor. But there were times, you know, again it's those historical moments. When the Senate held its debate about the expulsion of Senator Harrison Williams from the Senate, I was fascinated by that historically. It was testimony to sort of how Tsongas viewed things and our relationship that he indulged that and he just said, "Well, go to the floor." I spent those several days—at that time the staff chairs that were lined up, there was a kind of big black leather chair in the very corner of the Senate. I sat there through that whole episode and just took it in as a historical moment. It was a great indulgence. I'm not sure that I was serving Tsongas' purposes in any particular way than except that he recognized my interest in the Senate's history and indulged that and, I think, was interested in hearing about it, too. There was that.

RITCHIE: Did the Harrison Williams case give you any insights into the Senate as an institution?

ARENBERG: Certainly I think it was a very traumatic thing for all senators. I think it was a very difficult thing and most of them sat there on the floor through that whole thing, which as you know, is very rare for 100 senators to be out there on the floor. They did for the presidential impeachment, but it's hard to remember very many other occasions when that took place, aside from some very dramatic roll calls. But I think many senators stood and made some very heartfelt speeches on both sides of the issue. I think people who intended to vote to expel him with heavy hearts. He was a very well-liked senator. And those who very loyally defended him. I remember Senator Inouye leading his defense in an act of, I think, of great personal loyalty.

RITCHIE: I'll always remember I was standing in the Russell Building and Senator Stennis came to get on the senator's elevator. He turned to me without any introduction and said, "When I was a judge, I threw out every case of entrapment that came before me." Then he got on the elevator and he went away.

ARENBERG: Oh, yeah.

RITCHIE: It was obvious he felt so intense about that.

ARENBERG: Yeah, it really was a horrible circumstance for the Senate. Very revealing. I fear that something like that in today's political environment might be very different. It would get seized on in a very different way. We certainly see it when there are these ethical lapses that come up and a senator's own party turns on him instantaneously these days. That certainly didn't use to be the expectation. The first impulse of the Senate was always to circle wagons. Then let's let it play out. Let's have the Ethics Committee do its bit and everything and then we'll see. The politics about all of that has changed dramatically. It reflects our political culture of course.

RITCHIE: Well, you came in when Senator Tsongas was elected in 1978. It was in '83 that he became ill. Can you tell me a little bit about when he discovered that he was ill and how he began to make his decisions at that point?

ARENBERG: Right, right. It was a tremendous shock. I remember the day that he called the staff in and he said—and he did it almost immediately when he learned—he called us in and he sat down and he said, “I've learned that I have cancer. I've made the decision that I intend to leave the Senate.” He was very intent. He did not want to be perceived as leaving the Senate because he had cancer. He believed very strongly that learning that he had cancer had reordered his values again and that he was leaving the Senate because there was now an urgency about spending time with his family and doing those things and making sure that he had set them up financially. And his wife Niki went back to law school and that all of these things happened and that that was the linkage. It wasn't, “Oh my, I'm sick. So I'm going to leave.”

But he told us that. Of course, it was a really kind of emotional thing. I've described him. He was a very personal and direct person. I wouldn't describe him as a warm person. I think people have seen his persona enough to recognize that. He was more of a cool TV personality, I guess, is how they describe it these days. But there was a little bit of kind of distance to him. It grew out of a—it's an interesting thing, like more politicians than people realize are very shy people, and he certainly was that. If you took him out of a political circumstance where the script kind of helped with the fact that now you work the room and you shake hands and you say hello to people and everything. If you took him out of that circumstance—for example, if my father would come to visit me in the office and I'd take him into the senator's office, he became sort of, “Aw shucks, gee wiz.” [Laughs] Looking down at his shoes. Just very shy about the fact that this was my dad.

But going back to that day. It's hard for me to think of it, almost, without getting emotional about it again. After he'd done that staff meeting, he asked me if I'd drive him home. He lived in Northwest Washington. I drove through the streets of Washington feeling—we made some small talk a bit, but there was a lot of silence. I was just really trying to hold it together. I didn't know too much, really, what to say to him. He'd said, really, what he had to say to the staff. But the reason I described him as cool was that this was not a demonstrative person. This was not somebody you waited for slaps on the back and hugs from and all of that. This was the kind of person where you knew he respected and appreciated you from the way he treated you and you took all that for granted and you just knew it. But the relationship was kind of cool. We pulled up in front of his house and he just leaned across the car, put his arm around my shoulder and said, "Thanks for everything." I still choke up a little when I think of that moment. He got out of the car and went into the house. I drove the car around the corner and then just stopped and just sat there and cried.

Of course, he went on to be a presidential candidate and all of that. In many ways, he recovered and I went on with my career and my life, but I had more difficulty shaking the sense of tragedy about that than I think he did. He wrote a book about all of that called *Heading Home*, I think it's called.⁷ Wonderful. If you haven't read it, read it. It's a wonderful autobiography. I always thought that the real trick to autobiography, doing it well, is having the capacity to be really honest, to say what you were thinking at the time, even if it's embarrassing. The overwhelming instinct writing things autobiographical is naturally to clean them up and make yourself sound good in your own narrative. But I've already spoken a lot about his candor. So he was a natural at autobiography for that reason. He says all the stupid things he was thinking and everything. But the thing that stays with me, the reason I'm bringing that up is that he described the role his wife Niki played and how she just was the drill sergeant. She had the capacity to say to him, "Paul, stop feeling sorry for yourself. We've got a lot of work to do here. Let's get on with it." It's great to have somebody like that in your corner. He valued it greatly and she played a tremendous role in doing that. She's a great person in her own right. A terrific Congressperson.

That's my greatest moment about that period in time. Then when he did get closer to leaving, he called the staff into his office—he had the typical Senate office with all the memorabilia hanging on the walls—and he said, "I want each one of you to pick whatever

⁷Paul Tsongas, *Heading Home* (New York: Random House, 1986).

thing on this wall means the most to you and take it off the wall and take it home.”

RITCHIE: What did you take?

ARENBERG: I hung back and I tried to let a lot of the more junior staff go first. One thing I appreciated was that he had a—I mentioned earlier he was one of the few senators to oppose the Haig nomination in the Reagan administration. That had actually appeared in a Doonesbury cartoon. [Gary] Trudeau had signed the cartoon and sent it to him. So I took that and I have that on my wall. But he gave me some statues that he'd brought from Zimbabwe and some other things. As I may have mentioned to you, I have the world's largest Tsongas archives, I think, including what's in the official archives at the University of Massachusetts at Lowell. I've tried to help them with some things, too.

RITCHIE: After he left and he went into therapy and remission, were you surprised when he came back into politics?

ARENBERG: Yes. I mean, he couldn't help himself. He went off and he had bought a house on Cape Cod and he spent time there, and he got involved in Cape Cod conservation issues. Massachusetts has, I think it's an educational commission that advises the governor and he became the head of that and got into educational issues. So there was never an idle Tsongas moment, even when he was suffering through the more difficult aspects of a bone marrow transplant and the various things he was going through. Chemotherapy and that sort of thing. But he always soldiered on.

I'll tell, again, a funny personal story about his making the decision to run for president. It was a total surprise to me. He would come to Washington from time to time. He had joined a Boston law firm, Foley Hoag. Dennis Kanin, who had been our chief of staff, was one of his partners there. When they would come to Washington to see a client or something, he would call and we'd frequently have lunch. At this point I was working for Mitchell. Mitchell was already majority leader at that time and I was doing the liaison with the Senate Intelligence Committee. The chief of staff of the committee at that time was George Tenet, who I've mentioned before, who went on to be the DCI and went into the Clinton administration and then stayed on into the Bush administration there. But at that time Boren was the chairman of the Senate Intelligence Committee. Boren and Tsongas, unlikely political bedfellows, were friends. Tenet was the chief of staff. He greatly admired Tsongas. George is a Greek American, as is Tsongas, and he had never met him. He had been a staffer to Senator [John] Heinz from Pennsylvania, the

Republican senator. He'd been a staff member for Heinz on the Energy Committee when Tsongas was on the Energy Committee, so he'd observed him from afar and he'd always admired Tsongas and watched his career. Now we were good friends. I had always said to him, "One of these times when Tsongas comes to Washington for lunch, I'll invite you and you'll get to meet him."

So I get this call from Paul and he says, "Why don't you come over to the Marriott. We'll have lunch downstairs. I'd like to catch up." Okay. So later that morning I was in George's office down in the Intelligence Committee and I said, "Hey, I'm having lunch with Paul Tsongas today. Why don't you come along? Paul's very informal. He won't mind." So George tags along. We go over to the Marriott and we sit down to lunch. Dennis is there and Paul's there and we're having lunch. We had the rudimentary introductions and then we had the most stilted, silent lunch that I have ever been through. I mean there's almost hardly any words spoken the whole time. We finish lunch and we get up to shake hands and everything and we're walking back and George is saying, "Oh, I don't think he liked me. I think he was very upset that you dragged me over there." I said, "Look, I'm close to Paul Tsongas and Dennis Kanin. We've been close for years and years and years, and this is not him. Something is going on. I don't know what it is, but it doesn't have anything to do with you. And we'll do it another time."

I get back to my office and the phone rings and it's Paul and he says, "Could you come back to my room?" I said, "Okay, I'll be right over there." All the way over I'm thinking—you can guess what I'm thinking: Oh my God, he's got cancer again. I get into the room and he says, "Sit down." I sit down on the edge of the bed and he says, "What would you think about my running for president?" Well, the first thing that goes instantly through my mind is, Aha, that explains everything! [Laughs] Obviously he wasn't going to discuss it. He had an agenda and it was right there. That's what he wanted to talk about and I'd blown it. So we go through that. He had written this book, I think it's called something like *Call to Economic Arms*.⁸ Since him, it's sort of become automatic that if you're a presidential candidate, you write a book now. It comes out while you're campaigning. That sort of thing. He had written the book—really, this is an absolute Tsongas idea—he laid down his whole philosophy about where the Democratic Party should be and where it had to go on issues and so forth. Then he went around to all of the people that were being talked about as potential presidential candidates, people like

⁸Paul Tsongas, *A Call to Economic Arms: Forging a New American Mandate* (Boston: Foley, Hoag & Eliot, 1991).

[Richard] Gephardt, Mario Cuomo, and Al Gore and so forth, the people that were being talked about taking on George [H. W.] Bush, Sr., in the next presidential election. He tried to say to them, look, I've written this platform. I want you to run for president on this platform. [Laughs]

Of course that didn't happen. First of all, it was a period in time when Bush, Sr., had very high favorability. His favorability ratings, in the wake of the first Gulf War, were up in the high 80s. All of the front line Democratic candidates were kind of shying away from entering the fray, as you'll recall. So in this subsequent meeting at the Marriott, Senator Tsongas says to me, "Well, I've tried to sell the principal candidates on running on these principles and nobody wants to do it. So it isn't that I really want to be president, it's that I want somebody to run on these principles, so I'm going to have to do it myself." I said, "Well I only have one piece of advice. My one piece of advice is don't ever tell anybody that. That you don't want to be president and it's only because you have this platform to run on. It's great that you have a platform. It's great that you're committed to your platform, but you want to be president so that you can do these things. Presidential candidates that don't have the fire in their belly don't do very well." So that was my one piece of advice to him.

In a lot of ways, I would have liked to have been involved in his presidential campaign. I did have kind of a kitchen cabinet occasional phone call kind of role in all of that, but I was working for the majority leader. I had a job I loved in the Senate. And I was going through—it was right in the divorce period for me. It just wasn't a time when I could go off and campaign around the country. So I never even seriously considered it. But his campaign was a fascinating campaign. He won in New Hampshire and he came down here and won in Maryland and then went on to Florida. It may be my own myopia, but if he'd had the kind of money that it took to run in Florida with whatever it is, nine or ten media markets, which was the next major state, then Clinton would have had a very difficult time, I think, with him all the way through the primaries. But he didn't have the kind of money that Clinton had. It was coming in fast and furious after those first two victories, but not at a rate that would have been required to run the kind of media campaign in Florida that would have been required. We all know now what the history of that was. He was though, the last one standing against Clinton. He started at the back of the pack, but outlasted Bob Kerrey, Tom Harkin and Jerry Brown. But I think he's one of those people, there's a handful in recent history, that run for president and fail at it but come away from that national campaign enhanced in the process. And I think Paul Tsongas is one of those people, that he's remembered well by people that remember him

really only for that campaign.

RITCHIE: He did certainly much better than anybody predicted at the beginning.

ARENBERG: Oh, yeah.

RITCHIE: He won about 10 primaries, I think.

ARENBERG: Yeah, he did.

RITCHIE: Do you think he had much impact on Clinton?

ARENBERG: Oh, I think he had enormous impact on Clinton, because I used to kid him that all of the things they fought about in the primaries, when Clinton became president, he adopted the Tsongas position. But it was a very interesting thing to watch, because Clinton had a very tough edge to him, obviously, and in the early stages, Tsongas viewed him as kind of a friend, a nice guy, liked him personally. Tsongas was never the kind of person where because you were a political opponent, you had to be an enemy. He just didn't. I described the Brooke experience, but he was like that. I mentioned Paul Guzzi, where they'd had that bruising primary, they went on to be great personal friends for many years after that. Guzzi became the head of Wang Laboratories, which Tsongas brought into Lowell to be one of the anchor corporations in Lowell's renaissance.

It was very characteristic of him in the Senate, too, to reach across the aisle. I don't mean to go off on another tangent, but his career is full of such amendments. The famous Alaska one was Tsongas-Roth. Tsongas-Lugar was the famous Chrysler one. But there were lots of others, many, many smaller ones. There were Tsongas-Quayle amendments. He loved working with Jesse Helms in the Foreign Relations Committee. He was great at that reaching across the aisle. Personally, I think he loved the perversity of it. I used to tell him, "You have much more trouble working with your natural allies than you do with your natural opponents." He liked that kind of thing.

He fell into that with Clinton. Then when in Florida Clinton's elbows became very sharp and they began attacking Tsongas for being hostile to Social Security because, as a neoliberal, he said some things that were a little beyond the liberal Democratic orthodoxy. I described how he had been critical of Israel years earlier on Lebanon. That was dragged out again. Obviously, the senior vote is very important in Florida. The Jewish vote is very

important in Florida. Tsongas felt that his friend, Bill Clinton, had really stepped over the line, not on the issues, but on the political spin it was given. He felt very bruised by that. It wasn't like him to be bitter for very long, but when he withdrew from the race and went down there and endorsed Clinton, it wasn't in the usual sort of perfunctory, okay, now I'm going to be the good Democrat. He really extracted some negotiations out of that. Not what are you going to give me, but let's talk about the issues that we disagree on, and how far can I get you to concede and that sort of thing. Then over the years, when Clinton was in the White House, I don't want to say it became a warm personal relationship, but it did get patched up considerably. Clinton came to Lowell and campaigned for Niki Tsongas when she ran for that seat just a few years ago.

RITCHIE: Tsongas had made economic issues a real core of what he was running for and Clinton took the "It's the economy, stupid" theme.

ARENBERG: Yeah, but at that point Clinton was running against Tsongas, Clinton was the standard liberal. That's what I mean, in a way. It's probably overstating it to say that Tsongas had an enormous impact on him, as if the experience of running against him changed how he behaved as president. I'm certain that's overstating it, but the point I am making is that how Clinton actually governed as president was—if you go back on almost issue after issue and you go back and you look at the things that they struggled over in the primaries, that Clinton as president was much closer to governing in the way that Tsongas was proposing. I think that's less Tsongas having influence over him than it is that Tsongas was being Tsongas and Clinton was being the politician running for president. I don't mean that in a critical way. Like most political figures would, he was shaping his characterization of things in a way that had resonance in the constituency, the electorate, that he was appealing to in the primaries. Tsongas was a bit more of a straight line in that way. He paid less attention to where he was and what the constituency was doing than saying what it is that he wanted to say. As always, even as a presidential candidate, Paul Tsongas was extremely candid. He was running on that book. [Laughs]

RITCHIE: One account said that Tsongas said what he thought and Clinton said what he thought people wanted him to say.

ARENBERG: That's more unkind than I would quite make it, but I think there's a kernel of truth in that.

RITCHIE: In which case Clinton was more traditional as a politician.

ARENBERG: That's a good way to say it. He ran a traditional Democratic presidential campaign down there, for a Democratic primary electorate. He knew full well he was trapping Tsongas on his right and driving home a cutting edge on several specific cutting edge issues.

RITCHIE: They talk about some people being natural legislators and some being natural executives. Do you think, if he had won, would Tsongas have become a strong executive having spent his career in the legislative branch?

ARENBERG: Probably not. [Laughs] I shouldn't say it that way. I think he would have been a great president. Because I think an important part of being a great president is being able to recognize the skills in the people around you and to bring the right team to bear. Who the people a president surrounds himself with are so critically important. To me, the case study in that is the Reagan presidency: When he had first-class, competent people running his White House, he was admired for running a great and competent presidency. At other times, when things like Iran-Contra were happening, it was because the leadership wasn't there. It was a lot less relevant that it was the same Ronald Reagan on the top of all of those structures. I admired both Baker periods—both Howard and James Baker—when they were chiefs of staff there. So I think the ups and downs of the Reagan administration really demonstrate that. I said this to you earlier, Tsongas always attracted some really wonderful people. People that went on to do great things. And I think he would have been that kind of president, as somebody like Jack Kennedy was.

Tsongas, by the way, was greatly inspired by Robert Kennedy. So there's always this Kennedy thread that runs through. But to address, specifically, the question you asked, I do think he was more naturally a legislator than an executive. Although I wouldn't say it was so much the executive qualities. He had some of the impatience with the legislative process that we often see from people who have been governors who come to the Senate and are typically very dissatisfied here because they're used to making decisions. And when you're governor and you make a decision, something happens out there immediately in the real world. You pick up the phone and the state police go somewhere or an agency does something or things happen. Most of the time it doesn't work that way for a senator. You make a decision and something happens 10 years later. The legislative process, as we both know, is painfully slow and you have to love that process for what it is and revel in it. I think Tsongas definitely had that impatience about it. As I described before with the Mass Plan, he would often find unconventional ways to just go about doing things. Okay, we can't move the legislation. Let's just go do it anyway

in this way or that way. Or I'll just call for it. Or we'll find somebody else to do it. Or I'll write a book. So there was that kind of impatience. In that respect, he wasn't the classic senator's senator, certainly. I would never describe him in that way. But I don't think he was exactly an executive personality either.

RITCHIE: When he announced that he wasn't going to run for reelection, what did you think about doing for yourself at that stage? Did you ever think about going back to the university? Or did you decide that you really wanted to stay in Washington?

ARENBERG: Well, at that point, I had been at the Senate for six years and I had been in Washington for 10. I wanted to stay in the Senate. I was probably unique on the Tsongas staff in that regard. But I always thought of myself as a participant observer. There was always this sort of—I don't want to make it sound too grand by calling it kind of an academic perspective, but there was always that part of it for me. This was my PhD. [Laughs] And it was my political statement, too. There was an activist part of it. It was, as I say, participant observer. But I loved the Senate. I do to this day. I miss it very profoundly. I loved being here. It wasn't easy for me to leave. I could have stayed here forever, in many ways. And I felt that way when Tsongas left. There was also that sense of tragedy. They weren't giving him, at that point, too much time to live. A few years. So I was losing a close friend and a boss and I felt as though I could count on the fingers of one hand the number of senators that I would want to work for.

Although I wanted to stay in the Senate, I also had a very deep philosophy about who you chose to work for as a Senate staffer. First of all, I've already described myself as a true believer, so there was the political litmus test. It had to be someone that I agreed with 95-plus percent of the time. There were a number of people like that. Then there's the personality factor. I knew I would never again have quite the same experience. Paul Tsongas in many ways was like an older brother to me. We were personal friends. He was my boss. We had come through the fires together. I didn't expect to replicate that, but it had to be somebody who I knew I could live with personally, too. And you know who those people are. When you spend time, as you do, around the Senate for many years, you know, you don't have to be in their office. You don't even have to know them all that much, personally. You come to understand what the various characters in the Senate are all about and you know the ones that would be difficult for you to work for even if you agreed with them all the time. So when I boiled it down using both of those standards, there were really only about a handful of people that I could work for. I had been a legislative director and chief of staff, so there were really only one or two jobs each that

were even appropriate. I didn't think there was all that great a possibility that I was going to find a job opening that fit and be able to continue to stay in the Senate. Although I was really on the lookout for that.

In terms of expertise, I mean I'd been this kind of great generalist. I hadn't finished my PhD, so I didn't feel as though I had a lot of really viable academic alternatives. I was always prepared to move back to Boston. I loved Boston and New England and I'd grown up there. There was always that option. But I began to talk to some environmental groups that had been involved in the Alaska Lands Bill and were part of the Alaska Coalition. I was considered for and in fact offered a very nice job at the National Wildlife Federation. But at roughly the time that I was going through that process and talking to people, a mutual acquaintance—actually the mutual acquaintance was Martha Pope, who went on to be secretary of the Senate and sergeant at arms later on. But Martha was then working for the Environment Committee. She was a Mitchell staffer on that committee. I ran into her at an event about Alaska at the Interior Department or something. I think Andrus was there and they were unveiling a bust or a portrait. It was something like that. So there were a lot of the old Alaska cronies who showed up. Martha came over and said, "You know, George Mitchell's chief of staff is leaving and you'd be perfect for that job. You should talk to him." I said, "Well, thanks for that." Remember I said that I could count the senators I would want to work for on one hand. That's one of the fingers on that hand! [Laughs]

I'd been around for six years. I thought I knew how things operated in the Senate. I thought to myself, these things don't sit there on the vine very long. They're open and shut. This is going to be a fast decision. Senators don't wander around without chiefs of staff for very long. I'd better get cracking, you know? So I went back to the office and I immediately went in to see Tsongas. There was a vote coming up on the floor and I asked him if he'd approach Senator Mitchell for me and he said of course, he'd be glad to do that. He went up to Mitchell on the floor and Mitchell said, "That's great. Have him call my office and come right over." So I called over there and set something up. I came over there. All of this was within a couple of hours of having run into Martha at the Interior Department. I'm now sitting in Mitchell's office with him interviewing about this job. So I'm thinking, man, this is how things happen in the Senate. [Laughs] This is all going to be over in a week or so. Think back to what I said about the judge and the decision-making process. We had what I perceived as a marvelous rapport right off. I enjoyed the session. It was very positive. He said very nice things. I left.

I came to know Gayle Cory, who, I don't know if you knew Gayle, but she was a longtime Senate staffer. She was Mitchell's scheduler. She had served as personal secretary, or scheduler, to Senator Muskie when Mitchell was a Muskie staffer. So she was on a whole different plane with Senator Mitchell. She knew him as George and they had a kind of personal relationship. Although she didn't aspire to being a Senate chief of staff. She didn't have all of the tools that you would necessarily associate with a chief of staff in the Senate. She was a very seasoned professional. Politically smart person who knew everybody in the Senate and had been around. Sort of the perfect person to plug in and serve that role on an interim basis. Gayle and I became friends almost immediately. I liked her right away. She liked me. We really clicked. But I also came to realize quite quickly that she added to Mitchell's comfort level in doing what he would do anyway, which is make a very deliberative decision.

This period I'm talking about was January of '84. I ultimately went to work for Mitchell, I believe it was October 1st, 1984. So you can see it was a deliberative process. I certainly had no notion of that going in there that day. Even as I came to realize this was going to be a deliberative process, I underestimated quite how deliberative. Of course, I had the luxury of—I was serving on the staff with a sitting senator. I could quite comfortably be there all the way until he left office the following January. He was encouraging all of his staff to take whatever time and effort they needed to go find their next job and so forth. So there was a lot of job hunting going on and all of that. I had it very comfortable. There was nothing driving me, except there was this whole thing with the Wildlife Federation. So my approach to that was to go to them and just put it all on the table and say, "Look, this is a wonderful job. I'm very likely to take it. Except for this one thing, which is I'm being considered for this job with Senator Mitchell as his chief of staff. I love the Senate. I want to stay there. If he offers it to me, I will take it. If you're willing to give it some time and wait, I'm very likely to take this position if Senator Mitchell decides otherwise." They hung in there not all the way to October. I eventually turned them loose. I had some pity at some point. But they did hang in there for quite awhile, which I was very thankful for and very honored by. I had stopped considering other possibilities at that point.

Periodically, I would call Senator Mitchell. He would take my calls personally, so I knew I wasn't being brushed off or anything, you know? When you call up and a senator immediately gets on the phone, you know you're being considered in a serious way. And he would say that. He was saying, "You know, I think you're a great candidate." He said to me, "I think you're the leading candidate. But there are a few people from Maine that I

want to interview. I haven't quite finished my process and everything." And, "I'll get back to you." I'd be very respectful of that and maybe wait another month or something like that. And then there would be another phone conversation like that. But the phone conversations were so reinforcing that I just kind of hung in there with it. Ultimately, he did hire me.

So this process of having over 34 years, having already said how proud I am of having worked for these three senators. The level of luck, when I think back to it, it makes my knees knock to think about the serendipity involved in each of those jobs coming up right at the time that I had the need for that job. It happened again when Mitchell announced he was leaving the Senate. Again, I had a certain amount of overlap, so I had a little more time to be comfortable about it. But I did again learn from a third party contact in the Senate. Somebody that I knew said, "Well, you know, Senator Levin's looking for a legislative director." In that case, I knew his chief of staff, Gordon Kerr. I called Gordon and he said, "This is a great idea. Come on right over." I went over there. He took me right in. I had a very nice meeting with Senator Levin. I went back to my office. Gordon called back and said, "Can you come back this afternoon? He's got a couple more questions for you." I went back again in the afternoon and he said, "Do you want the job?" It was interesting, his biggest hesitation was, he said, "You've been leadership staff. Why would you want to step down to working for a senator like this and be his legislative director?" And I said very honestly, "You know, Senator, I don't consider it a step down to be the principal legislative advisor for a United States senator, particularly one of your stature. I feel lucky to have done the things with Senator Mitchell I have, to have been on the leadership staff. I think it's added to my bag of skills and some of the things I know about the Senate, but I'd be very proud to do this job." And I meant that.

I never felt that I had somehow taken a step down the ladder or something, moving from a leadership staff. I got that question a lot. The same thing happened within the Mitchell staff, when I moved from being his chief of staff to doing Iran-Contra and then, ultimately, the last position I had with him, I was national security advisor to the Senate majority leader, was my title. It wasn't about that. It was can I serve a senator that I really respect? These twin pillars of—does it serve my desire to play a role in doing the kinds of things I want to do, number one? And number two, this kind of observer thing. Am I going to learn from this? I guess I keep saying it, but I can't express how lucky I feel, both with the quality of people that I've worked for, but just having had the opportunity. I don't think people who haven't spent time in the Senate can fully appreciate just what a long shot it is for those right jobs to come along at the right time and land in them.

RITCHIE: You mentioned that you had worked in a leadership office with Senator Mitchell, but when you went to join Senator Mitchell's office, it was way before.

ARENBERG: That's right. It was on his personal staff. It was as his chief of staff.

RITCHIE: But did you see any kind of a future for him like that? I mean, did you anticipate that he would rise as high as he did?

ARENBERG: Well, Byrd had just appointed him chairman of the DSCC, so it was clear that he was on a leadership track or thinking in that way and thought of in that way in a way that Tsongas—as I say, he wasn't "a man of the Senate" in that same sense. All things were possible with Tsongas. You never knew what he was going to aim at next and where he was going to go, governor, president, but I didn't expect Senate leadership was ever going to be part of that. With Mitchell, there was that theoretical potential, but did I see him as a potential challenger to Robert Byrd or something? Boy, I didn't. I have to admit. When I began to serve as his chief of staff, I began to learn and realize that there were senators who were urging him to do that. Who did see him that way? But I thought, we've gotten more used to it now, but I thought, boy, he's really junior to be thought of as a majority leader. I thought of people like Byrd and Mansfield and Lyndon—I guess Lyndon Johnson hadn't been here all that long either, but based on what I had experienced so far, I didn't think of someone who had been in the Senate a shorter period of time than I had been. I didn't quite think of it that way.

