

FOREIGN RELATIONS

Interview #5

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RITCHIE: Since you spent so much time working with the Foreign Relations Committee, and since last time we began comparing some of the chairmen and others on the committee, maybe what we might do is to proceed through the committee, the senators, the chairs, the staff that you worked with, chronologically, looking at the way it evolved during the years that you were here. Do you think that would be a reasonable way to proceed?

RYNEARSON: Certainly. I'd be glad to talk about that a little bit further. You can guide me on what further information would be of interest.

When I came to the Senate, the chairman of the Foreign Relations Committee was Senator [John] Sparkman. I believe what had happened was that a few months before, Senator [J. William] Fulbright had lost in a primary in Arkansas and either right before that primary race or shortly thereafter, he turned over the reigns of the committee to Senator Sparkman. Senator Sparkman was chair for about two years, and I did not observe him extremely closely as I was new at the time myself. The only impression I formed was that he was a fairly mild-mannered chairman and not what I would call a strong chairman.

RITCHIE: He was pretty elderly, too, at that time.

RYNEARSON: Yes, he was elderly. I believe at the end of the two years, he either retired or was defeated. I cannot recall now.

RITCHIE: He used to doze off occasionally during the hearings.

RYNEARSON: That does strike a chord of memory. He was followed by Frank Church of Idaho who, of course, was quite active in the foreign relations area and seemed to have more of an interest and background in it than Senator Sparkman had. Senator Church was famous for the Church-Cooper Amendment during the Vietnam War and also for his investigation of our intelligence agencies operations overseas. Senator Church, I believe, was hampered a little bit in his chairmanship by the fact that he, too, was up for reelection two years after he assumed the chairmanship. When the Soviet Combat Brigade in Cuba

issue arose, he felt a need to take a strong position on it. As I said earlier, I believe that that had the effect of undermining chances for Senate approval of the SALT II Arms Control Treaty. I believe Senator Church would himself have admitted that his own chairmanship did not have the record that he would have liked.

At that time, there were several senators on the committee who exerted enormous influence. Both Senator [Jacob] Javits and Senator [Clifford] Case were active members of the Foreign Relations Committee in those first four years that I served the Senate. They had enormous individual reputations in the foreign relations area. I do recall that I attended committee markups in which both Senators Javits and Case were able to forge compromises by their command of language. I believe both were attorneys. I know that Senator Javits was. This was quite impressive to me at that time to see the compromises being forged through the discussion among the senators. This was something that became more of a rarity as time went on. I think that was a function of the changing dimension of committee markups and the fact that these various long-term senators had passed from the scene.

In 1981, of course, party control in the Senate changed and Senator Percy of Illinois assumed the chairmanship of the committee. Senator Percy was well versed in foreign relations, very interested in those matters, very gentlemanly, and unfortunately had a somewhat weak chairmanship. It may just be that the international scene and the increasing partisanship would have made it very difficult for any chairman at that time. Nevertheless, Senator Percy was chair for four years until he, too, was defeated, I believe, in a Republican primary in Illinois in 1984.

RITCHIE: Do you think that one of his problems was because of differences with the Reagan administration, which was more conservative or more hardline than he was on some of these issues?

RYNEARSON: That may have played a part. I think also that whenever the chairman is of the same political party as the occupant of the White House there is a tendency to defer a bit more to the executive branch's formulation of foreign policy. Every president asserts sweeping powers in the foreign affairs area. What I observed over the years is that the same party as the president's in the Senate will be very supportive of executive prerogatives. The party not in power in the White House will be very assertive of congressional prerogatives. It doesn't matter which party is which, or I should say the parties

may reverse course as the occupancy of the White House changes. This has always been a point of both amusement and consternation to me, especially in the area of war powers. The parties seem to flip flop on their attitude toward the War Powers Resolution and congressional powers in the war area depending on who occupies the White House. This seems to me to be much too serious an issue for those sorts of changes in policy.

RITCHIE: Previously, from the 1940s to the early '70s, there was more bipartisanship in foreign policy. Senators like Javits and Case were liberal to moderate Republicans who tended to support Democratic presidents on foreign policy issues, and most of the Democrats had tended to support Republican presidents. They didn't think differently, at least on those issues. But from the 1970s on, there was an increasing breakdown of bipartisanship. Do you think that accounts for some of the flip flopping in the latter period?

