

## **THE DESK IN THE WELL**

### **Interview #2**

**Thursday, April 30, 2009**

**RITCHIE:** The last time we talked about the '70s, when you came to work in the cloakroom, and were just beginning to talk about the '80s. I thought a good place to start would be when you made the move from the cloakroom to the Democratic Policy Committee to the floor staff. How is it that the Democratic Policy Committee has a floor staff? What's the structure there?

**PAONE:** That's a good question. Policy committees were set up by a Reorganization Act—I think it was 1947 or somewhere in there—that established the two policy committees for the two parties. The Republicans have always had more of a bifurcated leadership operation, where they actually had a separate Conference chairman and a separate secretary. Well, we always had a secretary of the Conference that ran things, but ours was more concentrated in a leader, especially Senator Byrd. He kept the chairmanship of the Democratic Policy Committee as one of his positions and realized that this could be a very helpful adjunct to any leader with material and with staff that could help you with various issues like foreign policy, domestic, economics, etc., where they had experts. When I was there it was a little bit different than the way it is now. They would put out these policy papers, so to speak, and they would do in-depth summaries of the legislation that was going to come up on the floor. It got to the point where their summaries were so good that a lot of the legislative staff—this was in the days before the Internet when you couldn't get that instant gratification on getting information—a lot of the legislative staff in these offices came to rely heavily on these summaries. It was a whole lot easier having somebody over at the policy committee take a big bill and a big green book or a big white report and digest it and put it into an eight or twelve-page single space summary. A lot of people relied heavily on that.

I don't know how Mansfield did it. I think Mansfield may have only had one or two people out there. Each leader obviously wants some people out there on the floor to keep an eye on things while they're back in the office, so Senator Byrd had a floor staff operating under him. We had an office, and still do, in the Capitol Building right down at the bottom of the steps from the chamber on the first floor across from the Foreign

Relations Committee room in the Brumidi Corridor. When I moved from the cloakroom, I had to move my stuff downstairs. I got a desk downstairs. There were three of us at the time. It was Abby Saffold, Charles Kinney and myself. Abby ended up becoming, years later, the Democratic secretary, secretary for the majority, in January of '87 after we took the Senate back in '86. Anyway, we were the three floor staff and we would alternate two of us on the floor at all times. One would take a break downstairs to be available to answer questions that people had when they called in as to what was going on or trying to clear a piece of legislation or put a "hold" on something, what we would call "consults," and that sort of thing. Plus you needed a break every now and then. It was good to get off the floor after awhile.

**RITCHIE:** What did you do when you were on the floor?

**PAONE:** You kept track of what was going on. Whether you were in the majority or minority, you had Democratic senators managing the bill, either the ranking member or the chairman. Or you'd have a Democratic senator with an amendment pending or somebody whose turn it is to speak in morning business. You would just make sure that as they came in they knew what was going on, helped them work out with your Republican counterparts a speaking order. Sometimes if there were more than a couple of them out there waiting to speak, you could help them. If you didn't arrange the order yourself, you would tell them, "Well, why don't you go over and talk to him? He got here first, but if you've got a committee meeting to go to and you're in a hurry, he might let you go." And try to put them together and let them resolve it themselves.

Then if they had an amendment they wanted to offer, you let them know: Is there an amendment pending? Which part of the amendment tree you want to use? Is the chairman with you? Is the Democrat who's managing the bill with you or are they going to be with the other side? Are they going to be opposing you? You'd help make sure their amendment was drafted properly. Make sure you let them know that, okay, there is an opening now that you can offer, or there isn't an opening and you're going to have to wait. Or if there was an opening: Yeah you can offer it to this wing of the tree, but if you get to vote and you win, you're going to need to redo this later on because that side of the tree is going to be eliminated when the substitute is adopted. So, sometimes just getting a vote was enough if they knew that it was a Don Quixote-like effort. But if they were really serious, then they might want to wait and go to something else.

Or you suggested: Look, have you talked to the chairman or the ranking member? Have you tried to clear your amendment. You know, you catch more flies with honey than with vinegar here, so don't just walk in and blind-side the guy. You make sure you suggest to them: Have you given copies of your amendment to the staff on both sides of the aisle? Are you trying to get this thing cleared? Maybe they have some helpful hints for you, that if you can make some minor changes they'll agree to your amendment. Things like that and suggestions you can make to help them move it along and to help them get what they want accomplished. Or if they just wanted to come over and they were vehemently opposed to the bill and they were determined to camp out there and fight the bill, then you'd help them fight the bill. But by the same token, since you worked for all the Democrats, you'd make sure they knew, "Okay, I'm going to help you, but I'm also going to let the chairman know what he can do to try to move this along. So there's no secrets here. I mean, you're going to be able to do (x) and he's going to do (y) and it's just going to come down to how this works out." So it wasn't a matter of if I'm helping you I'm not helping him, because you helped them both.

The other major part of it was if it came to a vote, you wrote up a synopsis of what they were voting on. I don't know if we covered that the last time or not, but that's the most important aspect of the floor staff, quite frankly, because members at any given time are in their offices, committee meetings, or at appointments. You may only have four senators on the floor, or three; two bill managers and one person offering an amendment, and one in the chair. If there's a vote on that amendment, you have to write up a synopsis of the amendment and in those days, before we had the computer out there, we used white lined paper like that, and we used black flair pens. We printed in big large script so that people standing above the desk could read it. You would have to try to put down on an 8.5x11 sheet a synopsis of what they were voting on, which sometimes wasn't that easy if it was a fifty-page complicated amendment.

You had to listen to the debate, listen to their opening statements, listen to the opponents, and then you would take a stab at it. Maybe if you had questions, you would go talk to the staff of the senator who offered the amendment, and the committee staff if they were opposing them. And the most difficult part of it was in doing an objective write-up because the person obviously pushing the amendment would think their amendment was wonderful. If there was a Democratic manager opposing the amendment, they'd think it's horrible. Each wanted descriptions skewed in their favor and you'd

have to try to explain: "All we're going to do is say what does your amendment do?" So you'd take a stab at it, you'd bring it up and show it to the staffer. The staffer would sometimes approve it. You'd go down and then show it to the opposing manager and their staff would want to change it but you'd say, "Well, yeah, but doesn't it do that?" They'd have to admit it does, but they'd also say, "Yeah, but it also does this." I'd say, "Well, where in the amendment does it do that?" They'd show you in the amendment. So, okay, we would make maybe that addition and we'd go back to the original staffer and say, "Well, your amendment also does this, so we're going to mention that." Sometimes we'd go back and forth on how you'd mention it so that it was at least as objective as possible.

Then sometimes you'd show it to the member himself or herself and they would get mad and say, "That's a lousy description of my amendment." Then you just look at her or him or whatever, and you look at the staffer and say, "This is what your staff has cleared." They'd say, "Oh, they have!" Then they'd want you to put in something that was totally based on assumption of what the amendment was going to have—the impact of the amendment. That's when you'd have to do your "Excuse me, Effendi, but in my humbleness I don't see that in the amendment. Can you show me where it does that?" They'd look at you, and look at the staffer, and the staffer would roll their eyes, and they'd say, "All right, leave it alone." But you could say, "If it's in there, I'd be glad to put it in there if you could show me, but I couldn't find that." But you had to do it in a way that you didn't—because you were going back and forth and you wanted to write an objective and honest appraisal of it—but you didn't want to editorialize. This is what people run for reelection and get defeated on sometimes, somebody writing a thirty-second commercial on what they voted for and describing what that vote was. These voting descriptions, "write-ups" we call them, they would be sent over afterwards to the Democratic Policy Committee and that's what they used for their vote descriptions when they do their voting records.