I had great respect for George Mitchell, but I quickly came to realize that I had underestimated him in a lot of regards. Well, the world realizes now what a formidable man he is, but I came to realize that pretty quickly, too, working for him. He became chairman of the DSCC, and so I certainly saw that potential was there. As things began to develop on that leadership track, there was a lot of discussion going on in the caucus, as you know. There had been an almost quixotic challenge to Byrd in, I guess it was '86—

RITCHIE: '86, Lawton Chiles—

ARENBERG: Was it '86 when Chiles challenged him? Yeah, it was almost quixotic at first. It was very late in the game. It didn't seem very likely. But it brought to the surface a lot of these kind of bubbling things that were happening. As I mentioned before, this is remarkable to people who don't live in the Senate, but if you do stop and think about it in any depth, you realize that this is so much a part of people's lives that

how the Senate affects the rest of their lives, their families, and how it operates, is a kind of big issue. Senator Byrd's leadership style as majority leader involved using a lot of these things as leverage. He spent a lot of time in Washington and I think because of the era when he had begun here, I don't think he saw going home to their states in quite the same way that a lot of other senators did. There were the late nights and all of that. And so there was some tension building up around that. It was an era in which there was—not only in the Senate, it was happening across the Congress—more junior members were pushing for a bigger share of the power and how things were operating and more consultation. I'm not the only observer to say that Senator Byrd's leadership style was closer to the vest, that bright red vest that he wore all the time. [Laughs] So I think, in a sense, the Chiles challenge laid bare some of these things. I think even that Senator Byrd made some—you'd know this better than I—but Senator Byrd began making some promises to some of his colleagues about what he might do if he were reelected, what he might do in the future.

Two years hence, the challenges in the caucus became more serious. Senator Mitchell, I think, was very grateful to Senator Byrd for having appointed him as chairman of the DSCC. So I think that there would not have come a time in which Senator Mitchell would have entered a challenge to Senator Byrd. I don't know that for a fact. It's not something that the senator ever said to me directly, but that was certainly my reading of the situation. At least not in 1988. But of course, Senator Inouye did challenge him and then Senator Johnston jumped into it. And then Senator Byrd began making decisions about what he wanted to do and taking the chairmanship of the Appropriations Committee and becoming president pro tem. That's really the point at which Mitchell entered the leadership race.

As, I mentioned before making the Senate more “family friendly,” quietly became a big part of that campaign. And, as I've said to you before, my perception of leadership races is it's a little like the election of the queen of the prom. I don't mean to be disrespectful about it, but there's a real kind of personality element to it. It's very much a senator's senator to senator kind of operation. I think even senior staff have a very imperfect window into what's going on, if at all. It's something that senators do amongst each other on a very personal basis. As I may have said to you, my rule of thumb is that what's going on in a leadership race—that someone's strength in a leadership race is inversely proportional to how publicly they're running for it. Because the only reason to run for a leadership post in the Senate out in the public is because you're not doing very well in the caucus and you're kind of trying to create a perception and some buzz and

maybe get some of your colleagues thinking, well, maybe something's really happening here. Maybe some of my colleagues aren't telling me, maybe there's movement and I'm just not plugged into it, or something like that. But if you feel like you've got the votes or you're close to the votes or you're the frontrunner or something like that, the last thing in the world you want to do is rock that boat.

That was kind of the pattern of that race. Senator Mitchell is a very careful vote counter. He went to every Democratic senator's office and visited them, looked them in the eye. I wasn't in the room, but I know how he is. He asked them direct questions, very specific questions. He didn't count something as a commitment that wasn't a very deep and personal and specific commitment. As such, his count was what it was all the way through. He had very specific counts, they were hard-headed, and in the end very accurate. He had the votes very early in the game, I believe. And ultimately the count was what his count was. He knew where the votes were. I've said to you before, I'm not sure whether it was on the record or not, but I don't believe that senators lie to each other about their commitments in those kind of races. That's the conventional wisdom. That's the conventional explanation for the fact that when you read published reports and when you add up the votes that leadership candidates are claiming, it adds up to more senators than there are in the caucus. [Laughs] That's the simple obvious explanation. But the distinction I'm making is I don't think they lie to each other.

I think it's in the nature of senatorial communications with each other, because it's a body of 100 people and there's always this kind of lubrication that needs to take place in their interactions. They have to deal with each other on a million issues. They're all powerful, so they are all significant to each other in terms of the things that they want to get done. Much happens in the Senate by unanimous consent. And, because of the filibuster rules, they all have enormous leverage. So, they are very careful not to offend each other. When they go after something like a commitment in an election like that and they get sort of a slightly indirect—an arm around the shoulder and, “I always thought you were a great guy, George,” and, “I think you'd make a great leader,” and stuff like that. It's human nature. The tendency, if you're not very disciplined about it and you're a candidate, is to check that one off on your list and say, okay, that's another one. But meanwhile that person is walking away from that encounter and mopping their brow and saying, “Whew, I just dodged another one.” I think that leads to these kind of inflated counts.

But that was a very interesting race because the conventional wisdom all the way through was entirely wrong. I think it was the almost universal belief in Washington outside of the Senate was that Danny Inouye was going to be the majority leader. He had much greater seniority. Everybody in the Senate likes him. He's a very beloved senator, a very effective guy. But Mitchell had incredible qualities. Very widely respected for his wisdom and his skills. I think the biggest knock was that he came from Maine and could he raise money for the party? And did he know the floor? At that time, of course, everybody had been recently through the Byrd experience, so it was thought of as a characteristic of a majority leader that you had to be a very skillful parliamentarian. Since that time, we've come to recognize that they need people at their elbow who can do that, but it doesn't need to be a personal quality.

RITCHIE: What about that issue of being the voice and the face of the party on television? Was that becoming a factor in the leadership choice?

ARENBERG: You know, I don't remember it. I think it did. Certainly Senator Byrd had not been that. I think that was one of the arguments out there, is that we need somebody that can be more effective. I think that's a later development in terms of thinking about majority leaders. At that time, they weren't yet the principal person on the Sunday morning news show interviews and that sort of thing. That really kind of came to fruition with Mitchell—maybe Howard Baker. But I think in the sense that the Senate was now on TV, the method of articulation. Certainly, Robert Byrd is articulate. He's right up there with the Senate orators in history, in a certain fashion, but not in the sense we would think of as translating into a party-wide political asset as the face of the Senate on C-SPAN. So I think in that sense maybe it was already an issue. And I think that role, that sort of face of the party role, grew. Of course, it is episodic. It becomes more important in periods when the White House is controlled by the other party and the Senate majority leader or the speaker, one or the other, really has the potential for becoming the face of the opposition.

RITCHIE: There's always the question of whether the senators want the leader to be the face of the party or whether they want the leader to get out of the way so that they can step up to the microphone.

ARENBERG: Yeah. I've always felt that the principal factors that come into play are personality and personal relationships. Ideology plays somewhat of a role. I think that's probably increasing now because it's increasing in every aspect of the Senate.

We've talked a lot about the increase in polarization and the increase in homogenization of the caucuses. So I think there would be a much greater tendency today to apply a litmus test to the leader. Are their credentials sufficient in terms of that homogeneous Democratic position? It would be much less likely to have a maverick leader. And I think really big factors for senators are things like the falling dominoes. I don't want to make it sound too crass. It's self interest, but after all, part of the business of a senator is how can I do the job of being a senator most effectively? How can I get things done for my state? How can I maximize that? One of the tools is having a close relationship with the leader of my party who can really facilitate things, who can help advance my bills and bring things to the floor.

Then there are these falling dominoes. If somebody becomes leader, do they give up a committee chairmanship? Who then moves into that chairmanship? What does that open up? What are the openings that are going to be created by whether this guy moves up or that guy or that woman? So senators spend time mapping that out and saying, well, what does it mean in terms of my ability, my power—my ability to get things done? What does it mean for me in the sense of what can I do as a senator? How can I be more effective in this decision I make in terms of who's leader? And then the other big one, obviously, is who can do the best job of leading the caucus? And link to . . . You know, one of the things I tell my students is that there's a very important link that runs between this increased polarization and the increased homogenization of each of these polarized parties. That's almost an engine that the increased polarization—they pull further apart, they become more homogeneous. As they become more homogeneous, it drives them further apart and that becomes stronger.

But another part of that is that it leads to stronger leadership. It greatly strengthened the hand of the Speaker in the House. As we both know, Senate leaders don't have those same kinds of powers and it's much harder to exercise leadership power in the Senate. Nonetheless, a homogenized party is much more likely to grant greater powers to that majority leader to be out there as the spear point of that argument and to want to energize that leader to put pressure on the outliers in the caucus to increase the homogeneity by pulling them back in, by putting pressure on them. Because the more like-minded the caucus is, the less they have to worry about the caucus going off in a direction that's not consistent with where they want things to go. When the caucuses were more heterogeneous, they didn't want the leaders to be able to lead it all that effectively because they were worried about, you know, were they going to go off and do something? If you were a southern Democrat, were they going to go off and do something that wasn't

in your interest back home?

RITCHIE: Their job was to straddle the divisions.

ARENBERG: Exactly.

RITCHIE: In fact, we have a cartoon of Everett Dirksen standing on top of two elephants but they're going in opposite directions.

ARENBERG: Oh yeah [Laughs]

RITCHIE: And he's doing it with agility.

ARENBERG: Yes, exactly.

RITCHIE: One other thing about George Mitchell that interests me is the fact that he started out on the Senate staff. He worked for Senator Muskie. There has been, lately, a new type of senator who started out as a staff person. Tom Daschle started out that way. And Trent Lott was in the House on the staff.

ARENBERG: Right.

RITCHIE: But what was it like to work for a senator who had, himself, been a staff member?

ARENBERG: Well I always joked that George Mitchell thought the only reason he had a staff was because he couldn't do it all himself. [Laughs] I think at a certain level he knew he was better at every individual staff member's job than they were. Now there may be other senators whose egos tell them that, but George Mitchell knew it because he'd done it. [Laughs] So there was that, you know? The scheduler was never quite as adept at using the airline manuals and that sort of thing as he was. She'd tell him, "There are no flights that late." He'd be like, "Well, let me see," and he'd grab the book. So there was always that element of, "I don't have the time to do this, but I could really write this speech better. I could do that." He would never say that to you in that way, but he'd been in the staff. He understood those connections in a way that I think senators that haven't been staffers never quite do. It's sort of interesting. They see one face of the staff and sometimes what goes on in the background back here can be very opaque to them.

In the case of Senator Levin, he almost kind of likes it to be opaque. As legislative director, if I'd say, "Well, it's not so-and-so who handles that, it's so-and-so." He'd say, "I don't want to know all that. Just put it together. Make it happen. Get the right person in here." That kind of thing. Mitchell knew the wires behind the motherboard a little better than that. Although he also, on the other side of that coin, he had grown up in the Senate in a different era with a senator who was himself a very prominent senator of a very different era with a very strong personality. He greatly admired Muskie. And there were certain kinds of demands that were a part of doing the job for Ed Muskie, and a certain separation. No matter what the personal relationship was, the senator was a senator. In that sense, Mitchell carried that forward. I always had a great relationship with him. I always felt very close to him. But you might notice that I refer to Paul. I refer to Carl. But it's always Senator Mitchell. I think that's out of respect for the respect that he had for that title, which I think grows out of cutting his teeth working with Muskie.

I think comparing him in a positive way to the positive attributes of Ed Muskie is something that would please him very much. Recognizing that he had any of the tendencies in terms of anger or, you know, that side of treatment of staff or so forth, if I suggested that there was any of that, I think he'd probably be pretty shocked. Even at times we would have people come and join the staff that had been from Maine and had even had a personal relationship in the past. I'm thinking of one person that used to play tennis with him when he was a lawyer in Maine, another lawyer. They'd play tennis and everything and he knew him as George. He came here and joined the staff for awhile. At first it took some adjustment. He came to me and said, "Have I done something? I really feel like this wall has gone up." I said, "No, it's not a personal thing. It's a part of the office. It's like knowing the president before he was president. At that moment, when he takes the oath and he walks away from it, he could be your closest friend, you still refer to him as 'Mr. President.' You don't call him 'Barack.'" And George Mitchell had that. He had grown up in that. So I think that's another element of having those long Senate roots that went back. Having had that habit when I then moved to the Levin staff, I started calling him 'Senator Levin' and he would laugh at me. I mean he'd laugh at me. You know, I'd say, "Senator Levin," and he'd laugh at me and say, "Everybody calls me Carl." [Laughs]

RITCHIE: Your characterization of Mitchell as the ultimate staff person reminded me of the only time I ever sat on the Senate floor during a debate, during the Senate bicentennial in 1989. I sat in a little armless chair next to Senator Mitchell and passed three-by-five cards to him because there was a whole series of remarks that he and

Senator [Bob] Dole were making. My colleague on the other side was passing similar cards to Senator Dole, and Senator Dole would stand up and just read whatever was on the card, maybe ad-libbing a little bit. Senator Mitchell, in between, while he was waiting his turn, was furiously editing the cards. I would see him with his pen changing all of this. I was sort of wondering what—

ARENBERG: Rewriting history there? [Laughs]

RITCHIE: Exactly. He was, well, putting it in his own words, the way he wanted it to be.

ARENBERG: Yeah, right.

RITCHIE: I realized, of course, that he had no time to do any preparation before we went in there. In the scope of things, this was a relatively minor event. It was a ceremony. But I was interested in how meticulous he was.

ARENBERG: When things were really important to him, like a real landmark speech, like the time he was chosen to give the response to President Reagan's State of the Union, for example, but other times, a major speech to a convention or something like that, they would go through fifteen drafts. At least that. I used to laugh about it. They would ultimately reach a stage where he was editing his edits. Where the only iteration was he was putting things in that he had taken out. [Laughs] But there is that. And he's, as you well know, as the country knows, he's extremely articulate in a very distinctive sort of way. And—I had a thought and I lost it, I don't know where I was going.

RITCHIE: He was putting things into his own words, I guess. But it was interesting to me that for something that was fairly routine, he was putting his personal stamp on it.

ARENBERG: Yeah. One of the things he was great about on the Senate floor, thinking about his speeches, was he had a way of expressing and framing the issues—all sides of the issue. He once told me that he had learned from a very good lawyer in Maine that one of the best courtroom tactics was to define your opponent's argument before he did. If you go back and look at his speeches on issues, they almost always contain the opposition's best argument, framed the way he wants to frame it, and generally stated better and more concisely than the opponent could. I ran into a guy, I'm afraid I don't

remember his name. When I was still working for Mitchell, I was on a trip in Germany, and I was at the U.S. embassy in Germany. I met a guy who was working in the embassy who had worked for the Republican Conference. On both the Republican side and the Democratic side, they do the same thing, they have these vote books where they (it's all online now, I guess), but it lists how every senator had voted. For each vote, it describes the argument pro and con, the main argument. This guy's job for the Republicans was to write those pro and con descriptions of every vote. He said, "I just want to tell you, you know, when I had that job working for the Republican Conference," he said, "before I wrote that for any issue, I always looked first to see if your boss had spoken on the floor on that issue, because if he had, I knew that the pros and cons were right there perfectly stated in his speech." [Laughs]

RITCHIE: Well, that's a good reputation.

ARENBERG: Yeah.

RITCHIE: It's noon, so we'll give you a break.

ARENBERG: All right.

RITCHIE: Take your time. But will you be able to come back this afternoon?

ARENBERG: Oh yeah.

RITCHIE: Great.

[End of the Third Interview]

IRAN-CONTRA

Interview #4

Wednesday Afternoon, June 9, 2010

RITCHIE: The Democrats had been the majority party in the Senate for 26 years before the 1980 election. They were used to being the majority party, and it seemed a really difficult transition that year, first for the Democrats to accept the fact that they were now in the minority, and second, for the Republicans to realize they were in the majority. It seemed to take both parties a little while to change their tactics.

ARENBERG: That's absolutely true. I think it took the Republicans a while to get a sense of how to effectively work these committees. The Democrats had a lot of trouble adjusting to minority status. There was a profound impact in 1980 on the committee staff. All those years of majority rule, quite frankly things had gotten a little bloated out there, I'll admit. Some of those committees had really huge staffs. Unlike subsequent shifts back and forth, where they found a way to make the change with attrition and not have a whole boatload of people lose their jobs, in 1980 it wasn't like that. There was a lot of blood on the floor, a lot of Democratic committee staffers suddenly out of jobs.

RITCHIE: That's how we did some of our earliest oral histories. There were a lot of staff who retired earlier than they had expected. I'm curious about your going over to Senator Mitchell. With Senator Tsongas, you had been with him from day one. By the time you got to Mitchell's office, he'd already been a senator for four years, so he had a staff that was already in place. How was it walking in to be the director of a staff that you hadn't worked with up until then?

ARENBERG: Well, it was an adjustment for them and was an adjustment for me. In that particular case, it was pretty smooth, with a couple of exceptions. I think there's always that kind of adjustment process when things change. It's a difficult thing in a Senate office when you find yourself in a position where you have to let someone go, because it's a political operation. Senators as politicians don't like to fire people. They would much rather find a solution short of that. So there were a few changes that got made, but by and large it was a pretty comfortable transition.

I had some strange operating rules. I've always conducted staff meetings as "standing meetings," I called them, where nobody sits. The idea behind that was always you go around the room real quickly. Particularly with the legislative staff, you want

everybody to know what everybody else is doing, so you want to have a meeting where everybody downloads what it is they're working on, what they're going to be working on, what's happening, and so forth, and you go around the room. But I never wanted to let those turn into dog-and-pony shows. When somebody goes on and on, then the next person feels like they can't look like they're doing less work, so it grows into this endless meeting. My way of dealing with that has always been to require that everybody stands. It goes a lot quicker. It's briefer. You go around the room. Everybody says what they have to say, and then we go. All the various staffs that I worked with always found that slightly comical. When I had lunch with the Levin staff yesterday, I asked them if they were still standing at staff meetings, and they weren't.

RITCHIE: It probably made their responses concise. How about the home state staff, did you have to manage them as well?

ARENBERG: Yes. There is a director in the state who was an extremely competent guy and had done the job—he'd been on the Muskie staff, Larry Benoit, he later was the Senate Sergeant at Arms—so it was a very effective, very professional staff Mitchell had at the time I got there. He had, I think it was, six or seven offices in the state at the time. That's not that uncommon anymore, but at the time I think it was beyond the upper limit. So covering those offices—I'd go up there and rent a car—driving around the state of Maine, covering all that territory, there were thousands of miles involved. There's a state office inflation that sets in because if you can get approval to do it, it's an easy thing to open up a new state office. People like it, you have a new operation in a new area. It's the hardest thing in the world to close an office. Unless the sergeant at arms cracks down, there is a tendency to add offices.

RITCHIE: These days the state staff have teleconferencing capabilities. A lot of Washington office staffs hold a Monday morning teleconference with their state office staffs.

ARENBERG: We did that in the Levin office. For the last few years we met with not just the Detroit office but with most of the offices around the state.

RITCHIE: It does seem like there's more of a trend toward having more staff back in the home state. With electronic mail and all else, you don't need to be here in Washington for everything.

ARENBERG: The younger staff finds it amusing when I regale them about office equipment, for some reason, but I tell them there was a time when we didn't have computers, and we didn't have Xerox machines, and we didn't have fax machines. And no long-distance phone calls. When I first came here there was the FTS line, which the executive branch had access to all day long, but in Washington we only had access to it after five o'clock. There was one FTS line in every Senate office. It was only after five o'clock that we had access to it, I guess because of the amount of traffic in Washington. But in the state offices, they had access to FTS all day. So the routine, I think probably in all Senate offices, but the routine that we had was that the state offices were all under instructions never to answer the phone on the first ring. You would call the state office, let it ring once and hang up. They would know that was the Washington office and would call us back on the FTS line. It's kind of a trivial matter, but when you think back that it's not all that many years ago—30 years ago—that the United States Senate was operating in a way where for most purposes, you didn't even have access to a long-distance phone call. When we first got the first faxes, it was back when I was in Tsongas' congressional offices in the House, because Wang Laboratories was in our district. They developed the first one. They were called telecopiers. It would go around and around and when it came out it smelled bad and was all curled up. You couldn't uncurl it. But we thought that was a miraculous thing: documents over the phone line, what a revolutionary idea! We take all that for granted now.

RITCHIE: Especially with some of the older senators, it was a real chore to get them to accept something as new as a fax machine.

ARENBERG: Yeah, exactly.

RITCHIE: Whereas I would think Tsongas, as one of the Atari congressmen, would have embraced it.

ARENBERG: Yeah, he was pretty good on new tech. Of course, even when the Senate went to computers, they couldn't talk to each other. Each office's computer was a separate world. There was a fair amount of resistance at first to interoffice linkages for fear of political security breaches and such. If you wanted to see an amendment which was offered on the floor, you had to send someone over to pick up a copy in the cloakroom. Then later they had an interactive fax system where you could call in a code and it would come out on your fax. And, finally, after years of staff complaining, we had a system where they were scanned and available on the computer. It's amazing how far

we've come.

RITCHIE: You had moved not only to a new senator but to a new state. How did you acquaint yourself to Maine during this period?

ARENBERG: I grew up in New England, so I had some familiarity with Maine. I went back to the state probably more frequently than I have in any of these other jobs. These other jobs had been more Washington-centered, but when I was Mitchell's chief of staff I spent more time up there. I spent a lot of time meeting a ton of people. It was interesting to me because having had my early experience with a larger state like Massachusetts, where the relationship with the senator is a little less personal and intimate—there's a lot more people and most people in Massachusetts, even in all the years that he was in office, probably never met Ted Kennedy and shook hands with him. Even though I'm sure he met millions of people. And if they had one interaction with him over the course of all those years that was probably a lot, unless they were really active in some way or another. In larger states, I'm sure that's obviously even more the case—certainly it was in Michigan. Levin had met millions, but Michigan has a population of about ten million.

It's very different in a small state like Maine. Politics is very personal. A guy like Mitchell, if you walked the streets of Maine with him, he knew two out of three people by name. It was a miraculous thing. Sometimes he knew more about their family tree than they knew. I had experiences like that. Somebody would come up and he'd ask about their great-aunt Mabel. They'd say, "Do I have a great-aunt Mabel?" He'd say, "Isn't your family from Millinocket?" And lo and behold he knew the family tree better than the person he was talking to. As a result, I found that as the chief of staff to the senator, when I went to the state, it was a bigger deal than I expected. When I went to visit the statehouse just to meet people, they took me in to meet the governor, and then took me on the floor of the state senate. When I worked for Tsongas, if I walked out on the floor of the Massachusetts state senate, these guys would be saying out of the corner of their mouths, "What's this guy doing here? Where'd he come from? Who does he think he is?" In Maine, that was a very different thing. All of that individual contact was expected.

Running an office for a state like that, you take something like mail extremely seriously. Working for Levin or working for Tsongas, in any Senate office you try to be responsive in responding to mail. It's an important thing. You try to be prompt and very substantive. But in Maine, the feedback was instantaneous. If you didn't respond to a

letter, or you're late in responding to a letter, or the response was off the point, anything like that, the senator was likely to hear about it that weekend. If he didn't run into the person who got it, which he probably wouldn't but they might know somebody that was going to be at something he was going to be at, and the word would get to him. He would come back and say, "Well, what happened here?" Much more instant feedback. In larger states the relationship between the constituency and the senator tends to be more electronic: they see him on the news. It's more of a mass media relationship. It's just the math, but it makes a big difference.

RITCHIE: As a legislative director you were dealing with legislative issues, but as a chief of staff you're dealing with everybody, including the constituent-mail side of the office, which in many offices is about half the people who work there. Did that—

ARENBERG: Well, I supervised that as a legislative director as well.

RITCHIE: Because of the issues?

ARENBERG: Yeah. Maybe not the physical operation of getting the mail out. But of course, as the balance is changing in the Senate, it's less and less a physical process and more and more an electronic process. But it is a big part of the operation. Senators in large states get an enormous amount of mail.

RITCHIE: Is there any trick to keeping that process flowing? Do you have to keep after it all the time?

ARENBERG: Yeah, tracking this is a critical thing. Now that we've got computers and scanners, we're able to do that quite easily. That was a real challenge back in years past, where so much of it was a physical operation. There was just a stack of letters sitting on a legislative correspondent's desk. You just had to be diligent that they weren't hidden in somebody's drawer. That reminds me when I say that, it's something I hadn't thought about for a long time. We got the chance, when I was working for Mitchell, to move into Muskie's old office in the Russell Building. Mitchell really liked the idea, and we grabbed it. I remember that Senator Phil Gramm wanted that office for some reason—not because it had been Muskie's, but because it was on the first floor and near the doors to the street. He called me directly repeatedly pleading for the office. I had to say, well, Senator Mitchell served on Senator Muskie's staff and it's an important thing to him personally. In the process of moving in, or painting, or something like that, they

took one of the airflow grates off—in the Russell Building they're at the juncture of the floor and the wall. They unscrewed it, and took it off, and they reached in there and there was a stack of letters to Senator Muskie from constituents that were somehow behind the wall! That's kind of emblematic of what you don't want to happen to constituent mail.

But these days it's scanned and it's tracked. You know when it comes in and when it goes out. If there's ever any question about it you can call it up on the computer screen and you can see the incoming letter and the outgoing letter. It's all much better ordered. But it's customer service. It's like running a restaurant, it's only as good as the manager. When you go into a restaurant and the tables aren't that clean and the service is kind of slow, the responsibility goes to the manager in that restaurant. The mail operation is a lot like that. It's got to be a very high priority to keep it flowing and to get it out in a timely fashion. The Levin office was extremely good at that. We kept track of the turnaround time, and things were generally out the door within 14 days, from the time something came in the door, often quicker than that.

RITCHIE: One of the drawbacks of electronic mail is that people want instant responses.

ARENBERG: Yeah, that's right. When we first started getting email, the first challenge was sorting out which email was coming from Maine, or Michigan, or Massachusetts. Now that's web-based so they have to come in and fill out an address and the details of the request, so you know by the address that the incoming mail is from the state. For the most part, Senate offices respond only to incoming constituent mail from their own states. Otherwise they'd really be inundated, particularly by email where it's just the click of a mouse and you're writing all 100 senators.

RITCHIE: Lately there have been phone-ins, when groups decide to inundate the Senate with phone messages, or target a particular senator. Did you ever encounter that?

ARENBERG: Oh, yeah. We've seen it happen. It's similar in many ways to the incoming communications. There's always been a kind of pecking order of other incoming constituency comment. A thought-out personal letter that's handwritten, it can even be typed, but is thoughtful and obviously individual, is probably the highest order. If you read that, you know that this is somebody, this is their point of view, they've expressed it clearly, and it's more important for the senator to know that than if this is one of thousands of postcards that were preprinted and may even require a signature of a

constituent—some of them don't even have that—and get sent in. That's not to say that a senator will ignore 20,000 postcards, that's still a fact that 20,000 people bothered to mail that postcard, but in some ways it's a lot less impressive. Certainly 20,000 individual letters would make you sit up and pay close attention. Sometimes the letters are individual looking, but the wording is identical indicating it was copied or printed from a newsletter or downloaded from a website or something. There's a whole kind of signing of petitions—somebody stops you outside of a supermarket and says, “Will you sign this petition to senator so and so?” Asking him to oppose whatever it might be. Well, that's a whole different order. You know how those things are, and the person may or may not have put any thought into what they're signing.