RYNEARSON: That may very well be the case. I do believe that another element in the mix was that the committee obtained a bipartisan staff, I believe, in the late 1970s or 1980-ish. I don't remember the exact year. I do recall receiving a phone call from the minority clerk of the committee demanding to have a copy of a bill that I was reporting out for the committee. Those documents, in the past, always went to the chairman's staff without any controversy whatsoever. I remember being somewhat shocked at this assertion that I should duplicate my work for the minority staff. I did resist that on the theory that the bill was being reported out under the name of the chairman and it was really up to the chairman to decide what sort of courtesies he wanted to extend to the minority staff in the form of previewing documents that were being prepared. Generally, the chairmen were very open to sharing documents with the minority in subsequent years, but I do remember that incident which would have occurred right about 1980 or '81.

I do think that the closeness of the party ratios in the Senate did have an impact on the Committee. The Committee, when I first came to the Senate, consisted largely of what we would refer to as fairly liberal senators of both parties and there was something close to a consensus within the Committee on what the Committee's foreign relations outlook should be. As the party ratios tightened in the Senate, the Committee obtained senators from more of the extreme ideological ends of the spectrum, more very liberal senators and more conservative senators. Probably the impact was felt from the more conservative senators who obtained membership on the Committee. It became increasingly difficult to obtain a consensus within the Committee. In fact, it became difficult to obtain a quorum at

Committee meetings. In the early '80s, it was not unusual to wait an hour or two for members to come to the Committee for the meetings. I also seem to recall that a number of meetings were scrubbed entirely after having been scheduled and the public showing up for them. Those are my memories regarding the partisanship in the Committee. I do believe that as the Committee became more divided that that also weakened the Committee's ability to carry its legislation through to Senate passage.

RITCHIE: You mentioned that we were at the end of Senator Percy's term. He ran for reelection on the grounds that if he was defeated, Senator Helms would become chairman of the Foreign Relations Committee—he made that a campaign issue in Illinois at the time. I'm not sure if there has ever been a campaign race in one state which was designed to keep a senator from another state from becoming chairman of a committee. When the dust settled and he was defeated, it was actually Senator Lugar who chaired that committee, since Senator Helms had campaigned on a pledge that he would chair the Agricultural committee.

RYNEARSON: Well, I had forgotten about Senator Percy's campaign, but I did certainly remember that Richard Lugar assumed the chairmanship, I believe, in January of 1985. Senator Lugar was quite a strong chairman, in my opinion. I remember early on in his chairmanship, he called a meeting in which some of the junior senators proceeded to give long-winded speeches bordering on tirades on one foreign policy question or another. I remember that Chairman Lugar sat very stony faced and looked straight out at the audience and at the first opportunity, he called the meeting to an end. He, apparently, was not amused to have his meetings taken over by other senators pushing agendas with which he disagreed. As a draftsman, I was very supportive of the chairman's actions because I did not relish sitting in these meetings for unproductive hour after hour. After all, I had the obligation of serving the entire Senate, and while I was present at a committee markup, non-committee members would be calling my office demanding draft legislation, and I would come back from these meetings with a mountain of work to be done, and I would find that I was suddenly quite backlogged. Anything that Chairman Lugar could do to make the meetings more productive and shorter, I was all in favor of that. As time went on, it became apparent to me that Senator Lugar was forging a consensus behind the scenes, and these meetings did become more productive and shorter.

Senator Lugar, I believe, felt that the committee should speak with one voice or close to one voice. My observation in my congressional career is that a committee chairman is

most influential when he or she can achieve that consensus. One of the problems that was plaguing the Foreign Relations Committee after the chairmanship of Senator Fulbright was that the committee's legislation was meeting more and more resistance when brought to the Senate floor. I believe that Senator Lugar had a temporary effect of reversing that trend and that occurred for his brief chairmanship which ended in January of '87. He was somewhat controversial, however, in that he did a quite unusual thing in connection with the Senate's consideration of the Comprehensive Anti-Apartheid Act of 1986. Senator Lugar was, I believe, trying to impose sanctions against South Africa but perhaps not as draconian as some senators wanted. I do recall that there was an occasion where the conference report on an anti-apartheid bill was sitting at the desk of the Senate and Senator Lugar did not want the Senate to proceed to consideration of that particular drafted conference report. So he went into the well of the Senate and actually removed the conference report from the desk, which had the parliamentary effect of precluding the Senate from considering the matter since these were considered the official papers on that legislation, and the Senate cannot act without the official papers. Senator Lugar's action and the parliamentarian's accession to that act got the parliamentarian into an enormous amount of trouble with Democratic senators, and I believe some of the hard feelings over that persisted for years afterwards. In any event, the Senate did pass, and there was enacted, the Comprehensive Anti-Apartheid Act of 1986 with Senator Lugar's approval, and I worked quite closely with his chief counsel, Rick Messick, in preparing that legislation.

