

MANAGING THE SENATE

Interview #5

Monday, February 10, 1997

RITCHIE: When we finished last time you said that you wanted to talk about your vision of the management of the Senate.

JOHNSTON: About the future and how it might change--at least how it might change the way the Senate is managed. We can also cover any other areas that you want to go back over, if there are any other aspects to it.

I would have liked my tenure to be longer because I saw what was beginning to develop. As I mentioned early in the interview, clearly I was a transitional Secretary. You had a total of four people at one point or another who were Secretaries of the Senate during the 104th Congress. That's a record I presume. So my focus was, in knowing that I would not be there a long time, although hoping to have been there longer than I was, was at least to facilitate the transition from the way we used to do things in terms of the management of the Senate to a whole new management style that would protect and preserve the things that were important to the institution while preparing for the future.

What's really making the Senate different is not so much the times and technology, those are having influences, no question, but it's the people who are coming here. You look, for example, at the Republican Conference. You had eleven new senators elected in 1994, you had another eight or nine elected in 1996, you've got twenty senators out of fifty-five who have been here less than four years. That tells you how dramatically it's changed and as you all know, the nature of the people who have been elected to the Senate has changed a lot in the last twenty or thirty years. People used to be products of organizations and it was kind of a reward to be elected to the Senate or to the House. Now with campaign laws being what they are, the diminutions of the political parties, you've seen a very different kind of person emerge to elected office, people who are brighter, better educated, younger. They come here with

a very strong agenda, and an intellectual capacity, and an energy to get some things done. There is a sense of urgency with elected officials you didn't see twenty or thirty years ago. That is creating a lot of pressure on the Senate to make some management changes.

The Senate management structure now is pretty much the way it's been for a long, long time. I can't pinpoint it but certainly going back to Frank Valeo in the 1960s and probably sooner. If you look at the way the Senate's run now, it supposed to be run by committee and it sort of is. You've got a joint leadership committee that consists of the majority leader, the minority leader, their respective whips and the ranking members and chairmen of the Rules and Judiciary committees. That leadership team to my knowledge has not met in well over a dozen years. It may have met during Senator Byrd's tenure, I'm not sure but I don't think it has. That technically is the governing board, the council if you will, of the United States Senate. In reality it's the majority and minority leaders who run the U.S. Senate.

What's happened is that you've got the Secretary of the Senate and the Sergeant at Arms whose roles have really evolved and changed. They still do the basic things they did back in the 1790s. The Secretary still is the chief financial officer, still disburses the pay, he still has floor responsibilities in terms of signing bills and being sort of the parliamentarian, although he has one that does that for him on his staff. But, the Sergeant at Arms' role has evolved into a real monster. It's not because of any one person but as the Senate has grown and staffs have grown and technology has been introduced, all these things have been dumped under the jurisdiction of the Sergeant at Arms. Traditional responsibilities of the officers have been diluted to an enormous extent.

What you lack, as a result, is any true professional management of the Senate. You don't have any one person who is truly responsible for the administration of most of the Senate. The House recognized that problem on their side and they actually named as an additional officer, the Chief Administrative Officer of the House. I don't think they did it quite right. I wouldn't do it here the way they did. During my brief tenure, I went back and

read many of the studies on management of the institution that were done back in the 1970s. Harold Hughes, former senator of Iowa, with Frank Valeo as the executive secretary of this commission did, I thought, a magnificent job studying the management of the Senate and coming up with some excellent recommendations that are as pertinent today as they were in 1976 when they were proposed by the committee.

Basically what they proposed was to have the Secretary of the Senate serve under a reenergized joint leadership team. You have a joint leadership team that actually operates with the Secretary of the Senate serving as the executive secretary of that joint leadership team to be the chief conduit between that governing board and the rest of the United States Senate. You had a Sergeant at Arms return to his or her original role which was the doorkeeper and chief protocol officer and chief security officer for the U.S. Senate. That's a full time job just doing that.

Greg Casey, for example, today does all the same things that his predecessor before him, and the predecessors going back to the early days, did. Whenever the president comes to the Capitol, he's there to greet and be with him. The same with the vice president. He's still responsible for security and protocol and for the operation of the floor in terms of keeping the order of the floor. The problem is that he's got all these new offices under him. He's got nearly a thousand people working for him. There's no way that a sergeant at arms can do his traditional role, and do that well, without some serious reform.

I've come full circle on this issue. I, at one time, opposed the creation of a Senate manager. I've now changed my mind. I think there needs to be one but it needs to be structured differently than the one over in the House does. What I would propose would be to have a Senate manager that is accountable through the Secretary to the joint leadership team that serves as a truly nonpartisan or bipartisan appointment of the Senate who actually administers those things outside the traditional scopes of both the Secretary and the Sergeant at Arms. I think the Secretary's office only requires minor changes. I certainly wouldn't change the direct relationship between the financial operations and the Secretary although I might involve the Senate

manager to some degree with that process. I wouldn't change the floor people. I wouldn't change the history functions. Some of the traditional functions of the Secretary I don't think should be changed, but certainly say, the Interparliamentary Services, there's no reason why that shouldn't fall under the Senate manager, with the Secretary's involvement. The page school, for example, should fall under the Senate manager with involvement of the two cloakrooms. It really shouldn't involve the Secretary of the Senate in terms of education of pages. I know that's a role that's considered historic, but it's only been in the last forty years. I don't think it's a major item.

I think that would free up the Secretary to do a better job administering the Senate from his perspective, and free the Sergeant at Arms to do his traditional role, and then really provide some true professional nonpolitical management for the rest of the institution like the computer center, the telecommunications operation, the recording studio, interparliamentary services, that really fall under the purview now of one of the two officers. That would be a tremendous improvement in the operation.

I know that Senator Lott has appointed Senator [Robert] Bennett to lead a task force-- something that I had actually proposed to Senator Lott before I gave up my position as Secretary--to look at and reform the management of the Senate. He's a marvelous person to do that because he has a great respect for the institution. His father was a U.S. Senator. He is very familiar with the congress in a variety of roles even as an administration "lobbyist" with the Transportation Department. He's also new here so he doesn't bring a lot of inbred biases to the institution. Most importantly, here is somebody who ran a successful business. In fact, rescued a business that was going under out in Utah. He's got a nice demeanor, a calm, thoughtful demeanor that will lend a lot of credibility to the process. Now a lot of people have mistook, I think, that task force to look at changing the rules. Maybe some rule changes may occur, but I can't imagine them changing very many rules. These things evolved over time and they exist because they work and they protect the minority so I don't see a lot of changes there. I think that people don't understand that the real purpose of that task force as Senator Bennett

understands it, and others, is to look at the way we manage the institution. That clearly needs to be looked at again.

RITCHIE: In the House they have the three separate officers now: the Clerk, the Sergeant at Arms and the Chief Administrative Officer. What you're suggesting is that the manager really belongs under the Secretary and the Sergeant at Arms and not as a completely separate entity.

JOHNSTON: Not as an equal officer. Certainly the Sergeant at Arms and the Secretary of the Senate along with the two cloakroom people, Elizabeth Greene and Marty Paone, ought to be equal officers of the Senate. They each have their own unique responsibilities. They should be accountable directly to the leadership. That shouldn't change but I really think there ought to be a Senate manager who reports through the Secretary to the joint leadership team and operates those things in the Senate that really don't have to do with traditional functions that are still important.

