

THE MOST EXCLUSIVE CLUB

Interview #8

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KAUFMAN: One of the things on national security that was reflected in what I did on the Senate Foreign Relations Committee really played off of my experience on the Broadcasting Board of Governors. That was: What should we be doing to increase public diplomacy? What should we be doing to increase freedom of the press? I think that when you look around the world, and you look at the countries that are in trouble, one of the things they all have in common is a high level of corruption. I had determined for myself that the single biggest way to eliminate corruption is a free press. If a country has a free press, it's very difficult for corruption to survive. And if they don't have a free press, it's impossible to stop corruption. So when I was on the Foreign Relations Committee I worked on pushing what I learned on the Broadcasting Board of Governors.

I had a number of resolutions. Most of my concern was centered on Iran and China, two countries that are notable in the lack of a free press. I had a bill called the Voice Act, which basically came up with ways for people to get around the blocking of the Internet by Iran. I had done a lot of work on the Broadcasting Board of Governors on unblocking the Internet in China. China is very sophisticated at blocking the internet, and spends a lot of time and money, with help, by the way, from American corporations like Cisco and Yahoo and Google trying to control content on the internet. As a result, it is hard to access a number of international websites. But we spent a lot of time on the Broadcasting Board of Governors on ways to get around it, with proxy servers and other methods. So we wanted to do the same thing with Iran, and this gave them money to do that.

I also set up, with my co-chair, Senator [Sam] Brownback, the Global Internet Freedom Caucus. It was bipartisan: Senators Durbin, McCain, Lieberman, Johanns, Casey, Barrasso, Menendez, Risch, and [Roger] Wicker, which covers the political spectrum. It definitely covers the parties. The whole idea was: How do we promote Internet freedom? I really feel good about what I was able to do on that. The other area—

RITCHIE: I was going to say that what's happening in the Middle East this year was driven by social networking, the fact that groups can organize is quite remarkable. It's the first electronic revolution, essentially.

KAUFMAN: That's absolutely right. Now, you'll have a hard time in China, because China blocks all these things. I'm sure these dictators will work harder and harder at controlling it. But clearly, finding out ways to use the Internet, and get phone message communications and all the social networking is like what Madison wrote in the Federalist Papers #10, that liberty is to factions what oxygen is to fire. If you have a lot of liberty, you're going to have a lot of factions—what we now call interest groups. The oxygen feeds the fire and liberty feeds factions, which is why you have this growth of interest groups, which people are not happy with a lot of times. But in an environment like Iran or Egypt or Libya, it's the growth of factions and the ability of the factions to communicate that's the key to success.

The other thing I did work on was the Media Shield law, which essentially said that if you are a journalist, you are protected from having to reveal your confidential sources. When they sat down to write the Media Shield law, there was a major controversy. Senator Feinstein and Senator Durbin both spoke in the Judiciary Committee about the fact that "these bloggers shouldn't be considered journalists; we have to define what a journalist is." I was able to point out the fact that when you look around the world, one of the things these dictators do is to use their definition of who is a "journalist" to control who has access to the public and while some do not lock everyone up in jail, they put in libel laws, so that if you are a reporter and you write something, they can go to court and take away all your money and drive you out of business. It could be a slippery slope to start limiting who is a journalist. So we were able to get a compromise. The point I made to them was that in 1776, if you went to a street corner in Boston, you'd find loads of broadsheets by Thomas Paine and others, and they weren't like today's professional journalists; they were more like today's bloggers. There were no rules. They had a free exchange of ideas. You want to have a situation where the government cannot come in and penalize people for disseminating information.

Now, if a person breaks a security clearance, or if a reporter or a blogger goes in and actually does something that breaks security, they should go to jail, no questions asked. But there's a difference between the person who breaks the law by going around the security regulations and the person who disseminates that information. When you had the Wikileaks, someone in there did something illegal. But the next day when the *New York Times*, *Washington Post*, *LA Times*, and every other paper in the world wrote about it, they're not the problem. The problem is the security breakers. That was my approach and that was the approach that carried the day, and I was really happy with that.

Then we had a hearing about public diplomacy and international broadcasting. We had a number people come and testify. We had three wonderful people who had been involved with the Broadcasting Board of Governors, and were undersecretaries of state for public affairs. Karen Hughes, worked in the George W. Bush white house, and was undersecretary of state, Jim Glassman, who was Chair of the BBG board and then went on to be undersecretary, and Evelyn Lieberman, Director of Voice of America, deputy chief of staff in the Clinton White House, who was Joe Biden's press secretary and a good friend of mine, who went on to be the first undersecretary for public affairs.

The nice thing about Broadcasting was it was bipartisan. It was the Helms-Biden bill that set it up, or Biden-Helms, and with some notable exceptions—some *really* extraordinary notable exceptions—it was a very bipartisan board.

RITCHIE: One of the unique features of your years as a senator was that you did regular speeches on the floor about civil servants. I wondered how that came about?

KAUFMAN: That was one of the really great things of my term. What happened was I had worked in the Senate for 22 years and then 13 years on the Broadcasting Board of Governors, and I was absolutely impressed with the federal employees. I remember when I was at Wharton somebody did a study and they found out that the academic credentials for federal employees were almost absolutely identical to the academic credentials for corporate America. I worked for years for DuPont, and I worked for the industrial division of American Standard, which is another big corporation, and I found that by and large the federal employees were as good as the corporate employees. I think the denigrating of federal employees was started during President Reagan's term. He was for small government, which was fine, and I don't think he ever did it, but some people when they criticized the federal government said it couldn't do anything right, then went on to say that it was because of the federal employees. They said Federal employees aren't any good, they couldn't get any other job, and federal employees were paid so much less than private sector employees, how could they be as good? You know those kinds of things. What I found was most federal employees want to make a difference more than they want to make a lot of money—not that they couldn't make a lot of money. People started denigrating the federal employees.

One of the big differences between Democrats and Republicans is what we think the role of government is. I think it's fair to say that Democrats think it has a greater role

for government than the Republicans, and that's okay, we can argue about that. But when people denigrate federal employees, when I knew as a fact they were every bit as qualified as people I met in the private sector, it made me very unhappy. When people asked me about it, I said, "What's really great about being a United States senator is that I got to scratch some itches." Because for years this had bothered me. What I did when I came into office was to say, "You know what I'm going to do? I'm going to spend the next two years, once a week I'm going to go to the floor and I'm going to talk about the great federal employees. What I'm going to do is create a mosaic so that people can see the depth. I don't want to just talk about the Nobel Prize winners. I don't want to just talk about the highest accomplishments. I want to give a broad view of people and the sacrifices they've made, and how they want to make a difference." So that's what I did.

There's a young man, Adam Weissmann, who came to me right out of the University of Chicago, who helped me with it. He was incredibly helpful in how we'd do it. What we'd do is we'd contact Max Stier's organization [Partnership for Public Service] that talks about public service, and they had a thing called the Sammies Award [Samuel J. Heyman Service to America Medals]. We started using Sammie Award winners as example. Then we decided to call the federal agencies and ask them, "Give me the name of somebody. Who do you think is the person in the Treasury Department who personifies this?" I'm not talking about the most accomplished, or the one with the most degrees. If you look at it, in the end I did 100 federal employees. It was one of the most enjoyable things I've ever done. I scratched my itch and I got to talk about these great employees. The problem was, I could have—if I ever went on my own personal experience I could have done *thousands* of federal workers. If people heard their story, and heard what they did, and how innovative they were, and how smart they were, and how they gave up the chance to make a lot more money because they wanted to make a difference.

RITCHIE: Did you ever hear from any of them?

KAUFMAN: Oh, my, yes, I heard from just about all of them. And I also heard from people around them. People would stop me in the street. And then when I left, I passed the baton to Senator Mark Warner, who is now, I understand still doing it. But once a week I would go down to the floor. I had a picture of the federal employee. I would contact them and their families so they could watch it. It was another example—when somebody does something like that, people usually attribute it to some

kind of political motives. But with me they knew I wasn't running for anything. There are so many good things about being a senator. The ability to just do a small thing that really made somebody happy, it's an extraordinary blessing.

RITCHIE: What I liked about it was that it seemed to be the antithesis of the Golden Fleece approach—

KAUFMAN: Yes, exactly.

RITCHIE: Who's ripping off the government, what's going wrong. I read the *Congressional Record* every day and it was nice to see something so positive.

KAUFMAN: Yes, it was, and as I say, federal employees, as a group I find them to be the opposite of the popular impression. I think a lot of the pejorative image comes from politicians. It's in the tradition of [Texas Governor] Rick Perry saying that [Ben] Bernanke is a traitor. There's a lot of things that Bernanke's done that I don't agree with, but I'm absolutely convinced that he gets up every day trying to figure out how he can make the world a better place. He makes incredible sacrifices. I'm sure financially he could do a lot better than he is now, and he wouldn't have to put up with a lot of this aggravation. I'm opposed to the demonizing of people, on both sides. I taught a course for MBAs and law students on the relationship between government and business, and one of the things I tell them is—most of the MBAs are going to be in business: "You're going to be in business and when your CEO comes in to meet with a federal employee, too many of them come down with the attitude they're federal employees because they couldn't get a real job in the private sector, and they're making a pittance so they can't be good." I said, "That shows." I've sat in a lot of meetings with top executives, and some treat federal employees like that. And the problem is, the federal employees are sitting there thinking, "This guy, for \$5,000 he'd run over his grandmother, he cares about nothing but profits.." I said, "When a federal employee sits down with a corporate employee, sometimes it's like two different cultures getting together." There's a lot of truth to that. On both sides there's some prejudice, but the vast majority of federal employees and corporate employees just take things as they come and understand them.

RITCHIE: Well, I guess the flip side of that positive assessment is that you, as a senator, also served on two impeachment committees of federal judges who were being removed. Could you tell me a little bit about the impeachment process?

KAUFMAN: Right. Judge [Samuel B.] Kent was the first one. He threw in the towel. It was kind of sad. Most Americans do not realize that you have to impeach a federal judge, that a federal judge cannot be fired for anything. The House of Representatives has to have an impeachment bill and the Senate has to determine whether they're guilty, like what happened to Clinton as president. So if you have a district court judge who wants to hang on long enough—Kent had pushed it—the House had to impeach him and send it over to the Senate. I was put on a committee to hear evidence. It used to be the entire Senate would sit and hear the evidence in any impeachment, but what they decided to do to help that process of fact-gathering, not in any decision-making, they would set up a committee to gather the facts, and then give a report to the Senate on the facts. No opinions, no recommendations, just “These are the facts as we see them.” It was a good idea and clearly maintained the spirit—and the letter of the law—on the Constitution.

I was kind of looking forward to being on the Kent committee, just because it was so different, but after the House came over and read the bill of particulars on the floor—which must have been humiliating for Kent. God, I can't imagine. Just sitting there listening to it, I was embarrassed. He decided to resign.

Judge [Thomas] Porteous was a different case. Judge Porteous was the second one, and he decided to fight this thing all the way through. So there was a Porteus Senate impeachment committee, I was selected for it, and we started to meet. I talked before about how incredibly busy senators are, so many committees, so many things to do, and really important issues, and Lord knows in this Congress we dealt with a lot of important issues. But it was amazing to me how the senators took it so seriously. They sat there for hours listening to what could have been a standard criminal court case that goes on in every district in the country, in the world probably. Did Judge Porteous do some things that would qualify as being impeachable offenses? Could he be thrown out of office for this? What were the guidelines? It was exactly like a court case. Senator McCaskill from Missouri was the Chair and did a fabulous job. She was a former prosecutor and she absolutely loved being a judge. You could just see it in her. When I looked around the committee, just about all of them except me had been former prosecutors, either state prosecutors or federal prosecutors. But when we went through it, it was fascinating. And the attendance of the senators was incredible. We sat for hours, and hours, and hours on the case. Unfortunately, I left office before we even made it to the final report.

RITCHIE: And in that case they did have a trial on the floor.

KAUFMAN: Yes

RITCHIE: One of the judges impeached in the 1980s, Walter Nixon, challenged the issue of whether or not the Senate could appoint a committee to hear evidence. His argument was that the Senate as a whole should hear the evidence, which of course would take up an enormous amount of time. But the Supreme Court upheld the Senate's right to have the evidence taken by a committee.

KAUFMAN: Well, a lot of what we heard was challenging what is an impeachable offense. It had nothing to do specifically with Judge Porteous, but just what are the rules? One of the defense lawyers was a prominent professor [Jonathan Turley]. I thought, "This is not a good strategy." He spent a lot of time "educating" United States senators on what their responsibilities were in the impeachment process, especially a group of senators who were lawyers and had practiced. At points I was amazed that more senators didn't take offense. But people took it very seriously. The discussions were excellent, and it was fascinating.

RITCHIE: One of the more ambiguous phrases in the Constitution is "high crimes and misdemeanors."

KAUFMAN: Exactly.

RITCHIE: During the Clinton impeachment trial, the J. P. Morgan Library in New York had on exhibit one of the working drafts of the Constitution that the framers used in their debates, and that phrase "high crimes and misdemeanors" was noticeably absent from that first draft. At some point they added that in, and it seems to suggest that the offense has to be serious but it can cover a really wide range of actions.