RITCHIE: I'm always impressed when I'm sitting in a senator's waiting room. The young staff at the front desk are taking calls and it's obvious that the callers are ranting and yet they're always so polite in their responses.

ARENBERG: That's an entry-level job and yet it's a very difficult job. It takes some skill to be diplomatic like that. And it's getting increasingly difficult. Going back to my old theme, but it goes with the polarized political culture, everything about political discourse is getting a lot more nasty and a lot meaner, and it's reflected in those phone calls. Those poor young kids at the desk are the first line of defense.

RITCHIE: And their last line is “I'll make sure the senator gets your opinions.”

ARENBERG: Yes, and in a fashion he does. Obviously, he doesn't get an individual report on every single phone call, every single letter, but generally speaking they want to know what the feedback is. They spent a lot of their own time and effort trying to assess what's going on with their constituency, and this is one indicator. Without taking it too literally—you understand the technology and that there are these call-through switchboards now, so they could direct a call to you, and it doesn't mean the same as when somebody took the time and paid the charges for a long-distance phone call to call their senator, that really meant something. There was a time when you didn't make long-distance calls lightly. So it's like that. You find a way to report to the senator in a fashion. Certainly if things really out of the usual start to happen, there's an unexpected point of view being reflected, you try to let him know that. But it has to be filtered so that you're not manipulated by all of this easy technology. We used to call it “Astroturf lobbying” back when Astroturf was the newest and most synthetic thing around.

RITCHIE: So is the chief of staff's job in a senator's office essentially that of making the ship sail smoothly?

ARENBERG: Yeah, in most Senate offices that's the way it is. It's overseeing all the administrative things. I guess depending on the chief of staff, but there's usually been a political component to it. Some chiefs of staff are more involved in legislative issues than others are, and usually there's a pretty close collaboration between the legislative director and the chief of staff. Whichever side of that relationship I've been on, there's always been a very close collaboration. But those kinds of mundane administrative burdens tend to be a big part of the job. It was one of the reasons I was willing to go from being a chief of staff back to doing things that were more legislatively focused, because you spend a lot of time listening to why so-and-so wanted to move from the Bangor to the Lewiston office, or wanted to get to the Portland office, or couldn't they join the Washington staff, all those things. In most instances, there's almost an umbilical cord between the chief of staff and the senator. It's a very close relationship. And depending on the senator, sometimes there's a lot of personal care and feeding that goes into all of that, to making sure that everything is operating in the way that the senator prefers. With different personalities, different senators are a little more insistent about some of those details.

RITCHIE: I've heard the chief of staff compared to the alter ego of the senator.

ARENBERG: Yes, I think there's a lot to that. Again, going back to this question about how the hierarchy is structured, certainly in the more hierarchical offices that's even more true. Where senators are really accustomed to dealing through their chief of staff on almost everything, and on those situations, where almost all the paper flow goes through the chief of staff, everything going up to the senator, everything coming down from the senator, it's much more like being the CEO of a corporation. In the more collegial style on the other end of the spectrum it's a little less so. Somebody's still got to run the operation, and that's the chief of staff.

RITCHIE: One of the senators now, Ted Kaufman, went from being a chief of staff to being a senator.

ARENBERG: Yes, I knew Ted well back then. He started in the Senate as a senator on the same day I retired. We didn't have any overlap.

RITCHIE: He probably ran that office during Senator [Joseph] Biden's long absences when he was campaigning for president and vice president. He was obviously not there doing the day-to-day things that senators do, so the role of chief of staff takes on even more importance. The only difference now is that he can vote.

ARENBERG: That's right. [laughs]

RITCHIE: I wondered about when Senator Mitchell became head of the Democratic Senatorial Campaign Committee in 1985, did that distract him a lot from the Senate, take him away from much Senate business?

ARENBERG: I wouldn't say it distracted him. He certainly spent a lot of time on it. A lot of it was just going full bore, and adding additional time. But there's no question that there are trade-offs. It was a sizeable job at the time, and as you'll remember, it was a difficult election. Even the earliest stages, the recruitment of candidates, he spent time on that, he worked very hard on that to get the right candidates and encouraged them to run. Ultimately, when he did run for majority leader, there was a natural cadre of people that greatly respected his skills that he had worked with, that he helped to encourage to run for the Senate. Having been in that position played a big role in his becoming majority leader. There was also the factor that he was widely seen in the caucus as having shown great leadership qualities in doing that. Even right after that election, there was the feeling that he needed to be in the leadership, but there wasn't a leadership spot open for him. Senator Byrd ingeniously dusted off the old Senate standing order that provided for former vice presidents that come back to the Senate to be deputy president pro tem of the Senate. I believe it had been written for Hubert Humphrey as something of a sweetener when he ran for majority leader and wasn't successful. I don't know for sure whether he had any staff in that role but it gave him a vehicle, an office, and so forth. Byrd amended it to apply to George Mitchell for one Congress, and made him deputy president pro tem.

He got a couple of staff spots under that, so he appointed me to be the chief of staff to the deputy president pro tem. I don't know if it's true, but I may be the only one in history! The funny thing about that is when it happened, my assumption, and I think the senator's thinking very early on was, once you get below the couple of established leadership posts in the Senate, leadership in the Senate is what you make of it. Even whips are like that. Each new whip refashions the job and it means something else. You do it a little differently. So I went into that job thinking he's now got an office in the Senate. The leadership ranks at that time, there weren't as many—it's been expanded over the years

now—so there weren't things like designated assistant floor leaders. I thought, well, Mitchell will now spend more time on the floor and we'll carve out a role for him to be helpful to Byrd and turn this into something substantive. Otherwise it's largely ceremonial and he occasionally signs a bill because the president pro tem isn't available, well let's get the deputy president pro tem. But that was about it.

Then what happened was the majority leadership race got launched. The last thing in the world you wanted to be doing then was carving out a new role in the Senate. You'd be stepping on somebody's toes. Who are you pushing aside? And what are you doing? It was stand down on that one. Fortunately, I was also his liaison to the Iran-Contra Committee at that time, so there was plenty of work going on, but his role as deputy president pro tem was largely ceremonial. But it did mean that I was aware of something that most people aren't aware of, so after Paul Wellstone's death, when Mondale stepped in as the nominee in Minnesota. I called his campaign staff and said, "You probably don't know this, but if you win this election, Mondale steps right into the Senate leadership. You should know that. It's a campaign issue. He'll go right into the leadership."

RITCHIE: I remember when they created that post for Hubert Humphrey in 1976. Everybody liked him but they voted for Byrd for majority leader. So Mitchell is the only senator other than Humphrey to hold that position?

ARENBERG: Right.

RITCHIE: Unlike the Republican Party, which divides up its leadership into a separate conference chairman, a separate policy committee chairman, and a separate floor leader, the Democrats have a history of uniting those posts. The floor leader held all of those posts. Mitchell was the first to create other leadership positions.

ARENBERG: He did, he started that process. Tom Daschle served as a right arm for him in his leadership role, ultimately leading to his own victory in a leadership race, and becoming majority leader. But I think that's right. That was really part of what was changing. I alluded to it before. Part of it was trying to make the Senate a little more predictable, a little more family-friendly, fewer unnecessary late sessions, trying to impose a certain amount of regularity. Majority leaders since have had varying degrees of success at that. I think by and large it is a little bit more predictable than it was back in those days. The other thing was the power sharing. Mitchell, when he came in, was a very consultative majority leader. Before he made decisions, before he took leadership actions,

he consulted many more members of the caucus than I think had previously been the case. That trend continued more broadly with Daschle—both of those trends, further expanding leadership roles to creating additional positions, but also in terms of almost a more formalized process of consultation. What's come along with all that is growing staff resources in those leadership positions as well.

RITCHIE: The Republicans had been in the minority for years, so by having separate leaders they provided more staff for each of the leaders. The Democrats had been in the majority and their leader didn't want competition. But once the party had the experience of being in the minority, spreading the authority was more acceptable.

ARENBERG: Well, it changed a lot. I remember when Byrd was the leader, he held the chair of the Policy Committee, and the Policy Committee staff was his staff. Those were Byrd people and they were viewed that way. As this got spread around, I think Mitchell was still formally the chair of the Policy Committee, but Daschle was the vice chair, and in addition to that at the staff level there was really kind of a culture change. They worked for Mitchell, and they worked for Daschle, and they knew who signed their checks, but they were viewed much more as Democratic Policy Committee staff. They were much more accessible to other Democratic staffers around the Senate. They were doing more tasks that were broader than just servicing the chairman. That grew and ultimately it required the majority leader to have his own staff, so not only did you have Policy Committee people in various issue areas, but you now had the majority leader's staff in those areas. It goes along with the polarization and the homogenization of these caucuses, and giving more power to the leadership. It takes staff resources to be able to exercise that power. It's difficult even to know what's going on in the committees unless you have people who are representing you there.

RITCHIE: Speaking of committees, I wanted to ask you about the Iran-Contra committees. That came after you had moved into the deputy president pro tempore's office, and this raises a chicken-and-egg question: was that a way to free up your time so you could focus on Iran-Contra?

ARENBERG: Yeah, I think it was roughly simultaneous. I'm pretty sure it was, because my actual title changed from being his chief of staff to being chief of staff to the deputy president pro tem. But the Iran-Contra committee was a very interesting structure. It was created as a select committee. They decided that every senator who was a member of that committee would have a liaison or a designee to the committee. It was in kind of a

never-never land between a committee staff and a member's staff covering a hearing. It was formalized. As his liaison I was expected to step in for him at meetings when he couldn't be there, and to work closely with him throughout the investigation and the hearings. But let me back up just a minute.

When that story broke, I was Mitchell's chief of staff. Thinking about the Watergate model, I thought: this is obviously going to require a big select committee because there are too many committees of jurisdiction that want to get involved here, and this is really going to blow up into a national issue. I remember, Mitchell was up in Maine and I called him and I said, "You're a natural for this. You're a former federal judge. Why don't you think about giving the majority leader a call and suggesting that he appoint you to chair this committee." He thought about it some, and then he came to the conclusion that suggesting to the majority leader that he appoint him as the chair was a little too presumptuous. It was more like a staff suggestion, I guess. But he decided to call Byrd and tell him that he was interested in and would be willing to serve on the committee if appointed. Of course, Byrd did appoint him but he appointed Danny Inouye as the chairman of the committee. Inouye then asked Mitchell to chair the search operation to find the chief counsel. So Mitchell did that, and ultimately settled on Arthur Liman who was a very well known Wall Street lawyer at the time. It's interesting that, looking back at that, the Senate committee was operating in a very bipartisan fashion. Warren Rudman of New Hampshire was the ranking Republican. In fact, to show how bipartisan it was, Inouye insisted on his taking the title of vice chairman as opposed to ranking member. The committee therefore operated with a chairman and a vice-chairman. This was intended to convey greater bipartisanship than the usual structure with a chairman and a ranking member. And Rudman did play a very significant role in running the committee alongside Danny Inouye. The committee really was steered in a very collaborative fashion by both of them. Many times, in Inouye's absence, Rudman was at the helm.

The staff was put together. The committee counsels were hired in an unusual fashion in that each member of the committee was given the opportunity to hire one of the counsels. It was actually a very talented group of lawyers. But in some ways it creates kind of a hodgepodge that's kind of hard to control because you have this kind of staff all of whom are answering to different bosses. Then to complicate matters further, the House Select Committee and the Senate Select Committee decided that, in order to avoid duplication, that they would hold their hearings jointly. They were independent committees, but they would hold their hearings jointly, and they would write a joint report. This was to cut down on competition between the committees to get the sexiest

witnesses first and to avoid a competition for media attention.

Ultimately that joint report clearly reflects the differences between the House and the Senate, because the majority report was negotiated with an eye towards getting Republican senators on the committee to sign it. It is signed by all of the Democrats on the committee, House and Senate, and signed by three of the five Republican senators on the committee; a majority of the Republican senators on the committee. All of the House Republicans signed the minority report, along with two of the senators.

That minority report is fascinating to read because it was written by Dick Cheney and his staff, who was the ranking Republican on the House committee. In their case, he was the ranking minority member. It reads like a treatise for the Bush/Cheney supremacy of the presidency and foreign policy philosophy that really came to be so prominently displayed by the Bush administration and sort of famously, with Cheney's influence. Really the same staff people were involved that ran his vice presidential office were on that committee. That minority report is kind of obscure, but if you go back and read it, it's very interesting that way. Their defense of the Iran Contra circumstance was basically that. It was Congress didn't have any business writing these laws and it was presidential prerogative and he has the constitutional power to do all of this and we shouldn't be investigating this. That was basically it. But the point I'm making is that the instinct of the senators on the select committee was to work with their Republican colleagues. We negotiated—I was in those sessions—we negotiated every sentence in that majority report. What verb would be used and all of that. And with the Republicans at the table, trying to see how many of the five of them we could get to sign the report. The effort was successful. In the end, three of the five Republican senators— Warren Rudman, Bill Cohen and Paul Trible of Virginia all signed the majority report. On the House side, all the Democrats signed the majority report and none of the Republicans—led by Cheney—did.

RITCHIE: I always thought one of the problems with that committee was that it got so unwieldy and that when they held the hearings, there were so many people at the dias, they had to build an extra dias to fit them all.

ARENBERG: Exactly, right. Yeah, I still see there are pieces of that giant platform downstairs in the Hart garage that I notice laying around sometimes. I recognize it. Yeah, that's very true. I later worked on that book with Senators Mitchell and Cohen

that maybe I'll talk about a bit.⁹ They make that acknowledgment in the book that it really got unwieldy, and particularly when you get to the Ollie North hearing and you had this courageous medal-draped Marine sitting at the table as a solitary figure confronted by two levels of . . . It looked like a cast of thousands up there firing questions at him. It's not a mystery why many of the viewers rallied behind the witness as opposed to the committee. He looked heroic. They looked like bullies.

I remember that hearing because when the North hearing broke the first morning for lunch, I came back from lunch and I walked into the room and there was the Senate photographer taking a picture of the Senate sergeant at arms with Ollie North. I thought to myself, we're in trouble. [Laughs] This isn't playing exactly the way that we thought. But that was a famous hearing. And another one of the kind of unique structures that they hit on on that committee was they decided the way they were going to question witnesses was that they would start off with the counsels doing the first round of questioning. And then for each witness there would be what they actually called, "designated hitters," who would be—that there was one senator on each side and one congressman on each side that would be designated as the "designated hitters," which would be that they would be the principal questioners of that witness. Then after that, they would go to the usual rounds and five-minute questions or something like that like you do in a committee. Of course, this led to kind of endless sessions which didn't help this impression you were talking about before, either.

But Mitchell was one of the designated hitters for North. And he made what became a very famous—it really was a speech—to Ollie North in which he basically said, "In America, it's not a show of lack of patriotism to question your government." You'll recall that it was a very dramatic moment. Because of everything that had come up to then, Mitchell was really sort of Horatio at the bridge. It was really kind of the turning point of saying, "Now, hey, wait a minute. You're not exactly the hero in this situation."

ITCHIE: There was a line in it that "God gets called upon by all sides, but doesn't take sides."

ARENBERG: You're right. It was one of his greatest lines. In that speech, he famously said, "Although he's regularly asked to do so, God does not take sides in

⁹William S. Cohen and George J. Mitchell, *Men of Zeal: A Candid Inside Story of the Iran-Contra Hearings* (New York: Viking, 1988)

American politics” That’s right. There’s a clip of that, actually which I play for my students at Brown. His archives are at Bowdoin and on their website there’s a clip of that moment with Ollie North. He used it in his reelection campaign. It was the one spot. I think he got 82 percent of the vote when he ran for reelection. But he used that clip. I always said I had the most famous face in Maine without a name because of that clip. There he was making that statement and it’s my head just over his shoulder. Of course, nobody knew who the hell that was, but it ran so many times in Maine that everybody had seen that face before.

It’s interesting, just as an aside, I’m thinking about that election. In that reelection campaign, that was just before he became majority leader—yeah, it was right after that, days after, I think, when he was elected majority leader. But in his reelection campaign, I think it was 82 percent of the vote. He beat a guy named Jaspar Wyman—great Maine name. He won every precinct in the state of Maine with one exception, a place up in what they call Down East, a place called Talmadge Plantation is my memory. It’s way up there in Washington County. There’s something like 20 or 30 voters in Talmadge Plantation. He lost it by some margin: 14 to 6 or something of that fashion. So here’s George Mitchell. He gets reelected. A couple of days later, he gets elected majority leader of the United States Senate. And where is he the next day? Holding a town meeting in Talmadge Plantation, because he wanted to know what it was that he’d done wrong. I think he couldn’t find anybody that had voted against him, but that’s in the nature of things.
[Laughs]

But it spoke volumes to me that that was his concern. I can remember instances where he would read a—and again, this speaks to a small state like Maine, but it also speaks to that characteristic about George Mitchell—was I can remember instances where he sat in his office and he was reading one of the local Maine newspapers and there would be a letter to the editor criticizing him for something. He’d pick up the phone and call the person who had written the letter and say, “This is George Mitchell. I wanted to talk to you about this letter because I want to explain to you that—” I think he felt that if he only had the opportunity to talk to every single person in Maine, there’s no reason why they wouldn’t all vote for him. In those circumstances, I would try to say to him, “That poor guy! That’s pretty scary! You write a letter to the editor and the next thing you know, there’s a United States senator on your phone!” But in Maine it wasn’t all that scary. They all knew him as George anyway. And it would be a pretty amazing thing going through like the L.L. Bean warehouse with George Mitchell, and just everybody knew him. He knew everybody. He knew them all by name. Amazing.

RITCHIE: Well, you spent quite a bit of time on the Iran-Contra hearings.

ARENBERG: Yes.

RITCHIE: How did they strike you in terms of what the Senate can do in an investigation? Did they indicate the limitations or the possibilities or what was your general reaction?

ARENBERG: When these circumstances come up, there is always this tension between the Congress interfering with the process of justice and prosecution and the whole judicial process, and the public's right to know. Often the requirement that the Congress—it has its oversight responsibilities, sometimes there may be a legislative solution required or simply its investigative responsibility to inform the public. But I think what's happened, and Iran-Contra really made it even more difficult, because as you know, ultimately Ollie North was convicted and then that conviction was overturned on appeal largely because the circuit court said that the public testimony on national television had prejudiced his rights. They said that the independent counsel Walsh had to prove, witness by witness and line by line, that nothing in Ollie North's public testimony could have been used at his trial. This was in a situation in which the independent counsel, the counsel of the committee, people like Mitchell and Rudman in particular, were very cognizant of that danger. I mean, everything was done with an eye towards addressing that danger, both inside and outside of the independent counsel's office. He basically sequestered his investigative staff so that they didn't watch the hearings. Didn't read about them. None of that sort of stuff. Nonetheless, without reference to any example of prejudicial material which was used at the trial, the U.S. Court of Appeals threw out the verdict.

The decision was made by the Iran-Contra Committee to give Ollie North immunity in order to get his testimony. He made it clear that otherwise he would invoke his 5th Amendment rights. All of this grows out of this tension between these two legitimate processes. Ultimately you come to the point where Congress more and more now begins to recognize that it is a trade-off, that it's almost impossible to have your cake and eat it too. You have to decide, do we want to investigate this as a public policy matter and recognize that it's probably going to allow criminal behavior off the hook? Or are we going to wait until the judicial process runs its course and then do our congressional process after that? It's a very difficult problem and I don't think there's a simple answer to that. You have to look at the circumstances, I guess.

But certainly in that case, I think people who were involved with the Iran-Contra Committee are rightly proud of that committee report. I think it stands the test of time pretty well. It's also incomplete in a number of areas and that's partially because of the decisions that had to be made with an eye towards the independent counsel, if they hadn't given immunity to Ollie North, and maybe threatened him with contempt and gone through that whole process and so forth, it would have taken a lot more time. I mean, one of the mistakes that was made in the resolution, and Mitchell and Cohen say this in the book, was in creating a time limit in the original resolution so that there was this time pressure on the committee all the way through. Subsequent to that, in subsequent investigations, the Senate's been much more circumspect about that in the resolutions, not to trap themselves in that way.

So I think the Iran Contra experience really demonstrates that. When I say that it was incomplete in some areas, I mean I think because the committee had time constraints, they focused on particular things. They focused on the president. They focused on Ollie North's role, on [John] Poindexter's role. They didn't pay much attention to the vice president, for example. That later became an issue in both of the next two presidential elections where Bush's role in all of that, which is largely ignored in the committee report—but there was ample material. There was a lot to look at there, but it didn't get done, and there were other matters that the committee never really fully pursued.

RITCHIE: Bush said he was out of the loop on that.

ARENBERG: Exactly right. And it was very clear that he wasn't out of the loop on the Iran side. There was never a complete investigation done on the other end of that—the Contra end. That was all about did he know about the missiles being sold to Iran. But the whole question about what did he know about the shifting of funds to the Contras and the activities that were going on to support the Contras in contradiction to the Boland Amendment was never fully explored. All of the witnesses weren't called. With the time constraints, it wasn't something that the committee was that focused on doing. He was the vice president, after all.

RITCHIE: Even with the president, wasn't there some ambivalence? I mean, there were some people who were concerned that they didn't want to impeach another president so soon and that maybe that wasn't necessarily the end result that they should be looking for?

ARENBERG: Well, I think there was some of that. There was not the partisan fervor that you would expect in that kind of situation today. There just wasn't. For one thing, the committee made the decision they didn't even subpoena documents from the White House. Documents were produced by the White House in response to a letter of request from the committee. All of the relationship between that committee and the White House was kind of a cooperative, respectful, sometimes somewhat skeptical. But had Poindexter testified that yes, he did say this to the president or whatever, or if there was a smoking gun or something, I don't think the committee would have shied away from that and turned a blind eye to it. But by no means was there a lot of desire to chase down the president on this. I think some subsequent investigations and I think of what it would have looked like if we were going through that kind of exercise today is something very different. We weren't quite at that point where the excessive partisan warfare had begun, we were just barely in the earlier throws of the recent polarization of the Senate, in particular.

RITCHIE: From your personal standpoint as you went through all this, did this appear to be a rogue operation or a detached president or a president who was perhaps more involved than the administration was willing to admit?

ARENBERG: Well if it's possible, all of those things. I think it clearly was a rogue operation, in many ways. I don't think the president was sitting in the Oval Office issuing orders about this. If there were tapes—I wouldn't expect Nixon-like tapes. My own suspicion remains that he was told in some form or fashion, and given ample evidence about this kind of behavior with respect to Reagan in other areas, he may very well have genuinely not recalled that he had been told this simple fact. Part of that is based on, look, Admiral Poindexter took the bullet, but to me it's almost inconceivable that an admiral with the kind of record that John Poindexter had, all of his history, everything that was demonstrable about his career before, hadn't reported to his superior officer about a matter like that. I think he probably did. I think when the president didn't show a lot of interest in it and when he didn't immediately say, "Wait a minute! What's this all about? I want some details. Get me a memo!" When nothing like that happened, in my mind's eye, you have a navy admiral checking off the box, okay, the boss was told. But he also knows how to fall on his sword. So I think nobody was going to prove it. I also think there was, of course, [CIA Director William J.] Casey had died, and I think there was a much more active role by Casey in all of this than fully came to light. He just wasn't around to put under oath and question and so forth.

But having said that, there is that decision to be made. I think in an instance like that, even knowing that it was going to let Ollie North and others off the hook in terms of prosecution, I don't think the Congress could have made the decision to defer the hearings. If you think back, the Reagan administration was kind of dead in the water at that moment. It was like the Nixon. I heard [Pat] Buchanan on the radio this morning hypothesizing whether this oil leak in the Gulf is having the effect on the Obama administration that Watergate had on the Nixon administration, where they couldn't do anything else because it just was taking all the oxygen out of the room. Well, certainly, Iran-Contra was doing that to the Reagan administration. It was suddenly almost unable to function. And I think Congress had to do something about that. They had to clear the air. So I think when you go through the whole decision tree, maybe different branches would have been taken than were, but I think the hearings needed to take place.

RITCHIE: The Congress has a role of public exposure that court cases don't, even though they result in someone's conviction.

ARENBERG: Courts take too long, if nothing else. That's because of the rules of evidence and the way the defense is conducted—you don't have to testify in your own defense and various things like that. It is difficult for that process to perform the full informing function that is sometimes needed on these public matters. But even that aside, just the clock. Ollie North was convicted, but when was it? A year later? It's hard to imagine how that could have played out.

RITCHIE: Well, even Ollie North's lawyer pointed out that it wasn't a trial. He said he wasn't a potted plant.

ARENBERG: Yes. [Laughs] Brendan Sullivan famously said that—and got away with bullying the committee a bit.

RITCHIE: But lawyers are potted plants at congressional hearings. They're not supposed to speak. They're supposed to just advise their clients.

ARENBERG: He was given amazing latitude, as was North. Looking over my years with Mitchell, trying to think about what small little things did I ever do that I think played a big role in his career, probably more than anything else, that's the one moment that I would point to. North had testified. I think it was like a Thursday and Friday or something like that. There was a break for the weekend. When we came back on Monday

or after the weekend, however that break was, Mitchell was going to be up as the designated hitter. I remember, over that weekend, we met at his house and talked about how he was going to handle his questioning of North. Now, Mitchell, as a former judge and prosecutor, his instinct was to cross examine. He started making notes.

I think in all those years, the single most important contribution I made to Senator Mitchell was I said, "If you do this, Ollie North is going to filibuster. I mean, that's what he's been doing. You'll ask him the first question and he'll answer it for 45 minutes. And he'll make another speech about patriotism and so forth. You get to speak first. I suggest to you that what you need to do is for you to say to Ollie North what you need to say. To start off with. If there's any time after that, cross examine him." I didn't write the speech. George Mitchell wrote the speech. That came from his own pen. And it will be in any collection of great American moments. It will be right up there. It's always funny because on any collection of news clips that appears on TV, that covers the whole decade or even the century or anything like that, there's always that moment where Ollie North has his hand up like this. Then that tape, immediately next, flashes to George Mitchell with me right behind him. It's always a question of whether they cut the tape before it flashes to Mitchell or not. So of course, it always catches my attention. I always watch it, and say, "Am I going to make it this time?" [Laughs]

RITCHIE: When North was sworn in, he wore his uniform, which people pointed out, he hadn't worn to work when he was at the White House.

ARENBERG: Right.

RITCHIE: But there was clearly a lot of stage managing for that moment. There he was facing 30 members of Congress.

ARENBERG: This phalanx, right. Then you have that very difficult process. This is a problem that investigative hearings always run into and that is, it's not like courtroom questioning in that not only don't you have the rules of evidence, but you have one senator does their questioning and then you go to another senator and the whole subject shifts to something else. Very often in the hyper-partisan era, one party is involved in investigating and the other party is involved in trying to help the witness. And so you get a round of sort of tough questioning on some subject, and then you get a question about, "Well, just how much do you like apple pie?"

RITCHIE: What was your specific role in the committee?

ARENBERG: Well, as I say, I was Mitchell's liaison to the committee. So I worked with the counsel in preparing for the hearings. Of course, I worked with Senator Mitchell in preparing his questioning for witnesses. His preparation for hearings. But even much earlier on before we even got to the hearings, just kind of keeping him represented in the whole process of how the investigation was going and how the whole thing was being managed. It was an incredible operation. Suddenly you had this select committee being thrown into one of the most highly compartmentalized secret operations within the White House. And this was a real problem. We brought in there New York lawyers. Arthur Liman arrived. His assistant, Mark Belnick, who was one of his partners from his law firm, came as the deputy counsel. The committee was expected by the Congress to hit the ground running. Of course, the clearance process for all of this, even though it was being expedited, you know what that's like. It takes awhile, the FBI and all of that.