RITCHIE: Are you suggesting that on the House side they've created extra competition by appointing a manager who's on an equal and independent level?

JOHNSTON: They made the problem worse because what they've done is they've elevated those functions. It serves as a distraction to the leadership. The manager really ought to be accountable, in my view, to the Secretary not the Sergeant at Arms. By elevating it to officer status, you create another infrastructure that reports to the Speaker and distracts him. It really unfairly takes away and separates some of the traditional functions with the administration of the newer offices and you do get a little bit of competition there and that's a little unfair. You need somebody below the Senate level, the Secretary in particular, who can see all this in perspective and who serves the interest of the joint leadership team and puts those functions in their proper role. The traditional functions of the Secretary and the Sergeant at Arms and, of course, the Secretaries for the Majority and Minority, really are still valuable and very important. Those should always be top and foremost here

in the Senate. It's the other functions that ought to be kept somewhat separate and kept in their perspective.

By having that manager report to one of the other officers, the Secretary's my recommendation, you keep it in perspective and it tends to be more synergistic in the way it operates. I think the House would have been better served if they'd put the House Administrative Officer under the Clerk. I think they've paid somewhat of a price for that because it's turned into kind of a lone ranger operation without any real coordination or accountability to the other functions. The Speaker of the House cannot manage those relationships by himself. They need to have one person that they say, "You're accountable for this operation." The Secretary of the Senate should hold the manager accountable to him for his part of the operation.

RITCHIE: You also run the risk of overlapping responsibilities. Apparently the Clerk of the House had trouble having things printed because printing services were switched to the Administrator's office. The Clerk has responsibility to publish certain reports but no longer having a printer, can't get things printed.

JOHNSTON: See, on the House side it's like having a chief executive officer with two operating officers. It doesn't work well, it really doesn't work well at all. I would love to see the Senate operate much more like a business in terms of the management where you've got a governing board, a board of directors, if you are an executive committee, where you've got the majority leader as the chairman of the committee and you've got the Secretary of the Senate serving as the chief operating officer in a true sense. Then a lot of the details can be flushed out. The Sergeant at Arms should be an equal player with the Secretary but I think, in terms of the functioning of a committee, you need to have somebody serving as kind of the executive secretary. Somebody's got to be in that role and more than one person will dilute the whole purpose.

I can propose that now that I'm not Secretary anymore and probably am not going to come back. I think if you set it up that way, the Senate would function better and be more responsive. Now maybe we should look at the

joint leadership team. I've never quite understood why the Judiciary Committee had a role. I sort of do but, again, it doesn't make a lot of sense. Maybe we should take out that. I think having the two leaders, the two Whips and the Rules Committee leaders, six people is a plenty good size. The Senate tends to operate by unanimous consent anyway so anybody can object to anything they do if they really want to push the issue.

RITCHIE: In the Office of the Secretary of the Senate, the position of Assistant Secretary has taken on a lot of managerial functions over the years. How did that work when you were Secretary?

JOHNSTON: Well, it was a little bit different under me. My Assistant played a valuable role in the early days, Nina Oviedo, because Sheila Burke was Secretary. She really was more Dole's chief of staff than she was Secretary of the Senate, so Nina took on a very strong role there, as a close confidante of Bob Dole's. She worked on his staff as his chief tax counsel but also was just holding the fort down while Sheila was trying to do two things at once and gearing Bob Dole up for another national campaign. When I came on as Secretary, because a lot of my focus was the management of the Senate, Nina's role tended to diminish a little and, frankly, Nina's focus was going to be Bob Dole. I respected the unique relationship that Nina had with Bob Dole, stronger in many senses than my own with Bob Dole. She was going to be involved in the campaign and clearly was involved and I wanted to give her that freedom to do that in a quiet, indirect way. One, because it helped me learn what was going on with Bob Dole's other world, and number two, it gave her something to do that was valuable to her and to Bob Dole. As time went on she got more and more involved in the political matters and finally, in July, she left the staff to go work on his campaign on a full-time basis. So really, for the last two to three months of my tenure she for all practical purposes was gone or she, in fact, was gone from the office.

Over time the role I think would have changed. Under what I proposed as a new structure I'm not sure you would need an Assistant Secretary. In fact, the Senate manager may serve that role. I would propose, in effect, that you shift the Assistant Secretary from being that role into being the Senate

manager or the chief administrative officer of the U.S. Senate. That shift would make a lot of sense. In that way you wouldn't have to create a new position.

RITCHIE: In some respects Assistant Secretaries in the past were becoming managers. They took over computers and other functions that the secretaries either weren't interested in or didn't have any expertise in. The job started out as Chief Clerk and then it moved into Secretary's office to help carry some of the administrative load because the Secretary of the Senate was put in charge of so many different things.

JOHNSTON: Well, I gather under previous secretaries, the Assistant's role was much stronger. I know Jeri Thomson was a very detail oriented person. She paid enormous attention and became very knowledgeable in the specific details of running an operation. Nina's big role for me, the single most important thing she did, was do the detail work in assembling our proposed appropriation or budget. She was the chief drafter of my testimony before the Appropriations Committee. She was the day-to-day person that handled a lot of things right below what I dealt with. She was intimately involved with GAO and printing the *Congressional Record*. She assumed a lot of detail work that I wasn't all that involved in.

Also the rules did something unusual, I don't know how this happened, maybe you would know, but under the rules of the Senate, the financial clerk has a direct relationship to the Secretary. In the absence of the Secretary, the Assistant Secretary assumed all the responsibilities save one, financial. The financial clerk was the chief financial officer of the Senate in the absence of the Secretary. That caused a little bit of strain between Nina and Stu Balderson because Stu was used to that role. I wasn't even involved in it as well and it caused a little bit of strain, although they're professionals and they worked it out. That needs to be rethought, too, in the sense of a Senate manager. That's why I think there's probably some merit because the financial business of the Senate is so valuable and so important that the role of the chief financial clerk ought to be thought out very carefully in any new structure. That's a very important role and Stu's been now here for thirty-five years, I think. He has done a lot to improve and keep the management of the finances here going but

when he does retire--and I hope it's not anytime soon--but when he does it would be a good time to give some thought to about how we do financial management here as well.

RITCHIE: The Disbursing Officer predates the Assistant Secretary so the financial clerk got that status when there was no Assistant Secretary. That's one of the problems: you have historic jobs that were created two hundred years ago but what they actually do has changed over time, as what the Senate does has evolved over time. The management has gotten much more complex even from twenty years ago. What is required of those offices today is much greater. If the officers really do their work, then the senators don't notice that they are there. If they don't do their work, they create a problem and then the Senate suddenly has to stop its legislative business and focus on the management. Were there some senators who were more interested in the way things ran around here or were most of the senators pretty oblivious?

JOHNSTON: Most were pretty oblivious. In fact, I remember after I had left being Secretary and was involved in my last project--new senator orientation--I sat down with Senator Bill Frist to talk about his role in the orientation. He was going to be part of a panel talking about life in the Senate. I've known Bill Frist for years before I became Secretary and even during the Secretary's role and he said now, "Why should I call the Secretary's office?" It was almost, why should I care? There was enormous amount of ignorance by the Republican senators, in particular, about the operation of the Secretary but I think even most Democrats were fairly oblivious.