So that was the most difficult aspect of it because sometimes members would come in with all these stacks of letters from, well, the American Banking Association, or the American Medical Association or the NRA. "I've got all these people that support my amendment." They'd want to put those sheets on the table and we'd have to tell them, "No, we can't do that. The only thing that goes on this table is what we write—our description of your amendment. If you want to stand in the well and hand them out to your colleagues, that's fine." But we couldn't let them, because otherwise you'd lose that

battle immediately if you started letting people just put what we'd call propaganda on the desk in the well on a vote description. It would be chaotic. So we would say, "You can hand them out to your colleagues if you want." Or "We'll put them out as "Dear colleagues," if you give us a cover letter, on everybody's desk. Well, we didn't put it on the desk when they walked in to vote because it would get too confusing.

The Republicans did it differently. That's why sometimes they would have two different competing vote descriptions on their desk. They would let the author of the amendment's staff write their description and then if the Republican opposed (and they still do this) the amendment, the Republican manager's staff would write their description. They'd have the "glass is half empty" and the "glass is half full" right next to each other, and so sometimes you'd have Republican senators drift over to our table to see how we're describing it, knowing that we would do it differently. Sometimes we would just laugh out loud. We'd go over and if there was not a double write-up over there but there was, say, like "a Wellstone amendment," sometimes that was all they needed for a description of an amendment on that side of the aisle. Just like we didn't need much more than "a Helms amendment" description. But their description of what the amendment did was often so—in our opinion—skewed. And I'm sure they thought ours were too. But we would have some fun with each other on those.

**RITCHIE:** You mentioned that you were at the desk in the front, those two small desks that are down below the—

**PAONE:** In the well.

**RITCHIE:** Were you there all the time or just during a vote? How did it work?

**PAONE:** No, one of us tried to be out there. If you weren't sitting there, you were in the back of the chamber answering a question of a staffer, because staffs are not allowed in the well. If they needed you, you would tell them, "Catch my eye and I'll come to you." You'd go up to them in the back of the chamber and answer their questions or help them with their amendment or show them where in the bill it should go or whatever and try to help them out. So you were always out there on the floor, at all times, whether you were standing in the well or sitting in the well, sitting in the back of the chamber talking to a staffer, or occasionally sitting in the corner at the roll top desk

there. We tried to at least have one staffer on the floor, and then the other one could take phone calls if somebody was calling. But you tried to at least keep one out there at all times so that if somebody walked in on their own and said, "I ask unanimous consent to call up this bill," you would have somebody out there to go to a senator and say, "Could you, on behalf of the leader, please object to that consent." So you always wanted to have somebody out there at all times.

You also wanted to try to keep a senator out there at all times, especially if you were in the minority because if you were in the minority you didn't have the chair. If you were in the majority, you got the chair as a last resort. The chair can in their capacity as "senator from x" object to something. You don't want to have to use him if you don't have to, but if you have to you can for that. If you were in the minority and you didn't have a senator out there for much time, then you started to feel naked. You wanted to know: Have we got somebody coming over here to give a speech? Where's my bill manager? Or you start leaning on their staff and saying, "He's got somebody coming to replace him, right? We need somebody out here." Because Senator Byrd did not like coming onto the floor and seeing that you had nobody out there--no Democrat to protect the rights of the minority--and for good reason. I mean it was rare that you needed somebody, but you didn't want to have to deal with the aftereffects. You'd rather be proactive and say, "Okay we're fine. We've got somebody if something happens."

**RITCHIE:** Did you feel, while you were there, that you were working for Senator Byrd, the leader? Or did you feel you were working for the whole party?

**PAONE:** Both. You were definitely his eyes and ears out there. Your job was to try to make sure that the trains ran on a schedule that he set and to try to help move that schedule along to the best of your ability. You know, get time agreements on amendments and try to bring the bill to a close. But should you have a member come in who opposed the bill, even if he was a Democrat, you were not restrained from giving him whatever advice you could to exercise all his rights, to defend his rights, and to act for his constituents. So it was a little bit of both.

**RITCHIE:** But if there was a conflict between the two, you were more attuned to the leadership's concerns?

**PAONE:** Well, you had to be attuned to the leadership, but by the same token, Senator Byrd knew that yes, if somebody asked you a question, obviously, you didn't reveal to a member any secrets of (even if it was another Democrat) of the leader's thinking, of his plans if he had some. Especially Senator Byrd, if he had some parliamentary idea in his mind of how to get out of a problem, be it caused by a Democrat or a Republican, you didn't reveal such import to the opponent. By the same token, Senator Byrd knew you were going to tell them, "Yeah, you've got to stay on the floor. You need to be active here to defend your rights. If you want to oppose this, it's your job to be out here." And explain to him what was the best thing he could do to defend himself.

**RITCHIE:** When you were part of that floor staff, did you have regular meetings with the leader?

**PAONE:** Oh, yes, every morning.

**RITCHIE:** Every morning?

**PAONE:** Yes, and then he would come in regularly throughout the day on the floor and want to know how it's going.

**RITCHIE:** So what would be a typical morning meeting with the leader?

**PAONE:** Well, it wouldn't be just you. It would be other members of his leadership staff: his chief of staff, staff director of the Democratic Policy Committee, the press person if he had a press conference scheduled for later that day to go over the Democratic message for that day. The relevant policy staff. Say you were doing a defense authorization bill, you would have people that dealt with defense matters. You'd also probably have some people that dealt with foreign relations matters, because often those bills would be magnets for something like that. Or you could have a defense bill up with an agriculture amendment pending and you'd have that person there too, which was, you know, one of the beauties of the place. So you would have this room full of relevant staff and then you would be the so-called "floor person" that would help him if he needed any—not that he ever needed any help—but be there to remind or to lay out the schedule. What consent agreements are we operating under that we got last night? What is the line-

up? We're coming in at "x." We have morning business until "y." At that point we'll begin this amendment under so much of a time agreement if there was one. When to expect a vote, and that sort of thing.

**RITCHIE:** So you went over the script, essentially, for the day?

**PAONE:** Right. Right. What we had already lined up from the night before. Then he might discuss where he wanted to go, where he wanted to be at the end of the day or at the end of the week. How are we going to bring this bill to a close? Each leader was different like that. With [George] Mitchell you would start on Monday, if not, Tuesday morning, figuring out what type of consent are we going to get on Thursday night in return for no votes on Friday to get this bill done—because plane tickets on Friday was often (and still to this day) one of the majority leader's best weapons in garnering an agreement on finishing something up. Members would much rather be here late on a Thursday night in return for no votes Friday.

**RITCHIE:** So they'll cut some slack in other words on Thursday nights?

**PAONE:** Oh, yeah, you might start the day with twenty-five possible amendments that people have indicated from the hot line that you put out that they still want to offer to this bill and by seven o'clock you've still got twenty of them left. And by 8:30, it's down to six, and by 9:00 there's two left. You would make sure that the word would get out, especially with the minority if you were in the majority, that you would make sure that you'd have the leader stay for the record so that everybody would hear that there's no reason to be here tomorrow if we can finish this bill up tonight. That's when you knew that their members would be calling their floor staff saying what's the story? Are we finishing this bill up tonight or what? Why would we be here tomorrow? Leaders and managers also would become a little bit more amenable to maybe adopting an amendment or two that they knew they would be able to work out or they would deal with later in conference with the House side, because they didn't want to be here the next day either.

**RITCHIE:** A large part of this always depends, of course, on whether you have the votes or not. Did you get involved at all in counting heads?