KAUFMAN: That reminds me that when I took psychology they talked about IQ tests, and what IQ tests actually test. The best definition I heard, after a lot of discussion— people used to talk about this alot—was "What IQ tests test is what IQ tests test." And that's it. "High crimes and misdemeanors" are whatever you, an individual senator in an impeachment process, decides are high crimes and misdemeanors. That's the definition. It's like so many things in the Constitution, like war powers: Corwin's

quote that the President and the Congress have "an invitation to struggle for the privilege of directing American foreign policy." To determine what are their roles in the declaration of war and the conduct of war. It is like that with impeachments. You read all the evidence and it's all interesting, but in the end you're not writing a law. It's a matter of House members determining whether or not someone did something bad enough to impeach, and what makes the standard of high crimes and misdemeanors. I think it's the same with the Senate. When the senators sit around, in the end they judge whether they're going to find the person guilty or not, and part of whether they're guilty is what your view is of high crimes and misdemeanors. The members spent a lot of time thinking about it, I think largely because of the Clinton impeachment. But it was fascinating and it once more reinforced in my mind the genius of the founders, that they came up with a process. They figured out what to do about federal judges, and essentially for 200 years it's worked.

RITCHIE: It's one of the few cases where there's a different requirement for the House and the Senate. The House can impeach someone by a simple majority, but the Senate needs a two-thirds majority to convict. The impeachments that have succeeded in removing someone from office have been those that got an overwhelmingly bipartisan vote in the House. So even going back to Thomas Jefferson's day, it's never been a useful tool for partisan politics.

KAUFMAN: Well, it was pretty partisan against Bill Clinton!

RITCHIE: Yes, in the House it was a party-line vote, but that wasn't enough in the Senate.

KAUFMAN: I don't remember what the vote was, but I don't think we had a party-line vote.

RITCHIE: It was 55 on one vote and 50 on the other, but I meant in order to be successful in the Senate you have to convince members of both parties of someone's guilt.

KAUFMAN: Oh, yes.

RITCHIE: Well, as a senator, in addition to voting on removing people from

office you also get to put people into office, and you participated in two Supreme Court nominations. I wondered if you could tell me about your role as a senator in those two.

KAUFMAN: Sure. One of the reasons I picked the Judiciary Committee was to be involved in all the Supreme Court nominations. I think Joe Biden was on the Judiciary Committee for all the Supreme Court nominations except [John Paul] Stevens. Big change in the process just in the 30-some years from when I first started. It's funny, when you go through the process you start thinking back to what it was like when you started. The examples I used to bring home the differences in so many places—first I told the story about Rehnquist, when he was up for Chief Justice and came around for his meeting with the *chairman* of the Judiciary Committee and there was no press. There was just him and some person from the Justice Department. So that was a dramatic change. I can remember Senator Biden has a picture of him taken with Sandra Day O'Connor. Again there was no press, and he had this sport coat with Strom Thurmond and him on the steps of the Supreme Court with O'Connor in a sport coat that looks like a horse blanket. Clearly, he had not dressed for the press when he met with Sandra Day O'Connor.

Obviously, I was very involved in the Bork nomination and the Thomas nomination, and all the rest of these, so when it came time to do the nomination hearings, I came with some really strong views on how I thought I should proceed on the committee. The biggest thing right off the bat was I felt that—we talked about Korologos's law, didn't we? He had done a bunch of Supreme Court nominations. Tom is a friend of mine. By the way, "friend" is a term used in Washington usually for an acquaintance, or a good acquaintance. Tom and I served together on the Broadcasting Board of Governors and he is someone I consider to be a friend. He's a very partisan Republican who worked in the Nixon White House, but he also shepherded probably more nominations, not just Supreme Court nominations, through the Senate than anybody in history. He did all the Supreme Court nominees for the Republicans for a while, including Bork and others. Anyway, as I said earlier, his rule was that if the senators are speaking 80 percent of the time and you're speaking 20 percent of the time, you're in great shape. If you're speaking 50 percent of the time and the senators are speaking 50 percent of the time, you're in danger. If you're speaking 80 percent of the time and they're speaking 20 percent of the time, your nomination is dead. Coming out of that, I think that changed nominee's behavior in several ways.

When I worked with Senator Biden, I sat through hours and hours and hours of

sessions preparing questions for nominees. I just finally said, "There are no 'gotcha' questions." The reasons there are no gotcha questions is because it's not like a court of law. Too many people watch a Supreme Court nomination hearing and think: "Why don't they make that person answer that question." But there is no judge. The chair is one among equals and cannot instruct the witness to do anything. And cannot instruct the members of the committee to do anything except the length of time they're speaking. My strategy was: first, I felt where we made our mistake on the court was we had been so focused on this drive, which started by President Reagan, to use the court for ideological ends and advance social issues by appointments to the court because he couldn't advance those social issues in Congress during his eight years as president. So we got into this back-and-forth on ideology, and we had peopled the court with a very narrow segment of our society. We were doing much better in diversity in terms of having more women on the court, and we had the first Italian American. Then we had Clarence Thomas take Thurgood Marshall's place. We had a number of breakthroughs in diversity in the normal definition of the term, but these were all people who had spent their vast majority of their lives as judges. In fact, I think four or five of the nine went to Harvard Law School and took the same course from the same teacher. In the Clinton administration, when the president called up Senator Biden, Senator Biden said, "I hope you take a hard look at some people who have held elected office." There have been some great Supreme Court nominees who have held elected office, Sandra Day O'Connor being one of them, and we should be looking at more people like that.

I was really struck when I saw the campaign financing decisions. They just showed no understanding of how things worked in the real world. Those Supreme Court decisions were just *awful* in terms of just what they said about the reasons why they were doing things. I can remember the one in the Republicans versus Colorado [*FEC v. Colorado Republican Campaign Committee*] where Justice [Stephen] Breyer wrote that you could have "independent expenditures" by parties. The idea that a candidate is independent from a party shows a complete lack of understanding of how the process works. The candidates are picked by the party and then they meet with the party on a regular basis. Every campaign in America has coordinated campaigns of all the members of the party up for election in that cycle. For an important part of the campaign, the candidate is sitting down with the party making decisions. How the party could run ads that are independent of the candidate is just bizarre. Then there's Citizens United [*Citizens United v Federal Election Commission*], the idea that corporations are people and therefore they should have the right to speak, and not understanding the corrupting

power of this, which earlier courts had recognized. So I felt it was really important and when President Obama called me—he was very nice, he called me as part of the process before he made his decision on both Supreme Court nominations, where he eventually picked Sotomayor and Kagan. I told him in both cases that I thought it would be good if he picked someone with broad experience, and that I hoped he would not pick a circuit court judge. See how successful I was! But that was my approach.

I also viewed the hearings a little differently than anyone else. I was very concerned about the business decisions that were being made by the court. A lot of people talked about a lot of different things, but at the Sotomayor hearings, on the first round of questions I was the only one that talked about business. I think [Herb] Kohl mentioned something about anti-trust, but mine was all about business. Interestingly, by the time we got to Kagan, a lot of the senators wanted to talk about business, but I was the main one to talk about it the first time around.

The other thing was I took a totally different strategy in questioning. One of the great things about my Senate service was getting to question people like Al Gore, and Jimmy Carter, and former secretary of state Jim Baker, and Zbigniew Brezinski, and Madeleine Albright, former secretary of state, and many many more. It was a great experience. One of the things that I had become disturbed about—and Senator Biden was criticized during the hearings for talking too much—you can put a timer on every U.S. senator and find that the Korologos rule is extent, the senators talk for 80 percent of the time, or 90 percent of the time if you give them a chance. I've watched senators talk so long that they never asked a question. I just felt that there was another way to do it. I told my staff when I first got there, "In all hearings, in all questions, I do not want anything that talks about me or how much I know. I want to ask short questions and if a question is more than a sentence, it's suspect. On opening statement, I can lay out what I think, but then when it comes to questions it's all about the facts." It was extraordinarily successful for me, for what I was trying to do, because what I found was because of Korologos' rule, if you asked them questions they gave you short answers. They could filibuster, and Supreme Court nominees do filibuster, which is why senators want to find gotcha questions. But my clear opinion is that now, no matter what you ask a Supreme Court nominee, they will not filibuster. I remember Senator Specter, a former prosecutor, would try to cross-examine Supreme Court nominees. Even so, you can't pin them down because they don't have to answer the question. There's no judge that says, "Okay, Smith. You have to answer that question. What's the answer to that question?" You don't

have to take the Fifth Amendment, you just don't answer it, or you talk about something else.

My rule was: Ask short questions, and a series of them. Several people told me that I set the world record because when I questioned Sotomayor, in a half an hour I asked 19 questions. The next closest was like 8 or 10 questions. Then we got to Kagan and I asked 21 questions. I was not trying to ask a lot of questions, but it really worked for me because I think I got answers to my questions, which is really what the process should be about. When you cut through all the rest of it, that's what the process is all about. And then what was really wonderful, I got a chance to chair the hearings, late in the hearings. I ended the Sotomayor hearings. I also practically closed down the Kagan hearings. That was great. Sotomayor I didn't know beforehand, but I thought she was an incredible selection. Elena Kagan I did know. Whenever Senator Biden did a Supreme Court nominee—I think I said earlier that it was Chris Schroeder who I teach with was hired for the Bork Hearings and one of the nominees we asked Elena Kagan to come and work for the committee. I'm trying to remember which nominee, but she came and she did staff work just like Chris had done on Bork. I was very impressed with her, everything that I ever saw that she did. She was really the ideal choice to be a Supreme Court nominee. I just wish that both she and Sotomayor had some kind of Sandra Day O'Connor elected experience. But it was a great honor to participate in it and I think we got two great Supreme Court justices out of the process.

RITCHIE: You said that you asked questions about business. What was it that you were trying to find out?

KAUFMAN: Well, essentially what happened was it had kind of slipped below the radar that during the Thomas nomination there was a lot of talk about the "takings clause." You could see where the court was heading, if you listened to what [John] Roberts and [Samuel] Alito talked about. What happened was when they actually got into office, even though all of the justices said they would adhere to *stare decisis*, which is adherence to precedence, they just started turning around business rules one right after another. There had been an anti-trust act having to do with price maintenance that had been the law of the land for 95 years. They just turned it around! They didn't gather any new data. They just had the votes, so they did it. They were moving to be much, much more business friendly. Citizens United is a perfect example, where they said corporations have a voice, but there's a whole series of decisions they have made where

they have broken with precedent in order to put a thumb on the scale for business. Lilly Ledbetter, the woman who was a victim of discrimination, which I think was pretty clear. They decided it on some procedural issue that when you read it, it just doesn't make any sense. You just have to really believe that people running a corporation have special rights and privileges. You know, I'm a corporate guy, but I don't believe those exist. The thumb on the scale in favor of business was pretty clear in the Roberts and Alito court. As I say, by the time we got to Kagan, I was all the way down at the end questioning, it was clear that when senators said what they were going to talk about, a whole group said they were going to talk about what Kagan's position was on business issues.

RITCHIE: At nomination hearings, there are other people who want to speak, often in opposition. Does that ever affect the outcome? Is it useful?

KAUFMAN: Oh, yes, I think hearings are useful. Look, you were asking me earlier about going overseas and getting brainwashed like George Romney did. I think one of the keys to be successful at just about anything, but especially in being a legislator, senator or House member, is you need to be able to search out both sides, or all sides (on many issues today there are more than two sides, so it isn't like the old days when you could just have two people come in and talk). There is nothing better than having a debate about an issue. First of all, when you have A in support and B who's opposed to it, when A speaks, and they think they're the only one talking to you, there's a temptation not to tell you anything wrong with their position. But if A knows that after they leave, B is going to come in and you're going to talk to B, then they have to put in B's arguments. So even if you just listen to A and don't even listen to B, I think if you're going to be successful in being an arbiter and taking positions on things, all you have to do is listen to A carefully, and if A thinks B is coming in, and they'll give you both sides of the argument. But it's always a good thing to bring B in.

One of the great things about the hearing process is every hearing is balanced—and this again is because of the turnover between Republicans and Democrats—I think years ago on the House side, if the Democrats were in charge they'd just have people who supported their position come in, but now it's pretty much set in the senate committees that the minority would pick some of the witnesses and the majority would pick most of the witnesses. I think the key to success is that you have people come from both sides. Now, both sides, one of the big problems we have in the country are that's more than both sides. All too often on issues there are very powerful interest groups in

Washington that are interested in one side or the other, but you really need somebody there representing the broad swath of the American people. I think the American people are right when they get upset about Washington because some of these issues seem to be so esoteric, but when you look at it, there's two people arguing, but there's a third party, the bulk of the American people that are going to be greatly affected.

A lot of the arguments we've had on the concentration of media, there's been an argument between the studios and Hollywood and the TV networks over things that went on for a while. The question is: did those arguments have an impact on the American people? The answer is great impact, but by and large, outside of the elected officials, the American people weren't in the process. Many times there are more than two sides to an issue, but clearly the strength of the hearings system, and the strength of Sotomayor and Kagan's hearings, was issues were discussed. The big issue for the Sotomayor hearings was that Republicans wanted to talk about was the New Haven firemen. The fireman came down and they were very good, and when both sides finished talking about it, both sides, you pretty well knew the issue. A lot of it has to do with lawyering. There are a lot of lawyers in the Congress, and what goes on at a typical trial really is a model of how senators make decisions on issues. They hear testimony from both sides and then they make a decision.