Senator Rick Santorum was one whose staff told me he wanted to pay careful attention to the operation of the U.S. Senate and, in fact, did. He was one of those who called for an audit after the Republicans won control of the 104th Congress and cared deeply about who did the audit and how it was done. When there was an oversight hearing by the Rules Committee on mine and the Sergeant at Arms' operation, Senator Santorum was the only senator aside from the chairman and the ranking member to show up, and he asked the most questions. He asked about orientation, asked about a variety of things

involving the operation of the Secretary of the Senate and sergeant at arms. He's about the only one I've seen that really is focused on, as a project, the operation outside the leadership.

RITCHIE: What's the role in all this of the Legislative Appropriations Subcommittee?

JOHNSTON: Well, obviously, they control the purse strings. Senator Mack has authority to really sign off on transfers. We present our budget and above a certain amount of money, I think ten percent of our budget, ten percent of a particular line item, we can transfer some but if you want to transfer more than say ten percent or a certain dollar amount of your budget, you'd have to get the approval of the Appropriations chairman. Either the Appropriations chairman or the Appropriations Committee subcommittee chairman. So, he played a big role. His role in terms of the day-to-day operation was nonexistent. However, once a year during the appropriations process he paid very careful attention and watched over our appropriation very carefully. I worked very closely, and Nina worked very closely with Senator Mack's staff. Senator Mack was the chairman of the Appropriations subcommittee. We worked closely with his staff to make sure they knew and had involvement in the way we did our budget. We asked for a few additional dollars only to be a cushion against any excessive overtime expenses. Plus there were two or three other minor initiatives. I'd make sure they were okay with him and then, of course, I testified, and put in my request to his committee. Senator Mack was there; Senator [Ben Nighthorse] Campbell was there; Senator Bennett showed up very briefly, and that was about it. I think Senator Bennett now chairs the Appropriations subcommittee for the legislative branch. He will be a terrific person to do that because, again, he's a very thoughtful person and I think will do a good job.

RITCHIE: The subcommittee on the legislative branch appropriations probably handles the smallest amount of money that any of the Appropriations subcommittees are going to deal with. On the other hand, it's perhaps the most intimate since it handles what's going to affect the senators' own

functions. Would you say that their role is mostly oversight or do they try to steer?

JOHNSTON: I think the oversight role belongs to Rules. The Rules Committee staff in particular and I know Chairman [John] Warner and I talked quite often as a matter of fact, probably once or twice a week in some cases, and always at least two or three times a month on some matter involving my operation. Chairman Warner was focused on the Senate Library and where it was going to be located. He was very focused on space allocation involving both my office but also the others and very interested in also a report that we did-- that actually Dick Baker wrote along with Diane Skvarla--on how we should improve the education of visitors to the Capitol. So, clearly, the Rules Chairman was very focused on the oversight of the operation. I'd probably talk to the Rules Committee staff director or his staff several times a week on matters they had some involvement and awareness in.

The Appropriations subcommittee really didn't play an oversight role. I would say it was probably more of a stamp of approval or a check on what my initiatives were, where I wanted to go as it related to the dollars given to us by the Congress for our operation. The only other role they played was every year the Senate has the option or the authority to grant a cost-of-living adjustment to the Senate accounts of personal offices and also the officers of the Senate. It's kind of an odd process. It's done on kind of an ad hoc basis between the President Pro Tem's office, who actually has the authority, but involving to some degree the leader and also the Appropriations Committee chairmen and subcommittee chairmen. They would all get together through their staff and figure out what to do.

During my tenure in early 1996 we chose not to do a COLA. It was the first time in many years because we were trying to reduce expenses. It was felt that would be sending a mixed signal to cut our budgets fifteen percent or 12.5 percent in my case and then turn right around and grant a COLA to restore some of the funds. They chose to just keep it the same. I think a COLA this year has been granted, which is a good idea because that was a

pretty long drought--two years without having some sort of an adjustment in the finances of the Senate.

RITCHIE: You mentioned that the Joint Leadership Committee doesn't meet. But how involved do the majority leader and the minority leader get in the workings within the Secretary's office?

JOHNSTON: I think it depends on their interests. I know Bob Dole did not get involved. He had other fish to fry and he knew the operation. If he needed something, he'd call. He occasionally would drop by the office, usually to see Jon Lynn Kerchner, who was my administrative assistant in the Secretary's office. They had a long relationship. She'd been his office manager in the leadership and she still did some things for him directly. She did the calligraphy, for example, on his photographs that people asked for to have him autograph. She also handled all of his nominations and appointments to various boards and commissions that the Republican leader had the authority to appoint people to.

He, of course, always saw the parliamentarian just to get advice or some direction on things he wanted to do on the floor. If he had need for our office, he went and saw the person he knew was in charge. He had intimate knowledge of the Secretary's operation and didn't really need to involve me unless there was something going on like with the codel. During the government shutdown, for example, I got orders from him via Sheila Burke, Dole doesn't want anybody going out on government trips while the shutdown's going on. So, it was up to me to execute those orders.

Lott was a very different story. Senator Lott was not familiar at all with the operation of the Secretary. In fact, as he would tell you, had different perceptions completely about what the Secretary did from reality. I spent a lot of time with him early on just educating him and informing about what I was responsible for and what I did. They were never long sessions. He was not all that focused on the operation, but he wanted to know enough so he could make a judgment as to who ought to do the job when I left the Secretary's office. He was very interested and it was part of his education process. But, even in his

case, he was more focused on the bigger picture, the strategy, the floor strategy, the political strategy. It was not a high priority for him to know the operation. He wanted to know enough to make a judgment and to know whoever he put there would do the job and wouldn't be a distraction for him.

RITCHIE: It's an unusual circumstance to have the majority leader running for president. . . .

JOHNSTON: Yes it is.

RITCHIE: As actively as Senator Dole was during the 104th Congress. How did that affect things just in general?

JOHNSTON: Well, it added a level of tension to the operation. Everything was seen through a prism of Dole's candidacy for president. Even during the government shutdown when Dole kept us in session on Saturdays, on Sundays and around the clock, it was all seen in a paradigm of, well, Dole's got to do these things because he's running for president. He's got to protect his interest. I'm not sure the place would have run any differently had he not been running for president. It may have been less intense but as soon as he resigned, it was like this big burden was lifted off our shoulders and suddenly we were back to normal again with Trent Lott.

I have to say that a Majority Leader running for president is not a very good thing for an institution. Not because it's bad for the Senate or that leader should not run. I would never say that. It just brings a whole political dimension to the operation that really does add one more hurdle to get things done. It distracts the leader from operating the Senate, although Dole handled it better than I thought he could. Clearly he wasn't focused on my operation or the rest of the operation. It creates an opportunity, if you don't have good people, for things to go sour. It puts extra pressure on people like me, or the sergeant at arms, to do a better job. It also adds a whole layer of tension between the majority and the minority because the minority is going to be loyal to their president as they were so they tended to look for ways to block or impede any effort by Senator Dole that would accrue to his benefit.

When he left, that tension just kind of vaporized. Things got done in the last few months when the dimension of White House politics was gone. A lot of people took notice and I don't think we'll see a majority leader do what Dole did again unless it's to leave early and resign. It just shows that it's very, very hard, as Howard Baker told us when he ran in 1980, to run and be leader and do either job well.

RITCHIE: Dole is the first majority leader to get the presidential nomination. A number of others have wanted it, like Howard Baker and Lyndon Johnson, but usually they were bound to Washington in a way that hurt them when they tried to campaign. It works against the leader in both directions.