I remember this almost comical situation in which Mark Belnick had gone down to the State Department to draft a letter to the Israeli government, one of the first things they needed. You'll remember how the Iran-Contra thing worked, that the actual missiles that went to Iran were American missiles that had been sold to Israel. The deal was these older missiles would be sold to Iran and then the newer American missiles would then be shipped to Israel to replace them. So there was Israeli government involvement. This was the early part of the story. This is really the very early stages of this whole plan. They need the cooperation of the Israelis on how much information are they going to give us; documents and so forth. So Belnick goes down to the State Department to write this classified letter to the Israelis asking for their cooperation, specifying what we wanted. He comes back and I happened to be in his office several weeks later when the phone rings. It's the State Department and they say, "We have the response to your letter to the Israelis." And Mark says, "Oh, well that's very good. What does it say?" They say, "We can't tell you. You're not cleared to hear this response." [Laughs] He says, "How can I not be cleared? I wrote the letter!" They said, "I'm sorry, it hasn't been cleared." So he said, "Well, can you summarize in an unclassified fashion what the letter says?" And they say, "Yes. It says, 'No way.'" [Laughs] But so there really was an early challenge to getting off and running. Just having enough people around with sufficient levels of classification to even look at the things we were supposed to be investigating.

RITCHIE: So you had to get security clearance?

ARENBERG: Yes, these weren't my first clearances, but I had to go through—this was an iteration into higher levels of classification, thinner air than I'd ever been before.

RITCHIE: Classification levels that you can't be told about?

ARENBERG: Yeah. That's right. You can't even know about those.

RITCHIE: Well, as this evolved, your job was essentially to sit behind Senator Mitchell and to advise him as things happened. Were you collecting information about this? Were you just sort of trying to keep yourself informed about all the aspects of it?

ARENBERG: Oh, yeah. I really was working very closely with the committee staff. That was a very integrated operation in that way. Much more so than you would have in a normal standing committee, at least in part because these committee staffers were not Senate staffers, really, for the most part. For a lot of those elements of, how do we navigate through things around here, those of us who knew the ropes around the Senate were pretty crucial for that. But also because this was so complicated. It was so deeply imbedded in all this kind of classified gobbledygook that the senator really needed somebody to have his fingers on it for him and to be able to bring him information in a timely fashion. I think when he became leader, my role as a liaison to the Intelligence Committee grew directly out of this Iran-Contra experience. He learned from that that the reforms that came about and the Pike Committee and the Church Committee and the creation of the Intelligence Committees in the Congress, they had created all of these reporting requirements which had certain provisions in them. The law has provisions that say that the Intelligence Committee, if something is so sensitive that they can't report it to the full Intelligence Committee, they can report it to what they call, "the big eight," which is the majority leader, the minority leader, the chairman and ranking member of the Intelligence Committee on each side of the Congress.

Well, part of the story of Iran-Contra is that very bad decisions can get made by very small groups. Part of the beauty of our system is things get very widely vetted. There's a lot of eyes. Congress is great at that. There are a lot of things it doesn't do very well, but I think of it as a giant pinball machine and that ball bounces around and bangs into a whole lot of stuff before it gets down to the bottom. Part of the problem with these highly compartmentalized things, this kind of rogue operation, is only a few people know about it. They're making a few bad decisions. Nobody's overseeing it. And it goes wrong.

Mitchell used to say, “This is what happens in totalitarian governments. It’s why they don’t work so well.” It’s one of the reasons they don’t work so well is that you have a very limited group of people making decisions and bad decisions compound themselves. Then they have to defend or hide the bad decisions.

But this process of reporting these highly classified things just to the leadership makes the leadership very vulnerable. Because how does it happen? Look, the CIA, let’s say they track down Mitchell. He’s in Maine somewhere. He’s having a town meeting in Millinocket or something like that. He gets a phone call. They get him to a secure phone somewhere and he gets a report over the phone. “We’re doing blah blah blah blah.” You can’t write it down. You can’t do anything. Basically it’s like a game of tag. Now you’re it. And we’ve seen it. We’ve seen, in subsequent years, we’ve seen [Nancy] Pelosi and others criticized for not taking action. They knew this. It’s an implied approval of it. The first thing the intelligence community—the administration—says, is “we told the Speaker” or “we informed the Senate majority leader.” Here’s the hot potato, do what you want. Even if he’s here in Washington in his office. Let’s say they come here and brief him. They show him some documents. He takes notes. Those notes go back to CIA with them. He can’t keep them. He can ask for them to bring his notes back—but that takes a while and he still can’t keep them. It cuts the leaders loose from all of their staff. None of their staff is involved in that. It’s not that staff is so tremendously wise, but you know how the process works around here. Senators have a lot on their plate. They have specialized staff whose jobs it is to watch out for some of the pitfalls for them and have been up and down this road a few times. Staff has the time to study the matter in depth and to write detailed memos highlighting the issues, raising the questions, etc. They don’t have the benefit of any of that. It’s just, “Here, now you’ve got a secret. You’re part of the team.” On several occasions, I told Mitchell, “In certain instances, if they ask to report to you, you ought to decline it.” I don’t think he ever took that advice. Probably not such great advice, but the real point I was trying to make is that it was too tight a circle, and a congressional leader can be too easily compromised.

RITCHIE: Did you get involved in writing the report for the committee?

ARENBERG: Yes.

RITCHIE: Was it done collectively in the staff?

ARENBERG: It was. They were basically negotiating sessions. There were

several of the counsels involved and several of the liaisons, and Republican staffers were in there. As I say, we really haggled in some cases over every word, every sentence that went in there. The sentence says, “It was clear that blah blah blah,” and they wanted to say, “It was apparent that blah blah blah?” [Laughs] It was all that sort of thing. But I think the report stands the test of time pretty well. I don’t think it was watered down to the point—and it was a classic Senate negotiation. It’s that search for consensus. Do you want to have a report that says exactly what you think? Pure, but partisan? Or do you want to have a report that says largely what you think, makes all of the major points, but is bipartisan and therefore more credible? That’s how we approached it. It’s some of that consensus building—I’m sorry I keep going back to the same theme, but I think it’s part of the danger of what’s happening in the Senate right now, is that there’s less and less of that. With the way the Senate is currently operating, I think it would be much more difficult to have that kind of process and have it come out with a satisfactory report. Much more likely to get a partisan report.

RITCHIE: Were Representative Cheney and David Abshire and that group, were they involved in all of that?

ARENBERG: No.

RITCHIE: Or they were writing their own report?

ARENBERG: They were really rejecting the process from the outset. It was clear. They probably started writing the minority report before the hearings started. I’m not just being cynical about that, that’s just where they were. “This isn’t really a legitimate inquiry; Congress shouldn’t even be asking about this,” was basically the posture they took. So they knew they would write a minority report, and I’m sure they wanted all the Republican senators to sign it.

RITCHIE: President Reagan was very thankful for them in his diary. He made nice references to Dick Cheney as a result.

ARENBERG: Yes. Well, Dick Cheney was very protective in all of that.

RITCHIE: It’s interesting that the whole thing revolved around a deliberate attempt to evade a law that Congress had written. Yet here was a member of Congress arguing that Congress shouldn’t have written the law in the first place.

ARENBERG: Exactly. It's become a familiar argument. They base it around the *Curtiss-Wright* decision and they basically argue that in the realm of foreign policy, the president is supreme. If he chooses to act, then he's got the right to do that. If you look at the minority report that Cheney produced, it reads like a manifesto for the George W. Bush foreign policy which Cheney played such a great role in.

RITCHIE: And the Richard Nixon argument that if the president does it, it's not illegal.

ARENBERG: Yeah [Laughs]. Well, it does kind of boil down to that.

RITCHIE: When the hearings were over, Senator Mitchell and Senator Cohen wrote *Men of Zeal* and you were very much involved in that.

ARENBERG: Right.

RITCHIE: How did that all get started?

ARENBERG: I don't specifically recall the very beginning of it, but Senator Cohen approached Senator Mitchell with the idea and Mitchell thought it was a good idea and they set out to do it. The book was largely structured with each of the witnesses at each of the hearings as a chapter, and they divvied them up. They would go off, like when they would fly home for the weekend or something, and they would write longhand on a yellow legal sheet. They wrote the book. There was no ghostwriting here. They each wrote their own chapters.

Now, my principal role on this was they'd come back and they'd toss these pages on my desk, basically. Let me say that this was all weekends and nights and everything. Completely outside of my official role. But what I was confronted with in doing this was my task was—I mean, think about this—Bill Cohen is a many times published novelist and poet. He's written several books of poetry. He has a very florid style, very descriptive style, writes very beautifully. George Mitchell, as I've described before, is a former federal judge. He writes in short, declarative sentences. He likes very factual statements. It's very matter of fact down the line. Well, even when a book has two authors, from chapter to chapter, you can't go into a totally different voice. My task was to try to meld these things together so that they sounded like a single narrative. Now there are times when the book went outside of that where one or the other of them just had something to

say that the other one didn't want to do in a joint voice and we'd put their initials in the book and put that in italics. It would say, "GJM:" and then in italics what it was he wanted to say. But most of the way it was a single voice.

The most interesting part of that challenge came on the chapter headings because Bill Cohen loves the idea of ironic chapter headings, or kind of cute. From time to time, I would get a call in the middle of the night from him and he'd say, "I've got a great idea! How about, for the [Edwin] Meese chapter, let's call it, 'Three Blind Meese.'" [Laughs] The implication here was Senator Cohen wasn't going to go to Senator Mitchell with the suggestion, I don't think. He wanted me to go to Senator Mitchell. And I'm sure you can guess, from Senator Mitchell's point of view, the chapters ought to be called, "Chapter One, Chapter Two, and Chapter Three." But he bought into it and so the chapters all have very literate titles. The chapter about Ollie North is called, "Top Gun."

RITCHIE: They're an interesting pair, a Republican and a Democratic senator from the same state.

ARENBERG: That's right, that had both been on the committee. I think it's a very insightful book for that reason. The interesting thing is if you go back and read the chapter I mentioned about Bush being out of the loop, the book makes the case that he was in the loop. Very clearly. In fact, it's a case that would later really kind of come to light. I think it was when the—was it the [George] Schultz notes that came out during the 1992 Bush reelection? And then Clinton made an issue of that and it played a role in that campaign. I think it blew away what they call the character issues. All of these character issues were being raised about Bill Clinton, and this "in the loop/out of the loop" thing came along and it was kind of like, well, Bush has got his character problems, too. Let's move on. That was really kind of the role it played in that campaign. But the book, much earlier, laid all of that out. It was there.

When the book came out and they went on tour, of course that was the thing that all of the interviewers and everybody gravitated to because Bush was running for president when the book came out in 1988. Now they had both been willing to say that, but they were both less interested in making an issue out of it once the book came out. I mean the situation had really changed. When the book was being written, Bob Dole was running against Bush in the primaries. Cohen was a Bush supporter. The whole dynamic was a little different. When the book came out, now Bush was the nominee of his party. He wasn't really that interested in talking much about that chapter. Mitchell wasn't either,

because he didn't want to be perceived—and this is just my hypothesis—but I don't think he wanted to be perceived as being critical of the Iran-Contra committee because at that time he was in a contest with Danny Inouye for majority leader and he had never been critical of Inouye's leadership of the committee. But he felt as though there was a danger that it could be misperceived in that way. So both of them spent a whole lot of time throwing cold water on that chapter. "Oh, it's only a few pages, let's talk about," and they'd move onto something else. It was kind of amusing. But it is, in retrospect, clearly one of the most interesting chapters of the book, I think.

RITCHIE: It came out before, but shortly after that was the whole Jim Wright controversy over his book. Newt Gingrich was accusing him of breaking House ethics rules and everything else. Did you wind up getting any flak from that as a result?

ARENBERG: No, it was really never raised. But I think we were very sensitive of those issues. As you know, there's no straighter arrow in the United States Senate—he's not in the Senate anymore—than George Mitchell. So I was paid by them separately from my Senate activities and it was all weekends and nights, many nights, many weekends, the work that I was doing on it. A lot of what I did was also a lot of fact checking. It's full of footnotes. I did all of the footnotes and all of that.

One of the sidebars here is they weren't all that interested in what was going on in the footnotes. That's kind of neither here nor there. So I felt as though I had free reign to really explain things. But if you go look at that book and read the footnotes, they mention cloture and then there's a footnote and I explain the whole cloture rule. I just had the freedom to run. I think one of the world's longest footnotes ever is there. Meese, when he testified before the committee, much as Poindexter had done, much of the testimony was saying over and over again, "I can't recall," that's kind of a familiar thing. Meese, who of course, had been attorney general, there was a lot he couldn't recall. It kind of annoyed me a bit that he got off the hook so easily. So if you look at that chapter, it starts out, and I don't recall what the first words are, but it starts with something like, "It was a bright day in August," or something like that, "when Ed Meese sat before the committee." Then there's a footnote, and if you go down to that footnote, that footnote runs for pages. What it does is it starts off and it says, "This was not the first time that Ed Meese had been investigated by an independent counsel." It went through all of the past investigations and what they found. [Laughs] It was like a book within a book. I had a lot of fun with that. The footnote alone runs for about four pages. I loved doing that. As a result, *Men of Zeal* has some of the world's most extensive footnotes.

The other thing that I got to do was select the pictures. It's one of these deals where there's 15 or 20 pictures in the middle of the book. I had a lot of fun going through various archives and finding pictures. One that I really lobbied for and that I love is there is a tradition that the first salmon that's caught in the Penobscot River—you may know about this—but the first salmon that's caught in the Penobscot River every year is brought by the fisherman to Washington to the White House and is presented to the president by the fisherman and the two senators. This has been going on for many years—since 1912 or so. It's a little like the pardoning of the turkey at Thanksgiving. But in that particular year, the hearings had just begun. The first day of the hearings. The first witness I recall was General [Richard] Secord. It was the start of the Iran-Contra hearings, televised on national television gavel to gavel. The country is riveted on this. We go through the morning of testimony. We break for lunch, and Mitchell and Cohen have to go to the White House, where they didn't betray any recognition of the symbolism of presenting this fish to the president. [Laughs] So I got them to put this paragraph in the book at that point, in that chapter about Secord, that says something like, "The country was riveted to these hearings," and so forth, "little did they know that the two senators from Maine, during the luncheon break, had gone to the White House to present the president with a dead fish." [Laughs] Something like that. It was a little more artful than that. I'd have to look it up. But then when you get to the picture section, that picture is in there. There's a picture of Mitchell and Cohen, President Reagan, the fisherman, and the fish. [Laughs]

RITCHIE: I recall that the book was pretty well received when it came out.

ARENBERG: Yeah, I think it was.

RITCHIE: In some respects, that was a plus for Senator Mitchell in establishing his credentials in Washington as well. Right after that he made the run for majority leader. So now that he was no longer deputy president pro tempore, did you have in mind working on national security issues? Or was that his idea? How did that come about?

ARENBERG: Yeah, we talked about various potential things, but he did feel strongly, particularly, as I said before, this whole vulnerability, he felt it was very important that the Senate leadership know what was going on, particularly in covert operations. Also what was going on within the Intelligence Committee. So part of what I did was I had a very close relationship with George Tenet, as I mentioned, who was the staff director at the time, and a good working relationship with Chairman Boren. Senator Boren, interestingly, was Paul Tsongas' closest friend in the Senate. They seemed like an

odd pair. And Senator Boren was the only member of the Senate to endorse Paul when he ran for president. I had known Senator Boren previously and we had a good working relationship and that worked out pretty well.

RITCHIE: So you worked on the Democratic Policy Committee staff?

ARENBERG: I was the staff of the majority leader, although I worked closely with the Policy Committee staff. But I was on the majority leader's staff.

RITCHIE: Was your position, essentially, just to keep informed so that you could tell him, or did you work on issues that were coming up on the floor?

ARENBERG: Well, I did wind up working on a number of issues. For example, there were several things that I think were kind of interesting. One was that during the Ollie North trial, which was about a year or so after the Iran-Contra hearings, in 1989, several memos, seven as I remember it, came to light that had been in North's files that were entered into evidence in the trial that had to do with efforts by the White House to get the government of Honduras to provide aid to the Contras. And so there was a big front page story in the *Washington Post* about these and quotes from various members of the Iran-Contra committee saying, "We never saw these." So the question arises, why were these never produced to the Iran-Contra committee? Senator Mitchell, who's now the majority leader, asked me to draft a letter to the Intelligence Committee, to Senator Boren, requesting that the Intelligence Committee look into this question of what happened to these documents. Was the Reagan White House, in some way, diverting them or hiding them from the committee? Why were they never produced? I draft that letter. Senator Mitchell signs it. I take it over to Chairman Boren, and he reads it and he says, "Fine, we'll do this investigation, but you're going to do it." So he assigns me and the chief counsel of the Intelligence Committee at the time, Britt Snider. We set out on this task to find out, which involves going to the National Archives, reopening all the sealed National Security Council files—some of the NSC's most sensitive internal files—that had been taken by the FBI and gone through by the FBI during the original Iran-Contra investigation. We had to interview all of the archivists at the archives who had dealt with that. We interviewed all the FBI agents who had been involved, and basically carried on a follow-up investigation to find out what was the chain of custody of these documents. Where did they go? What happened? We interviewed the independent counsel staff. We ultimately wound up writing a report and testifying before the Intelligence Committee.

It was a fascinating exercise because we got to kind of look behind the curtain on some of the nuts and bolts of what had been going on in this investigation that I had been so much involved in. At the time, we knew that the documents arrived and they were stamped and they were documented and everything and they went into special vaults that had been built for the Iran-Contra committee, which was placed up on the top floor of this building [Hart Senate Office Building] which was originally intended to be a restaurant, I believe. Well, the Iran-Contra committee was housed up there and they build a special SCIF, as they call them, acronym for special compartmentalized information facility or something, and special vaults for the documents. What we ultimately learned—well, the bottom line of the investigation was that we couldn't really draw a firm conclusion as to what had happened. We suspected that they were not diverted, that it wasn't a conscious act to divert them, that they had fallen through the cracks in some way, but we could not be sure. But what we did learn was that the chain of custody of documents had gone from the White House where they were produced to the independent counsel and then the independent counsel was making copies and sending the documents on to the Iran-Contra committee. There may have been a document clerk or someone on the committee who was aware of what this process was, but I certainly don't believe that the powers that be, either on the committee or in the Congress, knew or would have accepted that this was appropriate, that Congress should be receiving these documents turned over from the president to the Congress coming through an independent counsel appointed under the independent counsel law, really outside of both the executive and legislative branch. But that was the case.

We also concluded that the White House staff should have been more involved in assuring that all documents required were in fact produced. Of course, there was this hearing and then this was released in a press conference to the press by Senators Boren and Cohen. The press conference was a funny moment because Senators Boren and Cohen started the press conference, but much of what the media was firing questions about was so deep into the weeds that they eventually gave up and called Britt and I to the podium to answer the questions. Bill Cohen said to me as we got up there, "Your moment in the sun."

RITCHIE: This was the point when Senator Mitchell was taking over as leader. Did you have any connections with his leadership functions in addition to being his advisor on national security issues?

ARENBERG: Well, yes. I think that's where I was going. You're very intuitive.

[Laughs] At the time that the Whitewater story broke, the independent counsel law had lapsed, but Clinton agreed to the appointment by Attorney General [Janet] Reno of a special counsel at the Justice Department to investigate the Whitewater matter. There had been a continuous call in the Congress, particularly from the Republicans, for a congressional investigation. We had this same dichotomy. Public need to know vs. possible criminal investigations. Now we were going to have this independent counsel look into it. Mitchell felt that the Republicans were looking to blow this into a big political circus and wanted to look into it appropriately, but he didn't want to fall victim to—if you'll recall, at the time, there were all kinds of accusations being leveled at Clinton—they wanted to pull "Travelgate" into it. That he was involved, in some way, with the death of Vince Foster. That there were tax violations involved. I can't even chronicle all of the charges, but they were being multiplied virtually every day and these were being added to the requests that they wanted to go into these things. It was a scattershot effort to discredit the president.

Well, the Senate finally, I think on a 98 to 0 vote, passed a resolution to investigate the Whitewater matter. The scope was to look into three questions. One was the Madison Guarantee, which was the bank that was involved, and the real estate deal and was it legitimate or not? The second was to address whether the death of Vince Foster, was there any involvement? Any strange circumstances about that? The third was the handling of Vince Foster's papers in the White House after his death. That was another area where there were a whole lot of charges flying around. This was basically the charge that had been given to the special counsel who had been appointed. His name, I think, was Robert Fiske. He was a highly respected—I don't remember if he was a U.S. attorney or a district attorney—but from New York. And Alphonse D'Amato, who was the lead Republican, knew him and approved of him. So it was kind of bipartisan. Part of it was an agreement between Mitchell and Bob Dole that the hearings which the Republicans sought would occur, but not immediately when they might interfere with the Fiske investigation. Everybody was happy and the resolution passed 98 to nothing.

Well, then when the creation of the committee comes to the floor, the resolution to create the committee, the resolution basically tracks with this earlier resolution calling for the investigation. Then begins a series of Republican amendments to add all of these additional matters to the scope, to broaden the scope for all of this. Mitchell feared that they wanted to create a political circus out of this investigation. The first one is offered, I think, by D'Amato. I suggested to Senator Mitchell that what we do is that we basically offer the resolution that passed 98 to nothing as a second-degree amendment, basically

saying this is the scope. We do that and it passes on a party-line vote: 56 to 43 or something like that. At the outset, we didn't know this was going to be a long series of amendments, but that's how it was. You know, then another Republican senator would have another one. I'm sitting there on the floor and Mitchell says to me, "Well, should we take a quorum call? What are we going to do? They're obviously going to bring a whole series of these." I said, "Well, what would prevent you from offering that same second-degree amendment to each one?" He said, "Well, can we do that?" And I said, "I don't see any reason why we can't do it." So if you go back and look at it, I think again here this is probably a historical first, but the Senate passed that same amendment seven times over two days. It's the only time I can recall that the same language has been passed by the Senate ten times in a row.

RITCHIE: Until the Republicans stopped offering amendments?

ARENBERG: Right, they finally gave up on that. I should mention, the other contribution I made in that instance was in thinking about how to avoid the circus atmosphere of a newly-created select committee? There were probably five committees of the Senate claiming jurisdiction over certain aspects of this investigation. It was the Finance Committee, and the Banking Committee, the Permanent Subcommittee on Investigations of Governmental Affairs—I think there were five of them in all—Judiciary Committee. I hit on this novel suggestion—I'm characterizing it as novel, I'll let you be the judge of that—but what I suggested to Senator Mitchell is that the Banking Committee, obviously, had the clearest jurisdiction. So we started with the Banking Committee. There was a formal official name given to the Banking Committee acting in this capacity—the Special Committee to Investigate Whitewater, or something like that. And I pointed out that there was one member on the Banking Committee who overlapped with each of these other committees on each side of the aisle. We could basically name the Banking Committee to investigate this matter under this resolution with each of these members designated as the liaison of their committee's interest in the jurisdiction over this matter in the investigation. There was only one hole in that, and that was there was no minority representative from the Judiciary Committee on the Banking Committee. So we named the chairman, Senator Hatch, as a member ex-officio to the Banking Committee to serve for purposes of this investigation. That's how we were able to do it. We provided additional funding and staff and so forth to the Banking Committee. But it was done fully through the standing Banking Committee. It avoided all of the pitfalls of creating this kind of select committee with all the circus paraphernalia that goes along with it.

RITCHIE: And then it continued when the Republicans took over, because wasn't Senator D'Amato the chairman?

ARENBERG: Yeah, I think that's right.

RITCHIE: That was a committee that called something like 300 witnesses—

ARENBERG: Yeah, it lasted more than a year—something like 60 hearings, My involvement—I'm sorry to interrupt. The reason why that then becomes a blank spot is that's right about the time I go to the Levin staff. So one of the very last things I did with Mitchell was this Whitewater resolution on the floor. I think that was in June, which was right when I started, July 4th of 1994.

RITCHIE: And they continued until, I think, '96. They had just hundreds of witnesses.

ARENBERG: Right.

RITCHIE: They filed two completely contradictory reports—each party had their own report—and came to, essentially, no conclusion. I think Bill Clinton, in his memoir, said that because he had lost money on Whitewater, he said the committee tried to prove that he was corrupt *and* stupid.

ARENBERG: Right.

RITCHIE: That was a committee that was constantly in search of something it never found.

ARENBERG: As was the special counsel investigation, which you'll recall the independent counsel law, midway, was renewed, at which point we thought and hoped that the three-member special court headed by Judge David Sentelle, a Jesse Helms favorite, that handled independent counsels would just renew, since Fiske was doing a very competent job. He was a special prosecutor, appointed by Attorney General Reno counsel, but independent of the Justice Department. That the court would, in its wisdom, decide to make him the independent counsel and just change his title. Of course, history shows they did not. Judge Sentelle, by the way, was also one of the judges on the D.C. Circuit Court that voted to overturn the Ollie North conviction. Of course, in this case,

what we got, ultimately, was an investigation into the president's sex life. But I think people forget the Whitewater aspect of that, where it all started, came to nothing. And certainly one thing Fiske did even before—he did issue a report on the Foster matter. Because that was open and shut. All that took was some fair-minded person to look at it and say this was a suicide and the White House didn't have any involvement, except maybe working him too hard. You will remember that the special court replaced Fiske with Kenneth Starr and we all recall that that led ultimately to the Clinton impeachment.

RITCHIE: I want to just go back a minute to when Senator Mitchell took over as leader in 1989 and Senator Byrd became chairman of the Appropriations Committee. What sticks in my mind most about that period was very early the Clean Air Act came up. It pitted Maine forests against West Virginia coal, and Senator Mitchell won that battle. I can't think of anything else that established him as a credible leader more than taking on his predecessor, on an issue like that. Do you have any observations about that?

ARENBERG: Not directly, except that I know that that is a particular vote that Senator Byrd remembers very clearly and has reminded other senators of that were on the wrong side of the vote from time to time. I remember being in Senator Byrd's office in the Capitol and that roll call vote was framed and hung on the wall insider his inner office. I took that as a reminder to all who passed, he doesn't forget. Yeah, I mean I do remember it. I think Mitchell, himself, saw it more in kind of substantive legislative terms than as a battle between him and Byrd. I mean, that was his nature. He was really focused on the substance of it, but I do remember that.

RITCHIE: Part of it was he had a sort of professorial demeanor and there were a lot of questions about whether he would be as tough as Senator Byrd and Senator Bob Dole had been.

ARENBERG: Yeah, right.

RITCHIE: And I think that whole fight suggested this was a very tough guy.

ARENBERG: This is a tough guy. This is a tough guy. And he's proved that in spades since then in many instances, including in Ireland, and now Jerusalem.

RITCHIE: How would you characterize him, having worked with him all that time? He presented himself in almost a benign way—

ARENBERG: Right.

RITCHIE: But obviously he was a fairly steely person.

ARENBERG: I think that's exactly right. He was extremely fair minded. I keep going back to it but he liked being a federal judge, that was a very significant part of his life. I think it fit his personal characteristics. He wore those robes from then on, with all that that implies: the authority, the soft spoken strength. You know, judges rarely have to shout [Laughs]. I remember from those Iran-Contra hearings, when he talked to North and when he took on a witness, there was no threatening tone, but there wasn't any doubt that you were dealing with a formidable figure here. That North speech does that, too. I think you're right about that confrontation with Byrd on that vote, but that confrontation with North was much the same sort of thing. It was: You're not dealing with a pushover here. You've got the Marine uniform on, but I'm pretty tough. But he's an extremely fair person, and brilliant. And he's got some unique skills. Certainly the accomplishment in Ireland is testimony to that, and he's back at it again in the Middle East. Who knows what happens with that?