RITCHIE: Judicial candidates are always loathing saying how they might rule on anything. They skirt away from what a lot of senators are trying to find out. What kinds of things do you actually look for? What criteria do you look for when you're considering someone to be a judge?

KAUFMAN: Well, I think it really varies. First off, it should be that way. You shouldn't have Supreme Court justices testifying on how they might rule. That's why I say the gotcha question process doesn't work. It wasn't right in the "old days" when the supreme court hearings were not publicized and there was nobody watching, and it isn't right now. We just spend way too much time on this. Most members are going to be able to figure out whom they're for and who they're against just by who makes the nomination. A Democratic president makes the nomination, there's a good proportion of Democrats who are going to support it and a good proportion of Republicans who will not. That's just the way it is now, in the whole judicial process. It's gotten so twisted around.

This is a representative democracy and the members do represent the people. It isn't just about reelection, they *should* represent the people. But the parties have such starkly different positions that in our society today that as soon as a Republican president announces his nominee, most Democrats in the country decide they're opposed and most Republicans think they're for the nominee. Like I said with the Thomas nomination, that whole thing we went through with Anita Hill, I never found one person who changed their view. Not one person I ever met thought that Thomas was guilty and had previous to Anita Hill thought Thomas should be on the Supreme Court or thought Thomas was innocent and had previously been opposed to him being on the court. So you're caught in this whole maelstrom which really didn't change people's opinion.

The first thing is most members have pretty much decided before the first day of the hearings. Now, they don't announce how they've decided. It's like a judge, they do want to wait and listen to the testimony, at times. But they've pretty much decided. A lot of the time is spent by the people opposed to the nomination asking tough questions, and a lot of the time spent by people supporting the candidate helping the candidate answer those questions. I think first off the person has got to have intellect—this has got to be a smart person. Two, the person has got to have integrity. You can't have integrity questions about a Supreme Court nominee. There's got to be some discussion of their feelings about the processes of the Supreme Court, and the role of the Supreme Court, just like with all nominees, that's part of the process, too. If you think the Supreme Court is just another political position, and that you should basically listen to your party members on how to decide on the Supreme Court, then I would have a hard time voting for someone who expressed that opinion.

This is a little off track, but somebody said the hearings are an incredible opportunity to educate the American people on the role of the Supreme Court, which is really not understood by lots of folks. It's a very esoteric thing. I think that's really good, but in terms of trying to pin down people's positions on the issues and how they're going to vote, I don't think that's a legitimate role for the committee. And since the process doesn't allow that to happen, it doesn't matter what I think! As I said, I just don't think you can pin down someone, although a lot of time is spent trying to do that.

RITCHIE: One thing about the nomination process, there's been a trend lately, not just in the Judiciary Committee, that a nominee will get very large support in the committee, maybe close to unanimous in the committee, and will come out and when the

Senate eventually votes on the nominee the vote will be 90 to 10 or something like that, but they'll still have to file cloture to get the nominee up for a vote. Has that become a distortion of the process and is there some way that could be fixed?

KAUFMAN: Oh, absolutely. The 111th [Congress] was just the worst case. It was like the old days in college basketball, before we had the 24-second clock, we went through a period when coaches thought, "I am out-manned. The other side has got better players than I do. So if we play for 10 minutes we've got a better chance than if we play for 40 minutes. If I hold the ball, don't move the ball, play slow, I can increase the chance that I can win." Basically, what the Republicans decided was (and Democrats had done this, too, Republicans just took it to a fine art) "Look, if I hold up every judicial nominee, at a different point in the process, at the end, instead of 800 nominees get approved by Obama, 650 nominees get approved." So the basic approach is every single judge is held over. There's a rule that was based on the need sometimes to hold a judicial nomination over for a week for a hearing because you need more information. Well, that went out the window in this session. The Republicans just held everyone over.

It does build a certain cynicism if you're not careful. They would say "Well, you know, I haven't had a chance to look at this—." They've had this thing for weeks. So they hold them up in committee, and hold them up on the floor. Most Americans think the judges are being held up for ideological reasons. No, every judge is held up. There are a few that they really fight about, like [Goodwin] Liu, who was nominated for Court of Appeals, who withdrew because they held him up for so long. And Democrats have held up Republican judges who withdrew, so that's been going on for a while. But it is automatic that they use every opportunity to slow things down, and as you said it was a joke in terms of the fact that you had judges that were reported close to unanimously out of committee and then held for weeks and months, and then when the vote comes its 100 to 0. People who had the holds on them eventually voted for them. It's totally an artifice. We should change the rules. Now, not the "nuclear option," but there should be some process whereby judicial nominees come to a vote. I haven't spent time on it. If you gave me a couple of days to think this through and talk to a lot of people I think we could come up with an idea that would still keep the protection of the minority party but would move judicial nominees forward.

RITCHIE: The discussion of nominations raises the larger question of filibusters, which consumed a lot of time during your two years as a senator. Can you talk

about the frustrations of filibusters?

KAUFMAN: I said earlier but I think it's worth repeating that what I think makes our system of government work, one of the keystones to it, is the role of the Senate. One of the most important ideas is that we are a government that protects political minorities. We protect ethnic and religious minorities, and all kinds of different minorities, but we also protect political minorities. There was a move not too long ago to spread democracy around the world, followed by the idea that we would have lots of elections. Well, democracy is not just about elections, it's a lot more than that. It's about all the different civil rights and liberties. You can't have truly democratic elections without freedom of the press, freedom of assembly, and all those things. So we had a whole series of elections that weren't really democracy. They were elections but they didn't deliver full democracy. These dictators were setting up elections where 90 percent of the people vote, but nobody really votes. Or what happened in Gaza, where the majority gets elected and then says, "Okay, now I can just beat the hell out of the minority." And by the way, in some cities in the U.S. you can have the situation where the mayor gets elected and then doesn't worry about the minorities. But we have protections of our civil rights and liberties, and we have a Supreme Court that enforces that kind of social gain.

But now I'm talking about political minorities. The place where political minorities are protected in our country is in the Senate. In fact, the way they are protected is through the filibusters, the fact that you have to get 60 votes means that you have to go to the minority party on a lot of things and get their support, which I think is a good thing. First off, it's good because it keeps our system of government going. I also think the quality of legislation is better—practically better—if you have both the majority and minority participating in it.

But there are loads of things growing out of the filibuster that aren't really the filibuster anymore. It's like the mutually assured destruction that we had during the nuclear security age. We were never going to use nuclear weapons but it was threat of nuclear weapons. Clearly, that's what's happened to the filibuster. It isn't the filibuster; it's the threat of a filibuster. There are very few real filibusters anymore. But I think what are grown out of the filibuster are the rights of the individual, which are extremely important for the Senate to maintain. Just as a sideline, we hear all the time that the House passed 300 bills during the 111th Congress that were never really considered by the Senate. I'm a Democrat, but I think it's probably good that some of those 300 never

saw the light of day. It's good that the Senate, as Washington said to Jefferson, is the saucer that cools the hot tea of the House.

There's a whole bunch of things that have grown out of that that remind me of the Byzantine era, or the Forbidden City in China, where they had these rules and rules and rules. Nobody knew why they were doing things; they just were doing them because they had always done them. Some of the holds definitely fall into that category. I don't think there's any real reason why a United States senator should be able to place a secret hold on anything. I want to maintain the rights of political minorities, but I don't see where that fits in. It's something that developed. Back when we had the filibuster, one senator would say, "Okay, I'm going to go to the floor and filibuster." They'd say, "Please don't go to floor and filibuster." He'd say, "Okay, I won't filibuster if you pull this down, but I don't want them to know I did it." Well, you could see someday that happened. Some case, some time that happened. Harry said, "Well, Sam did that, I'm going to do the same thing Sam did. I don't like this person. I don't like this confirmation. I'm going to hold everything up."

Ron Wyden has done a lot of thinking on this, Senator Wyden of Oregon. He had a number of proposals that I supported to deal with secret holds. As I said, there are proposals out there that can deal with that while maintaining a 60-vote requirement for cloture. Now, you could also change, and I do not think it would hurt, motions to proceed, and some of these other motions. But I'm still not sure about that. I think what's coming is that at some point there will be a caucus-enforced rule on procedural motions, what I said earlier that Tip O'Neill did, and what I believe, and if I had been in charge of the Democratic Caucus I would have really tried to push, especially when we had 60 votes, that every member had to vote with the caucus on procedural motions. On the substance underlying the bill everybody could vote whatever they wanted to, but on the motion to proceed to a bill, if the caucus decided that's what they wanted to do, then all 60 senators in the caucus would be required to vote that way in order to remain members of the caucus. Because without the caucus you don't get your committee chairs; you don't get your committee assignments; you don't get anything. You owe it a lot. There were a number of senators that were quite vocal about the advantages that were distributed by the caucus should be held hostage to some behavior that took into account the needs of the hostage, so that one or two senators couldn't extort things from the caucus in order to get their votes on procedural issues.

RITCHIE: I heard some grumbling among some of the senators that the Democratic Conference was spending a lot of time discussing filibuster and other procedural issues. Was that your feeling?

KAUFMAN: What do you mean? In terms of the concept of what we should do about the filibuster?

RITCHIE: I suppose so. I wasn't there in the discussions, but somebody complained "That's all we talk about."

KAUFMAN: Well, yes. I think the junior senators, the freshmen and sophomore class, there was lots of grumbling. I think some of the senior senators were like, "Come on, guys." People imply that somehow the senior senators are more in the hands of the interest groups, or something like that. No, no, no. As I said, my rule was that nobody could vote on a rule to change the filibuster until they spend two years in the minority. Some of the stuff that some of the junior senators were saying—like Tom Udall, he was an intern in Senator Biden's office in 1973. I think the world of Tom Udall, but on this issue, I'd say to him, "Tom, God forbid you pass this rule." I told Chuck Schumer this, too, when they were talking about the Rules Committee and making special rules. I said, "Chuck, the odds are that in the next two to four years there will be a Republican Senate and you will rue the day that you gave Mitch McConnell a [Tom] Harkin solution that changes everything. You're going to rue the day that you ever passed this thing. I'm not appealing for what I think is right, I'm just saying: Get ready fellow! Be careful what you wish for." That's what I felt with the freshmen. It was all good, as I've said time and time again, what a great group of people, one of the finest group of people I've ever been associated with, the freshmen Democratic senators, and the Republican senators as well. But when it came to the filibuster, there was a lot of talk about wanting to do something about the filibuster. If you were of my opinion, and the opinion of Dan Inouye, I'm sure, or some of the other senior members—Dan's just a gentleman, I never heard anything from him.

Dan Inouye, I've just got to tell you this one story, when Senator Biden was running for president in 1987, we talked about having honorary co-chairs for his campaign committee, somebody from the House and the Senate, since he was a senator. He asked Peter Rodino to be the House honorary chair, and he asked Dan Inouye to be the Senate honorary chair. When he came back after he met with Inouye, a congressional

medal of honor winner, and he said Inouye said yes, I said, "You know, senator, if you don't do anything else in your career, the fact that you can say that Dan Inouye thought that you should be president of the United States is something you can carry with you for the rest of your life."

But I think some of the senior senators were saying, "Come on, guys, we shouldn't do away with the filibuster. That's not what we should be spending time talking about." But there was not a lot of discussion in the caucus about that. Maybe there was a period when we had a lot of discussions in this whole area. I remember we had one caucus where we spent a lot of time talking about the holds. Ron Wyden and others talked to us about that. But I wouldn't say the caucus spent too much time on it. I don't think we spent nearly enough time on instituting the procedure that you had to vote with the caucus. Now, there was a lot of bad feeling when it came to the filibuster with individual senators holding the caucus up for whatever reason they wanted.

RITCHIE: A lot of—or I guess all of the scenarios for breaking the filibuster, on both sides, have involved having the vice president come in and making rulings since it takes a simple majority to uphold or overturn the ruling of the chair. That scenario requires a willing vice president—

KAUFMAN: Yes, I think the vice president's role in just about any of these things hasn't changed. But I think that Tom Udall is right, not in the context of the filibuster but in every other way—and this is a great argument to have around a roaring fire on a cold night—but I think each Congress is independent. In each Congress you start out, if you have nominees that haven't been approved, you send it back to the administration. If you have laws you start over. Every Congress, you start with bill 1, bill 2—S. 1, S. 2, S. 3, S. 4. You start out from scratch at the beginning of each Congress, so the idea that the rules go throughout, I think there's a case to make that that's not the case. Now, clearly the vice president would have to be complicit. Because there would have to be a vote on the floor. It's a ruling from the chair, right?

RITCHIE: Yeah.

KAUFMAN: Then somebody would make a point of order and there would be a vote. So, yes, you'd have to have the vice president.

RITCHIE: I just wondered what you thought the political price would be for any vice president who stepped in to do that. To be the willing tool to break precedent.