JOHNSTON: It works against the leader. If somebody wants to be president, don't be majority leader, that would be my recommendation. Because you run into, as Bob Dole did, inherent conflicts. You run into a variety of traps and step on mines that you otherwise wouldn't have to do. You're much better off being a governor or much better off being out of office and having full time to run. If you look at people who have been elected in recent years, it's been people like Bill Clinton who was able to run midterm as governor, not having to worry about things too much back home, as Ronald Reagan or Jimmy Carter who were in private life and could run. You really don't have to do that any more to be successful. I don't see it changing. If somebody asked me today, who was a governor or a U.S. senator and wanted to run for president what would I do, I would say, well, there are a variety of ways but you ought to just step down and go into private life. Do what Jack Kemp has done basically and just take care of your family for a few years and then go off and give it your all. Lamar Alexander has chosen that same course.

Even Phil Gramm, a sitting U.S. senator, had a lot of trouble, I think, trying to balance the Senate and run. That was another dimension to Bob Dole's difficulties, as leader and candidate. He had three colleagues running against him. You had Dick Lugar and [Arlen] Specter, which really had no impact on Dole. But you had Phil Gramm who had enormous impact on Bob

Dole because he was seen as Dole's most serious competitor. You even saw Senator Dole do things in the committee selection process, the floor strategy and timing of votes, that were designed to embarrass his opponent, Phil Gramm, not the Democrats, and so that affected the operation of the Senate. Phil Gramm missed a lot of votes. Well, Bob Dole set it up that way. He'd know if Phil Gramm wouldn't be around, he'd schedule a vote just to make sure he wasn't there. You saw a lot of those kind of things. That was smart politics but again it had some impact on the operation of the U.S. Senate and I'm not sure that was all that healthy, frankly.

RITCHIE: I remember sitting in the gallery on the day of the Balanced Budget Amendment vote and Senator Gramm came through the door at the last second to vote. If it was going to be a deciding vote, then he would cast the deciding vote. I can remember Senator Dole's expression as he watched Senator Gramm coming in the door. I'm not sure if C-SPAN caught that or not.

JOHNSTON: No, it's pretty hard to catch that on C-SPAN, that's right. But, it really was not a good thing and I don't know what Senator Lott's plans are, whether he aspires to the presidency or not. I'm sure he's going to have to think real hard about it. You'd have to have an awfully big majority, it would require a sixty plus conference to really do that. You need the cushion of knowing that you really do have the forces in the Senate to do it. Dole, with a 53-47 margin, just couldn't do it. It really requires a 60-40 or better Senate to really make it work in my opinion.

RITCHIE: When historians look at Congresses, I think that the 104th Congress is going to get written about a lot, the way the 80th Congress, for instance, has been written about. You were right there in the thick of it, before it and all during it. What's your assessment of the 104th Congress?

JOHNSTON: Well, it reminds me a lot of the 96th Congress, although different in the sense that Republicans truly had control of the House and the Senate. They both were elected in similar environments, an environment of resentment, anger and a backlash against government. What made it different

was that you had a president of the other party in the White House versus all being unified. I think had George Bush been in his third second, there never been a turnover. It would have been a very calm, mild Congress, the 104th. It still would have been Democrat controlled, more than likely. We talked about my tenure being transitional tenure--it was a very transitional Congress. It was kind of a leap of sorts from the 103rd to the 104th, obviously because we changed parties but you really saw not just a change of party control but a complete change in the way the institutions operated, much more so in the House than in the Senate. Watching the pressures of the old way and the new style between parties was incredible.

What made it unique, too, was the sheer hours, the sheer volume of work, the sheer size and dimensions of the agenda that was being pursued. It was a very political Congress because you saw Democrats frankly *deeply* resentful that they were not in charge. That was very evident in the House and not much less evident in the Senate. Everything Democrats did in the House and the Senate from my perspective was geared to getting control back. And I understood why, because a lot of the Republican senators had been both in the majority and in the minority. Don Nickles is one who came here in 1980 when the Senate was controlled by Republicans. They really missed being in the majority. It means a lot to be able to be a committee chairman and to control the agenda, to hire a good size staff, and to do things you want to do versus being in a minority where you really have no power.

I think that you saw Democrats seeing '96 as being their chance to get control back, and history being on their side because Republicans weren't able to keep control after the last time they had charge or the last time they had control. So, knowing full well that they didn't get control even with Bill Clinton reelected, then '98 probably would be a long time before they got control back. I think that's their mindset now. That's why I think we'll see a lot of Democratic retirements in 1998. You've got five Democratic senators who are over the age of seventy. I expect four of those possibly to retire. You've got [Daniel] Inouye who I think will run again. He's very popular in Hawaii. You've got Senator [Wendell] Ford who may or may not run again.

He's over seventy. You've got John Glenn. You've got Fritz Hollings and Dale Bumpers over the age of seventy. All those states save Hawaii, the Republicans could easily win those competitive open-seat races. So, I think you're going to see a transition from an older Senate to a younger Senate.

You also saw with the 104th Congress, the real demise of what I call the middle, the moderate middle of both Democrats and Republicans. I suspected--but it did not happen--that Bill Clinton would really cultivate the moderate senators on the Republican side. There were seven Republican moderate senators in the last Congress that Bill Clinton, I thought, would cultivate and use to build a majority on major issues, or at least take away the Republican majority in the 104th Congress. He didn't do it and I'm not quite sure why. I didn't see them cultivated and I think that those senators could have easily been cultivated and never were. Now that middle is gone. Not as gone as people think, but smaller. The Alan Simpsons and the Bill Cohens are no longer with us and they've been replaced by a little more predictable Republican loyalists than they were before. So I think you've seen a transition to what many thought would be more polarized--actually it's not as polarized because I think there's been a thought process, a climate evolved that, hey, this is getting kind of old and really we are going to be punished now if we don't start working together better.

RITCHIE: A lot of attention was on the House. Of course they hadn't changed in forty years and they had a very outspoken leader. Did you get any sense that senators resented the attention that the House was getting, especially the first year?

JOHNSTON: I think a little. I think there was, especially on Bob Dole's part. He was never close to Newt and never particularly embraced his style or his politics. So Dole had kind of an uneasy situation where he didn't want to be seen as following, and didn't want to be seen as too close, and didn't feel comfortable getting out front. As time went on I think there was a realization by senators, hey, it's good that we're in the background, that we're not out in front of all these things, and that we shouldn't try to emulate what they do because it will be our undoing if we do. So, it really worked out well

for Dole. Whatever resentment may have been there in the beginning was not there at the end.

RITCHIE: How about among the freshmen senators? A lot of them came from the House. They must have sort of felt as if they had switched at the wrong time.

JOHNSTON: There was a lot of frustration. You had people like Jim Inhofe and Jon Kyl who were elected in the '94 election in the same environment that their House brethren were, who clearly were very close to their House brethren. Rick Santorum's another one; Judd Gregg and others. They were very frustrated at times by the inability of the Senate to do what the House did in moving the agenda forward. As time went on, I think they saw the benefit of it and I think they would say they'd be the last ones to change some of the rules that prevented some of those things from happening.