I also did several other pieces of major legislation for Chairman Lugar during his chairmanship, and I found that his staff was very easy to work with, and knowledgeable. They wanted to work in a very collaborative way, and I believe that that is essential to drafting effective legislation.

After Senator Lugar's chairmanship, Senator Pell of Rhode Island assumed the chairmanship. Senator Pell had had a very distinguished background in the foreign relations area. He had been a Foreign Service officer in Eastern Europe in what was then Czechoslovakia, I believe. However, much of his senatorial legislative accomplishments had come in the domestic area, particularly in the education field. Senator Pell had certain issues that he was particularly interested in. He did make a mark in those areas. He was very interested in environmental matters overseas. He was also very interested the preservation of Tibetan culture and political autonomy, which, of course, was greatly in danger and still is by the actions of the Government of the Peoples' Republic of China.

Outside of his particular areas of interest, Senator Pell was less effective. He was probably overall a weak chairman. Senator Jesse Helms was ranking minority member at the time. I believe part of the difficulty in the Committee was that Senator Pell wanted to maintain a polite, gentlemanly relationship with Senator Helms. But Senator Helms, of course, had very strong negative views on Senator Pell's agenda. The two could not be more different ideologically. I'm not sitting here to say whether one is more correct or another, but the upshot of their relationship was that they could not forge a consensus between the two of them. Not being able to forge the consensus, I believe Senator Pell was reluctant to have a major confrontation within the Committee.

This went on for the remainder of the years until the Republicans assumed control of the Senate again in January of 1995. At that point, Senator Helms and Senator Lugar had a nasty confrontation over which one of them should assume the chairmanship of the Committee. Senator Helms had more overall seniority within the Senate than Senator Lugar, but Senator Lugar had more seniority within the committee and, of course, had chaired the committee for two years. Well, Senator Helms won that confrontation. I believe the issue was decided in the Republican Conference by the entire Republican membership of the Senate.

In any event, Senator Helms assumed the chairmanship. He proceeded to push a very aggressive agenda. One of his key objectives was to reorganize the State Department by abolishing three foreign relations subsidiary agencies and folding them into the State Department. Those agencies were the United States Information Agency, the United States Arms Control and Disarmament Agency, also known as ACDA, and the United States Agency for International Development.

I was drawn in right from the beginning to do drafting for the new chairman. In fact, I was approached in December of 1994 after the November elections but still before the Republicans had taken control of the Committee to begin drafting the reorganization of the State Department. The Helms staff also gave me a number of other high priority matters to draft, among those were what later became the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, also known as the Helms-Burton Act. I also was involved in writing extensive conditions for treaties as they would arise. Chairman Helms was not initially successful with many of his priority items but, during the course of his chairmanship, he did get most of those items enacted into law. As time went on, he forged a very good

working relationship with Senator Biden of Delaware, who served as ranking minority member on the Committee. Their two staffs collaborated extensively and did hammer out legislation that could be approved by the Committee without dissent or almost without dissent. I believe, over all, that Senator Helms had an effective and a strong chairmanship.

Then, in 2001, when Senator [Jim] Jeffords switched parties in May or June of that year, and the Democrats assumed control of the Senate, Senator Biden became chairman of the committee. Senator Biden had been a member of the committee for roughly twenty years and was, and is, extremely knowledgeable in the foreign relations area. His area of particular interest seems to be Europe and Russia, but his knowledge was in depth in all areas of foreign relations. He attempted to maintain this good working relationship with Senator Helms, and I believe Senators Biden and Helms continued with that. I do believe that the staffs had more disagreements on policy during Senator Biden's chairmanship. This may be due to Senator Helms' staff feeling that, with a Republican President in the White House, they needed to take a harder line and not accede so easily to Senator Biden's staff.

In any event, I believe it was still a productive period in the Committee's history. Of course, right before I retired, Republicans obtained control of the Senate once more, and Senator Lugar assumed the chairmanship inasmuch as Senator Helms had retired. So that is my long and tedious, or as Shakespeare would say, "my brief and tedious," history of the Foreign Relations Committee leadership.