I keep repeating this, too, but he had a very clear way of approaching issues. He has a way of framing things, of looking at the basics, of building arguments and asking questions one building block at a time. It sometimes makes him slower to act than the next guy might be. But when he does, he knows what he wants to do. He knows where he's going. Like they always say about lawyers, he doesn't ask a question unless he knows what the answer is. He approaches things in a very deliberate fashion. That was true of his leadership race. It was true of the way he behaved as leader. As leadership staff, we were always in the position where other Senate staff were always coming to us and saying, "What does the leader think about this? What's he going to do on that?" And we'd have to say, "Well, he hasn't made a decision about that yet. He hasn't decided." Of course, 95 percent of the time, they didn't believe us. They just felt we were holding something back from them. It was just them we weren't telling or whatever. But that was the way he operated—and very effectively. When you add to wisdom and balance to that mix, you have a great senator.

RITCHIE: One of his great sources of frustration as leader, however, was the increasing use of filibusters in the Senate. In particular, the increasing number of cloture motions that he was filing and the number that were failing. In fact, he got the Congressional Research Service to do their first serious report on cloture motions.

ARENBERG: Right, yes.

RITCHIE: So it's interesting that, given your interest now in filibusters, that Senator Mitchell really was frustrated and was trying to figure some way out of the box that he was in.

ARENBERG: Yeah, well it is frustrating. He had CRS do a study of the huge spike in filibusters—cloture votes, actually. And, of course, the largest increases have come since he left. And it has been abused. And it is being used, in many instances, solely for obstruction. I certainly don't defend that. In that sense, I share the frustration that he expressed. He hasn't said a great deal about filibusters, but he certainly recognizes the constructive role too. So I certainly don't think he's someone who thinks that the Senate should operate solely by majority vote.

RITCHIE: I don't know if you've heard his Leader's Lecture that he gave. [An address to senators in the Old Senate Chamber on June 16, 1999.]

ARENBERG: Yes.

RITCHIE: That's where he sort of came back and said he had changed his mind about filibusters to some degree. After his experience in Ireland, he said, it was the first time the two sides sat around the table, and they needed time to talk to each other.

ARENBERG: Right. He talks about that and references that his experience. In fact, I quote him from that speech in the book I'm writing. He called the right to extended debate in the Senate a "rare treasure" and called it the "price that must be paid," but added that the "privilege was worth the price."

But your point about the frustration is well taken. I wind up emphasizing one side of the equation because, in my view, there's so much misunderstanding about the filibuster and the super-majority requirement and cloture. Because I'm so concerned about the danger of completely washing it away, I tend to emphasize the positive effect and the instances where it's been very important to the Senate. But I think that's not to say that it isn't being abused and that's not a bad thing. I just don't think the solution is to do away with Rule XXII. I think the problems are much deeper than that.

That's why I keep going back to the partisan polarization and so forth. Both parties are at fault for very often turning away from the will to legislate. If you do that in a legislative body, I don't care what the rules are, you can design the rules so that you have one party government. One-party governments are not something to be admired. Even in a parliamentary system, if a policy goes bad, then a government can fall. When you have unified government under our system, if you have no minority rights in the Senate, who's going to force the accountability of the president? If there's no voice of the minority in the House of Representatives and there's no voice of the minority in the Senate, it's another whole element. When that circumstance is there, you know that the minority has a voice in the Senate. At the very least, they can get amendments up. They can get votes. They can demand an investigation and hold forth on the floor for a very long time until they get it. And all of those things.

I'm going off on another one of my tangents, but I think you're right. Mitchell was very frustrated. I think majority leaders are often frustrated. It's in the nature of it. It's a tool for the minority and so, almost by definition, it frustrates majority leaders. As you well know, as the Senate's historian, if you go back and read Senate history—I've been reading the 1917 debates when Rule XXII was adopted, and there's nothing new under the sun. It's those same arguments. Even back then, they're arguing over whether the Senate's a continuous body or not, and here we are nearly 200 years later and many of the same arguments pertain.

RITCHIE: The other complicating factor was that the minority party in the Senate then had a president in the White House. As majority leader, Senator Mitchell was bringing up programs that the president didn't want. Both houses of Congress were controlled by the Democrats. They were going to pass legislation that would probably force the president to veto it, which he might not want to do. So the minority party under Senator Dole adopted the tactic of: "All we need is 41. We just need to not to let them get to a vote on these issues."

ARENBERG: Right.

RITCHIE: It might, perhaps, have been different if, at that stage, Senator Mitchell was facing a president of his own party with an active agenda.

ARENBERG: Right, yeah.

RITCHIE: But I remember that we were getting requests from him about how many filibusters there were, and we couldn't quantify it, because we couldn't decide what was a filibuster and what wasn't.

ARENBERG: It's very difficult to sort out. It is. Particularly, the farther back you go—and you don't have to go very far before you get to points where senators were being very coy about what they were doing. It isn't that far back. Even in the years that I've been here, at one point it was very bad form to say—you can search the *Congressional Record* and you don't find senators who were saying, "Well, I'm now filibustering this." They didn't talk that way. "I've got a lot to say on this," I think the other thing that happens is the tendency, when people want to quantify this, to then start counting cloture votes, or cloture petitions or whatever, and conflate a filibuster with the filing of a cloture motion. As you well know, there are a lot of other reasons to file cloture motions. Majority leaders do it as a way of controlling the flow of legislation on the floor, to block non-germane amendments, various things. There is this kind of tit for tat thing that grows up. As a defensive measure, you've had an increase in majority leaders filling the amendment tree. Then you get this kind of back and forth where the minority is saying, "We just want to offer amendments." And the majority is saying, "No, you're filibustering the bill, and so we're blocking amendments. If you give us a unanimous consent agreement and we can control the number of amendments and get to a final vote on this, then we'll know there isn't a filibuster and we won't have to fill the tree." And they'll say, "Well, if you weren't filling the tree, let's just go forward and start working on the amendments. We'll get to the finish." When the majority complains that the minority is filibustering and the minority is claiming they won't even allow the motion to proceed because the majority leader intends to fill the tree, it is sometimes hard for outside observers whether constituents or pundits to know where the fault actually lies. I think sometimes the senators themselves don't know—each side feels aggrieved by the behavior of the other.

RITCHIE: We found the same thing, that people may threaten to filibuster, and that the threat of a filibuster is effective in itself.

ARENBERG: Right, right.

RITCHIE: But once they actually start filibustering, they never say that they're filibustering.

ARENBERG: That's right [Laughs].

RITCHIE: It's a pejorative that's thrown against them.

ARENBERG: Right.

RITCHIE: That's why we found it impossible to quantify.

ARENBERG: Yeah, and when you go back even further, they get even more coy about it. Sometimes it's very difficult to figure out just from reading the *Record* what's going on here? It's hard. Sometimes in the Senate, you can figure it out just from the fact that—often it's just inferred from the fact that all of the sudden, you just can't seem to get anything done. I think one of the majority leaders said, "It's like pushing a wet noodle."

RITCHIE: Right.

ARENBERG: It was probably Howard Baker [Laughs]. But often it is like that. Another reason why it's hard to quantify is amendments get filibustered all the time, in the sense that an amendment's brought up and basically the other party—and here it can be the majority, although usually the majority can just table it if they want to. But you just have an amendment out there and basically it just becomes clear you're not going to be able to get to a vote on this amendment. You're either going to take it down or we're not going to get anywhere. Or then you launch into negotiations and you negotiate a version of the amendment. Or some kind of time agreement. Or paired amendments or something.

I'm getting far afield from what we're talking about here, but something that's interested me was the creation of the 60-vote threshold by unanimous consent. Here I started asking questions of CRS, which I think led to a kind of first report on that. And I've talked to parliamentarians and I've talked to Marty [Paone] and others and tried to figure out where the first instance of that is. I haven't really been able to trace it all the way back. But it's a curious thing. And it's of suspect legitimacy in a way, because it doesn't even reference filibuster. It doesn't reference Rule XXII. It doesn't reference anything except senators agreeing that this amendment's not going to be able to pass unless 60 senators are willing to vote for it and so we'll stipulate that by unanimous consent. If it doesn't get 60 votes, it doesn't pass. For awhile that was kind of a rare thing. And for awhile majority leaders were kind of resisting it, saying, "If you want to filibuster, filibuster. But we're not going to create any cockamamy 60-vote." There are

floor debates back and forth like that. But now it's getting so on controversial bills, that's getting to be kind of accepted. If it's a controversial amendment and we're going to have vote on it, okay, it's a 60-vote threshold. They sort of agree to do it. I guess, hypothetically, they could say, "Well, let's make this one a 61-vote threshold. It's more controversial." [Laughs] I don't know why they're stuck on 60.

RITCHIE: Well, it's a number that they've used before, and they think if they've used it before, they can claim it as a precedent.

ARENBERG: Right.

RITCHIE: Precedent is sort of a security blanket. It's a way of saying, "We did it before, so we can do it again," or, "We didn't do it before, so we can't do it now." Whereas, in fact, they can essentially do anything they want by unanimous consent.

ARENBERG: Absolutely. Not only by unanimous consent, but they can do what they can do. In other words, if you've got the power to do it, you can do it. When you get to questions of what can the vice president do in his rulings up there? He can do what he can do. So when you get to the question of precedent, in my mind, that's more in the realm of marshaling arguments. That's persuasion. That's, okay, if the vice president can do this then we've got to get 51 senators to support him, we may have a few that are kind of soft around the edges here. If we can find a precedent that's going to help to persuade them, they're going to feel more comfortable with it. If somebody's running around saying the precedent goes the opposite way, it still doesn't mean that it can't be done. It just means that you might have a little more trouble getting the majority to agree to let it happen.

RITCHIE: There was an instance during the health care debate in which a senator wanted to have his amendment, which was 700 pages, to be read, and finally realized that that was just going to take forever and so he called off the reading. It was a Democratic senator's amendment, and the Republicans said, "No, you can't call it off." The parliamentarian actually found a precedent from 1952 where they had done it.

ARENBERG: Where it had been called off.

RITCHIE: Then there was a great hue and cry that it was an obsolete precedent. But the fact of the matter is if it ever happened—

ARENBERG: A precedent is a precedent.

RITCHIE: —then that's a precedent. And that's the way the Senate operates. They have thousands of these precedents.

ARENBERG: And on this question of the Senate as a continuous body, there is a whole question of whether or not there's a precedent. There was a precedent created, but the Senate rolled it back, went back from it. So then you could then have a debate about is a precedent that's been rolled back a precedent, can you undo it? Once created, can you erase it? I don't know. I think the rollback becomes the precedent.

RITCHIE: Until it's superceded by another precedent.

ARENBERG: Right. One senator said to me, if it was rolled back, well I won't use the word precedent—I'll just say "it's been used before."

RITCHIE: Well, one person we haven't really talked about is Mitchell's counterpart, Bob Dole, as Republican leader. What was their relationship like when they were in the leadership positions?

ARENBERG: I think they got along pretty well personally. I don't know how he felt in a very deep fashion, but certainly, the level of interaction between them was very good. They communicated well. They were frequently back and forth in each others' offices and talking on the phone. When the Senate is working, when it's working well and it's working properly, because of its rules, it requires that. Throughout much of the history when there have been leaders, for the period when there have been formal leaders, there has been a pretty good level of interaction between them. In the recent, more polarized Senate, it's sometimes badly strained. But even given that, it's not like in the House where, Gephardt and Gingrich were said to have not even talked to each other—there was actually a hearing in which Gephardt testified that they talked four times in two years or something like that. I know I don't have the numbers right, but it was pretty alarming in terms of the lack of communication that there needs to be between the majority and the minority in the House and what's happened in the polarization of that body. Even when things get pretty rough in the Senate, the leaders manage, in some fashion or another, to talk to each other. Because if there isn't a basic level of comity, even on the bottom floor, it's very difficult to make the wheels turn at all in this body.

RITCHIE: I remember [Senate Parliamentarian] Bob Dove saying at one point that whenever he was looking for Bob Dole, he would often find him in the Democratic cloakroom.

ARENBERG: Oh yeah.

RITCHIE: He would be in there writing the compromise amendment with a group of senators all around him.

ARENBERG: Yeah, that is Bob Dole. But it's also a classic Senate picture. It really is. All throughout Senate history—you should be telling me this, not me telling you that—but it's really true. It's been true throughout most of my experience. I may have said this to you already, but with all three senators that I worked for, when you brought them an amendment, when you brought them a piece of legislation, a suggestion that we do something, the first question they're going to ask is, "Who's our Republican cosponsor?" I doubt you get that in the House a whole lot.

RITCHIE: The Senate really can't operate if there isn't that kind of cross-party fertilization. Whenever you don't have it is when things get paralyzed.

ARENBERG: Right.

RITCHIE: Would you say that it was cordial relations between the two?

ARENBERG: Yeah, I think so. Obviously, there were those rough moments, but there was a pretty open line of communication. I think they had an understanding with each other, that they were pretty straight with each other. One of the big things in the Senate is no surprises. You always have your incidents, something is done. But I think he worked pretty well with Bob Dole. And I think they've had a pretty good relationship outside of the Senate.

RITCHIE: There are people up here who think that the big mistake the Clinton administration made was not getting Bob Dole on board for the healthcare debate. That in fact, he was prepared to compromise in some way with them, but they missed that opportunity in the process, that somehow it didn't gel at that moment.

ARENBERG: Yeah.

RITCHIE: Although you were in foreign policy issues, I don't know if you had any observations about how things got started at the beginning of the Clinton administration when they came in in terms of the Senate's leadership.

ARENBERG: I'm not sure what I'd say about that. I think certainly what you say about trying to open a door to the Republican leadership on the health debate, it resonates with me, but I really don't know the details. I'm not sure how much willingness there really was there to deal. We're already, by the beginning of the Clinton administration, into the kind of pattern of demonizing the other party's presidents. That was happening with Clinton early. As you know, the Clinton bill was written at the White House. Obama tried to learn the lesson and left it to Congress to write his health reform bill—and he was criticized for that.

RITCHIE: It's always hard to read back into something along the way. But it seemed like the Senate minority party was less of an obstruction at that stage than the House.

ARENBERG: Yeah, in general, I think that's very clear. I think the House Republicans were making pretty clear their frustration with Dole for that matter. But it's not unusual for House members of both parties to be very frustrated with not only Senate leadership, but other senators, the whole body.

RITCHIE: Once the Democrats won the White House, they had control of the White House and the Senate and the House. But in the beginning of '94 Senator Mitchell decided that he was not going to run for reelection.

ARENBERG: Right.

RITCHIE: Did that surprise you at that moment when he was in charge of everything, that he would step aside?

ARENBERG: Yeah, it surprised me a lot. I really didn't see it coming. That day he called the staff together in the LBJ room, I believe. As majority leader, when you say, "the staff," it's a sizable number of people, all the people that worked for him. He came in and he announced that he was leaving the Senate. I can remember everybody walking over there speculating. This was an unusual event for the majority leader to call everybody together like that. What was he going to announce? As I remember, it didn't even cross

my mind that he might be retiring from the Senate. So it was a surprise to me. And it launched me into another job search [Laughs].

RITCHIE: At the same time, he apparently turned down a Supreme Court nomination. From what I've read, at least, President Clinton had pretty well offered him a seat on the Supreme Court.

ARENBERG: Yes.

RITCHIE: The way you've described him, it sounds like he had such a perfect judicial temperament. Do you have any sense of why he didn't accept?

ARENBERG: By the time that happens I'm no longer working for him, so I'm really totally speculating about this. Again, I was really kind of surprised by his not accepting the nomination. To me, I'd always thought that his dream job—maybe a notch behind being baseball commissioner—would be to be on the Supreme Court. But I think he may, at that point, have begun to get into plans for after the Senate. I don't remember the exact sequence, but I think he was pretty newly remarried and I think probably ready to concentrate on his family and their support and all of that. I think maybe after all those years of service in the Senate and years as majority leader, wasn't quite ready to step on the Court. I wonder how he looks back on that in retrospect. Because he's gone on to do very great things. So I doubt he regrets it, but you're right. I remember being quite surprised by that at the time. I always thought he would make a great chief justice, because of the wisdom, the balance, the judicial temperament, and his political skills as well.

RITCHIE: A number of senators, when they leave, feel the need to get their families into better shape financially, because they've made so many sacrifices in public life.

ARENBERG: Right.

RITCHIE: Especially when they see some of their staff leaving and earning more money than they are.

ARENBERG: Yeah, right.

RITCHIE: But on the other hand, Senator Mitchell has devoted a lot of his attention to diplomatic efforts rather than to lobbying or anything like that.

ARENBERG: That's right. Although he did go through a period as chairman of the board at Disney, so he's—

RITCHIE: Oh right. He's done well.

ARENBERG: Yeah, he's done okay, I guess.

RITCHIE: When his portrait was unveiled, he brought his family. His son was, I think, seven years old and had never been in the Capitol, I think, at that point.

ARENBERG: Yeah, right.

RITCHIE: They asked if I would give him a little walk through. I did and Senator Mitchell came along. He was looking at things as if it was the first time he'd ever seen them. I thought, as majority leader he was probably too busy to stop and look at the artwork.

ARENBERG: Yeah, I'm sure that was all the way true. And you made me think when you mentioned that. It came up earlier that my ex-father-in-law was Ned Kenworthy who covered the Senate for the *Times*. Have you every seen that little guidebook that the *Times* published?

RITCHIE: On Washington, D.C.?

ARENBERG: It was on Washington, D.C. But there's a chapter on the Capitol which Ned wrote.¹⁰ And if you've never seen it, I'd love to show it to you, because it's so interesting. He loved the architecture of the Capitol and all of the details. That book left me with an appreciation of many of the details of the Capitol, which I love, that I may never have noticed rushing by over the 34 years I was here. For example, he pointed out the carved tobacco leaves and ears of corn on some of the pillars on the Senate side from Latrobe's rebuilding after the British burned the Capitol. I think it was published probably

¹⁰ Alvin Shuster, ed., *The New York Times Guide to the Nation's Capital, Washington, D.C.* (New York, N.Y.: Bantam Books, 1967).

in the '60s. Amusingly, it talks about all of these things like advice on appropriate dress for the Senate gallery, don't wear shorts and all those things. There is excessive partisan polarization the Senate today, but I just don't believe the way to address it is by rewiring the rules. It's really about the senators themselves and their commitment to really grappling with the nation's serious problems.

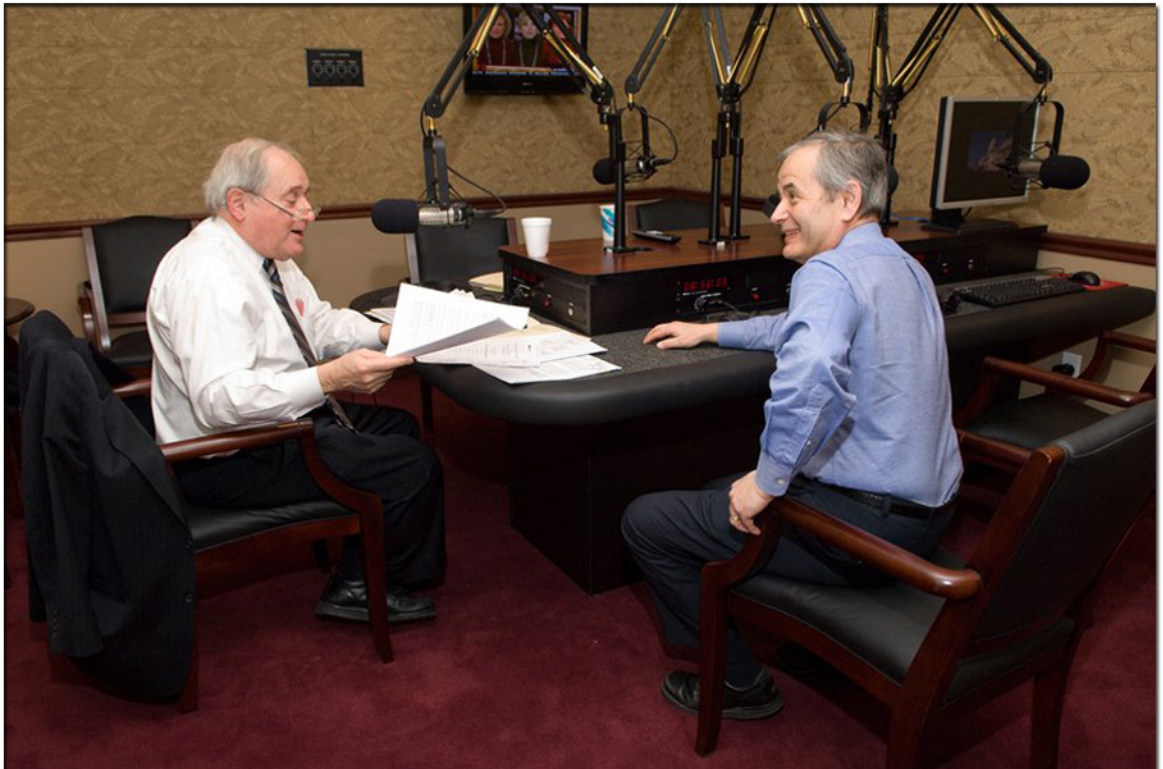
RITCHIE: It's a bit more formal.

ARENBERG: Absolutely.

RITCHIE: Well we're at four o'clock and I was going to suggest this would be a good place to take a break and then tomorrow we could talk about Senator Levin.

ARENBERG: Okay. That's great.

[End of the Fourth Interview]



A PARTICIPANT OBSERVER
Interview #5
Thursday Morning, June 10, 2010

RITCHIE: I was wondering, was there anything that you thought of after our talks yesterday about Senator Mitchell or anything else that you wanted to add into the record?

ARENBERG: Yes. The one thing that I thought would be of some historic interest is the so-called congressional bunker that was constructed in West Virginia. It was built during the Eisenhower administration under the famous Greenbrier Hotel in White Sulphur Springs, West Virginia. It appears that it was one of the best kept secrets, outside of White Sulphur Springs, where it turns out many of the town had guessed of the whole Cold War era. The deal was that the federal government built a new wing for the hotel in exchange for the agreement to allow them to put this bunker under it. As we recall during the Cold War there was always the assumption that there would be some warning, that the kinds of actions and movements which the Soviet Union would seem to be taking would give some period of warning that an attack was imminent. There's an existing rail line that goes right out to the hotel from Union Station. The idea was that Congress would essentially hop on a special train and go out there and disappear underground. The secrecy about the existence of the bunker was particularly crucial because it wasn't built in a way or deep enough to actually be able to resist a direct hit. In other words, if it was targeted and there was a direct or near hit, it wouldn't survive that. Secrecy was extremely important. It was designed ingeniously. It was very elaborate. The structure under the hotel had maze, a warren of rooms and corridors. It was all behind a humongous steel door.

Where I come into this is that for many years, aside from a few people in the NSC [National Security Council] at the White House and a very few members of Congress (the majority leader, the minority leader, the Speaker, and majority leader in the House—I'm not even sure that the House minority leader was in the loop—the architect of the Capitol, and Senator Byrd who at this point was the chairman of the Appropriations Committee and had been the majority leader), no one was aware of it. The funding for it was buried in the FEMA [Federal Emergency Management Administration] budget. Much to the consternation of the subcommittee chairman there was this little pot of money with no explanation and the chairman of the subcommittee was reminded to keep it in that appropriations bill. There were never any congressional staff that were aware of, or involved in it. You would think that the most logical person would be the Senate sergeant

at arms and the House sergeant at arms but they weren't in the loop. Today, with the concerns about terrorism, that would seem unthinkable that there would be security plans that the sergeant at arms was unaware of, but that was the case.

As majority leader, Mitchell was somewhat skeptical about how useful this was. We're talking about 1992. It's been there for 40 years. It's been kept a secret. It seems to make sense to continue it because the real expense was in building it and designing it. The actual operating costs to keep it repaired and stocked was relatively small. There were some modern day conceivable circumstances where it could be used. I think it's fair to say that Senator Mitchell was fairly skeptical about whether this continued to be a good idea.

He decided that one staffer for each of these members who was aware of this facility would be briefed on it. I was his representative. Subsequent to being briefed, I went out to West Virginia to tour the facility. It's fascinating because, as I said, it was ingenious. It could be closed off with these enormous steel doors that I mentioned. First of all, the bunker was more than 112,000 square feet and the walls were two feet thick and reinforced with steel. It was 20 feet under the ground. Those huge doors were 25 tons, 15 feet high, 20 inches thick, and they were built by the famous Mosler Safe Company which had tested them. The doors, at least, were blast resistant. They had been tested at the Nevada nuclear test site.

The interesting thing was that those doors were open and there was a main hall that was going to be the House chamber. It was used as a convention facility by the hotel. It was actually outside of the hidden part of the bunker but when the steel doors were closed it was within the bunker. Tens of thousands of people over the years were inside that facility at conventions and so forth, totally unaware that they were in the congressional bunker. The rest of the bunker was closed off by these additional steel doors. They were protected by, I'm sure they were locked, but they had put a sign on the door that said "high voltage." [Laughs] That appeared to be enough to keep people away from them for all those years.

I went through the facility. It was amazing how so many needs had been anticipated. When I was briefed by the NSC they told me they had even consulted the same doctors from NASA [National Aeronautics and Space Administration] that were consulted about the problems of being in a confined space for a long time in space to think about what sorts of things they needed to think about for this bunker. It really was remarkable. There was a huge cafeteria. There were enough supplies so that the Congress

could stay down there for a year to outlast any fallout problems. There was a whole communications center. There was a full medical facility with an operating room and a separate dental chamber. Huge boilers that generated electricity. It really was an amazing facility.

I thought it was really ingenious that there was a staff of people, federal employees, who tended this facility. I don't recall, four or five, maybe six people. Their cover was that, at the Greenbrier Hotel, there aren't televisions in the rooms. It's a country resort, very posh, and the idea is that if you want a TV set you ask for it and they bring it up to your room and set it up. There is a separate rental charge. And the company that provides those services and does the electronics work keeps the TVs up to date and everything was called Forsythe Associates, I think it was. Those were the technicians who were the caretakers and maintenance people and took care of all the communications equipment for the congressional bunker. They were out in the open, went back and forth, were known in the town and so forth.

I'm getting a little ahead of the story, but the way this comes to light is in 1992 the *Washington Post* learns about it and does a whole spread with photographs and everything like that. After the fact, you really learn that most of the local people in the town had figured this out. They had remembered this extraordinary hole in the ground when the wing on the hotel was being built. Over the years, two and two had fit together and they knew there was some kind of secret facility underground there. Whether people associated it with the Congress or not, I don't know. But it wasn't a particularly well-kept secret there. This is a very patriotic little small town and the secret never found its way to Washington and presumably to Moscow.

When I went through that facility, I came back to brief Mitchell about all of this. There were four issues that I thought were real problems. The first one was that there weren't any existing adequate plans for communication between this congressional bunker—although there was communications equipment there, it needed to be upgraded to 21st-century technology—but there were only the most rudimentary communications plans for communication between this congressional bunker and whatever survival plans existed for the president at the time. I don't know what the state of classification was of those plans at that time, so I won't address that, but just that it seemed clear that Congress was going to be underground here and it wasn't clear that the plans were well enough established for just exactly how Congress was going to be able to weigh in with the president in a post-attack environment. This seemed like a serious problem.