A lot of the frustration was much more frustration on the House with the Senate than there was in the Senate side with its own numbers. I remember going to a meeting of the Whip staff operations where Trent Lott and his staff met with Tom DeLay and his staff and there was a House member, John Doolittle from California, one of the deputy House Whips, who was just screaming at Lott about the Senate being a graveyard, if you will, for their initiatives and why couldn't they do something. Lott was in a very uncomfortable position of sharing their view about wanting to get things done but also being in the Senate and realizing, well, there's a reason why we can't do that. We're not set up that way and we're not going to change our way of doing things. That all diminished as time went on and as people realized the situation. There was a backlash to, not so much the House agenda, but the House's way of operating. I don't think that the press or the people really rejected the Republican message, but they didn't like the messengers. That's what the Senate saw from that process. It served them well, I think, politically in the end.

RITCHIE: You have different loyalties. One is to the party's agenda but the other is to the institution. You have the Senate versus the House, with

the Senate not necessarily wanting to rubber stamp what the House had done, but being able to deliberate, and amend, and perfect.

JOHNSTON: They were a filter.

RITCHIE: For legislation, yes.

JOHNSTON: There were a lot of times that the Republican leadership made a kind of minor initiative, if you will, to say, "Hey, look, we are passing the agenda. We are meeting on the contract items." You didn't hear the senators talk much about the "Contract With America," but you heard them talk a lot about the specific elements of the contract that were popular. I think that's where there was some frustration. I think the Senate did a lot more to follow the House's lead than people realize. The Senate just phrased it differently.

RITCHIE: Do you anticipate that they are going to do things differently in the 105th?

JOHNSTON: The 105th will be a very different Congress, much more like the Congresses of old, more of the return to normalcy if you would. I hate to use the Warren Harding phrase but it really does fit. I've learned and I've perceived over my last eighteen years that there are these slow pendulum swings in the way the House and the Senate operate. It reflects the public opinion. We go from a public that wants more government to the other end where there's a backlash against too much. Sometimes the pendulum will slow down and sometimes it will speed up. There's a rhythm but there's not necessarily a reason or a rhyme.

I think the 105th is going to be what I call a "hangover Congress" because the last Congress was absolutely tumultuous. It was turbulent. It was pivotal. I think you're going to see things calm down as you would after a dramatic scene in a movie. Lott's style is to be very canny, not get out in front of his troops too much. He's going to be a very cautious but bold individual. I know that sounds contradictory but it's his style to move a little

bit more slowly, not to get way out front, and he's got very good political antenna. He knows where the public is. The public's kind of hungover after the last Congress, too, so he's going to move slowly. He's going to cherry pick those things that really accrue the best benefit. He'll be very political but in a very different sense. He'll be able to respond instinctively to the mood in terms of setting the agenda on the floor and how fast he moves his troops.

He's also, along with the Republican senators and I think a large number of Democratic senators, very concerned about burning senators out, about their time with their families. We had, as I mentioned before, a record number of votes, record numbers of days and hours in session in the last Congress. Frankly, people were just flat tired after the last Congress. So I think he's going to move more slowly and more deliberately and push an agenda that is more to implement the changes that occurred last Congress and solidify the gains. If I were to guess as to what Lott's real strategy is, it is to solidify politically the majority and on a policy perspective solidify and improve on gains made in the last Congress. You'll see this as being a relatively unhistoric Congress, no less important than the 104th, but in a very different sense, one that is going to build on the changes. It's like we turned a big corner last Congress and now it's okay just to stay on the street without any more lightning bolts from the sky or any potholes and just keep marching in the same basic direction.

RITCHIE: Senator Lott does seem to be a very organized person who wants to have control over what's going on. He instituted a lot of changes already, before the last Congress was over. He changed many of the personnel, including the Sergeant at Arms and Secretary of the Senate. This was between one Republican majority leader and another. Why do you think that he wanted to make such big changes in the institution as soon as he stepped into the job?

JOHNSTON: I'll tell you a little story. I remember in my early days at the Policy Committee back in 1992 when Senator Lott at that point was just a junior senator. He didn't have a leadership role. He was deeply frustrated. He was a real activist guy. He wanted to do things and get things done right

now, not unlike a lot of junior senators do. I remember seeing him at one point, and I had known him from my days on the House side when I was a staffer and he was the Whip. We were walking into Dole's office once for a leadership meeting or for a conference meeting and just making pleasant conversation I said, "How you doing senator?" He said, "Well, I wish we were doing a whole lot better!" He clearly had a big frustration that we weren't getting enough done and things were moving too slowly for him.

He really has a very different style than Bob Dole in the sense that he really wants to put his stamp on things, he really wants the Senate to reflect a different way of doing things. He's got the same problem and the same challenges that I did in the sense that you're trying to move the Senate into a new era without giving up that which makes it a unique and special and very successful institution. I think his frustration's more on the political side. I think he saw Dole as being too accommodationist. Now a funny thing is that Lott's very accommodating too, but in a very different way. Lott is a little more politically, I won't say attuned, but he's politically tougher than Dole in some respect. Dole loved the institution and was often criticized for not being eager enough to jump on things for political advantage. Lott is more inclined to do that but Lott will do it in a way that he'll never surprise his colleagues. Lott learned a lot from Dole. I think he would even tell you that now.

If you look at the way he staffs up--getting back to your question--Lott likes people around him that he really trusts. The single most important quality anybody can have in this business of working for an elected official is loyalty. It really means more to Lott than it does with most senators. It really is important to him and while some senators would be comfortable with moving into a job and keeping a lot of the current staff because he trusts them and they do a good job, Lott is the kind of person that's going to want to put in his people. He liked me fine. We got along famously, but I was not his guy. I did not work for him. I'd never been part of his universe or his world. I'd been part of Don Nickles' universe and world and he just wasn't going to operate that way. He kept me on for several months after because he did have enough confidence that he didn't want to rock the boat and change the furniture too quickly. But, he really wanted to have his people, people who are

in every waking moment of their professional life thinking: "How can I advance or protect Trent Lott's interest?" You see that in the way he set up his leadership office. There are some people who would say that Lott's leadership staff isn't as bright or as talented as Bob Dole's staff was. That may or may not be true. I don't really know yet. But, you can never question that Lott's staff is loyal.

The one thing about Lott is that the way he operates is that he's front and center always. He never tolerates staff doing things up front. Dole was more tolerant of that. Dole didn't mind Sheila Burke being out front on some things. He didn't mind Kelly Johnston talking to reporters about the operation of the Senate as long as it reflected well on Bob Dole. Trent Lott wouldn't let staff get out that far. My perception is that staff are on a much shorter leash with Trent Lott than they were with Bob Dole. That's the big difference and that's because he really wants to be in charge, more in control perhaps than Bob Dole was.

RITCHIE: At that time of all those changes in personnel, you were nominated to the Federal Election Commission. Senator Dole presumably intervened to suggest that. What happened?

JOHNSTON: Dole, as he typically does, operates through intermediaries for a lot of his initial forays. When I was hired to be Secretary of the Senate, it was Sheila Burke calling me saying, "Bob Dole wants you to do this." I knew that Bob Dole wanted me to do it but sometimes he would call, and sometimes he'd have somebody call me. The same thing happened with the FEC thing. I'd gotten a call in late May, just after Dole had announced he was going to resign, from JoAnne Coe. JoAnne was one of my predecessors as Secretary of the Senate, somebody I'd worked with politically for many years. We get along famously. We had talked about filling FEC vacancies for quite some time. Even though she was on Dole's campaign, she was Dole's political person and she was detailed by Dole to fill those slots, "Find me a couple of good people to go to the Federal Election Commission." So, JoAnne had been focused on this for quite some time.