RITCHIE: Given the various chairmen, was there much continuity of staff? Did people tend to stay and make careers on the staff in the Committee, or did you find that there was constant flux and wholesale change with the different chairmen?

RYNEARSON: I guess the answer would be about 50-50. I noticed particularly on the Democratic side that some Democratic staffers remained on the staff for years. On the Republican side, there seemed to be much more turnover. Perhaps that's because the Republicans had never gotten entrenched on the committee. Particularly, conservative Republican senators had not gotten entrenched on the Committee until the 1980s. The Committee did maintain a professional staff of clerks and assistants and I know that several of those are still on the Committee staff, including individuals whom I first met in the 1970s. But, overall, what I would say, is that the Committee had a mixed arrangement where there was some continuity, but there was also quite a bit of change in certain policy positions on

the Committee's staff. This was particularly evident when George W. Bush assumed the presidency in January 2001. A number of Republican staff went to positions in the executive branch at that time, including the former chief of staff of the Committee, Steve Biegun, who went directly to the National Security Council.

I generally found it easier to work with people who had some prior experience in the Senate. One of the banes of my job was having to start at the beginning with new staff. I enjoyed doing the training, but it was a time-consuming matter and there often arose quite a few misunderstandings of how my office worked in the initial stages of dealing with new staff.

RITCHIE: Did you find that you worked as much with the various subcommittees of that committee, the chairman of the subcommittee, or was your work mostly with the chairman of the full committee staff?

RYNEARSON: That's an interesting question because, at the beginning of my tenure in the Senate, the Foreign Relations Committee had a subcommittee that dealt with foreign aid, and that subcommittee had the responsibility for originating the Committee's foreign aid authorization bill. This was considered, at the time, to be the Committee's major legislation. It was considered by the Committee on an annual or biennial basis. The subcommittee dealing with foreign assistance actually marked up the legislation, and so we would have committee mark-up at both the subcommittee and the full committee level. This ended either in the late '70s or when the Republicans took control in January 1981. I cannot remember the exact point.

From that point on, no subcommittee of the Foreign Relations Committee has had legislative jurisdiction. The subcommittees could hold hearings, but they could not mark up legislation. As a result, the subcommittees became largely fora for bringing public attention to particular foreign relations issues. Even that was not entirely successful because the membership of a subcommittee might consist of only three or four senators, and it might be difficult to get full television coverage of a hearing in which only one senator might be present. However, the Committee has had some successful subcommittee hearings, but as time went on, when particular public attention was sought to be drawn to a foreign policy issue, the hearings would be held at the full Committee level. This is a long answer to say that I don't believe the Committee's subcommittees are terribly effective, but they do enable

senators to specialize and focus on a particular area of the world or a functional topic. Most of the subcommittees are organized around regions of the world.

RITCHIE: Well, does that mean, then, that most of the requests that your office would get from the Foreign Relations Committee would essentially come from the chairman and the ranking member, rather than from the other members of the committee?

RYNEARSON: I received drafting requests from every member of the Committee. Not surprisingly, when a senator was chairman of a subcommittee on Asian matters, I might receive more requests on Asia-related legislation from that member than other foreign policy matters. But I would not be receiving the requests from the subcommittee *per se* because there was nothing that the subcommittee could do with my work products. However, the legislation that I was requested to draft that appeared to be matters that would be put on the agenda of the Committee would be legislation requested by the chairman's staff or the ranking minority member's staff. I could easily tell what matters were of higher priority in terms of the Committee's possible consideration of those matters.

RITCHIE: That raises a question that I've had. You mentioned in the past that you tended to take things on a first come, first serve basis as things came in. They say that "all senators are equal, but some senators are little more equal than others," and chairs of committees and ranking members and the senior members tend to exert more influence. Would you then, if you had a request from a junior member of the committee and a request from the chairman, make the chairman's request your major priority?

RYNEARSON: Yes, but not for the reason that you infer. First off, although I said our general rule was first come, first serve, that was not the entire rule. The entire rule is that committees get priority over non-committee work and then, furthermore, that certain matters, like conference reports, floor amendments, and reporting bills and resolutions, take priority over individual members' requests for bills and resolutions for introduction. This is a pecking order that has been worked out by our office with the Senate Rules Committee. Therefore, if I received a request from both the chairman and a junior member of a committee at the same moment in time, I would naturally do the chairman's work first because, in effect, I knew that I would be doing the committee's work, and the committee's work took priority. With respect to an individual request from a senator who happens to sit on the committee, I could not assume that that would be the committee's work, that it would

ever rise to the level of the committee's agenda. Certainly, the junior member of the committee was always free to get the chairman's staff to call me and tell me that the junior member's drafting request was, indeed, the committee's business and should be treated as a priority matter over non-committee business. But I doubt they would ever have said that the junior senator's request was a higher priority than the chairman's own request. What I'm saying, in sum, is that in prioritizing these requests, it was not a matter of clout so much as it was what was the institutional basis for the consideration of the matter to be drafted.