**PAONE:** Not so much in the floor staff aspect. I mean, I did later on as assistant secretary and secretary of the minority and the majority. You would—in the sense that if you knew it was going to be a close vote and you were talking to people who you knew were borderline or talking to their staff—you would pass that information on to the leader so that he could then talk to them personally and say, “Look, we know you could have a potential problem with this one. The staff is saying this.” It didn’t matter whether it was Byrd, Daschle or Mitchell, they would then just pick up the phone or talk to them. Or sometimes you would overhear this conversation or the members would talk to you during the vote and you could grab the leader during the vote and put the two together and tell him, “Look, so-and-so over here has got a problem. You need to talk to him.” Often he would take him out and go talk to him in the chamber or go talk to him in the lobby or in the cloakroom and try to work it out.

**RITCHIE:** Earlier, you mentioned the word “hold” and you gave it air quotes. I wondered why. What was your relationship to holds in that period and what’s your feeling about them?

**PAONE:** It’s the same as it is now as it was up until when I left. “Hold” is only—we would try to counsel people to be careful in using that term in the sense that a hold is only good as long as you’ve got a member willing to go out there and debate the motion to proceed or to filibuster the nomination if it’s a nomination. Just because you’ve said “I’m opposed to this” doesn’t mean that it will never come up, whether you’re a Democrat or Republican. Do you know what I mean? You could have a situation where a chairman of a committee comes to the majority leader and says, “I really want this bill. I think it’s an important bill. I reported it out of my committee and so-and-so has a hold on it.” But if the leader agrees with the chairman that this is an important bill, he says: “I want to call it up.” Then he would just tell the floor staff, “Inform senator so-and-so who has a hold on it that we’re going to go to the bill tomorrow and if he wants to be here to object or to debate the motion to proceed then that’s his right.” So you can see where the hold didn’t keep the leader from going to it.

Now the hold can become more important or more effective in the closing days of a session or before a recess. If somebody’s trying to get something done before the Senate goes out for that time period, then the leader doesn’t have the time to file cloture or wait two days for a cloture vote on the motion to proceed, wait for thirty hours to get on to the

bill, file cloture on the bill, wait two more days and have a cloture vote on the bill and then you have thirty hours for final passage. As you can see, that takes some time and if you're dealing with multiple other pieces of legislation that you're trying to get passed, particularly near the end of a Congress or the end of a session, then obviously if there's a hold, then that's enough to say, "Okay, we'll deal with that at another time or maybe that won't get done."

**RITCHIE:** So holds steer the leadership into areas that are less controversial, that they have a better chance of bringing up?

**PAONE:** If there's a time crunch, yes. If it's something that's important that the leader wants, then they make time and they'll find the time, whether utilizing Mondays, Fridays, weekends, whatever. That's why we would always warn staffs that what people refer to as "holds," we call "consults." There are different variations of the "consult": that I want to be notified, or I'd like to offer an amendment to this if it does come up, or I'm going to fight it to the death. As far as we're concerned, they're all "consults." We'll let you know when this thing's coming up. You can decide then what your appropriate actions will be. And that's how the situation is now.

Before I left we put in a new section in the back of the calendar on holds because people were criticizing the aspect of so-called "secret holds." Well, in my opinion, you have a right to snag something in order for you to get more input on how does this affect your state. Sometimes that takes a few days or a week to get a response back. Does this water projects bill—you know, if you're not on that committee and this bill came up cold, and a lot of things that sometimes are snagged, it's not something that you think is going to require floor time so it doesn't get a lot of press, it's just something that came out of committee. We'd run a hot line from the cloakroom saying that the leader wants to call the bill up, wants to take it up and pass it with two or three amendments and that would be it. That might be the first time somebody had heard of the bill and say, "Well, wait a minute. It's a water projects bill. I've got the Mississippi running through my state. I want to at least check on it. Or it's a water projects bill and I've got a major city that is about to do a huge bond issuance to redo all of its sewer system. Is there something in here that could help us? Or does it hurt us? Is it going to make my bonds cost more?"

For that type of research they need some time to get that information from the relevant people back home who can advise them. So the attitude was, you should have a right to get counsel without being fingered to the so-called "special interests" downtown that you have a quote "hold" on the bill. Then they turn loose all the various interest groups who are in favor of the bill criticizing you and inundating your office with email and phone calls, when in the end you may not have a hold on the bill. You just are wanting time to see if this bill impacts your state. If it does, you might have an amendment that improves the bill or just makes a slight change so that it becomes more palatable to you. They give us the language, we tell them to go to the committee staff, majority or minority. They look at it and they maybe have some suggestions. It goes back and forth. It takes time.

By then, though, it's not a secret anymore, because the Senate being the village that it is, once you've gone to the committee and you're trying to clear your amendment, it doesn't take too long for everybody to know, "Okay yeah, it's being held up because so-and-so has an amendment. Well at least, yeah, he's got an amendment." There's a legitimate argument here. The guy's trying to clear his amendment. He's not trying to hold the bill up just to be ornery. That's why with the hold we tried to steer a middle path in the reform that they instituted. You have so many session days, I think it was, in which you could, if the leader or somebody on behalf of the leadership objected to something coming up on the floor for you, you had so many days prior to having to have your name printed in the back of the calendar that you were the one that they objected for. It gave you that time to get that research. It was only if there was an objection raised on the floor, because things could stall in the cloakroom for many myriad reasons. You might not be the only one, you know. It could be seventeen people had called in on that hotline. So there's no reason to have everybody have to put their names out there when there's obviously a major problem with the bill. I saw no reason that you have to finger everybody.

The place is a public body. It's a public legislative body. What gets done gets done out in the open. How it gets done is the business of the members and their staffs. And you know, you have to be able to negotiate with people and you know that your word is good and people remember that if you start doing it--negotiating--and your word isn't good then you won't last long up here. So that's why the so-called "hold" aspect of the

new reform, it did require people to surface but it also gave them time to try to get research.

Now there's a yin and a yang for everything in this place. Obviously, and I told them when we were first doing this, I said, "Whatever we're going to put together here there's going to be some other way around it." Unless you're going to completely open up all backroom negotiations and everything to a TV camera here, there's going to be ways. You can have somebody say, "Okay, I've got a problem with the bill and they object on my behalf. I've had my six days. Now I notify the leader that I'm okay. I no longer have an objection." But then somebody else can object and it starts another six days. And so we're just back to what they call a "rolling hold." Well, that's just the nature of the beast. But this place being the village that it is, sooner or later they're going to find out who's holding it up or why they're holding it up.

Sometimes you would have a situation where somebody's running and it's an election year. It's October, you're three days from going out and you'd have somebody coming into the cloakroom and say, "Well, why can't we pass this bill?" You'd just look at them like, "You're kidding, right? Look whose bill it is. Are they running or are they not running?" Like, "You don't think there's a reason that somebody put a hold on this bill at three days before we're going out and two weeks before the election?" Now granted, a lot of stuff still would get done whether running or not, but I'd say that happened in like less than one half of one percent of the time. Otherwise, if there was a hold, there was a substantive reason for it and people were usually trying to negotiate a problem and work something out.

**RITCHIE:** I've heard stories that, back in the '80s, Senator Howard Metzenbaum used to have regular holds on any tax bills because he wasn't on the Finance Committee.

**PAONE:** Well, it wasn't because he wasn't on the Finance Committee. That might have had something to do with it, but he knew that tax expenditures—tax breaks—were a way of giving away a lot of taxpayers' money to so-called special interests, in his opinion. One man's tax break is another man's tax expenditure and somebody sees it as this is going to create jobs in my state by allowing that company more revenue. He might see it as this is a waste of money giving it to a company that doesn't need it. We had a standard policy of clearing tax bills with him. We would have on each bill, each

description on how you cleared a bill, you would write on a sheet: You'd start with committee of jurisdiction. You would have hotline. You would have whatever individual senators may have notified you on the marked calendar that before this bill comes up, I want to be consulted. You would also write in what senators maybe answered the hotline and said, "I want to look at this. I might have an amendment." You'd have the Budget Committee who would have to make sure it's not spending money or there's no point of order against it. And then at the end would be the leader, and right before the leader we'd have Metzenbaum. Because, basically, he decided I want to clear everything.