KAUFMAN: I don't know. A willing tool—it would depend on how artificial it was. I think on nuclear option there would be a big price to pay, because everybody felt that was a total artifice to do it. I think with Udall's proposal, it would depend. It would be interesting to see where public opinion would go on that. It would depend a lot on the context. If it was like Roosevelt trying to change the constitutional alignment by stuffing the supreme court, I think any VP that got involved in the matter no matter what the process was it would look bad. If it was done in the context of a specific case, like the nuclear option was, I think there would be a price to pay. But what does a vice president care about the price? Unless they're getting ready to run for president. I mean, what would Dick Cheney have cared about doing the nuclear option?

RITCHIE: Whereas when Senator Byrd used Walter Mondale to break the post-filibuster cloture, which ultimately had to be done or it would have destroyed any orderly progress, but some of the senators were furious and Mondale sort of apologized for doing that, even though what he did was very necessary at the time. It seems like it would require some serious thought on the part of the vice president before taking that step.

KAUFMAN: Well, I'm trying to think what was the issue they wanted the vice president to vote on? There was something else. It was an issue in the 111th Congress, and I don't think it was on the filibuster.

RITCHIE: It might have been one of the healthcare votes.

KAUFMAN: Ah, the reconciliation. Yes, the healthcare bill, I think if the vice president had voted on that, there was a price that would have been paid. That was an issue I was concerned for the vice president that he would be in the cross-hairs if in fact they had gone that way. Whenever you vote in public, there's a chance of political repercussions.

RITCHIE: It's a peculiarity of the vice presidency that while they have gravitated to the White House and become assistant presidents, they're still constitutionally the president of the Senate. There are still things that draw them back.

KAUFMAN: But very few. You're right, but it's really how amazing how few. What's fascinating, since you raised this question, is how seriously they take swearing in new senators. I worked on the staff for 22 years, and then for years I followed it and taught about it, and when I sat down with the secretary of the Senate to schedule my swearing in, she said, "We've got to check Vice President Cheney's schedule." I thought: What? I understand that Vice President Cheney would be there at the beginning of a Congress when you were swearing in lots of new senators, but it never occurred to me that V P Cheney would be swearing me in. I figured it would be maybe the president pro tem. I said, "Good Lord! When will that be?" She said, "It will be on Friday." I thought, "You're kidding. You're going to go to the vice president of the United States and say in three days I want you to come down here and swear in this new senator? And he's going to stop everything else he's doing and come down and swear in this new senator?" I thought that's never going to happen. But God bless America, it is a great country [chuckles]. And he could not have been nicer at every step in the process. He came over and met with my family and got his picture taken, just did everything right on my swearing in. I think that was his last official act, because he hurt his back over the weekend and the next time anybody saw him, he was in a wheelchair at the Inauguration. But I know Vice President Biden, whenever there's a swearing in, he's here.

One thing I wanted to say about the healthcare reform: the healthcare reform bill, we talked a little bit about the substance, but it was really a historical experience for anybody who has studied the issue, and I have studied it for years. When you've studied it and taught about it, you realize how many other people have tried to climb Mount Everest and never made it up to the top. This was a legislative Mount Everest. The fact that I was there when they did it, and that it was full of history, and then the fact that it was Christmas Eve and we had been in session for the second longest time continuously in the history of the Senate, and there was another length rule that we had broken, and that we were sitting at our desks in the chamber. We needed all 60 Democrats to show up and as I remember it was a bad day from a weather standpoint and we were concerned about it. If one of the senators didn't make it, we weren't going to have the votes. It was great for me. Vice President Biden was in the chair. I had goose bumps on my goose bumps. When they called off the names of the senators, it was just an incredible experience.

I had seen the vice president just before that and he said, "Would you come home with me?" Because it was Christmas Eve and we were going back to Delaware. I said,

“I’ll come along.” He said, “Well, look, I’ve got to stop down at the White House before we go up on Air Force 2. So I’ll see you down here right after the vote.” To go through this momentous event with a friend and then ride down to the White House, he had to see the president about something and asked me to come along with him and be in the Oval Office the day we passed healthcare reform. Clearly, the president was very happy with the Senate and I got the advantage of all that: “You did a great job.” Then go out to Andrews Air Force base and fly home. It was incredible.

RITCHIE: Whenever there’s a major event, they like to have the vice president in the chair, even though it’s not going to be a tie vote, and was clearly not going to be a tie vote, but having him in the chair has a lot of symbolic significance. But one difference between Biden and Cheney is that Cheney used to come to the Capitol every Tuesday to sit with the Republican Conference.

KAUFMAN: Yes.

RITCHIE: How was it that Senator Biden chose not to do that?

KAUFMAN: Well, it was interesting. One of the advantages of being in the transition was that there had been some discussion of that and they pretty much decided that that’s not what they wanted to do, the president-elect and the vice-president-elect, but then before they could say anything publicly, the Democratic caucus said, “That may be fine, but we don’t want that to happen. We love Joe Biden”—and they did—“but this is just wrong, it violates the separation of powers.” But I think it reflects the differences between Democrats and Republicans. One of the things that is fascinating to me is I get asked for my opinions over the years, because of my experiences, by the press for different things. We’ll get along fine, they’ll be asking me various questions, and then they’ll say, “What do you think the Republicans are going to do?” I always say, “I don’t mean to be anything except honest with you, but I’ve learned over the years, I don’t understand Republicans. And I like to speak about something I know something about.” Not that I don’t understand them, but they just are different from Democrats, and it isn’t just the issues. Then I came to this wonderful example, which I tell my classes about. I want to make the point to them that it isn’t just about their position on abortion, or gun control, or even the role of government. It’s just they’re hardwired differently. I really believe that. Like liberals and conservatives are hardwired differently, but with Republicans and Democrats it isn’t just the issues.

If you go back and look over the last 60 years and you know a year before the primary in New Hampshire, who is in the lead for the Republican nomination for president, you have got the Republican nominee for president. This year is an exception. [Mitt] Romney may get it, but usually its over by now. It's done. They rally round. I believe it goes back to the fact that the Republicans are a minority party. But if you go back over the same 60 years, with the exception of an incumbent Democratic president, when you find out who is ahead one year before, you have the person who does not get the nomination. You can go back and look at 1980, Jimmy Carter was not ahead. Kennedy was ahead a year before the New Hampshire primary. With the Republicans, Ronald Reagan ran in 1976, he was not ahead, Gerald Ford was. In 1980, Reagan was ahead, Bush wasn't. In 1988, Bush was ahead when he got his chance. You go through the list. In 1996, Bob Dole was ahead a year out. George W. Bush was ahead. And I always say: We Democrats form our firing squads in a circle. All those jokes. The cowboy philosopher—

RITCHIE: Will Rogers.

KAUFMAN: Will Rogers said, "I don't belong to an organized political party, I'm a Democrat." I subscribe to all of that. Democrats are party contrarians. We just don't rally around the party, and the Republicans do. I think that was part of it. They just naturally thought—this is the perfect example, "Why *wouldn't* the vice president of the United States sit in the Republican caucus?" I'll tell you what, it wasn't going to happen in the Democratic caucus.

RITCHIE: But the administration has used the vice president a lot in terms of its congressional relations, hasn't it?

KAUFMAN: Not the day to day relations. What they've done very wisely is they've used him on the very important things. But, no, the whole two years I was there he only came to the caucus maybe twice, three times. So he's involved, and he talked to people in the caucus. But if you could get his schedule—and I don't know this—and where he spent his time, you'll find that he spent a lot of time with senators he liked, and had senators over to his house for dinner, but they're all his buds.

RITCHIE: I wasn't thinking in terms of his going to the conference, but he's been sort of a mediator, hasn't he?

KAUFMAN: On big issues. He was a big mediator on the stimulus bill. He was in healthcare reform, clearly. So the big issues he has, but it's not like a lot of people thought he would be, or could be, he spent a lot of time on things other than the congress. If you look at the amount of time he's working, you could say, "Okay, how much time are you spending on Iraq?" "How much time are you working on the stimulus bill?" "How much time are you spending on the Middle Class Task Force?" I think you'd go way down the line. You'd say he's done some, but it hasn't been anything like—let me put it this way, if he wasn't doing so many other things he'd spend more time on it.

RITCHIE: I was thinking about during the debt-limit issue, it seemed like every time I'd try to go down a corridor in the Capitol, the police would say, "You can't go down there because the vice president is coming." He was coming up pretty regularly.

KAUFMAN: I think the debt limit thing, he was very involved especially in the end of that.

RITCHIE: I was wondering if it was his talent to get people to sit down at the table and talk to each other.

KAUFMAN: Oh, yes. I've said many times, and I've done a lot of interviews about him, especially since he's become vice president, and when he was running for president. When he was running for president in 1987 and you were out in Iowa and New Hampshire working on the campaign, people would say, "What's the biggest reason why Joe Biden should be president?" I'd say that I had never seen anybody in my entire life that could go into a room with people with disparate positions, find out where the common ground is, and move the group to accept the common ground. No one. Not even close. Look at what he did in Iraq, with the Kurds and the Shiite and the Sunni. Or look at what he did with Strom Thurmond and Jesse Helms, two very, very conservative senators. With Strom Thurmond he passed a whole series of crime bills, but other things too. With Jesse Helms he passed the Broadcasting Act, the Chemical Weapons Treaty, and so many other things. A lot of it was attributed to his intellect, his understanding of the issues, and how he worked on issues. But he also had the ability to sit with someone for hours. I remember how he and Jesse Helms went through the Chemical Weapons Treaty word by word. He would say, "Well, what about this word, Jesse?" And Jesse would say "No, I can't accept that." Joe would say, "Well, can we replace it with this? Or maybe with that word? Or maybe we could do this." The whole time I watched him, he

never once compromised one of his principles. And of course with Strom Thurmond and Jesse Helms, both of them asked that he be one of the people to eulogize them at their funerals. You can't get any more basic proof of somebody's ability to work with someone of a different political persuasion.

I think the key to Joe Biden, in addition to his intellect and his understanding of the issues, is his word is his bond, which I think is the single most important thing on the Hill. It was known among his colleagues that once you shook hands with Joe Biden he would never break his word.

I bring my students up to meet with members of Congress, and lobbyists, and staff members, and media people. Without prompting from me, every time they'd listen to maybe 15 people and two, three, five people would say, "You know, on Capitol Hill, your word is your bond." You could absolutely count on Joe Biden if he gave you his word. And the fact that he was smart, and his ability to sit with people and go through the issues, is the reason why I think he's so successful. And the ability to put himself in other people's shoes.

RITCHIE: I was at the McConnell Center recently to speak and he flew in that day to be the luncheon speaker. First it was interesting that he was speaking at Mitch McConnell's Center. Second, it was the day that Mubarak resigned, so he was a half an hour late in getting to his speech, because he was on the plane dealing with all of that. When he came in, the first thing he said was, "I would *love* to tell you what just happened, but the president is going to speak in a half hour and I think it would be better if I waited until then."

KAUFMAN: [Laughs] Yes!

RITCHIE: Well, I'd like to ask you about the unusual campaign for your seat, when it came up for election in 2010. It was the most -watched campaign in the country, and I'd like to hear about it from your perspective.

KAUFMAN: Well, one of the things—I don't know whether I've talked about this—but while Senator Biden was running for vice president, after he got selected by Obama, he was also running for reelection as the United States senator from Delaware. Valerie and I were both very involved in those races. There were TV ads we ran. We did

our brochures. We did all the things that we normally do. It was kind of interesting to be involved in two campaigns at the same time. Another interesting fact of history—that the only person who cares about is me—you know, they always say “vote early and vote often,” but in Delaware that year I got to vote for Joe Biden twice. Everybody in Delaware got to vote for Joe Biden twice. But I was one of only three people who got to vote for Joe Biden three times, in that I was one of the three Electors from Delaware. So I got to vote for him for the Senate, I got to vote for him for vice president, and I got to vote for him for vice president as an Elector from Delaware.

RITCHIE: Do the Electors actually meet in Delaware?

KAUFMAN: The Electors actually meet. It’s a very nice deal, very historic, we take pictures and everything. It was a historic year for me! And do you know who his opponent was in 2008? Christine O’Donnell.

RITCHIE: Oh. I didn’t realize that.

KAUFMAN: So I had a master’s degree on Christine O’Donnell when she tried to run for the senate against Tom Carper in 2006. I got a Ph.D. when we ran against her in 2008. In 2000, when Bill Roth ran for reelection, I had counseled all his advisors that Bill shouldn’t run. He wasn’t in good health at that point and it was a bad year for him to run. I just thought he could go out undefeated. I think he had actually lost for lieutenant governor one time, years ago, but basically he was at the top of his game. That’s when I learned that one of the positions it’s impossible to retire from is chairman of the Finance Committee. There’s a 19th-century quote that the only thing you need to run the country is to be chairman of the Finance Committee and a letter from the president. Have you ever heard that one?

RITCHIE: No, I haven’t.