This also applied to some extent regarding the leadership in the Senate. Since Senate floor action takes priority within our office over the mere introduction of bills and resolutions, if the majority leader or minority leaders' staff would call us and inform us that they intended to proceed to the consideration of a matter on the Senate floor, it would be natural that we would give that higher priority than a member whose request involved only the introduction of the matter and not the Senate's consideration of the matter.

RITCHIE: So the closer a bill came to completion, the higher it was in terms of priority. If it was on a conference committee, it was on the next step toward enactment. If it was on the floor, it was approaching it. If it was requested by the committee chair, it was probably going to be reported out, but if it was requested by a junior senator, it had a long ways to go before it went through the process.

RYNEARSON: That's exactly right. I never in my career ever told a senator, whether they were in the leadership or chairman of the committee or in a non-leadership position, that I could not work on their request involving a conference report, which might soon go to the President for signature or veto, or that I could not work on their request for a floor amendment to a pending matter, because I had to work on a bill or resolution for introduction. That would have made no sense at all and the Rules Committee of the Senate recognizes that.

RITCHIE: You mentioned the Rules Committee a couple of times. What is the role of the Rules Committee in the type of work that your office does?

RYNEARSON: My office does not have a much different relationship with the Rules Committee than with any other committee. The Rules Committee certainly does not have the power of the House Rules Committee to develop and pass a rule governing the floor

debate on legislation. But the Senate Rules Committee does have power with respect to the internal operations of the Senate and, like any other office in the Senate, we are subject to its strictures. I was not privy to the discussions on the prioritizing of legislation and I frankly don't know when that occurred. It was a matter governing consideration by our attorneys throughout my entire tenure in the office.

Let me also add that, on any given day, I might take in ten or more drafting requests. Every Senate staffer wanted their item done first and would try all sorts of arguments, usually over the telephone, to attempt to get me to give their legislation special treatment. This irritated me no end. I would have thought that the Senate staff would have found it in their long-term interests to try to learn what the priority rules were in my office and to accept those rules. Nevertheless, they always resisted. The only way that this worked in practice was that I was a very fast drafter and a number of the requests were fairly short and could be done in the same day. I tried very hard, very diligently to accommodate all senators, and it was rare that a senator's staff had to wait very long for my drafts. In other words, I essentially made the pecking order that the office had developed a moot point by trying to get to everyone's work expeditiously. I never took an absolutely rigid view of the first come, first serve policy. That is to say, I never took the view that I could not do anything on a later-in-time request until I had fully completed the earlier-in-time request. Frequently, what I would do when a later-in-time request came in is that I would take a quick look at it and do what I needed to do to get it into our staff assistants' typing pool, so that the basic draft could begin to be typed while I continued to focus on, edit, and fully polish the earlier-in-time request. That is the only way, in my view, that I could have gotten through the week's work without major confrontations with the senators' staff.

Sometimes the Senate staff could be quite hostile about having to wait any amount of time for their drafts. I do believe that this is an attitude that has to change because the legislative workload of the Senate, in terms of drafting, is increasing each year on almost a geometric basis, while the number of drafters is remaining relatively constant. At some point, someone is going to have to wait or they are going to have to get better prepared before they approach the office.

It is becoming increasingly the case that the office has to do multiple versions of the same piece of legislation. This seems to be a trend that is mushrooming with the further development of word processing. In other words, as it becomes easier and easier to edit a

document using computer technology, the number of requests for draft legislation is increasing. Furthermore, the number of not-well-thought-through initial drafts are increasing. It is not unusual for an attorney in my office to be doing twenty or thirty versions of a piece of legislation perhaps before it even enters the public domain through introduction. This wreaks havoc with the first come, first serve rule because it seems as if the draft is not out the door but a short time when it is being returned for revision. The individuals who want it revised are entirely unsympathetic to the fact that you've taken in another drafting request in the intervening period. Rather, they claim that each revision should be treated as part of their initial request and that they should have priority on that basis.