The second thing that I raised was that nobody had clearly thought out exactly what would happen with the Speaker and the president pro tem[pore] because they would obviously be a part of the executive branch plans at the point of warning. My guess is that somebody was going to show up and whisk away the Speaker and the president pro tem. As you know, they are in the direct succession to the presidency so they were going to disappear. What was this going to mean for the rest of Congress in the congressional bunker? Or, would they come to the congressional bunker? What was this going to mean in terms of whatever was going on in the executive branch? I think the kinds of people who had been focused on this, it's no fault of theirs, but they just didn't have the level of sensitivity, I think, about how Congress would look at these issues.

The third one was that, although there was a library well stocked with novels in it—they tried to think, what would senators like to read and all of these sorts of things—the members hadn't gotten down to this level of detail. There wasn't an in-depth enough understanding of what kind of materials Congress would need to continue to function—essential legislative materials, the *Congressional Record*, the precedents, would the parliamentarian be there? All of the sorts of things that people who live in the Senate all the time would think about but that people planning the bunkers really hadn't anticipated. So I raised those questions.

But really, the most fundamental one to me was that there wasn't room in the bunker and there weren't plans for spouses and children. Or really much for staff, for all that much staffing. I don't know about congressmen and senators in the 1950s, it was a different era. I think data would probably show that maybe they were older, I'm not sure. But knowing the current Senate and House as I do, I couldn't imagine that all of that many members—it's a complicated question—they had taken an oath of office, they are obviously extremely patriotic and sacrificing individuals. But it's a tall order to say, "Okay, you are going to tell your wife and children: 'I'm going off somewhere, I can't tell you where. By the way, good luck with the missiles.'" I felt as though, at the very least, there had to be an alternative plan. That the only chance of getting senators to go in large numbers down into a bunker potentially for a year was to at least be able to say, "There's an alternative secure site that your family will be taken to." The congressional bunker is not large enough to deal with family life. The sleeping facilities were basically double bunks, large dormitories of double bunks. I had a lot of trouble, in my mind's eye, thinking about Daniel Patrick Moynihan and Ted Kennedy arguing over who gets the top bunk!

I was imagining all these things. Putting that aside for the moment, this, it seemed to me, was not only a serious question but close to a fatal flaw. I did share the skepticism about the usefulness of this facility. It was ingenious and it was so comparatively inexpensive to keep it on the shelf, so to speak, that it made sense as long as it was a secret to keep it ongoing. I thought, well, maybe conceivably in some sort of chemical attack it's some place that Congress could go and there would be enough room to meet for a period of time while the normal facilities were being decontaminated or something of that sort. I was a little bit skeptical about that.

At Mitchell's instruction, we began, along with the NSC and with the people in West Virginia and so forth, to work on this problem and to look for a site that would be—maybe in a national park, it's a problem to contemplate—but to begin to look for an alternative site where families could be taken to so that there would be a reasonable chance of members going underground. It's not very long after this that the *Washington Post* contacts the Speaker and Senator Mitchell and tells them that they are planning this story, they are planning to publish it. And there was a meeting, there was an effort to dissuade them and say, "This has a continuing national security purpose." I think the publishers of the *Post* raised the same kinds of skeptical questions that Senator Mitchell had in the first place, and in the end decided that the requests of the leaders of Congress notwithstanding that they were going to go ahead and publish. That story was published and there were a lot of stories around the country about it. Mitchell then very quickly made the decision that this facility was clearly no longer viable as a shelter. I used to jokingly say within weeks it was just a smoking hole. We moved very quickly, the decision was made, to sell it back to the CSX railroad that owns the Greenbrier now. Basically the federal government ended its association with that. I think the hotel retains it as kind of a museum piece and I think you can go there and tour it and see it. It's kind of an interesting thing.

On a personal note, the last time I briefed Senator Mitchell on this, I said, "Senator, with all respect, I have one thing to say about myself and that is if it's ever used, I'm not going down there. The reason is very simple. I can't picture myself underground with 100 senators being one of only a handful people down there that are responsible for everything that's not there, that doesn't work right, whatever it might be. Explaining, you know, 'What were you thinking? Why isn't this here?'" I said, "That was beyond the call of duty, I think." It was very soon after that the *Post* story came out.

RITCHIE: It seems to me that another flaw in the plan was that if the members didn't know that it was there and there was an emergency, there wouldn't be enough time to tell them what to do. In fact, on September 11, one of the big problems was that the members had no idea where to go or what to do.

ARENBERG: That's right. I'm not an expert on this, but I think the assumption throughout most of the period of the Cold War was that there would be sufficient warning. They would know for 48 hours, or something like that, that they were seeing very bad signs. Of course then there was the installation of the famous hotlines. I think they believed that a decision would be made by the leadership that this is serious enough. The prudent thing to do would be to go there.

RITCHIE: Ever since September 11, they've been working on alternative meeting sites. Now there are close-by alternative meetings sites and far-away meeting sites.

ARENBERG: Not just that. Already on 9/11, I recall people scattered everywhere and it was a struggle to know where the senators were. Senators, when they have to raise money to run for reelection, often go to privately run offices off of Capitol Hill where they go to make fund-raising calls because it's not lawful to do it on federal property. So that was the place nearby and Senator Levin lives nearby so he went there first and then we went home. We were kind of able to stay in communication. But I think it was a very difficult thing for Senator Daschle, the leader, even to consult with his caucus or with all of the Senate because there just hadn't been enough planned communications. It was still a period when many senators didn't even carry cell phones. Certainly now virtually all of them carry and use Blackberries and so forth. Communication is a little easier. But on 9/11 that was a big question.

RITCHIE: The leadership was whisked away. They were all taken to a special site. Then they realized that they needed to be back with the rest of the senators.

ARENBERG: The same problem. It's really the problem that I was thinking about here. Whoever is going to be in charge in a sudden emergency like that—the Secret Service, the military, everybody that steps in. One of the first things they are going to do is secure the congressional leadership, particularly those two individuals that are in the chain of succession to the presidency. They don't know there's been an attack. There could be an attack directed at the president. All of those scenarios. The first thing they want to do is secure those individuals and probably secure them some place different than

where the president and vice president are. They are probably not together, as they weren't on 9/11. And very often after that, that seemed like a very serious question. What was the sudden disappearance of the speaker and majority leader going to mean to the ability of Congress to get itself to West Virginia and then organize itself there and begin to function? Obviously, there are other leaders and so forth. You could say it's a constitutional question. It's a very profound question. The Supreme Court was coming with us! At least that was the understanding.

RITCHIE: Obviously these are plans drawn up by the executive branch, not understanding the legislative branch. Now at least since September 11, the legislative branch has been figuring out its own continuity of operation plans.

ARENBERG: Right. I think it's a very serious question. I'm sure that post 9/11—I'm obviously no longer involved in these sorts of things—but it's a very serious question. This communication question is only one. When you think about in the event of a national emergency, particularly a nuclear attack where you might have communication out in parts of the country, all of these things that you can imagine. When we were talking about Iran-Contra we were talking about the view of some administrations in terms of what are the limits of executive authority when it comes to national defense and national security issues? In a national emergency you could imagine this being defined as such very quickly and the executive branch feeling, and maybe appropriately, that it would be a time when certain enhanced executive powers would be in place. But the question would be, where is that line drawn, how far does it go?

Congress would have to be, as you know better than I, the whole history of executive-congressional relations is that Congress has to assert itself. The question of how much it asserts itself or how much it fails to assert itself has had a lot to do with the ebb and flow of that relationship. Under those kind of circumstances, with hampered communication with Congress under the ground in West Virginia, that was a serious problem. But even looking forward to future plans, it's always a serious question. If the executive branch takes charge of making sure everyone is secure and everyone is safe, are there plans in place that assure that Congress will be in position to assert itself and not be: "Okay, you guys stand over here in area A and await additional orders." That's not the role of Congress. There are serious constitutional questions that come into play in this sort of thing.

RITCHIE: I have to admit that when the *Washington Post* story broke, my first reaction was, “Well, of course they would pick a golf course.”

ARENBERG: [Laughs] I put it in my notes. After it became public Tip O’Neill was asked about it. He said something like, “You know, I was out at the Greenbrier several times.” Apparently the bunker was under the tennis courts. He’d think to himself, “See those people playing tennis, that’s where we’re going to be, beneath the tennis courts.”

RITCHIE: We ended up last time talking about Senator Mitchell’s decision not to run for reelection. You also talked about how you went to Senator Levin’s office. I wonder if you could tell me about Carl Levin as an individual, and what he was like to work for.

ARENBERG: Earlier I told the story about my wedding in the Capitol building and I think in many ways it reflects volumes about Carl Levin—he was one of the family. He’s a very warm compassionate humanitarian. He’s a great boss. I described my hierarchy continuum. Nobody is further down the collegial end of that spectrum than Carl Levin. When you are meeting with him, other staffers are poking their head in the door and asking a question. It can be a little chaotic sometimes, but it is stimulating and dynamic. And everyone has access to the boss. He’s very comfortable meeting with 5 or 6 of his staffers at one time and hashing things over if it’s a productive way to go about doing it. He just is a terrific guy to work for. I described the major lesson that I took from him earlier. That was that you can be this kind of person. You can keep these qualities and yet have the internal fortitude, the internal steel to be, when the circumstance calls for it, to be a very tough bulldog.

As many a witness has learned, as Senator Levin peers down at you over those half glasses from up there on the podium and asks the kind of direct questions that he does, and he’s an extremely skilled attorney and extremely skilled senator, especially in terms of investigatory skills and that kind of examination of witnesses. He doesn’t give up and demands a direct question and he demands accountability. He can be incredibly tough. I’m sure you’ve witnessed it and I know many other people watching on C-SPAN and all have seen that as well. It’s instructive to know that the two sides of that coin—you don’t have to lose the one quality to be able to exhibit the other. When I think of some of the senators that I’ve known over the years that I’ve thought of as just the nicest people around here, sometimes they just are so nice that under certain circumstances it’s hard for them to turn

the screws. They are just too nice. Senator Levin does that trick pretty well.

Talking about other nice senators, by the way, it reminds me that my own personal rule of thumb in assessing senators is listening to what their own staffs say about them. When they are not in the presence of their own boss and they are talking to other Hill staffers, compatriots, that's usually extremely illuminating. The ones who love the people that they work for, those are usually pretty reliable. People who say that in those private moments amongst other people that they know who know how to keep those kind of confidences, that's usually a pretty good test. Also you can look around the corridors of the Capitol and see those senators who take the time to talk to the people who work here—other Senate staffs, the people who whether they operate the elevators or work in the restaurants or whatever. Those are reliably the nicer men and women. It's obviously not an ideological thing, a Democratic or Republican thing.

I remember when my daughter was just a little girl walking one time in the Capitol among the statues and coming across Senator Jesse Helms who was going in the opposite direction. Probably there wasn't a senator at the time, or maybe in all the years that I've been here, with whom politically I had less agreement. He didn't know me particularly, either, but he stopped. My daughter Meg was maybe three or four years old at the time. He bent over and spent quite a bit of time talking to her and asking her questions, that sort of thing says a lot.

One other quick story like that. Back in the days when I was working for Senator Tsongas, my oldest son, Josh, was visiting in the office for some reason that day. I was in a meeting with the senator. We actually had typists in those days because we didn't have computers yet, and they were kind of keeping an eye on him for me. He was playing with a Xerox machine—we did have one by then—and he was making a magazine. He'd Xerox a few things and staple them together. I came out of this meeting and I'm looking around. I can't find Josh and I asked various people. And they said, "I don't know, he was here a minute ago." So I can't find him in the office, so I go out in the hall and Senator Wendell Ford's office was right across the hall. Josh had Senator Ford pinned against the wall in the hallway and was trying to sell him this magazine! [Laughs] Senator Ford was engaging him on this and looking at it. I came up and said, "Senator, this is so nice of you!" He said, "I was trying to give him a dime, but he was demanding a nickel because it was bigger!" [Laughs] So those are two guys that I would list as nice guys.

RITCHIE: We have in the files the profiles that *Washingtonian Magazine* did of

all the senators in 1985. They asked them what's your favorite book, what's your favorite movie, what kind of car do you drive, how do you take your coffee? I looked up Senator Levin and his favorite book he had listed was *Heading Home* [by Paul Tsongas, 1984].

ARENBERG: Is that right?

RITCHIE: So I thought there's obviously an affinity there.

ARENBERG: That's terrific. Thank you for telling me that. That's a very nice thing to know. I have already said what a wonderful book I think that was. But, I never knew that Carl had read it even.

RITCHIE: It's interesting that you always work for senators that come from states that begin with an "M." You had done Massachusetts and Maine. Did you have to learn Michigan to work for Senator Levin?

ARENBERG: Yes. I really had no real experience with Michigan. My sister lived on the Upper Peninsula at one time and I had visited, but I didn't have much knowledge of Michigan. By that time he was a pretty senior senator who knew his state and had a very effective state staff with a lot of people on his staff in Washington who knew Michigan well and were able to guide me in that regard. He wasn't as concerned about the fact that I didn't know Michigan in depth because he knew that his staff had these resources and so forth. Of course, I had a lot of experience too by that time and my job focused a great deal on the Washington end. But, I quickly acquired an appreciation for Michigan and loved working on their issues. He probably didn't see my involvement on the Chrysler bill back in the '70s as a particular plus, although we've never really discussed it. It's not something I ever brought up with him. I'm not sure that when Tsongas was doing that, how happy Senator Levin was about that particular compromise that emerged. I know he was in the same position that Senator Riegle was at the time.

RITCHIE: I suppose that there are some affinities between Massachusetts and Michigan. De-industrialization hit both and they were also states divided between urban and rural areas—

ARENBERG: That's right. And there was really a lot for me to learn there. One interesting thing, there's a particular character to people who live on the Upper Peninsula that Michiganders recognize. It's almost a kind of frontier mentality, I think. They

sometimes refer to people on the Lower Peninsula as “trolls” and what they mean by that is that they live under the bridge. [Laughs] Referring to the bridge—a lot of what I had learned about Aroostook County in Maine applied to the Upper Peninsula in that way. It’s another similar area. One way in which they were both exactly alike is that a senator didn’t get credit for coming up there unless he came up there in the winter. It’s nice to visit in the summer and come up and hold town meetings and everything like that but they didn’t really feel like they had been visited by their senator unless he was there in the snow and ice. Although my understanding is that this past winter, the total snowfall in Washington was greater than it was up there in Escanaba.

RITCHIE: You were a legislative director for two senators. Does it make any difference the committees that those senators were on for the type of work that you do? Levin was on Armed Services, Government Operations, and Intelligence, I notice. But does that shape the types of issues that he’s going to be naturally interested in?

ARENBERG: I think it does. Certainly it affects what the legislative director does, too. I used to joke that the legislative director in a sense is in charge of the dark side of the moon, particularly when you are a senior senator. In Senator Levin’s case, he’s now chairman of the Armed Services Committee, he’s chairman of the Permanent Subcommittee on Investigations [PSI]. Between the two of them, he’s very active in terms of how his time is allocated and in terms of committee hearings and his leadership of those committees, in terms of moving legislation. He’s got a defense authorization bill that is a virtually year-long operation and other legislation that moves through the Armed Services Committee, a very vigorous schedule of oversight hearings. He’s a real believer in the congressional oversight function. I’ve described that he’s very good at that kind of function. That’s becoming a lost art in recent Congresses—particularly when the White House and Congress are of the same party. Levin deeply admires Harry Truman and knows that Truman was tough even on the Roosevelt Administration. I remember reading [David] McCullough’s book and his description of the jovial Truman entering hearings and the twinkle leaving his eye when he got down to business in the committee—it made me think of Carl. I think McCullough even makes reference to Truman peering over his glasses.

As you well know, having done the work you’ve done on the Permanent Subcommittee on Investigations, it has a very broad jurisdiction. It can essentially go and investigate whatever it decides is a problem that Congress needs to know about. It has unique subpoena powers, unique in the Senate in terms of the rules. Since his tenure as

chairman of that committee, he's investigated, I can't even come up with the whole list: off shore tax shelters, Enron, gas prices, credit card abuse, the financial collapse, on and on. I'm sure I'm leaving major investigations out just in making that quick list. We have very competent, very efficient staffs on those committees, as do most Senate committees. On the Armed Services Committee they are under his direction and he has subcommittee staff members under his direction on the Permanent Subcommittee on Investigations. What I mean with that somewhat flippant remark about the dark side of the moon is that his time and resources, very naturally there's a lot of demand on those things that go into those committee responsibilities. But as we've talked about earlier on, it's in the nature of being a United States senator and the kind of power that you have, the role in the body, the way the committee system works compared to the way it works in the House in terms of status. How that impacts what goes on on the floor means that senators can be major players on lots of things that are not in the jurisdictions of the committees that they're on.

That's obviously the case with someone like Senator Levin who always has more on his plate than I know I could ever deal with. But sometimes it's hard to imagine that plate. I can't hold it all in my brain at one time. It's just an enormous amount. For the legislative director and the personal legislative staff—first of all, those committee assignments have a lot to do with what things you need to focus on the most—generally all of the critical, pressing issues outside of his committee work. I would know things about it, but if it's in the jurisdiction of the Armed Services Committee, for the most part I don't have to worry about it. There's a very competent staff taking care of his interests on that and briefing him. And likewise with PSI. That then defines my area of responsibility as principally everything else. In areas of overlap like foreign affairs, sometimes it's a question of making sure that perspectives that are a little different are being represented.

In the Senate, going back to the Connecticut Compromise, since every state regardless of size has two senators, senators represent larger and smaller constituencies because they have larger and smaller states. The office staff resources reflect that. So a senator from a large state like Michigan would have a larger staff than would a senator from a smaller state. He has a considerably sized legislative staff. As I said earlier, they tend to be specialized in certain issue areas that each have their own—we think of them as portfolios.

To get back to your question, I think his committee assignments are very important in affecting where my area of concentration would be. That was really true even of the Intelligence Committee that I had spent a fair amount of time working with. The one real

role that I played there was in encouraging him to take that assignment. It happened after I came to his staff. Because I had been there at the time and I observed the role that Senator Nunn played on that committee when I was there—Nunn was then the chairman of the Armed Services Committee. I remember also his reluctance when Senator Nunn was rotated off the Intelligence Committee after several years—he stayed much longer than just the six-year term—but I remember that he was very reluctant to leave it because he thought it was very complimentary to his role as chairman of the Armed Services Committee. Although Carl at that time was not yet chairman of the Armed Services Committee, it was clear to me the potential there for how helpful that would be.

RITCHIE: Senators who chair Armed Services and Foreign Relations are dealing with huge issues that get a lot of publicity but they are often not state issues. They are international issues, which don't necessarily help them when they run for reelection. I wondered if part of the legislative director's job wasn't to flag issues that would be significant to constituents in Michigan?

ARENBERG: I'll say yes, but make it a muted yes. Senator Levin, if there is such a thing as a senator that went Washington, he's the furthest from that model. He goes back home to Michigan it seems like virtually every weekend. He travels the state when he's there for the weekend. How he physically does this, I still haven't figured that out. I can hardly think of a circumstance in which anybody on his staff had to flag an issue in the sense of going to him and saying, "Boy the people of Michigan really care about this one, we need to pay some attention to it." If anything it's the other way around. He has some lovable mannerisms and one of the things he does is that he writes things on little slips of paper and tears things out of the newspaper, little articles. All of these little pieces of paper get stuffed into his dress shirt pocket. Usually, if you look very closely at Senator Levin in shirt sleeves you'll see that pocket bulging pretty much all of the time. When he comes back from Michigan, one of things he would do is offload this to me. He'd call me into his office and out would come this wad of—by this time a wad of little pieces of paper all folded and had sort of turned itself into just one little wad of paper. He would unfold all of that and try to translate his own cryptic scribbling on it if he could remember what it was and give me instructions in terms of what to do with this one or call this person back. Or we need to get on this issue, or somebody came up to him and asked him about this. Also in there were pieces of articles from newspapers and magazines that he had read and wanted staff to follow up on in some way—"get a copy of the study," "call this person and see what this is all about" or "give me a memo on this issue." I guess my way of answering your question is to say that the keeper of the very first red flag was the

senator himself. He is very well attuned to his constituency in Michigan.

But you are right. We had someone at his instruction, we always had one legislative assistant in Washington whose function was the Washington end of the issues that were going on in the state. And here I'm not talking about clear legislative issues in Washington that we would be clearly working on anyway. But sometimes complimentary to the casework that the staff in Michigan would be doing, there would be some element of it which maybe required a private bill or some legislation or an amendment. Even just an ongoing contact with a federal agency or staying on top of something, whatever it was, we would have someone in Washington who was assigned to kind of keep track of all of that work with the state staff on that.

RITCHIE: In the '90s earmarks picked up. Municipalities started showing up looking for support. Was there much difference on that issue in Levin's office from what it was when you were back with Tsongas' office?

ARENBERG: The practice of the Appropriations Committee had changed considerably. Earmarks were becoming a much bigger thing. It was becoming a much more routinized, defined function for the various appropriations subcommittees. They were all developing their own set of ways of dealing with it and their own rules and regulations which was a real challenge for personal staffs, of course. And this is reflected in the constituencies, too. Now constituencies are very attuned to the whole process of that. They know they come to a Senate office and they fill out applications and they do all kinds of background information and so forth. In the days when I was working with Senator Tsongas this was a much more individualized kind of thing where the local government official or a school system or a college or some constituent in Massachusetts, a small business or something like that, might come to us for help trying to find federal grants to apply for or to try to get some sort of what we've come to call earmark in an appropriations bill. The judgments then were made on an ad hoc basis. If the senator decided to pursue something, then you began working with the appropriations subcommittee staff.

As is now so prominently reported, the number of earmarks has increased over the years and the desire to make that process more transparent and reportable and so forth has increased. The committees have gotten much more routinized in how they handle that. That is certainly reflected in Senate legislative staffs. It's really almost a year-long process in which you begin gathering these requests from the constituency, getting all of the

necessary documentation and so forth, putting together the briefings, the recommendations for the senator, the decisions about what are going to go into the request letters to the committee. But that's all handled, when it's done properly, when it's properly transparent and everything, I'm a big defender of appropriate earmarks. More importantly, certainly Senator Levin has been. He's proud of the earmarks that he's gotten. They are revealed, and now they are required to be, but he's very proud of those things—that funding that he's been able to bring back to Michigan.

I teach a course now on Congress and the federal budget and I do a whole lecture on earmarks because very often students come to the course with the orientation from the way that the media tends to handle it in recent years as kind of this scandalous activity and this wasteful federal spending. I do a lecture about this and then give them the opportunity to make judgments about what they think is appropriate or inappropriate. But the bottom line on it in my judgment is, what it ultimately comes down to when you really think about it is, whether you want these small gauge decisions about federal appropriations in members districts and states—where are the resources going to go? This bridge, or fixing that off ramp? Do you want those to be made in an open process through legislation by an elected member of Congress, or do you want this decision to be made by some bureaucrat downtown way down in the bowels of some federal agency, which is where that level of decision generally would be made? We all know there are abuses as there can be. That's where the openness of the system comes into play. By saying that, I certainly wouldn't be defending earmarks that are added into a bill in conference or in the dead of night and never see the light of day. And, when practiced at its worst in the past, nobody knew whose earmark it was. Of course there are notorious ones like the “bridge to nowhere.” I don't defend that one or some which were even added in the House in the enrolling process. But my experience over the years is that many earmarks are easy to ridicule because they are narrow gauge. They have a narrow, specific, sometimes localized impact. It's very easy to make fun of, but more often than not, if you really dig into this and you go back to the senator who asked for it, you get the details, you find out what was the rationale, why was this important? You find out that they make a whole lot of sense.

One of the examples I always think of, I don't recall whether it's a Harkin or a [Charles] Grassley earmark in 2009, maybe both of them, but it's something like a study looking into the odor of pig manure. I don't remember the amount, but you can see how if it was, let's say \$2 million for the sake of argument, you can see how in a newspaper article, how easily it would be ridiculed: “\$2 million study given to the University of Iowa to study how to deal with the odor of pig manure.” How easy it would be to ridicule that.

Then when you look into it the explanation is that the population of pigs in Iowa is larger than the population of people. It's a very important part of Iowa's economy. As the amount of farm land shrinks and as cities grow and suburbia grows, it becomes a very significant economic question. How do you deal with this factor? Are there ways that it can become easier to have people not engaged in pig farming living in closer proximity to these very often small farms? You want to help them to survive. Without putting my own personal seal of approval on that particular earmark, not knowing any more about it than what I just described to you, I'm using it almost as a hypothetical to explain that these things are easy targets. It's a really easy target of opportunity but there's a real important congressional function behind doing things that way. By the way, the Senate with a big bipartisan majority overwhelmingly defeated [Tom] Coburn's effort to strip that pig odor earmark from the Omnibus bill.

RITCHIE: When I read the *Congressional Record*, some member will stand up and say, "I'm totally opposed to earmarks but I don't think nameless bureaucrats should be making these decisions and I'm very proud to announce that we're sending a million dollars back to my district on this particular project." They see their role as bringing federal funds back to the district, they just wanted to separate themselves from—

ARENBERG: We even see that on the larger stage, without sounding too partisan about that. Many Republican members of Congress and senators steadfastly opposed the recent stimulus package. Then when those funds arrived in their states and districts and turned out to be pretty popular and the things they paid for to be pretty popular, they were at the ribbon cuttings and many of them took their share of the credit for having brought the funds there.

RITCHIE: Earmarks took off during the years when the Republicans held the majority in the Congress and the Democrats held the executive branch. They continued after President [George W.] Bush came in, but it seems to me that especially when the executive branch doesn't necessarily think the same way that Congress does, that Congress is going to want to do things its own way.

ARENBERG: It's interesting when you really start looking at this. What is an earmark? First of all, you notice that the White House, and I'll include the current one along with all the Republican ones, when they talk about earmarks they never mention presidential earmarks. That is a point Senator Levin often makes. Somehow an earmark is only something that Congress does. Certainly they do exist in considerable number. But

the second thing is just as a matter of what we mean when we talk about it, they can be very different things. Not every subcommittee did it in the same way. We think of earmarks as legislative language in the appropriations bill. Very often, earmarks were not that. When you go further back, even more frequently, they were not that. They may have been merely instructions or suggestions that were written into the committee report that went along with that appropriations bill. As I tell my students, in most instances, virtually all instances, it has the same impact as writing it into the law in the sense that every agency and bureau of the government knows which side of the toast is buttered and by whom. It's that Appropriations Committee that controls their appropriations. So when that Appropriations Committee puts in its report that, "There's this pot of money over here. Well, this much of that pot of money, we suggest that it be used for this project in this district," it might as well be in the law, is the point I'm making. In fact that's an earmark in the same sense. Sometimes these can be drawn in very indirect ways.

It's become popular in the media these days to say, "Members of Congress haven't even read this bill, haven't read all this bill." It's not easy to read an appropriations bill and figure out what it's doing, most of the time. [Laughs] And it's certainly true of the way some of these earmarks were artfully drawn. They would describe a certain amount of money to go for a project with these particular characteristics, these particular parameters and so forth. You'd be reading it and it would be kind of mind boggling. Why this and why that? But when you unpacked all of that and looked at all of these standards and caveats and clauses, you find it boils down to there's only one of these in the country and it's in this district and that's where the money is being earmarked for.

RITCHIE: I've heard it said that before earmarks came along it was fairly commonplace for committee chairmen to call agency heads and say, "I want this to be in your request when you send it to the Congress." In other cases, where the Office of Management and Budget supported the particular agency, the agency suggests that the member of Congress put the earmark in.