It's actually hard to get people to go to the Federal Election Commission. One, it's seen as a dead end street. It's not seen as a career builder. Number two, it seems like just a horrible agency, and it really is in a lot of respects. So it was very hard to get people to go. I had sent people over to her to see if I could advance them as possible candidates and she usually said no because they weren't loyal enough to Bob Dole. After Dole announced that he was going to resign, she came to me and said, "I've talked with Dole and I think you should do the FEC. He wants to send your name forward." The first time she asked me, I said, "I really don't want to do this." Then I get a call a couple of days later and she said, "Dole really wants you to do this." I thought, well, I'll think about it. Initially, I thought I had a chance to stay as Secretary because I knew Lott and I thought maybe he'll want to keep me. I didn't really know. Then I got the impression clearly he was not going to keep me and I didn't know how long he was going to keep me. I called back and said, "All right, JoAnne, I'll let my name go forward." I was not enthusiastic about going to the Federal Election Commission. So, I wrote my own letter from Bob Dole to the President saying, "I nominate Kelly Johnston to go to the Federal Election Commission."

It really made sense for me because the one policy area where I'd had involvement was campaign finance reform. I'd worked in campaigns for years and years. I had Dole's confidence and I knew the wishes of the Senate with respect to the FEC, and I also cared about the agency more than the average person did. So, my name went forward and the White House began the process of vetting me. I had a meeting in the White House and they at first seemed very cooperative. But they saw from my resume, and I wasn't bashful about it, I'd been pretty outspoken in my Policy Committee days about fighting the administration on the health care front. Suddenly it got very cold about my nomination.

In addition, they took the time, as I knew they would, to go back and read some op eds I'd written. I had not been that prolific as Policy staff director, but they noticed one particular op ed they took great offense at. During the height of the Whitewater coverage in 1993, I'd written an op ed piece comparing or drawing similarities between what Spiro Agnew

experienced and Bill Clinton. It was a rather lengthy op ed in the *Washington Times* called "Clinton and Agnew." Basically it was comparing these two governors from small southern states who encountered what seemed to be some amazingly similar problems. I never drew any conclusion about what was going to happen to Clinton. I didn't make any judgments but they *really* took offense that I drew an inference to Spiro Agnew and that basically blocked my nomination inside the White House. They said there's somebody in the White House who just didn't like what you said and it wasn't going very far. I suspect it was Bruce Lindsey who was at the time the deputy counsel to the president. It was the counsel's office that cleared the nominations for the president's approval.

They operate in a very funny way because when my name went up, I went to the president and he signed off on me. Then they go through and they vet you, which I find very unusual. I would think that they would vet you first before they give you the official stamp of approval. I'd been approved at least internally by the president. I was told to keep quiet about that because it was only semiofficial, I presume. Then I was vetted and there was a hold on it. So I had to go to Trent Lott and say, "They've got me blocked." It was actually Sheila Burke who called me from Dole's campaign and said, "They've got a hold on you. They're breaking their promise to me you'd go through." John Hilly had promised Sheila that if my name went forward, they would sign off on my nomination.

Another dimension was FEC nominations are always sent up in pairs. There's always a Democrat nomination to go up with a Republican nomination. John McGarry and Joan Aikens, the two commissioners in that cycle, were paired together. By having me up there and be part of the process, they had to deal with what to do with John McGarry. He's in his seventies and he's been commission for, I think, three terms. His term already expired and many people thought he was not really up to the job any more. He's currently the chairman of the Commission. Finally Trent Lott got involved. I went to Trent Lott and said, "They've blocked my nomination." Trent Lott made it very clear as he had back in May when I told him Dole sent my name up, he thought I'd be great for the Commission. Mitch McConnell was thrilled at my going to the

FEC. He is probably the one senator who cares most about campaign finance reform and because of our relationship, really thought I would be an ideal commissioner, also somebody who would at least talk to him from the Commission because he has no relation with any current commissioner. Between the two of them, Lott called the White House and said, "You get him through."

Lott really pushed hard to get my nomination through and finally, on September 24th, after about three months of haggling and posturing between Dole and Lott and Dole and the White House, I was officially nominated. But the White House did something very clever. They sent my name up all by itself. They didn't bother to pair me with somebody. Well, that set me up to be used either for leverage or for the nomination to be killed. Now the Rules Committee to their credit, Senator Ford's staff director and Warner's staff director came to see me and said, "You know, this is unusual. We don't like this and it's going to force us to create a precedent. But we're willing to send your name up to the floor and we've told Trent Lott that." I was really impressed by that, that Senator Ford would be willing to go ahead and do that. Then Lott had it and in the last minute--and this is in the last week or two of the Congress--Lott in his deliberations with Daschle, and Don Nickles was involved in this process as well, trying to negotiate what to do with this stack of nominations.

You had all these judges, you had ambassadors, you had a whole variety of people and mine was in the mix as part of a deal to get some Democratic nominations through. Well, it got down to the point where it was my name and somebody else, Dole's chief of staff, Dan Stanley who was up for a job, I think, with the Postal Rate Commission. We were being traded for some judges and according to Trent Lott, Daschle wanted seven judges to go through in exchange for letting my nomination and Dan Stanley's go through. I think Lott offered three--that was what he said he offered--and Daschle said no. They seriously considered giving Daschle what he wanted because there was a lot of pressure from McConnell and others for my name to go on through, whatever it took, because they thought Clinton would get reelected and the judges would be confirmed anyway so why bother with this.

During this time frame, I'd also been approached about another job, which I now am in at the National Food Processors Association. That was a better job for me and I wasn't really enthusiastic about having a lot of judges traded for my nomination. It didn't mean that much to me to go to the FEC because I had something else to go to. I was never thrilled about going to the FEC. So, Nickles called me and said, "Well, how bad do you want this nomination?" I said, "Senator, I don't really want it that badly. I've never felt that I should be traded for judges." I just inherently felt that's not what I came to Washington for. I was very uncomfortable letting them trade a four-year term on the FEC for lifetime judges. It didn't make any sense to me and second, I did have something else I could go to I thought would be very valuable to the Senate as well as to my own family. I said, "Senator feel free to pull the plug on it. It's just not worth it to me." He went to Trent Lott and said, "Let's just drop it." And so my nomination died along with a lot of other judicial nominations there in the last part of the Congress.

The day after it died officially and we adjourned, I called up and told my new employer that I was happy to be starting some time in December. Lott was willing to resubmit my nomination but, frankly, I really didn't want to put my family through it. I'll tell you what, it was really, really stressful to go through a nomination process. I can see why people don't want to do it. It is intrusive, it is time consuming, and it is painful. First of all you have to go through a full field FBI investigation where your neighbors are not harassed, but they're interviewed about your life. Your former teachers are called, all your former employers are called. In a way it was kind of fun to get calls from old friends saying, "Hey, the FBI came and asked me about you." But it's intrusive. Even more intrusive was the questionnaire I got, not from the administration but from the Rules Committee. They went so far and wanted to know intra-family gifts that my family had received from other members of the family. A lot of that was confidential, but I was just stunned at what I had to turn around and produce: three years of tax records, tax returns both state and federal. I was just absolutely floored by the level of detail they wanted from me about my nomination to this agency that I thought had nothing to do with my ability to perform the job. As a result, I have become a big fan of some way to reform the nomination process. Part of it's purely political,

Congress in the advise and consent role, but it really was a very, very intrusive and, I thought, a little bit extraordinary.