The workload situation is getting quite difficult. I'm not sure that the senators appreciate it, because, at the end of the year, the Senate perhaps has enacted the same number of laws as it enacted twenty years earlier but the amount of drafting that has gone into those laws and the length of those laws is drastically different than what it was twenty years ago. In fact, thinking about the time of the late '70s, the early 1980s, a long piece of legislation from me would have been something in the order of twenty pages, more or less. When I retired, a long piece of legislation would have been two hundred pages. It is an entirely different world in terms of the length of legislation and what goes into that legislation before it becomes enacted into law.

RITCHIE: The question that comes up in connection with the scheduling and the amount of work that was dropped on you is: What was your day like? Was it a fixed-time day, or did you have to stay as late as the Senate stayed, or were you here whenever the Senate needed you? How could you manage all of this?

RYNEARSON: The Office has hours but that does not mean much. My obligation was to take care of my clients' needs, and my clients were the committee staffs and the Members' personal staffs and, of course, the Members themselves if they directly wanted to request my services. It was not unusual for me to come in early or stay late to serve the clients. There was no overtime but, nevertheless, I was being well compensated, and it was known by all of the attorneys in my office that it is their responsibility to serve the needs of the Senate staff. From time to time what grated on the attorneys was whether a particular need had to be done with the priority or the urgency that was being requested. It was not unusual for our office to take in many drafting requests late in the day. In fact, the phone seemed to ring most insistently at these times of the day. Right at the beginning of the day,

all during the lunch period of the day, and beginning around four o'clock to six thirty or later, we would be besieged with requests. We would, of course, receive requests all through the day, but those were the heaviest periods.

We should be forgiven, but we wanted to strangle a number of Senate staffers who called right at six o'clock because we knew in a variety of these cases, they could have made the request earlier in the day. In defense of other Senate staffers, I found that the typical day for a Senate legislative staffer would involve almost constant meetings and it was only in the morning, at lunchtime, and at the end of the day that they were out of the meetings. Nevertheless, I felt on many occasions that the Senate staff could have made their requests at times when I could have served them better.

The office did have a system of "late night" attorneys under which each night a different attorney would be designated to stay as late as the Senate remained in session. Usually the "late night" attorney was relieved by the attorney whose subject area was the pending business of the Senate. Like the other attorneys, I took my turn as "late night" attorney and also stayed late whenever foreign relations or immigration legislation was the pending business of the Senate. In addition, I would, of course, stay late to complete drafting assignments.

Although I did stay late on many occasions, I never had the kind of physical stamina that permitted me to work until eleven each night for a number of consecutive nights. I was always convinced that if I stayed extremely late on a particular night that I would pay for it the next day in my effectiveness. The fact that I stayed very late one night would not excuse me from being present in the office at 9 a.m. the next day. In other words, the Legislative Counsel always expected us in promptly the next day. I did have a number of those extremely late nights but I tried to limit them. I do remember one night when I assisted another attorney in the Office drafting a conference report at 3 or 4 a.m. I remember on one occasion where I worked to report out a bill and I worked until about 2 a.m. in the Office and got home and wasn't home but a few minutes when the phone rang about something in that bill. I also remember a couple occasions when I worked so late that it was past the time for the running of the Metro and, although I usually drove into the Office, on those two or three occasions I had opted to take the subway, and I had to get a ride from one of my Foreign Relations Committee staffers, Ed Levine, in order to get home. Perhaps the most vexing thing about a late night was that I frequently didn't know that I was going to work late until

five thirty or six at night of the very day. So I had no way to plan for it.

My preference, whenever I had any choice, was to come in early to work. I found that when I was working past eight or nine o'clock at night that my eyes would be so tired that I would begin to make little clerical and technical mistakes that I wouldn't otherwise have made. I preferred to come in early when I was fresh and probably did my best work in the 7 a.m. to 10 a.m. time range, particularly so since the phone would not be ringing so much. It is so difficult to edit drafts when you are being pulled away by telephone calls. You really need to concentrate. That's about all I can tell you on that.

RITCHIE: The average session of Congress has been described as an accordion. There are long stretches when it opens up and then periods when it closes and everything is condensed and the pace picks up. Was that true in your office where there would be long stretches in which there wasn't a lot of work, or was the work fairly steady during the year?