KAUFMAN: It’s just like Frank Church and the Foreign Relations Committee. He couldn’t wait two years to take it. He had to get involved right away and wound up losing his seat in the process. I thought the same thing with Mike Castle. I thought Mike shouldn’t run. Just to let you know what a small state Delaware is, when Mike Castle first ran for the Congress he ran against a former lieutenant governor, S.B. Wu, who was a professor of physics at the University of Delaware. That was his main job but he had

been lieutenant governor, and he ran against Mike for Congress. Whoever won that election, whether it was S.B. Wu or Mike Castle, their wife would have worked for me in Joe Biden's office. Katie Wu, S.B.'s wife was one of the first hires I made, and not long after that I hired Jane DiSabatino, who went on to be Mike Castle's wife. So it's a very small state and by and large we all like each other.

I did not think Mike should run for the Senate. I just didn't get it. I really did think that he could lose. The conventional wisdom was he was going to win, and he was going to win easily. But what happened was the Republican Party really had shrunk in Delaware. It used to be, up until 2000, if you knew how the presidential race went in Delaware, almost to a tenth of a percent you would know what the result was nationally. It was a microcosm of the United States. Then it started moving, when the South started going Republican and the north started going Democratic. There was a major movement, registration went from basically 35 percent Democratic and 33 percent Republican to 47 percent Democratic in 2010. The Republicans were down to 29 percent. The same thing went on in Pennsylvania, where I think 600,000 people changed their registrations from Republican to independent or Democrat. All the suburban districts, Montgomery County and Chester County, that had been solid Republican for generations, now are Democratic districts. And that's what's happened in Delaware. So Castle was starting out with a very low base. And I don't think he had a real rationale for why he was running, why he was leaving the House where he had a more senior position. I just thought he would have a problem.

I thought Chris Coons could beat him, and I told everybody I met that Chris is really a great candidate, a wonderful person. He's smart, he went to Yale Law School and even more important politically he went to Yale Divinity School. When he gives speeches he can pull out quotes from the Bible faster than anybody I've ever seen—good quotes, I mean, not doing it for effect, but he's very effective. So I thought Mike Castle could lose anyway. I also thought that in the primary Christine O'Donnell could win. So I was not shocked when she in fact won. The way she won was the turnout was low. It was higher than normal, but still a small percentage. It was a small percent of a small percentage. She got, out of 29 percent registered Republicans, I forget, it was a 20 percent turnout, which is a gigantic turnout, but not a very big turnout. All the enthusiasm was on the tea party and the right wing.

In the same election we had Michele Rollins, whose husband was an icon in the

state, with more money than he was ever going to need. She was a moderate Republican and she ran against a conservative Republican candidate from Sussex County, and she lost too for the nomination. The Republican Party in Delaware has gotten very, very, very conservative. Then, whoever wins the Republican primary has an uphill battle. We Democrats hold just about all the statewide offices. We have two senators, the congressman, the governor, lieutenant governor, the county executive of our largest county. Delaware is one of the bluest of the blue states. I think I saw something the other day that it was the tenth bluest, the tenth most Democratic state in the country.

In terms of Christine O'Donnell, as I said, I got a Ph.D. in Christine. I'm trying to think of something charitable to say. [Long pause] Well, to quote Disraeli, it's better that people wonder why I didn't speak than why I did.

RITCHIE: Well, did you need to run much of a campaign against her in 2008? She became the issue in 2010, but in 2008 were a lot of the negatives that later came up about her known?

KAUFMAN: No, the point is Joe Biden always maintained a lead. I remember in that first re-election he got 58 percent of the vote, and after that even more. He's incredibly popular in Delaware for all the reasons we talked about. And then you have a state that in 2008 was already Democratic by a big number. No, you have to run a campaign, and you have to run an aggressive campaign because you can't take anything for granted. You surely can't take the electorate for granted. Now, they understood that he was running for vice president, and that worked great for him. One of the things about Delaware is they were so incredibly proud that somebody from Delaware was running for vice president. The whole process was embraced by the vast majority of Delawareans. They just thought it was great. The majority of them liked Joe Biden a lot to start with. And one of the reasons why I say a majority because so many people come into the state that didn't know him, didn't know his history, didn't know much about him. But, no, I wasn't worried that he wasn't going to get reelected to the United States Senate. But I must say, I felt even better about his possibilities when Christine O'Donnell got the nomination.

RITCHIE: I hadn't realized he was running simultaneously against Christine O'Donnell and Sarah Palin.

KAUFMAN: Yes, exactly.

RITCHIE: So Chris Coons won the election. Did he turn to you for advice on how to be a senator?

KAUFMAN: Yes, he did. We met a number of times during the campaign. One of the big issues for me was staff. I had my entire staff, it was a fabulous staff, and that's something I know something about, good congressional staffs. So one of the main things I was concerned about was to say, "Look Chris, hire anybody you want, but I think this is a really great staff, take a hard look at them." In the end he did, and he hired just about all of them. Now, a number of them had left the senate. Jeff Connaughton was my chief of staff, as I said, an incredible guy. He decided he'd move to Savannah, Georgia. Jane Woodfin, my legislative director who joined the Biden senate staff 15 years before, retired from the senate. She was a real pro did a wonderful job. Norma Long did all a great job scheduling up in Wilmington; she retired. Tonya Baker, who did all project work in Wilmington; she retired. Terry Wright had worked with me for years, an incredibly talented individual; he retired. The state director up here, John DiEleuterio, was a wonderful person. All my staff were all stars.

John DiEleuterio reminds me of the culture shock for me to be a United States senator. I still, to this day, when somebody says "Senator," I look around for Joe Biden or some other senator. John is a wonderful person and many times traveled with me to events in Delaware. I was speaking to the American Legion in Dover, Delaware. I was the keynote speaker, so the master of ceremonies started introducing people and said, "John DiEleuterio, state director for Senator Kaufman." And when he said "Senator," I was convinced the next word was going to be "Biden." Even when I called the Wilmington office, Mary Ann Kelley would answer the phone "Senator"—and I was sure she was going to say "Biden's office." But she would say "Senator Kaufman's office." Anyway, it was a great staff. Alex Snyder Mackler who was a Biden staffer was a perfect Communications Director and went to Law School, My press secretary Amy Dudley was absolutely incredible. She went to work for the vice president. And Kathy Chung, this über scheduler, went to work for Senator Mark Udall. But Chris Coons was smart enough to pick up the vast majority of the rest of the staff.

RITCHIE: When you left the Senate I began to hear you interviewed on the radio because you were chairing the TARP commission. How did that come about?

KAUFMAN: That was great. Again, my rule was extant, about October, two months before my term as senator was over, Harry Reid called me and he said, "Ted, Elizabeth Warren is leaving." She was the chair of the congressional oversight panel for TARP. When they passed the TARP, they knew with all that money, forecast to be \$750 billion, that there was going to be a lot of people watching what was going on. Therefore they decided what they wanted was a lot of different oversight. So they set up three different oversight operations. One was the General Accounting Office, which had special oversight. Then they set up the special inspector general, Neil Barofsky. And then they decided to have a congressional oversight panel on the TARP, to be made up of three Democrats and two Republicans. Originally, they had one member of Congress, Congressman [Jeb] Hensarling [Republican from Texas]. And Elizabeth Warren was the chair. The way it worked was the Senate majority leader picked two members, the minority leader in the Senate picked one, and then Speaker and the majority leader in the House picked a second one. So Elizabeth Warren was the chair, very famous and somewhat controversial to the Republicans. Reid said, "Elizabeth Warren is leaving, would you take on this responsibility? It will go beyond your time as senator." So I agreed to do it, and it was fascinating.

I'll tell you what, I hold Elizabeth Warren in very high regard. When I got there, I thought, okay here I come in the door, they've been in business for two years, they have a whole staff and I don't get to pick one staff person, I know how important staff is and how I depend on staff. This is going to be a great opportunity in some regards, but it's coming to the end of the road and God only knows what this is going to be like. I got over there and it turned out she had picked a great staff. Naomi Baum was the staff director, she used to work in the Senate Banking Committee and was just incredible. Right down the line, a great bunch of people, and she put together a great system. The first round of members—there had been quite a bit of turnover on the Republican side. The two Democrats had been there from the beginning and then the two Republican were semi-recent appointments after the two Republicans, former Senator [John] Sununu and Representative Hensarling left. But they had a whole great system and had done some great work. Every month they had at least one hearing and at least one separate report. They had done some 20 of these things.

I was chair, and I got to chair some hearings. It was really a funny kind of a thing. I went back to the Senate and what they used to do was every time you had a report you would go up to the Senate gallery and do a statement that would go up on You Tube. We

met in the Senate Banking Committee room, and it was just like a Senate hearing. It was really a nice thing to be doing, and I really think it did some good, because the staff was so good and the other members were such a great bipartisan group. Democrats and Republicans working hard in the Joe Biden model of trying to figure out how to work something out and still stick with their principles. We had unanimous votes on just about everything. Everything was done by consensus while I was there. There wasn't a vote—I can't think of a single time that there was a vote that wasn't five-zip. It was really a good experience. I learned a lot, and it built on a lot of things I had learned with Dodd-Frank, about my concerns about the financial system and how bad it was.

One of the interesting things that was that when anybody came to testify, or the members of the committee talked about the biggest banks, it was just assumed they were too big to fail. You can have all these people talking on the floor, and talking about “we have this resolution authority,” but *nobody* believed it. It was just clear that nobody believed that you could take Citibank and if they were in some kind of deep trouble just resolve them out of some kind of system living will and all the rest of that, and resolve all the problems across all the borders they had in the size of the bank. And clearly the market still gave them favorable treatment on their interest rates, which demonstrated that the market thought they were too big to fail. They thought there was not a whole lot of risk there, or less risk than with the smaller banks. So it was a great experience.

We went through the whole HAMP program [Home Affordable Modification Program], the home mortgage program, and I found out how really bad the situation was, in much more detail, what went on in the mortgage market in America and follow-up on the Permanent Subcommittee on Investigations hearings on the terrible things that were done by mortgage brokers, people who securitized mortgages, Wall Street, the whole crowd. The stuff they did was just absolutely outrageous. So it was kind of a decompression moving from the Senate to the commission. And they went out of business on April 4th. Basically, the rule said that six months after the TARP stopped—when the TARP stopped they still kept their programs going but they couldn't really make any new innovations in their programs. Six months after that the congressional oversight panel went out of business, which was a good move, because they couldn't change their programs so we'd be having hearings on hearings. But it was a great way to become a civilian again.

RITCHIE: What was your conclusion about the TARP program itself?

KAUFMAN: The TARP program, essentially one big thing that happened and all the discussions were about, as I said before when I looked into Ben Bernanke's eyes and Tim Geithner's eyes in January and February of 2009, it was clear that they were scared to death. So the fact that we were able to keep the entire financial system of the world from coming apart gives it a big plus! Now, most of what we did was evaluate the TARP program as it was instituted, and especially for me the question is: Would it have been better if it actually was a Troubled Asset Relief Program? Remember, originally they were talking about having good banks and bad banks, and then really holding the bankers' feet to the fire. There would have been a different scenario about how the bankers came out of this thing, and the size of the bankers, and all these kinds of things. Would that have been a better system than what they eventually came up with? Which was just basically holding the bankers harmless and paying all the bonuses? Probably, but in terms of providing its number one function of keeping the whole system from falling apart, it did that.

Number two is, which you clearly have to give it credit for, was at some point they were talking about \$750 billion for the TARP program. Then it got down to \$350 billion. It looks like eventually the TARP program itself is going to cost \$25 to \$30 billion. Now, Damon Silvers especially made a very eloquent argument that maybe if we spent more money on the TARP we wouldn't have had so many economic dislocations to the country at large. Clearly, that's true in the HAMP program, which is the program to help the mortgage market through mortgage modification. That turned out to be almost a complete zero. If we had had a more aggressive effort to save housing, or do something about housing, principle reduction or something, I don't see how it could have been done any more poorly than it was done. The thing is we had \$50 billion for housing, one of the major things in this country, and I think we spent like \$4 billion. This should have been all hands on deck to help the housing market, and that clearly was not done. When it came to the HAMP program, I think they deserve a lot of criticism. But the basic idea that cost just a very small fraction of what it was supposed to cost, and it averted a financial crisis, really were the two big things. Based on that it was a success.

RITCHIE: You mentioned the other day about Pecora, and that was a congressional investigation by the Banking Committee. It struck me that one of the strengths of the Pecora investigation was that when it was finished you had members of Congress who were in place to actually pass laws to stop what happened.

KAUFMAN: Right.

RITCHIE: In this case there was a “Pecora Commission,” an outside commission or several outside commissions that were working on this. Was there enough connection between what they investigated and what they legislated?

KAUFMAN: Well, we didn’t do—see there are a lot of different functions of the committees. One of the functions is to write legislation, but the other function—which has been overlooked—is oversight. The congressional oversight panel was an oversight committee, it was designed for oversight, and that’s what it did. It was not a legislative committee. So it was totally different from the Banking Committee. No, I think what turned out to be a great disappointment was the actual financial commission that was supposed to look into it. It started too late, it never really got into anything, and it turned into a partisan food fight. But the Banking Committee had I forget how many hours of hearings, hours and hours and hours of hearings to figure out what became the Dodd-Frank bill. I wasn’t there then, but Barney Frank had hours and hours and hours of hearings. So I think there were loads of hearings on the thing, I just think they reached the wrong conclusion. I don’t think it was an institutional structure problem.