ARENBERG: All of those things probably still happen in some fashion. You raise an interesting point there because when you look from the perspective of the personal staffs process, it changes when your party is in the White House because this yearly effort to get certain projects funded begins earlier and it begins first with the agency involved, and then the OMB because you are writing to them and talking to them, the senator may be talking to the director of the OMB. If you can be in the president's budget that he sends up to the hill, ideally you would like to be there. If the president is of the other party, you

might try, and you might feel like in some specific instances that the case is so meritorious that you can approach them. Maybe you do it in tandem, if you have a senator from that other party, maybe you do it in tandem with that senator. So it does happen. But by and large the process changes so that the focus starts even before you get to the congressional part of the focus when you have a president in office. I mean it changes lots of things, obviously. You begin to view the agencies of the federal government, they are just a lot more receptive to senators of their own party. One of the places you can go for advice when you are drafting legislation and so forth is the agency that has that jurisdiction, particularly if the president is now of your party. It's just a whole different ball of wax than it would be when the other party controls the White House.

RITCHIE: When you switched from Mitchell to Levin you went from working for the majority leader to working for a senator in the minority party because that was just at the point when the Democrats lost. But you still had a Democrat in the White House. What was it like politically in the '90s to be working for a senator in the minority party?

ARENBERG: It changed after that when we then soon had a Republican in the White House too. I think in those circumstances—I've used this analogy before in a different context—but, in our system, the Senate really becomes, under those circumstances, "Horatio at the bridge" because of its roles, because of the rights and privileges that the minority party is able to exercise under the Senate rules. Talk about going to the dark side of the moon. Going into the minority in the House, particularly if you are a relatively junior member, you really do wind up on the dark side of the moon. As I've commented before, in recent years with all this polarization, it seems the majority hardly even consults the minority in the House of Representatives.

It's very different in the Senate. Obviously, Democratic senators, all senators, would rather be in the majority. They would rather have a president of their own party. They would rather have their party in the majority in the other house, but there is a form of reinvigoration when you move into the minority. You've shifted from, "Okay, how do we move this particular good legislation that's on our agenda?" In the Senate you are still trying to do that but it moves onto more of a side track and a lot of focus goes into, "Okay, how do we keep bad things from happening?" And hopefully, when the Senate is functioning well, "How do we try to help shape these things so that they're not so bad and keep the legislation flowing and address the problems that the country has but have an impact as the minority party on that?"

An individual minority senator's office reflects that, you are very much in that mode. In terms of how you approach all the decisions you make and the role on the committees, of course you move into the minority on the committees as well. We also had the experience in there for a while, in 2001, of being in a 50/50 Senate with all that implies. I have forgotten the number of days, but Senator Levin's first stint as chairman of the Armed Services Committee was for a very limited number of days. When Al Gore was still the president of the Senate we had a 50/50 Senate. Until the inauguration day, I guess that's the answer to the question, until January 20, he was chairman of the Armed Services Committee, 17 days. That was his first stint as chairman of the committee.

RITCHIE: Six months later he got it back.

ARENBERG: That's right, when Jim Jeffords changed parties.

RITCHIE: It's an extraordinary time in the Senate. Before the 2000 election, what was Senator Levin's relationship with the Clinton administration?

ARENBERG: He had a very positive relationship with the Clinton administration. There were times, if you think back, there was a period when the Clinton White House was doing what they were calling triangulation. There were certainly times when there were strains, when Democrats in the Senate had problems with some of the things the Clinton administration was doing. But the senator had a very good relationship with the president and he would weigh in on a lot of those things, try to shape it. He likes Bill Clinton personally a lot, I think.

RITCHIE: I remember from that period that the Republicans had won with the "Contract with America" and they promised to pass it within the first 100 days, which they did in the House. Very little of it got passed in the Senate.

ARENBERG: Senators who weren't there at the time who want very badly to turn the Senate into a majority rule institution—and I'm hoping in the end there aren't too many of those—what you refer to is a very good period for them to go back and review, along with 2005 and the nuclear option. That whole period. What you are referring to is right, it's a classic example of what I was describing when I said "Horatio at the bridge." From the perspective of Democratic senators, many of the items in that package were pretty extreme and they came through the House like a hot knife through butter, particularly behind the force of a newly minted sweeping mandate. Or a new president

coming in with a big mandate, as in the Reagan period. There the impact was more on the Senate which had become Republican, than it was on the House. But certainly in that “Contract with America” period, all of that legislation went through the House very quickly. Very little of it ultimately ever passed the Senate. It came over here, it slowed down.

I often joke that very little has ever been written about the filibuster without referencing two Jeffersons. One is Thomas Jefferson and that famous story about George Washington, probably an apocryphal story, explaining to Jefferson, who had been in France, why a Senate was necessary. In the story it’s sometimes reported as coffee, sometimes as tea, but in the case of hot beverages, the practice was often to spill a little into the saucer and blow on it and sip it from the saucer. The explanation which Washington gave Jefferson was that’s what he was doing. He was pouring his tea or coffee into the saucer and blowing on it. He said, exactly as what you’re doing with that hot beverage, is the role of the Senate, to blow on the hot tea when it comes over from the House of Representatives. The other Jefferson I’m referring to with some irony is the Senator Jefferson Smith in the famous movie, *Mr. Smith Goes to Washington*. Whether it’s an academic piece or a newspaper piece, or a speech on the Senate floor, about the filibuster, usually it contains a reference to one or both of those things.

Anyhow, I mention that because I was about to say that’s what happened. That hot tea came over from the Gingrich House of Representatives and when it got to the Senate the Senate blew on that hot coffee for some period of time. It ultimately never got cool enough, I guess. If my memory serves me, the one piece of the Contract that did make a lot of sense, and that did pass, was that up until then there had been a number of provisions of safety, particularly safety provisions, OSHA and EPA and things like that, regulations that Congress had the practice of exempting itself from when it passed those laws. This legislation, the Congressional Accountability Act, made sense and it ultimately became law.

RITCHIE: Actually it had a lot of support. It wasn’t a very partisan issue.

ARENBERG: That’s true and in that regard it was unique in the list of the Contract. And there were things in the Contract that ultimately the Republicans—I believe there were term limits in there, and ultimately when we got down to the nut-cutting stage on terms limits, it seems that everybody saw it in a very different light once it became real. In addition to that, many of the members who were elected in that election with a

term limits promise that they would only serve two terms in the House or whatever, some of them are still here.

RITCHIE: One of the issues that was hotly debated all during that decade was welfare reform, which Clinton had campaigned on and some people thought he should have brought up as his first issue rather than health care in his first Congress and which went back and forth. Eventually, he wound up compromising with Republicans on this. It's obviously a bill that would have affected a Michigan senator significantly. I wondered if you were involved at all from Senator Levin's perspective on that.

ARENBERG: Senator Levin was a strong proponent of welfare reform, even before Clinton came along, and did in the end vote for the compromise. Like most sweeping reforms, the devil is in the details. He wasn't happy with everything that was in the original bill as it was proposed. But he was ultimately satisfied with the compromise. He had some amendments of his own and tried to make some changes in it. I think he felt in that period that there was a need to reform welfare as we knew it at that time. And he did support it. Like most big comprehensive bills, you are never satisfied with everything in it. On a lot of those big final passage votes you wind up deciding whether to vote for it with a statement explaining what things you dislike in the bill or for it with a statement explaining what things you support. You write a statement which says, "on balance," I support or oppose depending. Interestingly, that can often be a very close call.

Thinking back to your previous question, another example is that he is one of those, probably a minority in the caucus, who is a proponent of regulatory reform and has been going way back. Certainly the form of regulatory reform that was in the Gingrich Contract was way too extreme. To way oversimplify Senator Levin's view on this, to put it in a nutshell, I think he feels that to the extent that some regulations are unnecessary, some have gone too far and so forth, that much like bad laws it gives the whole enterprise a bad name if you don't clean up those bad actors in the system, so to speak. He believes in good well-founded regulation that's been created by a good open process. He has tried at various times in his career, actually, to offer regulatory reform legislation and build that compromise and build that coalition. I used to kid about it with tongue in cheek, and maybe too cynically, that compromise was sometimes like an effort to build a bridge that didn't reach either shore. [Laughs] It's one of those issues where there tends to be camps at either end, like too many issues in the state of polarization that we're in now. It's very hard to occupy that middle ground on a very complicated, very nuanced, subject like that. We talked about immigration reform, which is another one like that.

RITCHIE: A lot of the tone of the Clinton years was, in some respects, anticipated by Paul Tsongas back in the '70s and '80s when breaking away from the traditional liberal responses to things. There was much more searching for a middle ground.

ARENBERG: Yeah, that's what I meant when we were talking about the Tsongas presidential campaign. When Clinton was in the White House it did seem as if he'd read Tsongas' book, both of them really. I think you make a good point there, I think there was that.

RITCHIE: Tackling issues like welfare reform which had been well established since the 1930s but they had really run their course by the early 1980s.

ARENBERG: Tsongas, very early on, was really quite willing to grab all of those things we sometimes refer to as third rails in politics, whether he was addressing social security, whether it was welfare reform, or, as I mentioned before, the gas tax, nuclear power, some of these things that didn't easily fit the liberal Democratic profile. Certainly at the outset he was viewed that way—as a doctrinaire liberal—on a lot of issues because often what he had to say about arms control and foreign policy and South Africa, and I mentioned Zimbabwe, then Rhodesia. He was viewed as liberal on environmental issues as anybody in the Senate because of Alaska. All of these things, he was viewed as one of the most liberal members of the Senate. Eventually these other issues began to cut against that as an understanding of where he was became more nuanced. Regulatory reform is an example too. When we start categorizing people on that ideological spectrum, those labels tend to miss a lot of nuance and that is true of Senator Levin as well. He had been a local official. On a lot of those local rights kinds of issues, he views it from a different viewpoint. On things like regulatory reform or unfunded mandates, which was another example, he had a very nuanced view of that because he had been chairman of the Detroit City Council. He may have been president of the council or the chairman. See, I show my ignorance about Michigan when I do that. He was the head of the Detroit City Council.

RITCHIE: We can't talk about the Clinton years without mentioning the impeachment trial in the Senate. Did you have any role in that for Senator Levin?

ARENBERG: We were talking about the role of the legislative director before and I described to you my management philosophy about that. On issues, even that one, I

didn't seek to step in and take over the issue directly in any regard. He had committee staff that were very helpful on that. He had a long time staff director of PSI, Linda Gustitus, who did a lot of staff work on that. We had many discussions about it. He was obviously very concerned about it.

Just talking about my own perspective, if you had asked me five years earlier, we've talked so much about the polarization of the Congress. If you had asked me five years earlier, was it possible to have a partisan impeachment come through the House of Representatives, I would have said, although it's mathematically possible, it wouldn't happen because political consequences of the other party pushing a partisan impeachment through the House of Representatives and trying to pull down a president would just be too devastating. Which all goes to say, never say never around here. The longer I served in the Senate the more I saw things that I thought I'd never see and hadn't seen before. There was always something new under the sun coming along. That one seemed to be a very great surprise. Without getting into the details or getting too partisan about it, I felt it reflected the polarization, it reflected the fact that it was a partisan impeachment and the fact that it had no support from the minority in the House.

When you contrast it with the Nixon impeachment, that becomes amply clear. As you know, in the Nixon story it was ultimately a group of Republican senators who went down to the White House and convinced Nixon to resign. Going back to the Johnson administration, the Andrew Johnson administration, the only other impeachment trial in the Senate, as you know even better than I know, it was the minority ultimately that saved him there too. It was the role of the Senate.

Fortunately, in the case of the Clinton impeachment, that held true, too. The proceedings in the Senate were much less partisan and much more judicial, so to speak, of playing that quasi-judicial role that the Senate plays in impeachment. I felt confident, and I know that Senator Levin felt confident, that would be the case. The problem with increasing polarization the way we are seeing it is that it gets harder and harder to have that confidence looking into the future as these things become more entrenched. Fortunately, the Constitution requires a rather stiff super majority, so the Senate is backstopped in that regard. But when I defend the filibuster I would point out that if you think about the Clinton impeachment process and you think about it taking place in a highly polarized, highly majoritarian Senate, there are all these decisions that take place that shape that trial—the decisions about who is going to testify. Will they testify in public? Will they testify before the whole Senate? The past precedents of the Senate

suggest that the debate take place behind closed doors and the Senate made the decision to leave it that way. Would some future majority, by majority vote, see an advantage to dragging it out or making it public?

What I'm suggesting is if you had a partisan House of Representatives pass a partisan impeachment and then you had a partisan Senate of the same party, but of the opposite party of the president, controlling that whole process, even though you might ultimately need two-thirds to convict him or her, there could be an enormous amount of damage done along the way just by virtue of the kinds of decisions that could be made by a majority. You could have a very partisan tainted process. There were decisions like that, or questions that arose like that during the decisions that were made around the Clinton impeachment where indirectly, and this is where the subtly about the filibuster that I think for the most part that many people outside of the Senate don't fully understand, it's there in the fabric of the Senate that the majority knows they have to deal with the minority. That we have to arrive at fair rules, that they won't be able to push them down the minority's throats. There doesn't need to be filibuster threats, even threats, let alone filibusters. There doesn't need to be threats, there doesn't need to be any of that in a lot of these instances. A majority leader knows, "I have to sit down with the minority leader, we have to get our caucuses together. We've got to decide how is the Senate going to handle this."

It's done in a way that is fairly bipartisan. I think, in the end, for the Clinton trial the rules were adopted 100-0. Again, that's the cooling of the hot tea, if you want to go back to Washington and Jefferson. Part of that, and the way it has developed, is the filibuster. Critics often will point back at the founders and say it's not in the Constitution and the founders never directly talked about this. They didn't know about the filibuster, it happened by accident and all of these things. My view about that is that it's developed, yes, over 200 years of Senate history and it's developed in a way that has been consistently viewed by the Senate as consistent with this design for the Senate. As many things that were part of the founder's design were determined not to be. We went to direct election of senators, there were things that militate where ultimately they evolved. I think that super majority requirement as in the right of extended debate in the Senate, the virtual unfettered right to amend in the Senate, these minority protections are a key part of the fabric of—it's a mixed metaphor—they are a part of the fabric of that saucer. [Laughs]

RITCHIE: I think that the impeachment case is the only case where the Constitution sets a different requirement in the House and the Senate. That the House can

impeach by a simple majority, but the Senate needs a two-thirds vote.

ARENBERG: Except for circumstances where the House doesn't have a role.

RITCHIE: Right, but in other cases the Senate is required to have two-thirds. People ask about what the founders thought. They clearly thought that there was a difference between impeaching or indicting somebody and convicting them. In this case the Senate required a larger vote to get somebody out.

ARENBERG: And the implication of that is that there are at least some circumstances in which a super majority is a good thing in a democracy. I recognize that part of that argument cuts both ways. Opponents of the filibuster say since there are five examples, five instances in which the Constitution dictates a super majority, it's implied that in every other circumstance, a simple majority would be the requirement. Opponents of the filibuster see it that way. I see it the way I just described. They clearly did not view a super majority requirement as something that would be *ipso facto* undemocratic. In fact, in this most sensitive and complex of democratic decisions, they demanded it.

RITCHIE: And if they hadn't, the president would have evolved more into a prime minister who could have been thrown out whenever his party lost the majority in Congress.

ARENBERG: Right. The whole evolution of what Congress was, the whole relationship would have changed very quickly.

RITCHIE: An interesting moment in the Senate's history.

ARENBERG: Absolutely.

RITCHIE: In the 21st century, the parties have switched back and forth. The Democrats were in the majority for one year and a half in 2001-2002. They lost the majority again in 2003, they were back in the majority after the 2006 election. This has been a pretty tumultuous period. Regarding Senator Levin in that period, I think of him in two respects: one, a lot of investigations going on, including the Enron investigation which got a huge amount of publicity; and then his stand against the Iraq War given the fact that he wasn't the chairman but the ranking Democrat on the Armed Services Committee. I wonder, how did his legislative director get involved in these events?

ARENBERG: In terms of the war, I described the situation before. It tended to be something where the nuts and bolts of it were handled by his committee staff at the Armed Services Committee. However, certainly in terms of the kind of tactical thinking about it, explaining it, there were a number of ways in which it would come over into my bailiwick. It's become common to call for the majority leader to deal with some of these filibusters more often by following *Mr. Smith Goes to Washington* model and trying to use attrition as a way of breaking the filibuster. One of the Levin-Reid amendments was one of those times when Senator [Harry] Reid made the decision that he would force the filibusterers to go all night. There was an all-night session.

My view about that has always been that I think for people who haven't studied the filibuster very carefully, that there is kind of a misunderstanding. One, it's very effective for what I would call a lone wolf style filibuster or a small group. We had an example of that with Senator Bunning not that many weeks ago. He was filibustering a matter and there was very little support, even within his own caucus, for the filibuster itself. As often is the case with that sort of circumstance, it didn't even have to go all the way to an all-night session or weekend session or something like that. The threat of doing it ultimately led to negotiations which ultimately brought the matter to a head. In those kinds of circumstances it is very effective. When you have a large group filibustering and certainly when it's the entire minority party, dealing with an all-night session really only becomes a scheduling exercise. They just have to make sure that they have somebody on the floor throughout the night and somebody is scheduled to speak and it becomes a question of "Senator A" will do 8-9 and somebody will do 9-10 and so forth and so on. Whereas the majority, the party that is trying to break the filibuster, they are in the position of having to protect the quorum because if they lose a quorum the Senate is forced to adjourn. They are really more on call than the filibusterers are. In those kinds of circumstances it tends not to work. Not to put words in the majority leader's mouth but I think the majority leader understands that and that's why we see some resistance to doing that more frequently even though it's a popular thing even among some senators, certainly in the media. and impatient critics are unhappy that the agenda isn't moving faster than it is.

I say all of this as background. Another function of forcing that kind of an all-night session is a circumstance where there is some value to turning on the spotlight and creating a media focus on all of that. I think the Republicans did that not so many years ago, in 2004-2005, when Democrats were filibustering the Bush judicial nominees. There

wasn't any question that an all-night session or going on and on about it was going to break the Democratic filibuster. In the end, Senator Levin didn't think that they were going to break the filibuster and get a vote on his Iraq War amendment. I doubt he thought that. The additional attention that was brought by being in session all night, by holding press conferences while that was going on, by saying, "We'll stay here until we get a vote on that amendment," and so forth, that can often have some value. I don't want to say it's useless, it's hopeless.

You often read that in the old days, this is how filibusters took place. People stood up and spoke forever. They are either thinking of *Mr. Smith Goes to Washington* or they are thinking of Strom Thurmond. Here's one of the problems with the filibuster. Many of us grew up in this era in which it was used almost exclusively to fight civil rights. We saw it, myself included, as an evil tactic at the time. But it was done very effectively—although the Civil Rights Act was really blocked in the House, not the Senate—and it was done effectively because there was a large group of southern senators. But the Thurmond filibuster—I shouldn't be lecturing the Senate Historian on Senate history but—as you know, the Thurmond filibuster when it occurred took place because Senator [Richard] Russell and all of, or most of, the other southern senators had abandoned the filibuster and so you no longer had this effective southern filibuster. But for Strom Thurmond that wasn't sufficient and he pledged to go on and so he held the floor for the record number of hours. And there are many interesting stories about how he physically was able to do that. I think people are thinking of those images, probably more often Jimmy Stewart than Strom Thurmond, but in their mind's eye they are picturing Jimmy Stewart standing up and ultimately getting worn down. They say, well that's the old fashion filibuster and these days we have what's been termed the "gentleman's filibuster" where the Senate goes on and does other things. We just know that we've got a filibuster and we're either negotiating to get 60 votes or we're negotiating a change in whatever is being filibustered, or we're waiting to file cloture or whatever it might be. If we just go back to the old-fashioned filibuster and require people who were filibustering to talk, well then they wouldn't be successful anymore and we'd have fewer of them. I think that's too simple and it won't work.

RITCHIE: There is a certain romance to the filibuster.

ARENBERG: It's a wonderful movie and I tell my students, who for the most part haven't experienced it, I tell them, "For God's sake go rent it." I may start showing it in class or something. It's marvelous.

RITCHIE: Senator Byrd once gave a talk about the Senate and how it was portrayed in movies and novels and he had never seen *Mr. Smith Goes to Washington*. So we got him the video and he took it home over the weekend. He came back on Monday morning with a critique of how it got the parliamentary procedure overruled.

ARENBERG: [Laughs] That's really funny! I always felt that what's really interesting is that they largely get the chamber right. They sought to and they weren't permitted to film in the chamber. So they constructed a set which looks remarkably like the real Senate Chamber which is, as you well know, very often not the case in Hollywood. It's one of the kind of comical things when you see movies, the Hollywood version of what the Senate looks like, or the Senate Chamber, or even sometimes they don't come to Washington to film the outside of the Capitol. They use some state capitol or something else for a quick shot. When you have a trained eye and you've been looking at the Capitol dome everyday of your life on your way to work, it jumps out of the screen at you. My God, that's not the Capitol!

RITCHIE: More likely it would be the Illinois capitol in Springfield.

ARENBERG: Yes. Which reminds me of another Tsongas story which popped into my head. This is a real short one. When he was first elected to the House of Representatives, he had been an intern here for Brad Morris at one time. He hadn't been to Washington in many years. He came here and as a freshman Congressman in a class of 92 freshmen, we had some office buried in the Cannon building. We certainly didn't have a view out the window where you could see the Capitol dome. But he was interviewed for the paper back home, the *Lowell Sun*. He was asked, "What's your first day in Washington feeling like?" And he said, "Boy, it's really inspiring to look out the window at that golden dome." [Laughs] I'm sure he knew better than that. But it's not a mistake you would make after you look at it every day of your life for a number of years. Of course what he was thinking of was the dome of the state house on Beacon Hill in Boston where the dome is gold.

RITCHIE: That's the only one I believe, of the state capitols.

ARENBERG: Designed by [Charles] Bulfinch who also designed, I believe with the same basic designs, the state house in Maine. So if you look at them, they look very similar. But the one in Augusta has a white dome.

His first day in the Senate was also memorable. He had surprised the state by beating Ed Brooke. There were all these “Mr. Smith Goes to Washington” references and a photo on the front page of the *Boston Globe* of the plaque on the door of Tsongas’s brand new Senate office. It read: “Mr. Tsongas, Massachussetts.” One “s” too many. I still have that sign. It’s one of things he gave me when he left office.

RITCHIE: You worked in the majority leader’s office before you went to work in Senator Levin’s office. How closely did you continue to work with the Democratic leader and the Democratic floor staff and the Democratic secretary? Was that all part of your regular routine as legislative director?

ARENBERG: Yes. There were some trivial reasons, like I knew all the internal phone numbers so that I could call the right person immediately and directly. Many of the leadership staff did carry over, particularly floor staff—the Democratic secretary, and people like that carried over from one majority leader to Senator Daschle. I had very close relationships with many of those people which was very helpful to me in my new job. I did keep a very close relationship, as I may have described to you already, certainly in the case of the Democratic secretary, first Marty [Paone] and later Lula [Davis], they were both very good friends. I stayed in very close contact with them, often multiple conversations during the day. As I said I would often call first thing on Monday morning to get the lay of the land for the week.

RITCHIE: What was your impression of Senator Daschle as the Democratic leader?

ARENBERG: I thought he was a very effective leader as I think I’ve said already. I think he took some of the changes that Senator Mitchell had made and extended them even further in terms of sharing power and in terms of additional consultation within the caucus. I think it was even more formalized with Daschle than it had been with Mitchell. I knew he was personally a very effective operator in the Senate as I think I’ve already said. He was very much like a right arm to Mitchell. He was the vice chairman of the Democratic Policy Committee. But even quite aside from that, very often he was very helpful to Senator Mitchell in terms of keeping in touch with other members of the caucus and so forth. Daschle would often play that role of being out there and talking to people and telling Senator Mitchell about various things.

RITCHIE: Like Mitchell, he started out on the staff. He was on Senator [James]

Abourezk's staff in the '70s.

ARENBERG: And was recruited to run for the Senate by Senator Mitchell. Maybe I overstate that. Senator Mitchell did recruit him when he was chairman of the DSCC, but that's not to say that Senator Daschle wouldn't have come to that decision by himself and probably already had. But he was certainly one of those House members that Senator Mitchell very badly wanted to run for that seat.

RITCHIE: And he did seem to have a nice feel for the institution. He had been around it for such a long time.

ARENBERG: I agree with that, I think that's absolutely right.

RITCHIE: It's often a contrast with him and Senator Frist, who was injected into the majority leadership before he had ever managed a bill.

ARENBERG: I felt like that was reflected in Senator Frist's leadership. I don't think he showed quite the same level of reverence for the institution. That was particularly clear when he was championing the so-called "nuclear option" to sweep away the filibuster for judicial nominations. That was different than all the other majority leaders that I experienced; Byrd, Baker, Dole, Lott, Daschle, Reid and of course, Mitchell. And, I've studied Johnson and Mansfield a fair amount. Senator Daschle worked very well with Senator Mitchell. I described when we were talking about that instance when we passed the same amendments seven times on the same day. If you go back and look at the *Record*, sometimes they were Mitchell amendments and sometimes they were Daschle amendments. I had written a set of talking points in defense of that amendment. Sometimes it would be Senator Mitchell delivering it, and sometimes Senator Daschle. And it's very interesting how good they both were. If you go and look at the *Record*, it won't be obvious to you when you look at the statements that they came from the same set of talking points. There are some sets of senators that if you handed them the same talking points you would get the same statement on the floor. In the case of both of them, they were able to go from that same set of bulleted talking points reminding them of certain key points to touch on that they were able to make very distinctive speeches based on that.

RITCHIE: I remember the race that Daschle ran to get the Democratic leadership position was very close. It was with him and Christopher Dodd.

ARENBERG: And it was one vote. You'll also recall that earlier on the race had been between Daschle and [James] Sasser. Sasser, much to everyone's amazement, was surprisingly defeated for reelection in Tennessee and that's when Chris Dodd came into the race. Many people thought, and again I say this with some trepidation because of what I was saying yesterday about leadership, we're looking at leadership races from the outside. It appeared that the Daschle-Sasser race was going to be a very tight race. Senator Sasser was also a very effective senator. It's interesting. One of the things that was very difficult for Senator Mitchell was that, as close as he was to Senator Daschle and I've described him as a right arm, Senator Sasser was one of those senators that Senator Mitchell often consulted for advice. He had tremendous respect for him and very much liked him. Fortunately, he wasn't in a position where he had to take sides. He was the retiring majority leader and he wasn't going to have a vote in the caucus on that decision but it was a difficult one.

I would add, parenthetically, Chris Dodd was also an extremely good candidate and it was reflected by that vote in the caucus. I've known Senator Dodd for many years, having grown up in Connecticut, and his father was my senator when I was growing up. I knew Chris Dodd very early on. He was elected to the House in that same Watergate class with Senator Tsongas. Because some of his back home staff knew me and Senator Tsongas ran for the Senate and came to the Senate two years earlier than Senator Dodd did that when Congressman Dodd was making a decision about whether to run for [Abraham] Ribicoff's seat, he called me and we had a very nice conversation at a restaurant in Norwich, Connecticut, my hometown. He wanted some insight into the decisions that Tsongas had made and how he put together the Senate race and so forth. It was a tough decision for him at the time because there was already a Democratic congressman, another young Democratic congressman you may remember, Toby Moffett, who was another member of that Watergate class, another great guy who had already announced when Senator Ribicoff retired for that seat. So the question for Senator Dodd analogous to the kind of decision that Senator Tsongas had made, do you give up a safe seat in the House in order to run a tough primary campaign and then a general election for the Senate?

RITCHIE: It's always part of the equation. You've got to take the gamble at some point.