RYNEARSON: The general rule was that we did have periods of both great intensity and slowness in the Office. This was particularly the case in the early years of my tenure. However, as the years went on, it became very intense for most of the year with increasingly few periods of slow times in the office. Probably the slowest time legislatively in the Office was in mid August, which is entirely understandable because the Senate has maintained its four or five week recess every August that I can remember. There were also, when I first started in the Office, slow periods in election years in the fall and winter, but these have largely disappeared partly because there seems to be more and more lame duck sessions of Congress and partly because the Senate staff will get drafts going in the winter before the session fully starts. There is a greater reliance on the office during those periods now than when I started more than twenty-six years ago in the Senate. This has been very difficult on the legal staff and the secretarial staff of the office. Some of the periods that we go through are absolutely outrageous in terms of their demands on the staff, physically and emotionally, including the disruption it causes to our families.

One of the ways in which attorneys were recruited in the early years of my tenure was to tell them that, yes, we would have some very difficult weeks, but we would also have some very slow weeks where things could even out. Those slow weeks are increasingly a thing of the past and are not being seen and there is a real danger of burn out of the staff, particularly the legal staff. After the Congressional Accountability Act became law, the

secretarial staff were considered hourly wage employees, and our secretarial staff very rigidly held to that. If you needed secretarial assistance late at night, we probably had to pay overtime to a secretary, although the Legislative Counsel tried to arrange the hours of one secretary each day so that she would be available past six o'clock. The Office also received the services of GPO detailees who would come in later in the day and set type for us into the evening hours. On any given evening, there was probably work being performed in the Office, and in terms of the year, the slower periods were diminishing. The workload was becoming quite intense every week by the time I retired.

Let me mention one other thing regarding the Senate's schedule, the Senate would take a one-week recess just about every three or four weeks. Our Office would be deluged with drafting requests for bills and resolutions for introduction in the two days immediately prior to the Senate taking the recess. In other words, senators wanted to introduce large numbers of bills and resolutions just as they were leaving town. This made that last week prior to their departure enormously stressful for reasons that never had to do with the Senate's pending business. This was not precisely the case when I first came to the Office. I believe the Senate added one or two recesses in the springtime that the Senators were not taking when I first came to the Office. The upshot of this was to insert another week or two in the spring that was enormously stressful on the Office.

Also, as computer technology came into vogue, it must have dawned on the senators that they could obtain more bills faster, and so I believe a statistical study of the progression of introducing bills would show that more and more bills were introduced on a single day immediately before recess. Sometimes, the number of bills and resolutions introduced would exceed a hundred on a single day. I really wish that this could have been spread out in some way.

RITCHIE: One of the trends that you mentioned was that the larger bills got much larger in the decades that you were here. Was the fact that there were more pages in the bills an indication that they were lumping more individual bills into one larger omnibus bill? Or was it an indication that there was more of a trend toward micro-management, that they were being much more specific about things that they were demanding that the executive branch do?

RYNEARSON: Well, I think there were several factors that contributed to the length of the bills. The first is, as you suggested, it became increasingly more difficult in the Senate to consider major legislation during the course of the year as my service progressed. The result was that omnibus and longer bills were being passed at the end of the session, which really constituted several bills being packaged into a single bill. It was only at the end of the session that an agreement could be reached that these several individual bills could be passed as a package. There was the consolidation of bills, and computer technology enabled us to consolidate bills more easily than previously. So the computer technology might have driven that to some extent, although I think the major impetus of it was the fact that the Senate was increasingly deadlocked and gridlocked during the course of the year and could not reach agreement on bills until the end of the session.

Also, it occurred to Senate staffers, with computer technology available, that they could include in their legislation more and more findings of fact, which are expressed in resolutions as whereas clauses. It was not unusual for a Senate staffer to try to pack a bill with findings or a resolution with whereas clauses, the information in which would be largely derived from that staffer's longtime research, perhaps even a doctoral dissertation. This absolutely irritated me because none of these findings or whereases had any legal effect except in the remote situation where a federal judge, being unable to find any evidence of legislative intent, would refer to a finding, but that was extremely rare and totally inapplicable in the case of simple and concurring resolutions, which were never adjudicated in the courts. I remember doing resolutions containing more than fifty whereas clauses telling you about all sorts of information about the state of the world. Whenever statistics were employed, I particularly cringed because either the statistics would be wrong or in the course of doing the legislation, the statistics would have to be revised because the situation would be changing on a daily basis. If you were referring to the number of people suffering from HIV/AIDS or the number of deaths in a particular tragedy, these would be numbers that, not unexpectedly, would be changing. The legislation would be returned to me on virtually a daily basis to change numbers and facts, but none of it, with the exception that I noted, would have any legal bearing on the application of the legislation. Furthermore, all of those findings and whereases could have been inserted alternatively in the senator's remarks on the Senate floor when the legislation was being introduced or considered. I believe that prior to the computer age, that is where one would have found that information. During my tenure, it became in vogue to insert that information into the text of the legislation.