I think if they had come to the right conclusion they’d be talking about the Dodd commission or the Frank commission, or whatever it was. It was the Congress working, and again a lot of those hearings—I wasn’t on the Banking Committee and I was getting my feet wet and lots of other things—but they did have a lot of hearings. I know that they considered a lot of different proposals, because remember Barney Frank in the House passed their version pretty early in the process, in 2009, and then because of the healthcare reform, Dodd was working on healthcare reform, one of the key players on that, the actual Wall Street reform bill didn’t hit until much later. So there was a great deal of time, they had hearings and there were meetings. I knew senators like Jon Tester from Montana, who is on the Banking Committee, Mark Warner is on the Banking Committee, and Michael Bennet is on the Banking Committee, and I knew they were going to a lot of hearings.

RITCHIE: One of the advantages of being the last chairman of the TARP commission is that you got a lot of publicity when they were closing down. I remember hearing you on NPR several times.

KAUFMAN: Well, Elizabeth Warren had put in an incredible operation. A fellow named Thomas Seay was the communications director. I was incredibly impressed when I went over that they had put together a system to roll out these reports and roll out these hearings, in terms of a mix of television, and radio, and You Tube, and print. If someone was setting one of these things up, I tell them to “Go talk to Elizabeth Warren, and Naomi Baum, and Thomas Seay, and they’ll tell you how to do one.” It was very impressive. Then at the end of the system, that was one where I said, “Look, when we get to the end of this there is an opportunity to send our message, so we should start early.” I had some relationships with the media based on Dodd-Frank and stuff like that, so it worked out. You’re right, it was extraordinary.

RITCHIE: Elizabeth Warren is now thinking about running for the Senate from Massachusetts. It will be interesting to see if she applies all those techniques to a Senate campaign.

KAUFMAN: Yes, well, she is very, very impressive.

RITCHIE: I was going to ask you about people you considered impressive and effective. You were connected with the Senate for a very long time on the staff and as a senator. Who did you consider to be the effective members? And what kind of criteria would you use to rank them?

KAUFMAN: Wow, geez, that’s a tough one. A lot of it depended on—there’s a certain amount of being in the right place at the right time. For example, Ted Kennedy. Ted Kennedy was incredibly impressive to me. In 1980 I went to Iowa and worked for Carter in the primary against Kennedy. It was an ugly campaign. Chappaquiddick came up a lot and the conservatives always vilified Kennedy. He was their poster child. It was an ugly campaign that he ended up losing. A lot of people would have quit. The guy had more money than he needed and loved to sail, so just go sailing around the world for a few years. But he came back to the Senate and it’s a lot clearer in retrospect than it was at the time, but he decided, “I am going to become a great United States senator.” And by God, he did. He worked incredibly hard. He attracted extraordinary staff people, David Burke who I worked with on the Broadcasting Board of Governors had been his chief of staff. And Paul Kirk, [Kenneth] Feinberg, just a whole crew, loads of super-talented people.

I've got to tell you this one story about Paul Kirk. When I was appointed to the Senate, Joe Biden went up when Harvard gave Kennedy the award—he's one of the few people to get an honorary degree from Harvard, I think. He and Kennedy were close. I told you how when he had the aneurism, Kennedy came up to his house and almost broke the door down to get to see him when nobody else had seen him. When he came back, he said, "I saw Paul Kirk." This was after I had been appointed. I always regarded Paul Kirk as one of the really great people. When I was talking about people I'd like to see more of when I was in D.C., people that I have, over the years, held in great regard, Paul was one of them. He said, "Paul said, 'Hey, think Ted needs an administrative assistant?'" [Laughs] So when Paul came down as a senator, I said, "Hey, Paul, maybe you can be a senator and be my administrative assistant, too."

But anyway, Kennedy just positioned himself to become a great, effective United States senator, one of the great ones. But over the years, Phil Hart was a great senator—they named the Hart Building after him. Frank Church was a great senator. Henry Jackson probably one of the most powerful senators. I could go back down that list. There's a wonderful brochure—when Joe Biden ran in 1972 we did a series of these brochures that I talked about, and there were several of them that were just totally members of Congress, senators, saying the Senate will be changed when Joe Biden got in. When you look at the list—I had it made up and put around the office in 1972, and I've still got them at home. I was moving some of it the other day, and Fritz Hollings is up there, Frank Church, Birch Bayh, Scoop Jackson, Ted Kennedy, Phil Hart, all these great senators. It's a little bit like when you're a freshman in high school and you come into school and the seniors are up there, and you say, "Boy, the seniors are great." But I think there are some great senators now.

I think the quality of United States senators has not been diluted. I just think there have been great United States senators along the whole time, Republicans as well as Democrats. Dick Lugar, I think, is very effective. I think he's done an excellent job. He's reached across the aisle. I think Kerry has done as great job as chairman of the Foreign Relations Committee, really and truly. He's had great hearings, and he's managed to deal with the president and the majority. He's got the president talking about foreign policy. He's got Hillary Clinton talking about foreign policy. He had [Richard] Holbrooke, when Holbrooke was alive, talking about foreign policy. He's got [George] Mitchell talking about foreign policy. He's got Dennis Ross talking about foreign policy. He's got Joe Biden talking about foreign policy. Where does the chairman of the Senate Foreign

Relations Committee fit into all of that? He's done a great job of maintaining his position, and I think if Obama gets reelected he's the presumptive secretary of state.

Pat Leahy, with whom I served on the Judiciary Committee, has done a great job of dealing with a very thorny, very difficult committee. Carl Levin, both as chairman of the Armed Services Committee and as head of the Permanent Subcommittee on Investigations has done an incredible job. But there's Mark Hatfield when you're talking about Republican senators, and Jeff Sessions. I think Jeff Sessions—I don't agree with Jeff very much, but I think he's been effective, thoughtful, disagreeable in terms of my position. [Laughs] No, I was just kidding. But Jacob Javits was clearly one of the most effective senators. Mike Mansfield, George Mitchell, just operated in another alternative universe. Bob Dole, speaking of that. I think in the leadership Mitch McConnell does a great job. Again, I don't agree with a lot of the things he's doing, but I think he's very smart.

Harry Reid is an extraordinary person. You know, one of the things I talk about a lot is about how people believe the only thing senators care about is reelection. I'd just show them a film about two years that Harry Reid was majority leader while I was there and you'd have a hard time convincing anybody that he did anything to get reelected, I mean *anything*. Here he was in this race that everybody in America was watching, that was so close, I never saw it. There was one or two times that he would put some amendment in that could benefit Nevada, but 98 percent about what he did legislatively was totally about what he thought was good for the country. Harry's not great on doing the Sunday talk shows and working outside the Senate, but in terms of making the Senate run and passing more legislation than anyone in history, and doing it while he's up for reelection in a race that no one thought he could win, and he ends up winning the race on top of it. That puts him in a special category.

So I think that throughout, the quality of the senators has been maintained. The giants are always the one you see way back in the rearview mirror. I wonder what it would have been like to be around [Daniel] Webster or [Aaron] Burr, the ones who are in the lobby off the senate floor, J. C. Calhoun, and [Robert] La Follette, Henry Clay the list of the great ones from the past. I think that this new crop, the freshmen and sophomore Democrats, as a group, are as qualified and have as great a future as any of the classes that I've seen since we came. There's a lot of extraordinary talent. I've already talked about how great I think Jack Reed is. This is a guy that's an expert on security. He does

health issues. He's one of the go-to guys on military matters. John McCain, too. Did I talk about John McCain and Senator Biden?

RITCHIE: No.

KAUFMAN: Well, John McCain, when Joe Biden was elected and then he got on the Foreign Relations Committee, I think in '74, one of the first Codels he took, McCain had been a prisoner of war in Vietnam (many people know this, but I find it was so long ago that some people don't). He served seven and a half years and spent a record amount of time in solitary confinement. His father had been head of the entire operation out there as an admiral. The North Vietnamese really went after McCain after he crashed his airplane in Hanoi. But then he came back to be Navy liaison to the Senate. When you go on a congressional delegation trip you always take along a military liaison. So Senator Biden went on a trip and McCain came along. He and McCain really hit it off. So from then on, as long as McCain was Navy liaison, he traveled with Biden.

There's this wonderful story in one of the books about McCain and Jill Biden dancing on a table in New Orleans. He really got close to McCain. In fact, I always kid McCain because Biden came in and supported a thing called "counter budget," which was we've got to transfer more money from the military part of the budget, which is so big, over to the discretionary part, for education and things like that. So he had voted against a lot of the big military programs. Then, if you look at his record, somewhere in the mid to late '70s, he starts voting for the Trident D Missile for the Trident submarine. He votes for some more ships. When McCain was liaison and traveling with Joe, he was talking about how we needed a 400-ship navy and things like that, and Joe Biden started listening to McCain. So John McCain is a great senator, and Lindsay Graham is somebody that I hold in very high regard. I think he's very smart. He's very knowledgeable. He goes over to Afghanistan as a JAG officer.

RITCHIE: You traveled on Codels with him, didn't you?

KAUFMAN: I traveled on a Codel with Joe Lieberman and him to the Saban Forum in Israel. We went on a military flight, so we spent something like 17 hours each way together. It was like the Three Amigos, Lieberman, McCain, and Graham. Both Graham and Lieberman had worked for McCain for president. So whenever we talked about the 2008 presidential campaign, it was kind of a funny experience to hear the two

of them talk about the McCain campaign. And I talked about the Obama-Biden campaign. Good people, though, just like the freshmen-sophomore Republican senators, John Barrasso, and Jim Risch, and Mike Johannes, there's a whole crowd of them.

One of my favorite United States senators is Jon Tester from Montana, who breaks all the stereotypes of a United States senator but is an incredible representative of his people, who is very smart. And then Sherrod Brown, I cosponsored with him the Brown-Kaufman bill on Wall Street reform. Kay Hagen from North Carolina, just a remarkable person. I traveled with her to the Middle East, and Bob Casey. Bob Casey is going to be an extraordinary senator when his career is over. Jeanne Shaheen, the first woman to be both a governor and a senator. She is one really competent person, I mean really, really competent person. When you watch her a lot, she is good.

Chris Dodd, on the floor I gave him the right to the legislative hall of fame for the trifecta of passing three major bills, the Dodd-Frank bill, the healthcare reform bill, and the credit-card reform bill. I can't remember a United States senator passing two major bills. First of all, there's never been a bill in the Congress bigger than the healthcare reform, and there's hardly ever been a bill bigger than Dodd-Frank.

RITCHIE: The little that I dealt with Senator Dodd, I was always impressed with how dogged he was. When he wanted to do something, he usually got it done, whether it was a small thing or a big thing. I wondered about persistence as a factor in getting things done in the Senate.

KAUFMAN: Well, that's what I talked about my senior senator from Delaware, Tom Carper. Once Tom Carper puts his laser sights on something, forget it. But no, absolutely, Congress requires persistence and requires taking the long view. I know people are critical. We always deal with the short term. In business, everybody is interested in the quarterly earnings return and you can't get more short term than that. But no, senators are successful when they lay down an issue and then follow it. What's impressive about the Senate when you're a senator—on the staff I didn't get to go to that many hearings and do a lot of things, and we didn't have television in the chamber for most of the time I was there, so I was working in the office doing whatever I was doing and Senator Biden was over with the senators, in the hearings or on the floor. And I want to tell you what, when you go to a hearing, not one big high-profile hearing but just pick a hearing out, go to the *Washington Post* which tells what hearings will be on at ten

o'clock, throw a dart against it and go to that hearing, the competence, the amount of knowledge the senior senators have is breathtaking. The fact that they've been working on these issues for 10 or 12 years.

The biggest argument against term limits is to listen to Joe Lieberman and Susan Collins chair a hearing of the Homeland Security Committee. When I got on the Homeland Security Committee and I thought I ought to go to some hearings right at the beginning. I went to one hearing and it was the two of them and me. I think I know a lot about Washington and the government, and what goes on. I want to tell you, their opening statements and first questions I did not know 80 percent of what they were talking about. When you start talking about these issues, they just work on them for years and years. To hear Senator Menendez, who has been working on AID, and the proper thing to do about foreign aid, he came into a meeting one time and I thought he was speaking German. We had the new head of AID, the Agency for International Development, and Menendez started, "When I talked to your predecessor, x number of years ago, about this, and then two years later you did this, but still we haven't done this, this, and this." I'm sitting there thinking, My God! If you're not persistent, if you're just concerned about right now, you're not going to get anything done.

Now, I'm going to speak critically for a minute. I'm talking about the down side of the big states. I can remember when Pete Wilson was in the Senate, before he went on to be governor [of California]. He came to a Judiciary Committee meeting and it was absolutely amazing. If dealing with the media could be compared to surfing, Pete Wilson could see a wave coming offshore faster than anybody in the world and get a surfboard out to ride it. When you're in a big state, one of my favorite Irish quotes is "Paddy's a nine-day wonder." You're a nine-day wonder if you're trying—I remember when Joe Biden was running for president and we met with Mayor [Ed] Koch and we went to a press conference. It was all the klieg lights, and he got up and he spoke. I think when it's hard when you're in a big state, and you got a lot of responsibility, and the media's not interested in the long-term, they're interested in what happened today. Outside of that, which would be a real problem if you're from one of the big states, in terms of being able to think long-term, because you've got to think so short-term if you want to stay in the media. If you want to move anything, you've got to move it when the media's moving, which I talked about earlier. When the lights are on, you've got to move it.