ARENBERG: That's right. Parenthetically, and it will be obvious to people sophisticated about these things but I'll say it anyway since I sometimes belabor the

apparent, the two year term in the House sometimes seems anachronistic because given what it costs to run for a House seat these days, much has been written about the perpetual campaign in the House. If you just looked at it on the surface it would seem evident that there might be some virtue to saying, "Let's consider a constitutional amendment to make it a four year term in the House." That would never fly in the Senate because if you look at the math, it would mean that on occasion, there would be members of the House in your delegation who did not have to seek reelection when your reelection came up in the Senate. So you would have members who could keep their House seat and run against you for a Senate seat. I don't think many senators would want to opt for that.

RITCHIE: I was frankly surprised that more House members from Massachusetts didn't run for Senator Kennedy's seat in the primary given that they wouldn't have to give up their House seat to get the shot at it.

ARENBERG: I was a bit surprised by that too. I had predicted that quite a number of them would because not only didn't they have to give up their House seat but they were all relatively senior. In the nature of reelection in Massachusetts many of them hadn't been challenged for a while so they had amassed pretty large war chests. Even the question of having the funds to run a campaign was easier for them and in addition to the House members, there was a former House member, Marty [Martin] Meehan, who is now the chancellor of the University of Massachusetts at Lowell, and was one of the successors to Tsongas' house seat, who had been in the House for a number of years and had the largest war chest of them all. It was a federal account and it's not something that he has any way of spending now under federal law but could be translated into a federal race like a Senate race. A lot of people thought Marty Meehan might jump into that race and he didn't.

RITCHIE: Speaking of races, after the 2006 election there were a lot of senators who were seriously thinking about running for president. Just on the Democratic side you had Obama, Biden, Dodd, and Hillary Clinton. Of course you had a number of Republicans as well. How did that affect the way the Senate did business, especially after the 2006 election?

ARENBERG: There certainly was a logistical problem in terms of the majority leader having to make decisions about the timing of things, when things would come up, when a roll-call vote might occur. He had to take into consideration that there were for a while a number of members in the Senate who were running around the country

campaigning, as was Senator McCain on the Republican side. That had to be taken into account. Just in terms of some of the tactical politics that sometimes would take place, people would have to factor in how does this play in the presidential politics? Is this something we want to put them on record on now? Where's Obama on this, where's Clinton on this? Where's Biden on this? Where's Dodd on this? Just from my perspective I felt as though it was a remarkable field, it was a remarkable Democratic field of pretty outstanding candidates.

RITCHIE: Did you have any dealings with Barack Obama when he was a senator?

ARENBERG: Pretty limited. I did meet him once or twice and he certainly was very impressive and it's now obvious to the country how impressive he is. I thought when he first came, the early speculation that he was going to run for president, I guess as an old Hill rat, I thought, "It's early. Wait. Accumulate a few barnacles first." Interestingly, much the same could be said about Hillary Clinton when she first came to the Senate. You thought, "Slow down a bit. You've been in the White House and you were the first lady and everything. The Senate is different, learn the ropes." She was like a fish to water, just an incredibly effective senator very quickly. As was Obama I think, in ways which would have, a few decades ago, been unthinkable. We'd still be waiting for Senator Obama's maiden speech.

RITCHIE: Presidential politics spoiled a lot of really good senators, I think.

ARENBERG: It is a little eye opening. You sit down and make a list of members of the Senate who have run for president over all the years that I was here. Some of them are very short efforts at it—even Robert Byrd . When you think of a senator's senator, if you look up senator in the dictionary, there's probably a picture of Robert Byrd right next to it in his red vest. If you think about somebody with senatorial skills who you might be surprised would be interested in running for president. I certainly was a bit surprised by that. But he did run.

RITCHIE: I think we counted 50 in the last 50 years who actually officially declared their candidacies. Obama is the first one since John Kennedy to make it from the Senate to the White House.

ARENBERG: There is somebody who said somewhere along the way that every

senator, when he gets up in the morning and shaves, sees the future president looking back at him. That was obviously said in the days when that wouldn't be considered too sexist to say.

RITCHIE: With all the presidential politics going on, the election happens in 2008 and the Democrats are coming back in the White House. They've got big majorities in the Senate and the House. Just at that time you decided to retire. What was it that made you decide to step out at that point?

ARENBERG: It's funny. It was a very difficult decision for me. I had been thinking by that time for a number of years about what life after the Senate was going to look like. As you know, many of my colleagues, in the vernacular, "go downtown." They become lobbyists. You build up this expertise and it doesn't have a whole lot of applications in the outside world if you had been here for a working lifetime. The answer to that question that I always came to is that I would like to teach. I had always viewed myself as a "participant observer," as I described to you. It seemed to me to be the best application of the expertise that I built—if somebody would give me a room full of interested, committed, bright students and say, "Okay, motivate them. Go to it." I had that in mind for a number of years. It had almost become like a hobby.

As I've already described, I had a long standing desire to go back to the Boston area at some point. When I remarried, my wife, who I've already described as my high school sweetheart, owned a house in Massachusetts. The mortgage had been paid off on it. We had always just kept that and when we'd visit Massachusetts, we both have family up there, we'd just use it. Almost as a summer place. I had a home to go to. Whenever we were in Massachusetts, and we would travel back and forth a fair amount, I would go around and visit various—as you know there are lots of universities in that area—I'd go talk to the chairmen of the political science department and others and just chat about my interests. I was tickled pink by the kind of response that I was getting. It was very positive. Some of them would say, "We don't have the funds to do it, but it would be great. Stay in touch." Others would say, "Yeah, you know, I'd like to seriously talk about that." I began to feel like there was a receptive possibility out there and think about it a little bit more seriously. But I was still doing this kind of thing, I referred to it as exploration.

There have been a few times along the way, and I can come back and describe them if you are interested, in previous years where I had kind of come to the brink of

thinking about leaving and every time I had shrunk back from that. I loved it too much here. I was a real Hill rat. It was always something new and exciting right around the next corner. As you say, the inauguration was coming when I left. There was always something new and different and right around the corner to bring me back. I had never really done it.

I even had a couple of funny ones where I met with the chairman, for example, of the government department at Suffolk University in Boston. It's on Beacon Hill. We were talking about the Senate and just chatting and I was saying, "Sometime in the future I'm thinking about doing this." He said, "We sometimes hire adjunct professors. I think there's a real possibility there." We started chatting about things and I started going through my litany about the recent polarization in the Senate and the polarized politics and so forth. I said, "Sometime I'd love to teach a seminar on polarized politics, the culture, and how it's affected the Congress and the Senate in particular." He said, "That sounds interesting." I left him some of the vote studies, I always kept track of the percentage of time that other members of the Senate voted with Senator Levin. I used it as a way of quantifying the polarization in the Senate over the years. I left him a copy of that. We had a nice chat. I went back to Washington and a couple of months later I get a call from him and he says, "Well, good news. The course is in the catalog for next semester. We've got a room, we've got a course number, and we'd love to have you teach it. I described it in the catalog and I hope you like the description." I said, "This is really very flattering. It's very nice, but I haven't yet sorted out that I'm quite at the point of retiring from the Senate staff. I hadn't quite figured out my way back to Boston. I'm just tickled by this, but I hope that this isn't going to be a big problem for you." He said, "No. Students who sign up for it, we'll find something else for them. Don't worry about it. If you want to do it in the future sometime, come back to us." I didn't see that one coming! It was a real surprise.

A year or two later, right around October of 2008, I was up there in New England and I went by to talk to the director of the Taubman Center for Public Policy [at Brown University]. We had a really good chat about what I was interested in and what I'd like to do. Again I went back to Washington and some weeks later I got a call from Professor [Marion] Orr who is the director. He said, "A lot of the concentration of the Taubman Center has been on state and local government. We'd love to have somebody like you on board to teach courses about the Congress. We'd love to have you come in January. We'd particularly like to have you teach in the spring semester because we've got an external review of the whole center which is going to take place and we'd like to be able to showcase more of the federal aspect to our program." I said, "Let me think about that." I was familiar with Brown, I had grown up in eastern Connecticut. Obviously, it's an Ivy

League institution. It's a small school. It's a beautiful place. I love the city of Providence. It just seemed to me, if I could have designed the perfect opportunity for me, I probably would have designed Brown. I really had to give this serious consideration. I did over Thanksgiving.

You can see the time line that is quickly developing here. Coming out of that Thanksgiving break, because of the reasons that were in your question, I called the director back and said I think I would really love to do this. Ideally, for me, I'd love to do this next fall. What I'm thinking is, start next September. The whole idea of retiring so quickly, doing all of that, after 34 years, selling my house in Maryland. All of these things were making me a little dizzy. But most importantly, by then Obama had been elected. I was excited about the new larger majority and what that was going to mean in the Senate, the Obama administration starting. I thought that at the very least I'd love to have the first eight or nine months of that. That gives me a more familiar timeline for me to make a big change. But he kind of pushed back on that. I guess that's when he told me about the external review. He said, "From our perspective it would really be preferable if you could see your way to come in January." I thought about it some more. I just decided this is the opportunity of a lifetime to do my next step.

It was with a very heavy heart that I then went to Senator Levin and told him about it. I've described what he's like. He couldn't have been more gracious and encouraging. He said someday in his life after the Senate it's what he'd really like to do. We talked about what courses I might teach and what Brown was like. I made the decision to go. Parenthetically, I did call the chairman at Suffolk and said, "I'm going to be teaching at Brown next semester." This was going to be a night seminar at Suffolk. I said, "If you'd like to still teach that seminar, I'm willing to do that." He said, "Oh great. Okay." I got off the phone. Then over the course of the next week or so I discovered that the Suffolk semester started a week or two earlier than the Brown semester. I was already spinning. How was I going to do everything that quickly! I thought, oh, I can't do this. I called him with great trepidation and told him I had to bail out on Suffolk once again. The subsequent fall semester I did in fact teach that seminar at Suffolk. I really felt that I owed it to them. It was a lot of fun and I'm going to do it this fall again. I've also taught a course each semester at Northeastern in Boston where Mike Dukakis is a colleague on the political science faculty. I now teach courses at Brown in addition to the School of Public Policy. I also teach in the political science department. This past semester I also taught their basic Congress course. I can't tell you how much fun I'm having doing this. It's just wonderful. It's everything I had hoped for. Although I miss the Senate. After dragging through this

much of an interview, I hope it's obvious to you how much I miss the Senate and value it.

RITCHIE: What is the general reaction of students to Congress at this point?

ARENBERG: The students I have, and I guess if they are attracted to my courses particularly with my profile, there probably is a predisposition to be interested in it. So they are almost universally interested. In a larger lecture course, like the Congress course I teach at Northeastern, you may get some students who are kind of filling out the dance card, so to speak. They might have a more resistant approach to it. But certainly, overwhelmingly my students at all three of those institutions and particularly at Brown, are very interested, very excited about it. They tend to be activists. I certainly hope that as a result they come out of that greatly valuing the kind of real life experience that I bring to the job. I certainly get a lot of positive feedback in that regard. These kids are bright, focused, and incredibly motivated.

Many of them want to come to Washington and work after that. I try to help them with that. I had lunch with the Levin staff the other day. There was a student of mine from Brown in the room because he's serving an internship at PSI this summer. I'm hoping to turn that into a pipeline every summer so that I can send a Brown student to work on PSI. If I could design a perfect internship for a student it would be going to PSI. They are so deeply involved in all these investigations that your internship there is not going to be "Go fetch coffee," or "Go sit and watch this hearing." It's going to be, "Here's a stack of documents. Get to work." I'm happy about that. Hopefully my students value that background.

I have found—and this is especially true at Brown—I have lots of academic friends, career tenured faculty at various places. When I was thinking about this they asked me, "Are you sure you want to be an adjunct professor? They don't get taken all that seriously by full time faculty. They don't serve on any of the committees. There's no possibility of advancement." My response to that was always, "You don't understand. That's not what I'm looking for. I'm not looking to build an academic career, per se. I'm not looking for tenure. I'm not looking to climb the ladder. I'm not looking to serve on necessarily a bunch of academic committees." I would describe what I just described to you, about wanting a room full of bright students and to have my shot at energizing them. What I have found at Brown is no such prejudice about it. Quite the contrary. Two or three weeks into my new academic career I was asked to speak at a faculty brown bag luncheon on the subject of the new Obama administration, at that point only several weeks

new, on the subject of “The Obama administration: A View from the Senate.” I called Senator Levin and said, “I think you’ll be amused by this. I’m three weeks into my academic career and I’m already pontificating like the voice of the entire United States Senate!”

RITCHIE: It strikes me that certain fields, particularly political science and economics, value people who have stepped outside and had real world experience and come back to teach about it.

ARENBERG: It’s particularly true of the Taubman Center as I’ve mentioned. There are a number of such faculty members there who have had various kinds of real world experience. It’s really been a marvelous experience for me.

RITCHIE: As you know from the panel that we started talking about at the Brookings Institute, sometimes if your experience is strictly in the academic world, it skews your view of the outside world.

ARENBERG: I think that’s right. Particularly when you are talking about an institution like Congress where some of the mores, some of what I keep describing as the fabric of the Senate, is a little opaque to outsiders. Since it is a public institution and so much of it is visible, I think people feel, average citizens feel, and with some justification, that they have some level of expertise about commenting about the Senate and analyzing it. They know how it works. You can get this combination not just with academics but with journalists and others, a kind of hubris about it—“I really understand how that works.”

Certainly the academics that I’ve encountered, they do have a much more sophisticated, much deeper understanding of how things work. Many of them have spent some time up here. They have done fellowships. I’ve supervised a lot of APSA fellows over the years. For many years, when APSA had their orientation session, I’d be invited to go speak and give them an orientation. Many of them were political scientists, tenured professors who were coming here to serve one year fellowship in a congressional office. I would give them a briefing on that. I think in the Tsongas office, in the Mitchell office, and again in the Levin office, and in large part because I had a conviction about that, I think we had a very good reputation with that program. Outgoing fellows would give advice to new fellows about what offices to beware of. I was told we always had almost universally good grades. I was kind of proud of that and it was one of the reasons why I

would accept this opportunity to lecture to them every year. But I'm not trying to puff up my own position. Just by making the point that you did, that kind of fellowship was very helpful and very formative to those people. They see it as an additional credential to those people. It gives them street "cred" when it comes to their academic credentials. But it's not the same as living here for 34 years and seeing this place from the inside out.

I think some of the more subtle colorations (and I've probably worn you out with my speech about the filibuster), but there is one where I think, although those people who have written on it have a very deep understanding of it, it's not just superficial. We'll just look at the votes. Or confusion about every cloture vote as a filibuster. They understand all of those subtleties. They understand that the subtlety of a threat to filibuster is a very important factor in its own right. The implied right to filibuster is another step removed. But I think you have to spend a lot of time here to understand. Frankly, with all due respect, and I mean it respectfully, I think there are newer members of the Senate, particularly those who served a lot of years in the House, and it takes them a while to understand that themselves. There is a very important part about how this Senate has functioned—that function that goes all the way back to the constitutional design, goes back to the Constitutional Convention, goes back to those founders—that has to do with this body not only slowing legislation down, we talked about that, but also being a body that would move towards consensus. That would take a more moderate, because it isn't always the middle, but a more cold eyed, sober approach to making these long term decisions.

As you know better than me, if you go back and read some of the founders, they thought the Senate would be that way because they would be older, they would be property owners, and all of these things. Those notions would seem very foreign to us today. The Senate is going to be wiser just because they are going to be graybeards. I would argue one of those mechanisms that evolved to stay true to that vision was these notions of unlimited debate and unfettered amendment. It wasn't an accident. Those academics will say over and over again, this happened by accident. If you go back and study and do away with all the myths, this was an accident. I really don't believe that. I don't believe there is anything accidental about it at all. If it's an accident, it keeps happening accidentally over and over and over again for 200 years. If you read the debates, as I know you've read many more of them than I have, I shouldn't be so bold as to lecture the Senate historian on the history of the Senate, but if you go back and read those debates from 1917 and before, you find that in that sense there is nothing new under the sun. All of these arguments, is the Senate a continuing body? What's the role of

extended debate? Non germane amendments—should we be doing this? All those debates are there, both sides of them.

RITCHIE: It's quite wonderful when you read a century-old *Congressional Record* and then you go into the Senate Chamber and you hear people saying pretty much the same things in almost the same formal language that they did back then.

ARENBERG: Senator Levin's speech on the nuclear option—I was the initial drafter of that and he, of course, as Senator Levin would do, rewrote most of it. But one of the things that I suggested to him were these marvelous passages from Senator Vandenberg from I think it would have been 1948-1949. He was the one that made the ruling. At that time the motion to proceed was not subject to cloture because the way Rule XXII read, there are now several words, motion, matter. It's been rewritten so that it now clearly includes the motion to proceed. Of course, one of the reforms suggested is that now they move another step and make the motion to proceed not only subject to cloture but non debatable with a proscribed limit on debate. Senator Vandenberg, who at that point was president pro tem of the Senate, was presiding over the Senate and had to make a ruling on that. Although it went contrary to the underlying substance of what he wanted to happen, he recognized and didn't think it was a good thing that it would totally undermine the cloture rule. If you could now filibuster the motion to proceed endlessly it would undermine cloture. He didn't particularly want to do that. Nonetheless, he felt obligated under the Senate rules to do what the rules required. He makes a marvelous speech about that. There are long quotes from that in Senator Levin's statement on the nuclear option.

The point to that was that the nuclear option only works if the vice president or whoever the presiding officer was sweeps aside all of the precedents and the explicit rules of the Senate and says ok, this point of order will stand. Then it can be objected to and all of that can be dealt with by the majority with a simple majority vote and you created a precedent that stands. Of course, that was the argument for the nuclear option. A form of that is the argument for what can be done at the beginning of a new Congress—the so-called “constitutional option.” What then gets added to it is that at the beginning of a Congress is that argument that, under the constitutional provision that allows the Senate to write its own rules, that it's a new Senate when the Congress comes in and so it can follow *Robert's Rules of Order*. The rules can be changed by majority vote. Of course for 200 years it's been the position of the Senate that the Senate is a continuous body. Its rules can be changed at the beginning of the new Congress but only pursuant to the Senate rules.

That includes the part of Rule XXII that says to end debate you need a two-thirds vote. In fact, in 1959 they wrote that explicitly into the Senate rules. Rule V says that the rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided by the Senate rules themselves. That would seem self-evident, but the Senate in 1959 wanted to underline that it viewed itself as a continuing body. As we've talked about, there is a sense in which you can do in the Senate what you have the power to do, if you are willing to ignore precedent in the rules themselves. Presumably a nuclear option-like technique could be used, in spite of the fact that the Senate is a continuing body, by a vice president but he will have to ignore not only that interpretation but the explicit rule of the Senate itself in order to make that rule. I know there is debate about that now for next January. I'm sorry I keep going back to that but it's very much on my mind.

RITCHIE: Then they have to consider what the long term consequences of anything.

ARENBERG: Absolutely. In your questions you've talked about the recent history of the Senate and how often it's gone back and forth from the control of one party to the other. Senators who have been around here for a while don't need to be reminded. By the time they get to be a committee chairman most of them remember it very well. In their treatment of the ranking minority member on their committee they know that the gavel could be shifting and they could be switching positions in a future Congress and maybe one very soon. They keep that in mind and you often see that reflected even in the more polarized Senate of recent years in the way that committees conduct themselves. Particularly for newer members who haven't experienced that change one or two times, it appears to escape their memory or their consciousness. They don't see the implication that if you change the rules using that kind of procedure at the beginning of the next Congress, what about when the other party has the majority in some future Congress and maybe they are less restrained in their use of it. Maybe they want to go all the way to majority rule if that isn't what's already happened in the first instance. Maybe they want to set up more control for the Rules Committee. Once you go down that road, then you rewrite the rules every two years the way the House does. The fabric of the Senate that I believe is there, that I described too many times to you, I apologize for the repetition, is torn apart. You can never get it back.

RITCHIE: Sounds like you are going to have a fascinating book. As soon as it comes out I'm going to get a copy of it.

ARENBERG: We don't quite have a publisher yet. I don't even worry about that because to me the act of writing this book is so much fun and so important that even if I have to xerox it myself and hand it off to members of the Senate, I'll do that.

RITCHIE: I don't think you'll have to worry about that. I think you'll have a lot of publishers interested. It's a fascinating subject and it needs a long view. Too many people have, at the moment, a quick-fix approach to things without any kind of historical context.

ARENBERG: I'm glad I have you saying that on the record. We'll put it on the book jacket. [Laughs]

RITCHIE: Is there something else that we should have talked about that we have not? I've had you here for a marathon. I really appreciate the amount of time that you've spent doing this.

ARENBERG: You're a wonderful interviewer and you've done a tremendous job of covering the waterfront and drawing out of me a lot of tributaries that I've forgotten were in there. I apologize for the flood that you've created. The one thing I would make a quick mention of is the Terri Schiavo story in the Senate. I've made some notes so we'll get the dates right. It was in March of 2005. You'll remember that there was an issue—the state courts had ruled that the feeding tube for Terri Schiavo could be removed. Republicans wanted that issue to come before the federal courts. In the first writing of it they wanted to pass legislation that would instruct the federal court to not only take the case but to issue a stay. Senator Levin was extremely concerned about that latter part of it. He probably didn't think that Congress should be legislating in the middle of this circumstance in any event, but nonetheless it was pretty clear that Congress was going to do something. He certainly didn't believe that it was appropriate or constitutional for the Congress to attempt to tell the court what it should do. Taking jurisdiction is one thing, but instructing it to issue a stay is quite another. The House passed it overwhelmingly. It came over to the Senate. The Senate by that point had adjourned for recess and they were out of town except for the leadership. It came over and Senator Frist, who was then the majority leader, made a big speech on the floor. He's a doctor, he even made a prognosis from the Senate floor. It required unanimous consent to pass it.

Senator Levin was very concerned about this. Although he was in Michigan, he asked that we convey to the leadership that he wanted to put a hold on this in the Senate

because he was concerned about this issue—the language explicitly telling the court to issue a stay had been taken out. But as someone who has been around for a long time and is a very good lawyer, he very much clearly understands the impact of congressional intent. He was very concerned about that. He wanted to make sure that this was clear. He put a hold on it and demanded a colloquy with the majority leader which we negotiated out. There was a colloquy between the majority leader and Senator Levin which was promulgated, and then at the end of it Senator Levin says that with that understanding he's now satisfied to allow this bill to go through by unanimous consent. It did.

My suspicion is, and I don't say this disrespectfully, but what I conclude, that his willingness to push for the nuclear option made me feel that Frist wasn't a great Senate institutionalist. I think he would probably accept that characterization of himself. I think that he saw this as a senior Democratic Senator just obstructing something that they needed to get done. Time was of the essence. You'll recall that when it did pass, President Bush flew back from Texas overnight on Air Force One to sign it into law at one o'clock or two o'clock in the morning because the issue of the removal of the feeding tube obviously created a natural time clock. He wanted to get this Levin obstruction out of the way. When the language of legislation is not perfectly clear, courts will sometimes go to issues of congressional intent to make a determination of what it was Congress was trying to do in this somewhat opaque law that it passed. Senator Levin was very conscious of that. If you read the colloquy you can see that. It went from his mouth to the ears of a federal judge. It was included. It went into the law. The federal court denied a stay ultimately and it went to the court of appeals. I'm very proud, and I'm pretty sure Senator Levin is also very pleased and proud, of their decision. Let me read one paragraph from the 11th federal circuit court decision: "There is no provision in public law 1093 addressing whether or under what conditions the District Court should grant temporary or preliminary relief in this case. Not only that but Congress considered and specifically rejected provisions that would have mandated or permitted with favorable implications the grant of pretrial stay. There is this 'enlightening exchange' in the legislative history concerning the Senate bill that was enacted." And then the decision of the federal court takes the extraordinary step of quoting verbatim the entire colloquy from start to finish and then repeats the words "enlightening exchange" again, a second time, afterwards.

I often use this case study with some of my classes to make two points. One is when I'm talking about the balance of powers, and tensions between the Congress and the president are very obvious. But the ones between the legislative branch and the judicial branch do occur and I use this case study to talk about that. But also to talk about this role

of congressional intent and how important it can be. Sometimes it gets obscured in the process of making a sausage in the congressional sausage factory. We don't think about that factor but it's something that Senator Levin does think about. He often has that in mind.

RITCHIE: He was trained as a lawyer and Senator Frist was trained as a doctor. Perhaps that has a lot to do with their different approaches.

ARENBERG: I think it has a lot to do with it. In this particular case I think he came to it from a medical perspective and Levin came to this circumstance from a legal perspective.

RITCHIE: It also suggests that in a collegial body an individual can make a difference.

ARENBERG: That's right. Without the filibuster this wouldn't have been possible. That would have gone through like a hot knife through butter.

RITCHIE: I was going to suggest that if you think of anything else we can keep this open for a while. It's going to take us a while to transcribe. We can also continue to add material. I know you are going to be coming back to Washington so we'll keep the door open.

ARENBERG: I appreciate that, thank you. One image that pops into my head is my very first day on Capitol Hill. Paul Tsongas had just been elected to the House as a member of the 1974 "Watergate babies" class as they called them. He called us (Dennis Kanin who I've mentioned several times was there) into his new office and asked us to close the door. First he noted that this was the first time he had seen either of us--after a long Congressional election campaign--in suits. Then he looked us in the eye, broke into a huge grin, shrugging his shoulders, he asked, "Isn't this fun?" I thought of that day frequently as I served on the Hill over the years. I could always hear his words, "Isn't this fun?" Going back over all this history with you brings it back again. Yes, no matter how hard, how frustrating, how disappointing, how stressful it became at times, in the way Paul Tsongas meant, it was always fun.

RITCHIE: We'll also make copies of all the transcripts for you. You'll have the chance to go through and do any editing that you think is necessary. We'll have a release

form and there will be an introduction. And you have the right of first use of this material. You're writing a book, there is probably some interesting ways of expressing things that you certainly should feel free to make use of.

ARENBERG: You can feel certain that I'll make all of my students read it, if nothing else. [Laughs] I want to convey the same offer to you in terms of the notion of leaving it open. If you wake up in the middle of the night and think, "Oh geez, I should have asked him 'x,'" give me a call or send me an email. I'm happy to entertain. It's been a great pleasure for me too.

RITCHIE: This has been a real pleasure. It's a terrific dialog and I learned a lot from this. As I say, I'll be the first one in line to buy the book.

ARENBERG: Well, thank you. You might even get a free copy.

RITCHIE: Speaking of books to show you, I have the first and only copy that exists right now of a book that's coming out next month. [*The U.S. Congress: A Very Short Introduction*] It's a part of Oxford's very short introduction series, and all of 35,000 words. It really is just an introduction.

ARENBERG: I believe it may have even been at your suggestion, but Bob talked to one of the editors at Oxford and they took a look at a couple of our first draft chapters. They didn't jump at it, but one of the first things they said to us when they looked at the design that we had planned was, write a shorter book! [Laughs] It's still an open question.

RITCHIE: This is about as short as you can get and still be a book.

ARENBERG: I look forward to reading that. When will it be out?

RITCHIE: July 6.

ARENBERG: I'll definitely look for it. If you haven't read it, go out and get an old copy of *Men of Zeal*.

RITCHIE: We have it on the shelf here.

ARENBERG: You don't have to read the book, just read the footnotes! [Laughs]

RITCHIE: In this little book there aren't any footnotes, they wouldn't let me put them in. But I know that people are going to say "Where did you get that quote that's on page 70?" So I have the footnotes ready to go. I can email them to you.

ARENBERG: That's true. Well, if you go back and look at *Men of Zeal* you'll see that the footnotes alone would fill a book about that size.

RITCHIE: Great seeing you, good luck with everything.

ARENBERG: Bye.

[End of the Fifth Interview]

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