Also, I surmise that there might have been some senators and Senate staffers who were attempting to impress, if not their constituents, specific lobbying groups that might wish to make a contribution to the senator's reelection campaign by essentially recycling the lobbying groups' own material in the legislation into the form of these findings and whereas clauses. Or perhaps the Senate staffer merely wanted to impress the lobbying group because they might seek employment with them at some future time. In any event, these whereases and findings did have the effect of lengthening the legislation significantly.

Now, another factor in the growing length of legislation was simply that, with the availability of computer technology, my Office was able to do a more sophisticated draft. That is to say, we were able to do draft legislation that was cosmetically more readable, but in doing that, we employed more margins, more indents, more headings, and this had the effect of lengthening legislation a bit. Although it lengthened it, the overall product was much more transparent than some of the old drafted legislation, which read more like a stream of consciousness and was very hard to use as a reference work.

The style that we employed, which we referred to as "tax style," with the headings and the multiple indents, was originated in the House of Representatives by our counterpart office by the Legislative Counsel there, Ward Hussey, who was the chief draftsman of tax legislation. He developed this style, encouraged our office to use it, and then, I believe, our office employed it more rigorously than the House office, which never did decide on an absolute, uniform manual of style. Our Legislative Counsel, Frank Burk, made a point of getting the attorneys in the Office to agree on a style manual during his tenure in the office.

RITCHIE: You mentioned earlier about the Government Printing Office sending over printers who would set type, and I assume that was for the copies of the bills that would go on to the floor. Did computers eventually replace the typesetters, or were they still setting them in type all the way through?

RYNEARSON: I misspoke. By setting type, I meant that these GPO detailees would come over and they would do word processing on computers, but largely what they were doing was typing large quantities of text, which were largely unedited by the attorneys, although they did type edited text as well. Where they were most helpful is, if we received late in the day a large quantity of text, we could have them prepare that text before we would get into the editing the following day. We had two GPO detailees, who would work until

midnight and were very helpful to the office.

RITCHIE: Going back to the issue of micro-management, earlier on you raised the point that Senator Helms wanted to merge the informational agencies and the AID into the State Department. The State Department was resistant initially, and that was not their idea to do this, or at least it was not the administration's idea, it was the senator's idea. When you have a senator who wants to do something that the administration doesn't want to do, does that increase the pressure to write the bill in such a way that there are no options? Are things spelled out in perhaps more detail than they would be on other occasions?

RYNEARSON: I don't believe you can generalize on that. Certainly when the executive branch and a senator are in conflict on legislation, the legislation could take any number of forms. It could be written in a more generalized way, knowing that executive branch input will be required at a later point. Or it could be written in a very specific way in hopes of enacting it and giving the executive branch very little discretion to undermine the legislation they oppose. Or it might be written in a very specific way in order to embarrass the President and impose something the President finds unpalatable that he has to exercise a veto. Presidential vetoes of legislation were not always dreaded by Senate staff. They were sometimes the goal of the Senate staff.

I was largely in the dark on motivations. Senate staffers would try to disguise their motivations even in the confidential setting of my office. I just tried to do each drafting request in the best and most sophisticated way that I knew how, not knowing what might be enacted. I just wanted to do the best job possible.

In the case of the reorganization of the State Department, I know that the Foreign Relations Committee staff went down to the White House and talked to President Clinton directly about the legislation. I'm told he appeared very sympathetic to the reorganization, and I also know that whatever impression he gave them, his State Department continued to fight to keep the legislation from being enacted. I believe the president ended up using a veto on it the first time it was presented to him. However, the Foreign Relations Committee went back to the drawing board and, this time, the administration showed more interest in cooperation, and they sent their State Department attorneys up to Capitol Hill to try to provide input on the legislation. I remember sitting down with the State Department attorneys at a big session of the Committee staff, where we hammered out technical changes

in the legislation. It was enacted in 1998, in November of '98, almost four years after I first was engaged in drafting on it. The Agency for International Development was not abolished, but the other two agencies, USIA and ACDA, were abolished on a delayed basis and their functions were folded into the State Department. This was one of the more technically complex matters that I worked on during my service in the Office.

End of the Fifth interview