To his credit, he had his staff—and he had a very good staff—especially in the closing days of a Congress where it was obvious that a lot of things get done, you would pass sixty, seventy bills a day and all of those had to be cleared through the same laborious process—but he would have somebody over there as sort of the point person for their operation. He took it upon himself to hire enough staff to cover all issues. So, he might have the one person over there, but that person, we would give him a copy of the bill and the amendment and if it was a very big one and we couldn't xerox it—and again, these were the days before the Internet—they would call over and have like, "Okay, it's a tax bill, send the tax guy over so he can look at it." He'd sit on the floor and look at it and he'd give us a yea or nay or he'd say, "Well, why is this in there? Somebody's got to explain this piece to me." Then we would call whoever's amendment it is and tell him, "Come on over here. You've got to explain it to Metzenbaum's staff." Put the two together. Depending on the description, that may be enough. They may go back to Metzenbaum. Metzenbaum may say, "No, I want that out." Or, "I want it changed." There would be more negotiation and it might change. It might not. But they knew that they weren't getting their bill done if Metzenbaum didn't sign off. He didn't care if you got really mad at him and whatever, it had to be done. Like I say, a very good staff and they would clear every bill. It wasn't just tax bills. It was every single piece of legislation that we would pass near the end of the session. We would call them up and say, "Okay, it's time to energize your operation again. You've got to start sending somebody over here again to sit on the floor, because in the next couple of weeks we're going to be doing a whole lot of bills everyday."

**RITCHIE:** Did anybody else ever do anything like that?

**PAONE:** No. Senator [Paul] Wellstone tried, or occasionally would, you know, insert himself and want to check-off various bills, but nobody to the extent that Metzenbaum did.

**RITCHIE:** And if he found something objectionable, there were tactics he could use then, to make sure that—

**PAONE:** Well, he would just object. He would just say, “No, I’m not going to clear that bill.” And like I said, that’s when a hold can have impact because, you know, you’re within a week or two window of ending the entire session and the leader doesn’t have time to try to start the cloture process to get a bill done. If you wanted your bill done, you’ve got to clear it with Metzenbaum. It got to the point where staff and members knew that ahead of time, so this didn’t come as a surprise. We would tell them ahead of time, while we were talking to them as the process was going on, “Have you cleared this with Metzenbaum so that it’s not just they’re getting it cold on the floor? You should be working with them now.” Eventually, that line of thinking sunk in and people would do it. They would pro-actively go to him just like they do now with the Budget Committee. More and more, people realize, “Yeah, I’ve got to make sure my amendment doesn’t have a point of order against it under the Budget Act and I need to make sure this is okay. They would constantly be funneling stuff through the Metzenbaum operation. So that way, when we would be trying to clear it, then we could call up and say, “Yeah, we’re okay with that one.”

**RITCHIE:** You mentioned earlier the expression, “marked calendar.” Could you define that?

**PAONE:** There’s a legislative calendar and it’s printed every day in the Senate that lists all the items that have been reported out by committee or have gotten to the calendar by a process called “Rule 14,” which is a way of bypassing a committee that any senator can avail himself of—it takes two legislative days. The importance of it is that the majority leader cannot move—anyone can make a motion to proceed, but it is the prerogative of the majority leader—but he cannot move to proceed to an item of legislation unless it is on that calendar, and it has been on that calendar for one legislative day. So we would keep a marked calendar and people would call us or they would write letters—they would call but we’d also ask them to back it up with a hard copy so that we

would have something to keep track of for our files, because we kept a file of every senator and whatever information they transmitted to us on legislation. We would keep an oral notification sheet, and we would write it up: on this day so-and-so called about this bill and they want to be notified. What's their problem? They want to be notified before it comes up. They have an amendment they want to offer, or sometimes it's as simple as make sure they know when it's going to pass because they want to put a statement in the record when it's passed.

Like I say, it could range from hard objection to make sure and let me know because I want to come down and give a statement. And so we would keep track of those notes. For a bill that was on the calendar, we would mark them on the calendar and then we would keep a master marked calendar down in the Policy office, Room 118. We would keep it with us up on the floor, a copy of it with us, so that if sometimes somebody would go to a leader in the well and say, "Why can't we move this bill?" Then the leader would look at you and you'd go look at the marked calendar and you could tell them, "Well, you've got three consults on that bill right now," which means that there are three Democrats who have notified you they've got a problem with the bill. Depending on if it was senator to senator or the leader might say, "Well tell me who they are." He might tell that senator and he would tell them, "Go talk to them." But sometimes, members might be in the process of researching and they didn't want to be outed. So usually it would be, if it was just us and the member was talking to us, we'd say, "Well, we've got three people who are having problems. Let me talk to them and see if they are willing to contact your office and let you know what the problem is, if they haven't already." Then you need to let them know that, "Okay, so-and-so is trying to move this bill and he wants to know why it's not moving. He wants to know who has the problems with it and you should be aware that we haven't told him yet, but if he elevates this to the leader level, you're going to be outed here, sooner or later. So you might want to be prepared."

Like I said, the place being the village that it is, eventually it all comes out. And that's what the "marked calendar" was. You'd keep notes in the back of the calendar on items that hadn't hit the calendar yet, that were still in committee, because sometimes people would call you with notifications of: "This bill is in committee. I want to be notified if this bill ever comes out of committee. Or if it's ever offered as an amendment to something, I want to be notified." So you have to keep track of all that.

**RITCHIE:** Did the Democrats keep one marked committee calendar and the Republicans keep one?

**PAONE:** Oh, yeah. They had their own.

**RITCHIE:** Same type of—

**PAONE:** Yeah. And they were kept like a tabernacle from each other.

**RITCHIE:** But there was no sharing of information between the two sides?

**PAONE:** No. No.

**RITCHIE:** I guess that was internal party planning.

**PAONE:** Correct. Yes. That was their confidential marked calendar and we had our confidential marked calendar. And that's how it is to this day. That hasn't changed.

**RITCHIE:** But do you notify the other party that people in your party have a consult on something?

**PAONE:** The only time you notify the other party is if you're in the minority, and the majority comes to you and says "I want to call that bill up." You say, "Well, I can't do that. I've got a problem with it." Then they'd have to decide, "Okay, do I want to do this?" Every night we would go back and forth. Depending on who the majority is, you would give a list of items on the calendar to the other side—you'd give them the scrips—"These are the bills we're trying to clear. These are the amendments with them." And then you would go sit down with them at the end of the night and say, "Okay, do you have any of these things cleared?" "We do." And he'd say, "Well we have them cleared. Do you have them cleared?" They would say yes or no for some of them. And some of them, if it's gotten to the stage where negotiations are still ongoing at the committee level trying to clear somebody's amendment, then you knew what was going on. With others, they would just say, "No, I can't do that one." Then it's like they're not going to say why and you wouldn't ask them why.

Sometimes you'd do a little dance. Like, "Well can you not do it because somebody's not here? Or are you waiting on a statement? Or is this a real problem?" And you'd go back and forth with your code words to try to find out what's the level of the problem there. By the same token, you'd go back to your committee staff director and say, "Look, it's not moving. You should talk to your minority staff on the committee and see if they can find out"—because most of the committee staffs work well with each other across the aisle and oftentimes they would be able to find out better and get back to you and let you know, "As far as we know it's so-and-so who has a problem."