RITCHIE: They want to avoid the types of things they had with Bert Lance and others in the past. You don't want to nominate somebody who turns out to have skeletons in the closet. On the other hand, by asking so many questions and getting down to such great detail, it almost insures that everybody's going to have *something* that can be held against them. Anyone who wants to sabotage a nomination can find something: they didn't pay Social Security to a nanny for some years. You wonder how can they find a happy medium between expediting a nomination and also making sure that those who are nominated aren't going to embarrass the administration or the senators who supported them.

JOHNSTON: That's right. It's a very painful process and I just didn't want to go through it again. If I couldn't be confirmed as a sitting Secretary of the Senate, even in a political year, I felt that it was going to be months and maybe never before I would get confirmed again. I already had been replaced as Secretary. I was in the Assistant Secretary's role at that point, more as a courtesy while I went through this process. I'm sure that Trent Lott was willing to keep me there for several more months, but it wasn't fair to my family. I had an excellent opportunity in a job that was ideal for me that was, I think, better for my family than going to the Federal Election Commission. I'm happy to have made the decision I did and happy things worked out the way they did.

RITCHIE: Well, given the past election and the controversies arising from it, it's probably just as well not to be at the Federal Elections Commission now.

JOHNSTON: Well, that was an attraction to me. I knew that was going to be a big issue. I knew that the federal election system had really broken down on the financial front and I really saw a wonderful opportunity, one as being vice chairman of the Commission and then chairman in '98, to supervise the audit process and to play a key role with the Congress in trying

to develop and devise some kind of a rational and enforceable campaign finance system.

I've got some very strong views about campaign finance. I err on the side of focusing on disclosure and deregulation and empowering individual citizens with a little bit more involvement in the process, not as far as McConnell--I'm not a true deregulation fanatic. On the other hand, I also see the inherent dangers in trying to clamp limits, which I think are unconstitutional, and have media and interest groups get in between the relationship of a candidate with the voter. In fact, now I've been invited to speak on that topic in the real world. I'm a little bit sad that I didn't go because I think I would have enjoyed it even though it would have been highly frustrating. It would not have been a career builder. It would have put me front and center on some real critical issues at a pretty important time. I think we're on the verge of making some pretty important changes to our federal election laws, need to, especially changing that agency. It's in desperate need of reform. I think it's almost at the point of needing to be abolished and recreated in some new form.

RITCHIE: Ironically, at one time the Secretary of the Senate was a member of the FEC.

JOHNSTON: Yes. Ex-officio non-voting member of the Commission, that's correct.

RITCHIE: But was removed. So, you would have been playing that role if the court hadn't intervened earlier to change that.

JOHNSTON: That's right.

RITCHIE: So, now what are you doing?

JOHNSTON: I'm the Executive Vice President for Government Affairs and Communications for the National Food Processors Association. It is a trade association representing the packaged food industry. It is a five hundred

billion dollar industry. Our association is ninety years old. It was created in 1907 to cure the persistent problem with botulism in canned foods. It was originally called the National Cannery Association as a result. It changed its name in 1977, probably is going to change its name again here in the next year to something else, and is predominately scientific and technical. We're operating in three locations. Our headquarters here in Washington are at 1401 New York Avenue, NW. We also have a laboratory in Dublin, California, near the Bay area, and also in Seattle, Washington. We have a food lab two blocks from the White House where I work and the bulk of our eighty-member staff are scientists and researchers and technicians. There are a very few of us who are not scientists. Predominately our role is to try to enhance and improve the industry's food science in the area of enhancing food safety. We do a lot of work with the Food and Drug Administration and Congress because we are a heavily regulated industry. And we get involved in all matters involving food safety and food science.

RITCHIE: Do you have any problems with the restrictions on lobbying?

JOHNSTON: I wouldn't call it a problem but it's definitely a challenge. There's a current one-year ban or cooling-off period. From the time I left being Secretary for a year until October 1, 1997, I'm not allowed to communicate to or appear before any employee of the Senate on behalf of anyone to request an official action. In other words, I'm not allowed to influence anybody on behalf of my employer or anybody else here in the Senate. It's a frustration because I have a lot of personal friends up here. I'm allowed to have friends. I can still go see friends. I'm allowed to be involved in campaign events and do political activities, that's all protected. But I'm not allowed to really do anything with anybody in the Senate including senators or committee staff or employees on behalf of my group or any other organization.

For example, there's one organization called the Asia Pacific Exchange Foundation, I may have mentioned them in prior interviews. They're a nonprofit group that basically helps to build relationships and educate policy makers on Asia. I'd gone to China in my previous role as Policy Committee staff director as part of a delegation. They have asked me to take some

senators over to China. I really can't do that until October 1 even though it's not because of my job. It's a volunteer thing but because it's on behalf of somebody requesting a senator to go to China on behalf of the organization would be a violation. It's a criminal statute so that's the one hurdle. I have no restrictions on the House side so most of my efforts on Capitol Hill have focused on the House side for now. There's another deadline that then takes effect after October 1 that there's a lobby ban on. Since I was number two in the office, I was the Assistant Secretary, I can't lobby or influence anybody in that operation until December 10 because I had again been moved to a different role in that office after I left being Secretary of the Senate. That only deals with that office and I have almost no dealings with the Secretary's office on an official basis so I have nothing to worry about there.

RITCHIE: This provision actually caused some candidates for Secretary to the Senate to decide not to take the job.

JOHNSTON: That's true.

RITCHIE: Because they didn't want to restrict themselves.

JOHNSTON: I wouldn't have this job, I would not have been Secretary had it not been for that rule. I may have mentioned that a good friend of mine, Rick Shelby, was a candidate for Secretary of the Senate under Bob Dole's leadership. It was that provision as much as any other, that discouraged him from taking the job, because his career had been in the area of lobbying. It would take away his livelihood after leaving the job if he had to live under that provision.

RITCHIE: Well, looking at it from those perspectives, do you think it's a reasonable restriction or do you think it needs to be revised?

JOHNSTON: No, I think it is a reasonable restriction. I think it's very reasonable. I think it's very fair and in my case the Secretary where I did have a strong relationship with senators, I have to watch it very carefully. There's a lot of gray area under the rules. And, with Senate Ethics Committee

it's not just any violations per se, it's actually in the appearance. For example, one thing I've been doing for years is moderating or co-hosting cable television shows with senators. It's not appearing before anybody, it's not trying to influence the Senate, I'm not being paid to do anything but the appearance of being on a program with a U.S. senator during this one-year ban has caused Ethics to advise senators: "You really shouldn't have Kelly on the show"--not because *they're* in any peril of a rule violation, but it puts *me* in peril of a rule violation. That's probably going a little bit too far and that part's frustrating.

But in reality, I think it's a good thing to have a cooling off period for a year with respect to the people here. Frankly, it's very tempting. It's really hard to separate from the Senate. You get very dependent on the information and the people and it's very easy to call and ask people to do things on behalf of your industry when they are people you just left working with. It does give you an advantage that's really unfair. So I've been very careful to follow that law, although I've had many temptations to cross the line. I think it's a good law and I wouldn't change it. My only fear is that there are efforts to go to a five-year ban or even a lifetime ban with respect to certain clients. I think that's ridiculous. One of the things I would have been forced to sign, had I been FEC commissioner, was a five-year lobby ban on my agency. Well, that was fine with me because I wouldn't go back to the FEC anyway after I'd left. But a *lifetime* ban on any foreign clients? That's a little bit unfair and I think that can be a little bit ridiculous so I hope they don't do that.