When you're from a smaller state, you can think longer term. The strategy I

adopted for the two years I was in was: Tell them what you're going to tell them, tell them, and then tell them what you told them. Lay down a marker. This is what Joe Biden did. When he started on the violence against women legislation, *everybody* was opposed to him. The women's groups were opposed to him. He just doggedly went about it. My mother said, "Nothing in life that's worthwhile comes easy." If you have an instant success probably it isn't that much of a success. Yes, dogged determination, planning ahead, building a record to become a great senator. What Kennedy did on healthcare reform, he started on healthcare reform in 1972. He was promoting national health insurance at that point.

RITCHIE: During the Congress that you were in the Senate, the two most senior senators, Kennedy and Byrd, died. What kind of a void did that leave?

KAUFMAN: Well, I think at that point Kennedy clearly left a gigantic void in healthcare, which eventually was filled. But Senator Byrd by the time I got there was not a factor. He was nothing like the Robert Byrd of the past. If Robert Byrd had died when I left Senator Biden's office in 1995, or in 1985, it would have left a gigantic hole, but the irony of life is that the Senate moved on when he didn't. Now, one of the things that was always interesting to me, where you learned how fleeting fame is, was going to memorial services for United States senators. When you go to the memorial service for a sitting United States senator, it is a gigantic event. But depending on how long the senator has been out—it may have been Phil Hart, where there was a big event for him, it was downtown, and everybody was there, the president of the United States was there, the vice president, standing room only. At about that same time, Senator John Williams of Delaware died. John Williams had built quite a reputation in the Senate, and a big reputation in Delaware. He was a mentor to Senator Bill Roth, who was a congressman at the time and took his place in the Senate. About that time Williams died in 1988. Williams left the Senate in 1970, and so they had his funeral service in his home town. I went down with Bert DiClemente, who was Joe Biden's state director for many years, a wonderful person, and Jill Biden. Senator Biden was overseas. The contrast: it was in a funeral parlor. There were at most 75 people there. It was a reminder to me that Paddy is a nine-day wonder. You can be everything in the world, but fame is fleeting.

I think Robert Byrd, who was clearly one of the most powerful and effective senators, in my experience, personally being there and reading about it and the rest of it, by the time he died he was not the power in the Senate that he had been.

RITCHIE: There is strength in knowing when to go, I suppose.

KAUFMAN: Well, this is true. Again I go back to sports analogies because they're devoid of political tones, when I'm trying to figure out something like this. Steve Carlton, who was a Cy Young winner, Hall of Famer, one of the truly great left-handed pitchers of all time, ended up his career in the minor leagues. He left the Phillies, rather than retiring at the top like Sandy Koufax did, the pitcher for the Dodgers, he went on. He wanted to pitch so much that he allowed himself to be sent to Triple A, one of the truly great pitchers of all time. Clearly, knowing when it's time to leave is important.

RITCHIE: But then there are those who love the game and just can't give it up.

KAUFMAN: Like I said, if you're chairman of the Finance Committee, it's hard to give it up, especially when it takes so long to get there under the old seniority system. You can hardly blame Church after all those years—he was elected to the Senate young and it took all those years to get to be Chairman of the Foreign Relations Committee. You say, "Look, hold off for two years or so." The same with Senator Roth. And the reason is they think they know. There's this wonderful saying a friend gave me: "When an old man dies it's like a library burning." The idea that we all have a library up here, a man or a woman, and we can use it to make things better, to serve, especially if serving is an important part of your life, that's an important factor to people. They serve and they may do it for too long.

RITCHIE: Well, can you tell me about some of the things you've been doing since the TARP program ended?

KAUFMAN: The main thing I've been doing is I'm a visiting professor at Duke Law School, continuing to teach courses there. I have taught a number of courses there, and a few years ago Chris Schroeder, a professor at the law school, and I started a Duke Law School in D.C. program where students from the law school come up and work for a semester in the federal government as what they call an "extern." Then once a week we have a class meeting for two hours. I did it while I was in the Senate, too, and it was incredibly helpful. The students have insights into looking at the big picture. They don't get bogged down in the weeds and the minutia. Then I'm writing a weekly column in the *News Journal*, which is the Gannett paper in Wilmington DE, and other op-eds.

RITCHIE: Well, the cashier today at the cafeteria was one of your readers.

KAUFMAN: Yes, talking about that. So I'm doing that. Jack Markell, the governor, appointed me to be co-chair of the STEM Council of Delaware—Science, Technology, Engineering, and Math Education, so I'm doing that. I'm on the board of the Institute for International Education, which oversees the Fulbright Scholarships and a whole bunch of other things. Henry Kissinger in on the board, it's a great board. I'm also on the Ministry of Caring, which is one of the organizations committed to helping the homeless and the poor, women in trouble, all kinds of things. Brother Ronald runs it and it's a great organization, I'm on the board of that. Children and Families First, this is a group that looks after families and children here in Delaware. Leslie Newman runs that, and that's a great organization. So I'm doing that, and then when I get through traveling around seeing the grandchildren, family and friends, it's a good place to be.

RITCHIE: Do you think you might get involved in the 2012 election?

KAUFMAN: There's a good chance that I might be involved in the 2012 election, yes.

RITCHIE: Earlier you said that you were in an elevator with Senator Mel Martinez of Florida and he said to you, "You were 22 years on the Senate staff and 20 months in the Senate. Which was harder?" And you said being chief of staff.

KAUFMAN: Right.

RITCHIE: But looking back now, which was harder? Would you still give that same answer?

KAUFMAN: It's like a balance sheet of assets and liabilities. There's just a lot more fun things that you get to do as a United States senator than you get to do as a chief of staff. One of the great things is making your grandchildren happy. The senators have so many great traditions. The spouses dinners that I talked about. Also before the State of the Union they have a dinner for the senators and a guest, most of them bring their spouses. It's over in the Capitol. It's not a big fancy dinner. They have chicken pot pie and beans. They have tables spread all around the Senate side of the Capitol, coming out of the LBJ Room. When they had the first one, which really wasn't a State of the Union,

it was Obama addressing a Joint Session, because they don't do a State of the Union when a president first gets into office. So they had the dinner, and I took my oldest granddaughter, Ginna, to the dinner, because Lynne was out of the country. We went there and it was really nice. She really had a good time and then she got to go see the president's speech.

I missed one critical thought about it. About two weeks later I was riding down to the White House with Senator Hagen and Senator Shaheen. We got to talking about some elected official who made some incredible gaffe. The person was new to the game, and they were talking about how you learn to say the right thing and do the right thing in politics. All of a sudden it dawned on me, because both of them had been so nice to Ginna. During that dinner, Ginna probably met 20 or 25 senators, and every one of them said exactly the right thing. They all said, "Oh, Ginna it's so nice to meet you. Your grandfather is such a great senator and such a good person. We're so lucky to have him here." Which every grandfather wants somebody to say when talking to their grandchild, right? As I walked out of there I propounded my theorem which is: You can't fool your children, because your children know you too well, but you sure as heck can fool your grandchildren. The senators always say the right thing. Somebody will come back from Washington and they'll say, "Oh, I was down in Washington and I met with Senator Brown, and he was saying what a great senator you were, and how important you were to the Senate."

Another example was my desk. Every senator gets a desk on the Senate floor and I knew the history of the desks. In the desk, senators write—they used to carve but now they write their name in the desk drawer, like you'd carve your name on a tree. It's been going on for years. When I came there, the day I was sworn in, Vice President-elect Biden was there, and Lula [Davis, the Democratic secretary] was there, and I said, "Hey, Lula, can you set it up so I keep Vice President Biden's desk?" And she did. Everything is done by seniority in the Senate. Your office is picked by seniority. It takes forever to get your new office because they've got to ask each senator in turn which new office they want. And your spot on the floor is picked by that. My desk was located in the back, and Lula had gotten me Biden's desk. I looked inside the drawer and Senator Muskie had had that desk. And John Kennedy had that desk, which I knew from Biden's day. But the other really fascinating thing was Senator Joe Clark from Pennsylvania had the desk, and Joe Clark had been the mayor of Philadelphia who hired my Dad to be deputy commissioner of public welfare. So it was a nice thing to have.

What made it even nicer was my daughter Murry, who lives in Detroit, and her husband Matt, and Natalie and Liam, their two children, were going to be in Washington, so I set it up so I could sign my desk while they were there. We were on the Senate floor and got pictures taken. There were so many neat things that you get to do, like meet the Dalai Lama, as a United States senator. Senators work longer hours than chiefs of staff, but as I said before, chiefs of staff have just a great worry factor. For me, absolutely, without a shadow of a doubt, hardly a day went by as chief of staff where there wasn't something stressful happen, negatively stressed. There's positive stress and negative stress, some little thing that didn't go right, things like the weather. It's going to rain and you're supposed to have outdoors party, things you worried about. You just didn't worry about it when you were a United States senator. I found myself as a senator spending very little time worrying. It was stressful just trying to get so much done. You're on the job all the time. But not stressful like it is being chief of staff.

In both jobs you really think you're making a difference—or trying to make a difference. Like I said before it's not making a difference but trying to make a difference. For instance, one of the great things was they had a spouses dinner over in the Capitol because they had found a painting of Henry Clay. It turns out the Kentucky legislature wanted a painting, and this artist came in second so they didn't use his. He took it back to New York, and when they found it, over 100 years later, they were using it for a basketball backboard. They fixed it up and put it up right off the senate floor. Clay is one of the senators whose picture is on the wall in the Reception Room. The dinner was held in the lobby right off of the Senate, because they were going to hang the picture over the stairs leading down out of the chamber to the lower level of the Senate. But that's also where they had the Kennedy Committee—John Kennedy's committee to pick the best senators. So they had the pictures of the senators on the wall. Harry Reid spoke then about the history, and then he said, "By the way, there is one United States senator who is related to Clay, Tom Carper." I never knew that. Here's the thing that was incredible. Carper went over and stood next to Reid, right below the painting of Clay—I'm sure this was totally complete happenstance—and the resemblance! People went, "Oh, my goodness." It was an incredible resemblance.

Then there was the fun of the television appearances. More people talk to me about the Jim Cramer show. Jim Cramer has a show on CNBC. Somehow I went on his show and he started talking about the uptick rule. He was very much in favor of, like I was, of reinstating the uptick rule. We just hit it off. I don't know if you've ever seen his

show but he's an extraordinary showman and individual. Every time I'm on his show, it was just fun, just totally, complete fun.

Another thing that's great is meeting with constituents. I just had a lot of great experiences in Washington, meeting with Delaware groups that came down. I can remember the Realtors, which is basically a Republican organization. After I got finished speaking to them about housing, I got a standing ovation from the Realtors. It was like wow, this is really great. And the bankers—I didn't get a standing ovation from the bankers. We had a deal called "cram down." If you're in bankruptcy, the bankruptcy judge can reduce the principle on any asset that you have except your home. The home owners associations wanted to have a rule that said the bankruptcy judge could also reduce what you're required to pay on your house. The Banking Committee had gotten to it first and called it "cram down," which has a very negative connotation. So the bankers were lobbying on cram down. I met with the bankers and I said, "Look, I am looking for an answer on this. Tell me any reason why a personal home should be treated any differently than any other asset, like a second home or a boat? If you can give me a reason why it should be treated differently than any other one, especially when it disadvantages the homeowner, and it advantages the person who is loaning the money. This is supposed to be about protecting the homeowner." Nobody said a word, but I did not get a standing ovation from the bankers.

What was fascinating about it was after it was over a reporter was talking to me and said, "Here you are voting against cram down, and that goes against the banking community." I said, "Look, Delaware is a banking state, and I'm concerned about banking. It's just in this case no one can explain to me why should housing be treated differently." The reporter said, "Well, I guess you voted differently than Senator Biden, when he was here." They always asked me, "Where were you different from Senator Biden?" I said, "Well, it could be, but I don't know." By God, I went back and talked to Jim Green who was on our staff, he was our institutional knowledge because he had been there for years, and he said, "No, he voted against cram down here." So here was a bill where I thought maybe there was a chance that I voted differently, but hadn't.

One of the things that's interesting that I've watched over the years, I'm sure you've watched it too, and that is what happens to governors when they become senators. It is remarkable how hard it is for someone to be a governor and then become a senator. Of course, Tom Carper was governor, and he's our senior senator, I know him well. Mike

Castle, our House member, had been governor. But there are just loads of governors. I remember one time when we first arrived, I was over in the Senate Dining Room, waiting for someone and Mark Warner was at an adjoining table waiting for someone else, and Mark was so upset with how as governor you could do things and as senator you couldn't. Mike Johannes had been a governor; Jim Risch had been a governor. It's just fascinating to see how different the two jobs are and how they react to the Senate.

RITCHIE: I think it's the lack of control over their schedules.

KAUFMAN: Absolutely. Oh, absolutely. It's all about the lack of control. Obviously, they worked with their state legislatures, trying to get things done. But the fact that as governor they can call a press conference like that [snaps fingers], and get things done like that [snaps fingers]. They're much more in control, to a greater extent, of their environs.