**RITCHIE:** I wondered about floor amendments. Did they more often come from people who were on the committee but lost a vote in the committee or did they come from people who are off of the committee altogether but want to be part of the action on a bill that's coming up?

**PAONE:** Well, it's a little bit of both. You would see both because you would see stuff that people would hold back on at the request of the chairman asking them to, in order to expedite this through the committee, "Can you wait for the floor?" Sometimes even waiting for the floor, they would get it worked out and then it would go in what we call a "manager's amendment"—an amendment that encompasses several amendments that would be cleared by both managers and we would do it by unanimous consent. But others, they just say, "No, I just can't clear. There's no way I can clear that. You're going to have to offer it and we'll see what happens with a vote." Then you also would have people who were not on the committee who were like, "Yeah, this is a big interest to me. I want to be involved here and I'm going to offer a handful of amendments."

**RITCHIE:** And then there are the amendments that are designed to sabotage the bill or to be an alternative or a diversion.

**PAONE:** Oh, yeah. If you didn't like the bill, then you might offer amendments that are totally unrelated to try to bring the bill down. Or you might try to steer it. Like for instance, you might all of a sudden offer something that was extremely difficult for the other side to vote against. Case in point, the D.C. Voting Rights Bill that they added the gun amendment to. I think it was [John] Ensign who added it in because he really did care and he feels that rule is a bad law and they should repeal that law before they get statehood. But whether he did it intentionally or did he really believe it, it had the effect

of slowing it down considerably in the House and it was no way that members over here could vote against it, or wanted to vote against it. So it was passed. The smart ones will offer amendments not necessarily on the subject matter that you know the majority is going to roll you on, but something that is very, very difficult to vote against. That's where you end up with what is called "cover votes." The majority will then say, "Okay, well we'll vote on that, but you've got to vote on ours first." So you give your people a chance to vote for something before you ask them to walk the plank and vote against theirs. That really became in vogue with Helms-Kennedy amendments.

**RITCHIE:** What do you mean, "Helms-Kennedy amendments?"

**PAONE:** Well, Senator [Jesse] Helms would always have these amendments that were socially-based, whether it be gays or morality-type, you know, [Robert] Mapplethorpe, NIH [National Institutes of Health] amendments. Often it would be [Edward M.] Kennedy who would be opposing them. If we were in the majority, he'd second-degree 'em. You'd say, "Okay, fine, he's going to second-degree 'em," but Helms would say, "Yeah, but I'm not going away until I get a vote on my amendment." Even though if you offer second-degree and it strikes all of the first-degree, you wiped them out. But once that second-degree is gone, that second-degree slot is open again and he can then re-offer his amendment to second-degree, and he's then going to get a vote. But what happened was he gets the second vote under that scenario. So rather than go through that dance, what we did was we constructed what we called "side-by-side agreements" where even though you've offered your amendment first, we in the majority have a right to second-degree you and get the first vote. "Rather than go through all that and have you come back and re-offer, why don't we get a time agreement on your amendment and our amendment? This is what our alternative will be. We'll debate them both concurrently and we'll have two back-to-back votes with our vote first and your vote second." That is, to this day, the side-by-side motif that they still use.

The down side of that is if it's a really difficult issue that people don't want to vote against, you'll end up getting a vote for both. Because it's not a second-degree anymore, because if it was in the second-degree, it would still be that you could vote for both in the sense that you could vote for it, depending on how the second-degree is drafted. You can have a first-degree pending and the second-degree comes in and wipes it out. So now the first-degree is amended with the new language, say a new Kennedy.

But Helms could come in with the exact same language and just have it written at the end of the amendment to add the bulk. So he's not wiping out Kennedy. So you can't make the argument "Don't vote for Helms because you wipe out Kennedy." It's an add on. And the same holds true with the side-by-side. You end up saying, "Well, this doesn't wipe out Kennedy. I voted for Kennedy, but I can still vote for Helms, too." It's like the old t-shirt used to say, "Shoot them all and let God sort them out." It's like, "I'm going to vote for them both. You guys work it out in conference, and we'll see what comes back when it comes back from conference with the House, how you guys decide it later. But I'm not walking the plank on this one." And so that side-by-side is still in effect today.

**RITCHIE:** So if you send two contradictory amendments to the conference committee, they have to choose between them essentially?

**PAONE:** Right.

**RITCHIE:** What about tabling motions? Is that used as a device also to get around controversial issues?

**PAONE:** No, because that's a very direct vote. Maybe fifty years ago a tabling vote might have been construed as a parliamentary procedure or indirect vote. But for many years, since the '70s at least, if not longer, it's been viewed as a direct vote on the issue. It's not indirect. If you're tabling something, it's the same as voting against it. It doesn't buy you any cover. The advantage of tabling is you don't need a time agreement, because a tabling motion is non-debatable. So if you can't work out a time agreement with the person who has the amendment, you say, "All right, fine. I'm just going to tell you that at some point I'm going to move to table and we'll vote then." Sometimes whoever was managing wanted it announced to their colleagues to let them know that, "Okay, at 'x' time, I intend to move to table." Now, if the other person still has the floor at that time, you can't. But sooner or later, they're going to give up the floor and you can move to table then.

**RITCHIE:** Would you be involved in unanimous consent agreements in your position?

**PAONE:** Oh yes, that was my complete job. There wasn't a consent agreement that was entered into that I wasn't involved in.

**RITCHIE:** And a lot of that had to do with setting time, didn't it?

**PAONE:** Yes.

**RITCHIE:** Defining amendments and things like that?

**PAONE:** Oh, yeah. Setting time, the parameters of the agreements, because sometimes they would be extremely complicated. There would be not just voting on one amendment, it might involve voting on this amendment, which means then this amendment gets a vote, then this bill gets called up and passed, and then this conference report also then. You could have a whole series, a daisy chain of events that result from some agreements that we used to get. We used to joke in the '80s, Abby worked on an agreement that took her months—probably seven, eight weeks—and it involved Contra aid, South African apartheid, the MX missiles, and maybe one or two other items. There were multiple variations within each of those issues. This agreement was so long we gave it a name. We called it "Fred." Once you get a consent agreement, they're printed on the other side of your legislative calendar. This took up like three solid pages of single-space type of the calendar. Like I said, there was multiple pieces of legislation involved, multiple issues. It worked, but it took a *long* time to negotiate.

**RITCHIE:** What's the purpose of doing something like that?

**PAONE:** Because you got those bills done.

**RITCHIE:** Okay.

**PAONE:** You brought those bills to a conclusion where everybody felt that they at least had a fair shot at it.

**RITCHIE:** If you included a lot, everybody would feel that they had some piece of it?

**PAONE:** No, not necessarily. Those just ended up getting linked because there were a number of very important hot button issues that were important of the day: South African apartheid, the Contra issue, the MIRVing of the missiles. They were issues that, for one reason or another, people realized, "Well, if I link my issue to that issue, then I've got a better chance of getting a vote. So I know that the administration wants this MX missile done, so I'm going to link my opposition to South African apartheid to make sure that that never happens unless I get a vote." And then someone else came along and said, "Well, wait a minute. I want to play in that sandbox," and they linked their issue into it. And so the thing grew on its own. We didn't do it like that. It's just that members realized that this train was starting to leave the station, and things started getting added on as you kept hot-lining it and kept trying to get the thing cleared. That was absolutely incredible. We ended up getting it put on gold paper and framed and I gave it to her a couple of years ago. It was totally amazing.

**RITCHIE:** When you're doing a unanimous consent agreement, who are you negotiating with? Is it with your Republican counterpart?

