

**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 111<sup>th</sup> 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 2<sup>nd</sup> 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 20<sup>th</sup> 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**