One of the great things, too, about being there are the chiefs of staff annually has a reunion of all the chiefs of staff. They hold it over in the Caucus Room, and they asked me to come speak to them. It was just a great experience, going through what's the difference in being a senator, which I talked about earlier, and some of the firsts. The biggest single question I got—and I got it for two years—was “Why are you not running?” Everybody asked that. It was very nice, but I went through what it was about and I gave my strikers and setters analogy, about how most of the staff are setters and the senators are the strikers. I said, “I'm convinced that any of you could be a good United States senator.” But having those people come by—Howard Pastor just died, who I had known for years, came by a few times to see me, as did Tom Mann and Norm Ornstein. Tom Hughes used to be Claiborne Pell's chief of staff. I used to have lunch with present chiefs of staff. I had about six or seven lunches where I'd invite two or three chiefs of staff over to the office and I'd order sandwiches and we'd just sit around and talk about what they wanted to talk about. What's it like to be a senator?

RITCHIE: I went to one of their breakfast meetings over at the Monocle, and they had it set up so there were two blue tags and two red tags at every table. That meant that two Democratic staff had to sit with two Republicans staff.

KAUFMAN: Yes. By the way, at Homeland Security Committee, the hearing rooms are set up Republican, Democrat, Republican, Democrat. When they had this

breakfast they didn't put down name tags, but they put down that a Republican has to sit here, a Democrat has to sit there.

RITCHIE: It forces people out of that automatic party division.

KAUFMAN: Yes, and as I said when we did the spouses dinners, I ended up sitting at a table with four Republican senators and their spouses.

One of the other things that has fascinated me is the power of the right-wing talk-show, print, television network. One of the things that was striking to me about how the Senate has changed is we had a defense appropriations bill in 2010, and the Republicans pretty much announced that they were going to vote against the bill, and we needed every vote. We thought we had all the votes we needed, but [Russ] Feingold had come and said, "I really am opposed to what we're doing in Iraq and Afghanistan and I really don't want to vote for this bill." Reid had told him, "Okay, you can vote against it." In order to get the bill passed they had to go to Republicans. They went to Senator [Thad] Cochran, who was the ranking member of Appropriations—remember; there were a lot of earmarks in this bill. Cochran got more earmarks than just about anybody. He said, okay, he would vote for the bill, but he had some things that needed to be done. He had required, according to what Harry Reid said, "He said, "Okay, I will vote for this bill, but before you send it over to the House,"—this was right before recess, and they needed the money, Secretary [Robert] Gates wrote a letter saying it was really important to our troops in the field that we get this bill passed, it was really extraordinary for the Republicans to vote against it, in my opinion—but Cochran said, "but there are some things I can't vote for." They literally sat down with Cochran and lined out of the bill anything that he wanted lined out of the bill. They sent it over to the House. The House passed it and sent it back. And Cochran announced he was not going to vote for it. It was in the press. I could not believe it. I always held Cochran in the highest regard, I still do, but I could not figure out why he did that. He had to know what was coming. What happened to do it? It was unprecedented. And by that time you couldn't change the bill back again.

Cochran had gotten everything he wanted out of the bill, and then said he wasn't going to vote for it to pass it. So we had an emergency meeting. Harry called us over. And then we had a second meeting. It started like at eight o'clock at night. We sat around for two hours and people talked about, "What are we going to do about this? How do we

get the votes? How do we prepare?" At the end we were setting up a war room, just the next day if it was voted down. It would have been terrible for the administration, terrible for Defense. It was like one of those great Senate moments—also one of those terrible Senate moments because of how it got there—we were ready to adjourn. It was 10:00, 10:30 at night, and into the room comes Russ Feingold. Russ Feingold announces that he was going to vote for the bill. Talk about applause and feeling good about it. Feingold wound up losing, but I don't think this vote is what lost it for him. But clearly he had done something that wasn't in his interest for the good of the Senate.

Another great caucus story. We were in considering healthcare reform, about three weeks before the vote. There was a group of us that said, "We've got to start meeting at night. We've got to start meeting on the weekends. We've got to send a clear message that healthcare reform is really important." Chris Dodd got up and read a section from Ted Kennedy's book [*True Compass*], where Ted Kennedy had argued while considering healthcare under the Clinton administration that he thought that the Senate should stay in session and really demonstrate how important healthcare was. There wasn't a dry eye in the house. It was absolutely incredible. And in fact we did it, and that's one of the reasons that we ended up being successful on healthcare reform.

RITCHIE: Because of Saturday and Sunday sessions?

KAUFMAN: Yes, because people were shaky, because people faced tough reelections, and people had things scheduled over the weekends. And I think the thing that made it happen was Chris Dodd reading what Ted Kennedy said.

One of the other things that was fascinating to watch unfold, just to show you that things don't get perceived the way they were, I don't know if you remember but we went through a period when Al Franken who was presiding over the Senate, had refused to give Joe Lieberman additional time. Lieberman was on the floor and he was speaking on an issue and he asked for additional time. Franken turned him down. A lot of Democrats were mad at Lieberman at the time; I think it's when he said he wouldn't vote for the public option on healthcare reform. And then McCain just really went after Franken. Afterwards I talked to Franken, and Franken's poll numbers went up and money came into his campaign, and Lieberman's poll numbers went up and money came into his campaign. All this happened. Franken was a hero to the left wing of the Democratic Party: "It's about time somebody stood up to Lieberman! He supported McCain." Poor

Al Franken, and it was in the paper, buried on page 27, but what happened was Harry Reid told Franken before he began presiding, "Look, we've just got to get through all this stuff. Senator Franken, when you're presiding no one gets an extension." Franken was just doing exactly what the leader had told him to do, and was really upset when it happened, but it turned out to be a truly great experience for both Franken and Lieberman.

RITCHIE: It's one of those odd moments that are hard to explain in the Senate.

KAUFMAN: Yeah, like in life. In a lot of ways there's an illusion that we are in control—part of the 12 steps of AA, that you are not in control, but it comes out of a lot of religions, is the idea that you are not in control. You give yourself up to a superior being. I happen to be a very religious Catholic, at least I think I am, and I do believe that if you think you are in control you don't understand the situation, and in certain times you give yourself up to the Lord. But in AA it's give yourself up to a superior being, and I think that's one of the things that's got me through all this, the idea that it would all work for the best. I would try to do the best I could.

I can remember meeting with some senators when I first came to the senate. I had told them, you know, I was never elected to anything. I was never elected home room representative to the student counsel. I never ran and was never elected for anything in my entire life. Never elected captain of the football team. Never was. At almost 70 years of age, all of a sudden to be thrust into this—again, I had so many things going for me, but it was truly daunting, and I must say my religious belief and my faith really helped me through it.

That brings me to another point. One of the interesting things about being a senator was going to the prayer breakfasts. Every Wednesday the Senate has a prayer breakfast. Johnny Isakson, a Republican, and Amy Klobuchar, a Democrat, were the co-chairs for the two years I was in there. The senators come and whatever is said in there stays in there. Senators get up and talk about whatever, most of the time it's about their faith. One senator comes and gives a testimony. It's much more a Protestant tradition than a Catholic tradition. There were a number of Catholics there, but I always felt like it was Protestant. Somebody would give an opening prayer. For the Catholics it's like grace, "Bless me Lord and these gifts we are about to receive, from thy bounty, through Christ our Lord, amen." It's that kind of rote prayer. But in the Protestant tradition it's

“Oh, God, today we are gathered together—” enormous things. Several times I had to do the opening and it was never easy. It didn’t roll off my tongue, and it was not something I was looking forward to doing. And then at the end a number of times I did the close. But it was fascinating to hear people talk about things like this, and see the senators get together. It was the one kind of Senate event that former senators came to regularly. There were a number of senators that came to it. Gosh, the stuff I learned about senators! It goes back to what Joe Biden said in 1973, there’s a reason why they got picked. If you sat in the prayer breakfast—and one of the interesting things is you’re not supposed to talk about what happened at the prayer breakfasts, but clearly, I can talk about what I said. When I spoke, one of the things I talked about was how I really thought that civility was not the problem in the Senate. There was less civility back then, that the basic problems of the country—and Harry Reid was there. And Harry Reid goes up on the floor and in his opening statement says, “By the way, I was just downstairs at the prayer breakfast and Ted Kaufman was saying more people should understand about civility.” So, no, it was great.

There’s a wonderful church [on Capitol Hill], St. Joe’s. I used to go over there to mass at least once a week. There were other senators, Senator Brownback was there regularly. Senator Voinovich was there regularly. But other senators came. In the senate you have people with all different religious persuasions, and people do care about each other. There is a lot of “do unto others as you would have others do unto you.” If you look at the Senate today, and you look at the Senate in history, Caro’s book “Lyndon Johnson as master of the Senate” and the rest of it, there’s a lot less “I’m in charge therefore I can do what I want,” I think, you would know better, but it just seems to me, that while we have problems on confirmations, we have problems on votes, and holds, and things like that, but it is a place where most of our problems relate to the desire of members to represent their constituents, and is caused by the incredible disparity on issues between the parties. The fact that we have gone from landslide congressional districts, which are districts where one party wins by over 20 percent of the vote, 60-40, that’s a big number, we’ve gone from 28 percent in 1976, to like almost 50 percent today, means that there are more districts out there that are homogeneous, not just counting the fact that there are differences on the issues. I think that affects, to a great deal, how members vote, especially on high-profile issues.

RITCHIE: It may be because it’s the smaller body in Congress, but the Senate has always seemed to me to be a more personality-driven institution. It’s not like the

House where numbers count.

KAUFMAN: Yes.

RITCHIE: It strikes me that wherever senators have the opportunity to take the measure of each other's personality, that probably strengthens their connections, and the prayer breakfast is one of those opportunities outside of the regular legislative activities, where senators can see each other as people.

KAUFMAN: Yes, I think that's right, and I think people do. Again, I think it's over-done, this stuff about the senators do not know each other. I think the senators spend a lot of time together, especially with people on your committee, and in the caucuses. Maybe you know more Democrats because you caucus with them. One of the big ways the institution has changed is when Joe Biden was there, he liked to—the Senate Dining Room is great and you go there and you can take constituents and everybody else. But there's another dining room that's for members only. There's a table there where senators can eat together. I don't think I used it when I was there because there was something every day at lunch. There was the Democratic caucus on Tuesday, and then we had the Policy meeting on Thursday. Then you had certain people you wanted to get together with. I had lists. I had lunch with the chiefs of staff. I had lunch with a lot of people I had known over the years. I don't think I had lunch alone in two years. I had a list of people that I wanted to see, and wanted to see me, and lunch is a wonderful way to do that.

But in that room when he was here the senators used to go in and sit around. He had some great stories about different times. There was a large table like they've had in a lot of men's clubs that I've seen—hopefully now they're men's and women's clubs. The Wilmington Club was men for many years, but now it's men and women. There's a big table and men come in and sit down, they don't have to make an appointment, and they talk to whoever's there. They don't do that anymore and one of the reasons is that there aren't many open lunches, all the lunches are organized. So you spend a lot of time on that. I know there were proposals that we have joint lunches with the Republicans and the rest of that. Maybe there's some way to do it. But the problem is you are there from Tuesday through Thursday and you're very busy. But I think the idea that senators don't know each other is false. I was there for two years. I think there were maybe two or three or four Republicans that I didn't get to know very well. Between the Senate gym, and the hearings, and the floor, and different events, if you wanted to get to know all the senators,

you can. It's just like Ensign and Brownback. They called every freshman senator and made sure they had lunch with every freshman senator. You can learn a lot about people. Now, it's just like everything else, there are certain senators for which you just have a personal proclivity, that you get to know them. There's an old inventory model that 80 percent of your sales come from 20 percent of your products. I'd say 80 percent of your time is spent with 20 percent of the senators. But on the Democratic side, there wasn't a Democratic senator that I felt I didn't know pretty well after being there for two or three months.

The Senate is such a welcoming place, not just for the senator but for the senator's spouse and family. It's like it used to be in the '70s, and before that, that if you were an officer in the military and you were transferred to a new base, when you showed up at the base, you were immediately accepted as an officer and a gentleman, that was it. And without a doubt, I would say the Senate is that place. The day you show up in the Senate, you are accepted and you're trusted, and that's it. It's an extraordinary institution. So it is like a club but it's not a stuffy club like people talk about it. What is it supposed to be? The most—

RITCHIE: The most exclusive club.

KAUFMAN: The most exclusive club. Well it's not like any exclusive club I've ever been around. It's a very unstuffy club, but a very welcoming place. I believe in terms of civility and personal relations, there's no one in the Senate that I do not believe I had a civil relation with. And I didn't see very many others. Now, again, there are individual senators who will say, "I wish Senator X wouldn't do what he's doing." How does that translate into "I hate so-and-so's guts"? That's a different story.

RITCHIE: Well, I think we've really covered the waterfront.

KAUFMAN: I think we have.

End of the Eighth Interview

Photo on the following page:

Senator Kaufman with President Obama and Vice President Biden in the Oval Office



Ted - Thanks for the extraordinary work!