**PAONE:** Yes. And he's negotiating on behalf of their committee of jurisdiction. Sometimes you get involved with them, too. They may come to the floor and they may be out there while they're talking with—in this case, it's Dave Schiappa, who is the Republican secretary, and Lula Davis is the Democrat—you may happen to be there when they're talking to them. But usually each side likes their own time to talk to their own people. He can give them counsel. It's like, "Well, yeah, you can ask for that, but I know they're not going to give it to you." Like, you know, "I can go ask for that, but don't—." So now what are you going to do if they turn it down? Then what's your fallback? That sort of thing. I mean you can't do that. Sometimes they're done with members involved in the various discussions, right off the floor or on the floor. You'll see the big scrum in the well and it will be late at night and you'll have members and a whole host of staff and they're trying to work their way through a problem. People would speak up and say, "Well, we can do that." Or, "We can't do that." Sometimes you'd speak up or sometimes you might grab your leader and whisper in his ear and say so-and-so is going to have a cow if you enter into this agreement. Then he'd say, "Well, tell him to get over here right now." Then you'd tell somebody, "Go call so-and-so and tell him to get his butt over here because they're about to give up his issue." You know, and that sort of thing.

**RITCHIE:** So unanimous consent agreements can be on relatively narrow issues, but as you suggest, they can be on larger, complex items that can't be done any other way.

**PAONE:** Yes. It ranges from—okay, they just got a consent on the nomination of Tom Strickland to be assistant secretary for Fish and Wildlife. Republicans had a hold on him for awhile. You know, they ended up interrupting the Durbin [Mortgage] Cram-Down amendment, a controversial issue. Very many people opposed it. But the opposition, I think, was comfortable in the knowledge that they had more than forty votes in opposition to Durbin, so they didn't feel like they were risking anything by giving Strickland vote. They were able to enter into a limited time agreement of four hours with the proviso that if he didn't get sixty, he withdrew, which is the same amount as cloture. That's what you had this morning. Now in that case it's just the opposite. I think your opponents know that they will get sixty at some point, and you're not getting much mileage in holding up a Fish and Wildlife nominee. So you might as well at least give the guy a vote.

**RITCHIE:** So—

**PAONE:** So it could be something very focused on just one issue or it could be multiple issues.

**RITCHIE:** I've heard the unanimous consent of the Senate compared to the special rules that the Rules Committee passes in the House. Is that a fair comparison?

**PAONE:** Yeah, in the sense that that dictates who gets to offer what amendments. How many amendments it will be. What's the time agreement? Senator [Trent] Lott used to always joke, when he was majority leader, about how he wished he had a Rules Committee so he could do whatever he wanted. But unfortunately, he had to deal with us.

**RITCHIE:** On the other hand, the Senate does a very large percentage of its business by unanimous consent now, doesn't it?

**PAONE:** That's right. It's the nature of the beast. You've got a lot of legislation that is worked out that way. It's a collegial body. But then you're also going to have a lot of controversial legislation in which, if you can't get a consent agreement on passage, at

least you can get a consent agreement on how we're going to proceed. How are we going to agree to disagree?

**RITCHIE:** Was it always the same, or did you see changes in the process over time?

**PAONE:** No, it's changed in the sense that Senator Byrd would get agreements—God, sometimes we would get agreements where there would be two hours on the bill and then an hour on each amendment, but they all had to be germane. He wouldn't say "germane amendments." He would say, "One hour on each amendment and thirty minutes on each second-degree and the agreement being the usual form." Well, that tag line, "the usual form," requires germaneness and a lot of people wouldn't realize that. So that was a very nicely done time agreement that would keep it focused on just that bill. Eventually people realized that that was too much of a straightjacket and I can't agree to that. So then we would get agreements that we would call "finite lists," and sometimes we would put quotes around them, because there would be hundreds of amendments in the list on areas that had absolutely nothing to do with the underlying bill. But we would do that anyway just to get the finite list. Once you got that list, even if it was a very long list, you would then work your way through the amendments. You would realize by members talking to members, or the leader talking to the members, that seventy percent of these amendments were just called in by staff, and that the member himself doesn't really care that much about it, and that you can scratch that one off.

I can show you agreements that we used to have that Senator Lott, when he was leader, would criticize, saying, "Oh, we can't have this agreement when these amendments have nothing to do with the bill." We would show agreements in the past and how we used to do this all the time. Even though you might get an agreement that would have one hundred and forty amendments on it on a Tuesday, by Thursday, you still passed the bill. Somehow these things got done. Now you don't see agreements like that. You would get agreements with just one-line descriptions of what the amendment did. You don't get agreements like that anymore, either, because people want to see text. They want to know exactly what I am agreeing to allow to happen, to get a vote.

Also though, we would tell people, and we would point out, that just being on the list doesn't guarantee you a vote. You could still be filibustered. That's why the

agreements would still go forward, because you might have a one-line agreement that said something that looked innocuous that turned out to be very controversial. But that doesn't mean somebody gave up their right to filibuster. You could have a filibuster within a time agreement still. It didn't guarantee you a vote. It just said this was your amendment on the list. But you don't see that anymore at all. Now if you're going to get an agreement, usually you have to produce text so that each side trusts but verifies. Each side sees the language or you lock in or the amendment's already been pending, or the amendment's been filed, and that sort of thing, so people can see text. Because also you have more people that are involved in the clearance process. They'll say, "Well, what are we getting an agreement on? I want to see what amendment they're going to offer." So now if you get agreements that involve multiple amendments, it's because each side has seen the text.

**RITCHIE:** Would you say that there's been a diminishing trust over time? That people in the past may have trusted each other with the one-sentence unanimous consent agreement but they don't anymore?

**PAONE:** I don't know if I'd be as harsh as to use the word trust. It's just that in the change of the information age and the instant news cycle people are more cautious about what they're willing to enter into agreements on. I remember Senator Dodd used to tell this story about how his father would vote on a Monday or a Tuesday. He'd cast a vote, and then on the weekend he would travel home and go to all these counties in the state and explain his vote—it might have been a controversial vote—explain his vote to these town meetings about what the vote was. He says, "Now, I cast a vote at 6 o'clock, and by 6:45, I'm being castigated in the blogs for the vote I cast." In this instant information age, you don't have until the weekend to take the train home to then leisurely explain to your constituents what happened this week. It's all instant news and as a result, I think people are more cautious and want to know more before they take that leap and enter into agreements. I wouldn't say it's a lack of trust.

**RITCHIE:** There was a period when people—you mentioned Helms before—used to introduce amendments to put people in the hot seat, to have to vote on them.

**PAONE:** Oh, yeah, absolutely. We used to call them the "thirty-second ad amendments." There's still some of that to this day. One man's meat is another man's

thirty- second ad, too. It just depends on which side of the amendment you're on. But sometimes you do have stuff that's just thrown out there for political ends and they don't care whether they're going to win or not. They just want to make sure people have to vote on it.

**RITCHIE:** In the 1980s, when you were on the floor staff and these unanimous consent agreements were being put together, was this something you did at the end of the day after the session was over?

**PAONE:** No, you did it throughout the day, constantly. You were doing it at the same time.

**RITCHIE:** So people were coming to your desk or you were going to theirs?

**PAONE:** Or you would go to the cloakroom. Right. You'd have to keep track of that and the flow of the floor at the same time, and write up the amendment descriptions.