I think there's actually merit--and this is a view that many people would find offensive--there's merit to what I call, to what people call the revolving door. I think government and industry and the private sector have been well served by people like George Schultz, Casper Weinberger, and any number of Democratic executives who have gone back and forth between major positions and industry and public service. As long as you have that cooling off period of one year, as long as you have strict ethics rules where they focus on disclosure and conflict of interest rules that help control it, I see nothing wrong. In fact, I see it being very beneficial. I think efforts to continue to drive that wedge by going to a five-year period or lifetime bans only hurt the government.

A good example is Charlene Barshefsky who's up to be the U.S. Trade Representative, and I think is currently the acting Trade Representative. She's hit a stumbling block on a provision under law that prevents anybody who's ever had a foreign client from being Trade Representative. I think that's absurd. I mean it passed, it's a law you have to live under it, but it makes no sense. In my book it would help somebody who's had the experience of having dealt with a foreign government to be our Trade Representative. It gives you insights you otherwise would never have. Conversely, I want people who are regulators in government who have been in the private sector. I think that serves government well. It certainly serves the public well. Now you've got a situation where you've got people who get into a government track who have no incentive to go to the private sector and people in the private sector who have no incentive to go into the government. As a result you've got people who don't understand each other. You cause inherent conflicts. You get bad regulations. You get industry problems and enforcement. It just doesn't make sense. If anything, it shouldn't go any farther. The way the law's written now is good; I wouldn't change it. I would definitely repeal the executive order on the five-year ban and lifetime ban on foreign clients. I think that's absurd. I'd go to a one-year ban, maybe a five-year ban on foreign clients. That makes some sense, but I would never do a lifetime ban. I think that's going too far.

RITCHIE: You're countering the concept of expertise versus the idea that somehow you'd be co-opted.

JOHNSTON: Oh, it's ridiculous. It's an absurd thought. I mean you're telling people that they would sell out their government service for private gain. That's just nuts! Does it happen? I suppose it does. But you know what, it's going to happen anyway whether it's a one-year ban or a five-year ban for anybody that's that unscrupulous. It's really like some of the ethics rules now where the gift rules, which I think have also gone too far in most cases, not all, where there's this presumption that if I buy somebody a \$51 item for them and their spouse, that somehow I'm corrupting them and buying their vote. That's just nuts and that really is an insult to public officials that they could be bought for a dinner. Maybe at one time, but not now.

RITCHIE: You talked about the difference between the 104th and the 105th and that we're in the "hangover" period now. A lot of these reforms were enacted because people were angry. There were examples of misuse of the government and people perceived the situation as being perhaps worse than it is. Do you think there will be some sort of rolling back of these regulations if people are no longer quite as angry as they used to be?

JOHNSTON: I think that's part of it but I don't think that the perception of Congress has changed one iota, or for members has changed one iota, because we've passed these little self-punitive rules here in the House and the Senate. What's really changing the perception that Congress is getting things done that affect people personally: getting through a welfare reform bill, passing balanced budgets, doing things that people are really focused on. They could care less whether we pass these kind of rules. Are people concerned about perceptions of revolving doors and people profiting off their public service? To some degree, yes. But a five-year ban or even a one-year ban really hasn't changed those perceptions.

I would keep it the way it is and do more in maybe the area of disclosure. In fact, right now I had to file one more financial disclosure statement after I left the Secretary's office, a termination report that shows what my situation was and what the terms of my agreement were. I didn't have to show my salary, but I had to show who was hiring me, and when they hired me, and that's very valuable. I think what you'll see is through the committee process, the Ethics Committee in the House, maybe the Rules Committee in the Senate, Ethics Committee in the Senate, maybe increase some exceptions under the rules and redefine what some things mean under these new punitive rules. The House is more prone to maybe roll back a little bit more to try to be on equal terms with the Senate. That was the one big mistake last year on the ethics rules, that the House and Senate passed different rules for themselves. The House is more punitive than the Senate. I think that should be brought more into balance. The Senate rule actually didn't really change that much. It didn't really change my lifestyle very much, though, I really wasn't abusing it. The rules did help eliminate perceptions of

abuse that really were going on with some people but they really went a little bit too far in some respects.

RITCHIE: Well, are there any areas that we should have talked about that I haven't raised questions about?

JOHNSTON: We have covered every possible area, I think, and you've been a very patient interviewer with me because I've rambled through a lot of different changes.

Another thing that I think, that keys on the concerns that we had with having four secretaries in one Congress: there really has been a disturbing trend of more and more turnover in the office of the Secretary. I think that's an inevitable result of a change in Congress that changes more often. I do think for the continuity I do hope that we're going to enter into a period now where my successor or successors are going to at least be able to stay in their jobs for longer periods of time. We've been through enormous change in the last two or three years, so I think this turnover has been inevitable. But I hope that Trent Lott stays in the leadership for awhile. I hope that Gary Sisco remains Secretary for awhile. One, because I know he loves the job, but secondly because I think it's good for the Senate to have some continuity in the process. That's the chief concern I have.

There other concerns I have are, again, some of the reforms we talked about. Getting back to the topic you just raised, I do hope that we slow down. If we're going to do more reforms, like congressional accountability or other ethics rule changes, that we slow down a little bit and take smaller steps because the Congressional Accountability Act has much more potential to change the way we operate in both positive and negative ways than people realize. It's just getting started and I really hope the Senate will not move on any big internal reforms, with the exception of maybe campaign finance reform, for the next one or two Congresses and give a chance for all this to sort itself out and make adjustments in existing laws that affect everybody, rather than trying to punish itself to try to gain more confidence. That's one area where I think that's going to happen. I think the public being less angry, and

members now being more calmed down, the environment changing, will probably help that to some degree.

We've covered every other area. I can't imagine any other area we didn't cover. We covered pretty much every aspect of the job and all the major things that occurred during the last two years. I think we've pretty well done it. It's been a good experience for me to relive all this again. I wanted at least to be sure to mention the 1977 Hughes Commission. I've really been steering people towards that Commission. I've given copies to Greg Casey and to Gary Sisco and said, "Read that, it's good." I gave a copy to Greg first because he's the most impacted. I think Greg was very open to it, I think he saw a lot there. That's a good sign. If there was one beneficial change in this new type of leadership that Trent Lott brings it's that you've got people who are less territorial, who are looking out more for the well-being of the institution. As long as you're not trying to fire somebody, or really take away somebody's position, I think that people will be more amenable to those kind of radical changes. Greg Casey would lose eighty percent of his current fiefdom. On the other hand, acquiring power and building fiefdoms has really been to the detriment of the U.S. Senate, and I think Greg knows that. So I think that there's one real positive change that Senator Lott has brought people in who have that mindset, that we're not here to build empires and take care of ourselves. We're here to get things done for America and for the institution. That was part of the transition that I referred to before, and I think that's real positive.

RITCHIE: I suppose if real change is going to take place, it's going to happen when they're relatively new in their jobs and not once they've gotten settled in and comfortable with the arrangements as they are.

JOHNSTON: I think that's right.

RITCHIE: You have a new leader and a new leadership structure so this is probably the optimal time for change.

JOHNSTON: That's exactly correct.

RITCHIE: Well, thank you very much, this has been excellent.

JOHNSTON: Thank you, sir. You've had to listen to an awful lot of stuff!

[End of the fifth Interview]