**RITCHIE:** You didn't want anything to catch you by surprise, obviously.

**PAONE:** No, that's why I used to grind my teeth a lot in my sleep.

**RITCHIE:** Was there a lot of pressure on the job?

**PAONE:** Absolutely, because you were responsible for the floor operations for the majority leader or the minority leader, or Democratic leader, and you lived in constant fear that you were going to screw up. That you were going to miss a stitch or you were going to put together an agreement that left an opening for somebody to take advantage of. You always wanted to make sure that you ratcheted down these agreements to make them as tight as possible. That's also part of the reason the agreements changed, because you knew that as you saw people—and Senator Helms was a good example—take advantage of loopholes in agreements, you wanted to make sure the next agreement didn't have that loophole. To the point where, well, the way you don't have a loophole is I want to see your text. So you also had that. It's a matter of caution. There was a lot of pressure and stress of always wanting to make sure that you did a good job.

**RITCHIE:** Was it a little easier when you were in the minority as opposed to being in the majority, or is it pretty much the same whichever side you're on?

**PAONE:** The stress and the work was pretty much the same, but it was a little easier in the sense that it's easier for you to slow things down if you're just in a reactive mode. But if you're trying to get something done, it's much more difficult, especially if you've got a majority who want to deny you votes on amendments of your liking. Now it's night and day. Now Senator [Harry] Reid is operating with the majority that he has, allowing Republicans to offer amendments. Last session you didn't see that much, but it was also because he knew that even if they were to defeat the Republican amendments and get the bill done, [George W.] Bush would probably veto the bill. Why bother going through all that just to get the bill vetoed? There was no reason. As a result, you could have Democrats casting votes on a whole myriad of issues, and some of them who have been around for awhile are not used to having to walk the plank this often on these issues. They don't even know what a cover vote is, what a first vote is and that sort of scenario, and so that will get interesting.

**RITCHIE:** Because in the last Congress there were a lot of complaints from Republicans that they didn't get their amendments in.

**PAONE:** Just as we complained when Lott was leader and Lott would fill the [amendment] tree and file cloture, and then we would vote against cloture, and he would call us obstructionists and move on to the next item. As Dave and I used to joke, when the majority leadership changed, he would then call me the "trampler of his rights" and I would call him "the obstructionist." We would just trade our speech books.

**RITCHIE:** In the '80s when you came in, Howard Baker was the Republican leader at first. But in '85, Bob Dole became the Republican leader.

**PAONE:** With an interregnum there of [Ted] Stevens while Baker was running for president.

**RITCHIE:** Oh, that's right. Was there much difference in the Republicans if you were dealing with the Howard Baker era or the Bob Dole era?

**PAONE:** I'd say Senator Baker was a little bit less demanding to be in control. He would let the chips fall where they may, whereas Senator Dole wanted to make sure that Senator Byrd didn't outmaneuver him parliamentarily as much as possible. Especially when he became majority leader, then he knew that Byrd, with his knowledge of the rules and with at least more than forty votes, would be a formidable foe. So he was much more, not controlling, but he took the job very seriously, as he should. But like I say, Senator Baker just had a different at ease with the whole job it seemed.

**RITCHIE:** Baker and Byrd seemed to have a pretty good relationship. At least agreeing not to surprise each other.

**PAONE:** They did. Right. It was rare that either would surprise the other.

**RITCHIE:** So that must have helped your position to some degree—

**PAONE:** Yes.

**RITCHIE:** —if the two leaders weren't trying essentially to stab each other in the back in the process.

**PAONE:** Right.

**RITCHIE:** You had a better shot of knowing that the information you were getting was accurate, presumably.

**PAONE:** Well, yes, and you knew that there was no reason for them to hold that much back. Sometimes they would hold back just until Baker could tell Byrd personally, and vice versa, but eventually you were going to know.

**RITCHIE:** The other factor at that time was the Reagan administration. How much of a role does the administration play in what's going on on the floor? Did you have contact with, say, their lobbyists or anything like that?

**PAONE:** No, I wouldn't. But it depends, also, if we were in the minority or the majority. Say you're in the majority, or if they have Baker or Dole in the majority and

they have the White House, then their leg. affairs people would be working very closely with Dole's chief of staff and Dole's issues people. Unless we were with them on an issue, like say Panama Canal, although I think that would have been Carter.

**RITCHIE:** Yes.

**PAONE:** Or on the SALT II arms control agreements where you might have had Dole and Byrd and a lot of Democrats together versus some conservative Republicans. But even at that, those types of leg. affairs people from the administration would not deal with the floor staff. They wouldn't get down into the weeds. They would deal with issues people on their leader's staff.

**RITCHIE:** Someone said that when the president is the same party as the majority in Congress, the president is in charge of the strategy and the leaders are in charge of the tactics. Is that a reasonable interpretation?

**PAONE:** In the sense that your job now as majority leader is to try to advance the administration's agenda and your own party's agenda that you feel is important, too. You don't completely abandon things that you and your colleagues feel are important, but you do also want to try to move the president's agenda for the good of the party. I remember when Mitchell was leader and [Bill] Clinton was in there, there was a lot of stress for Mitchell because it was just basically: What have you done for me lately? Okay, that's good, but now we've got to get this done. It's nonstop. But that's the nature of the beast. That's why we knew that with [Barack] Obama winning and being still in the majority that this would be totally different and that would also require a change in tactics of allowing Republicans to have votes on amendments so that you could take away the Republican leadership's argument to their caucus that you need to vote against cloture here because they're shutting us out of the process. They're not allowing us to have votes on amendments. Well, if you've given them half a dozen votes on amendments, it's much more difficult for them to make that argument. Even if they didn't have a fifty-eight or fifty-nine seat, sixty majority, you're going to have to allow Republicans to have votes on amendments to lance that boil so that you could then eventually get cloture on things that you wanted to get done, make your side deals with a handful of Republicans on each issue to get your cloture vote.

**RITCHIE:** So at the beginning of the Congress you have to look at the cards you've been dealt and decide what your strategies will be, from Congress to Congress?

**PAONE:** Right, depending on who's in the White House. Are you carrying your water or are you trying to stop it? At one point Mitchell was trying to carry Clinton's water, but before Clinton was elected, he was stopping George Bush's water, his agenda. The *Wall Street Journal* would rail against Mitchell and how he was killing all these bills, and there was going to be the "Mitchell recession," and all this stuff.

**RITCHIE:** What's the relationship with the floor staff to the Democratic secretary? Are these jobs parallel or do they work for each other?

**PAONE:** It depends. Each secretary has had different ways of viewing the job, but eventually it's morphed into the situation that it was under me and it is now. The party secretary supervises the floor staff and keeps track of the overall big picture for the leader, and makes sure whatever agreements they're working on are proper or are the best you can get. The only difference is the party secretary handles the executive calendar. The floor staff handles the clearance of bills from the legislative calendar. The executive calendar is where you find your nominations and your treaties. Anybody that has a problem with a nomination or a treaty, even if they might tell one of the floor staff, but the floor staff will make sure they let the secretary's office know because they keep a marked executive calendar, which is the same role as the legislative calendar. In the past you may have had different secretaries where they only did the executive calendar and left the floor staff to handle everything on the floor and had more of a separate role from the floor. But now it's all mashed into one.

**RITCHIE:** In the '80s, there were a lot of secretaries--most of them only there about two years. There were about four of them, I think.

**PAONE:** Right.

**RITCHIE:** Does that make much difference to the way things are happening, if the personnel changes?

**PAONE:** No, because the floor staff, if you noticed during that time, didn't change--and that's where the continuity came. There was also during that time period a number of staff directors of the Policy Committee, too, that came and went. But the floor staff stayed the same, or with very little change.

**RITCHIE:** And there it's expertise that really matters, knowing what you're doing.

**PAONE:** Right.

**RITCHIE:** And it's not so much policy as it is making the practice work, I suppose.

**PAONE:** Correct, and being able to help the leader, no matter who it is, whether it was Byrd or Mitchell, at least give them the options: These are your options. This is how you can get from point A to point B. You can do it this way. You can do it that way. You choose.

**RITCHIE:** Being on the floor all the time, you must get to deal directly with the senators, I would assume?

**PAONE:** Yes, all the time.

**RITCHIE:** Were there some that you found were more pleasant to get along with or easier to get along with?

**PAONE:** Well, it was a group of fifty to one hundred people, depending on which ones you were dealing with and you're always going to find some that are better or easier to get along with or to deal with than some. As Howard Baker once described when he said (I may have told you this before), he was at a town hall meeting or something and somebody said, "You all are just a bunch of scalawags." And Baker said, "Well, we may be a bunch of scalawags, but we're a representative bunch of scalawags."

**RITCHIE:** [laughing] Well, is there a way in which the new senators learn the practice? You've mentioned their being in the chair presiding, but what about from the

point of view of getting them to offer amendments and figuring out what they had to do in the process?

**PAONE:** You do it on a case by case basis. We would—and we still do, and I’m sure Dave does it with his people—with new members, once they’d get their legislative staff in we would have them come over and show them the floor. Show them: this is how you get your floor pass. You send your letter to the sergeant at arms and you’d get in the book out there outside the lobby and that’s how you get on the floor. This is the door you come in. You never sit in a chair with arms. You go to the back and sit in the staff area. Help them become acclimated and then you help them with whoever the new member is. So basically it was you would give them as much instruction as possible, but it basically comes down to doing hands-on learning. Whenever the person came over that had the first amendment, you would try to make sure that the person who was staffing them had the right script for the member, just on the simple things of calling off a quorum, seeking recognition, sending the amendment to the desk, waiting for the clerk to report and asking consent to dispense with the reading, and then beginning your statement. Then other simple things like asking for the yeas and nays, or if you don’t want to wait on that. Making sure the amendment is drafted properly and that sort of thing. We would do that on a case by case basis. We would make sure they never did anything without the floor staff seeing it first, especially if it was a new one. You’d be asking, “Wait a minute, what are we doing here? Can I help you?”

**RITCHIE:** Gently you try to steer them into the right direction.

**PAONE:** Yes. “This is for your own good. Can I at least see what you’re doing?”

**RITCHIE:** One huge change that happened in 1986 was the addition of television cameras in the chamber. Did that make much of a difference to you?

**PAONE:** Not that I can really say, other than it got a whole lot brighter in there, for those of us who were used to working in there without it. But the fear was that people were going to grandstand, that they were going to give a lot more speeches. I don’t think that really happened. The thing it did do is create a whole other subculture of charts, of using charts for the TV audience, to make your points with pie charts and graphs or whatever. Or that famous—I think it was [Arlen] Specter had one during the ‘92 health

debate or whatever it was—showing what looked like a circuit board of how it would end up if the healthcare plan had passed and the chain of command. That’s the only thing that really changed was people using charts to a greater degree.

**RITCHIE:** I’ve always regretted the fact that the cameras are not allowed to pan the chamber, because when you sit in the galleries the most interesting things are the little knots of senators who are, especially during a vote, often around the table in the front. It’s always interesting to see who’s talking to who and if they’re telling a joke or if their being serious or whatever. That’s usually not part of the picture.

**PAONE:** Oh, yeah, you would definitely keep track of that during a vote for the leader because you’d want to make sure you knew who’s talking to who, because you knew what issues were percolating and who’s talking to who behind the scenes. You’d let the leader know, “Look over there, so-and-so is talking to so-and-so,” and that sort of thing.

**RITCHIE:** Yes, there would sometimes be unusual groups of Democrats and Republicans standing together and somebody was leading the discussion. You know that clearly something was happening.

**PAONE:** Right.

**RITCHIE:** You could see the people in the press gallery trying to lean over to find out what was going on. It must have been a wonderful show to be sitting down there on the floor and watching all of this going on.

**PAONE:** Oh, it was. It was phenomenal. I loved every minute of it. It was totally enjoyable.

**RITCHIE:** Well, I thought it would be interesting the next time to talk about the ‘90’s, to pick it up at that stage. But before we stop is there something about the ‘80s that I should have asked about?”

**PAONE:** [conversation interrupted for phone call] Sorry, my son’s soccer game tonight. The ‘90s, what about them?

**RITCHIE:** Well I thought the next time we'll just pick it up chronologically and pick it up from there.

**PAONE:** Okay.

**RITCHIE:** But is there something that we haven't talked about your initial days that would be useful to add into the record here?

**PAONE:** One of the more memorable nights was when John East was there and the gas tax filibuster. I think it was a lame duck. Nickel a gallon gas tax. Baker was leader and we had settled in for a long night. Apparently East wouldn't yield the floor and Helms was backing him up. So Baker had talked with Byrd and us and said, "Well, all right, I'm going to go off to my office. I guess we'll go take a nap, you know, and let them talk." We were all settling in for a long night and East was speaking and the staffer beside him--this was the classic case of a little knowledge is a dangerous thing--thought he was going to be cute and told him to make a point of order that a quorum wasn't present, thinking that he was making a point of order that they would have to rule on that could cause us a problem, that we don't have a quorum. But there is no such thing. And all the chair interpreted that was you're putting in quorum. You just yielded the floor. We whirled around and [Bob] Dove was the parliamentarian and he told the clerk to call the roll. Whoever was in the chair realized then and he banged the gavel and said, "The clerk will call the roll." At that point East kept trying to seek recognition to get recognized again and to call off the quorum. Meanwhile both of our respective staffs went running out to get Baker and Byrd, who come charging right back in. They wouldn't let them call off the quorum, because he had now lost the floor. After that, that broke the back of the filibuster and we were able to negotiate a vote.

But that was one of the more memorable nights. That and bringing in Pete Wilson on a gurney for the '85 budget vote, I think it was, to break the tie. Again, East was involved. Because East was home sick and Dole had called his wife and his wife said, "No, he's not coming in. He's sick. He can't make it." Wilson had just had an emergency appendectomy that afternoon. So Dole had to turn to him. It was late at night and they wheeled him in, literally, and he put his hand up and voted aye, and then they wheeled him back out. They won the vote, but we won the war, because we used that vote. It had a freeze in all spending, including entitlements, which is Social Security. So we rode that

boat right to the elections of '86 and took the place back. But those were two of the more memorable nights.

**RITCHIE:** You must have spent many a late night in that chamber.

**PAONE:** Many, many a late night. Yes, oh yes. The only reason my children aren't axe murderers is because of my wife. [Laughing] I tried to make it up to them on recesses and when we were out of session and that sort of thing. Occasionally I would pick them up during recess, sign them out of school, tell them they had appointments. and then we would go ice skating. They would get a kick out of it because they would get out of school early. But yeah, I spent a lot of nights in there.

**RITCHIE:** One of the fortunate things about being an historian here is that I go home at night on a regular basis. And later at night I would turn on C-SPAN and would see the people I had been talking with in the middle of the afternoon who were still there, still at work, with no guarantee when that was going to end. It's got to be rough to put in a day that goes from noon until well after midnight.

**PAONE:** Well, yeah, and if for you it goes from 8:30 A.M. until well after midnight, because you're there at 8:30 in the morning, then you've got to start all over again the next morning. Then after a few weeks of that, it starts to wear you down. The weekend isn't enough to make it up.

**RITCHIE:** Right. That's when the recess comes in handy.

**PAONE:** That's right. That's why I made no bone about taking time off during the recess, because I figured they got their pound of flesh out of me during the weeks. And nobody complained. They would always reach me on my cell phone anyway.

**RITCHIE:** Well this has been fascinating. I've really enjoyed this conversation.

**PAONE:** Well good.

**End of the Second Interview**