

THE GOVERNMENT SHUT DOWN

Interview #5

Tuesday, May 1, 2007

RITCHIE: We've talked about how you came to work for Senator Hatfield, and then the appropriations process in the 1970s and '80s, and we talked about the Reagan administration, up through the big Andrews Air Force base conference of 1990. I thought that today we could talk about the Clinton era and how things evolved in that dramatic decade. I wondered if you could tell me how Senator Hatfield related to President Clinton and the Clinton administration?

KENNEDY: Well, they weren't in service together all that long, although Hatfield was here for the entire first term of the Clinton administration. I think they got along pretty darn well. There was a time, actually, I think it was in '93, in President Clinton's first year in office, where Senator Hatfield flirted with the notion of voting for the budget resolution, which of course was very distinctly a product of the Democratic Party. As you know, certainly over time, and in recent years, a budget resolution vote is a party-line kind of vote. It is a test of party loyalty. Whether he was ever seriously considering it or not, the idea got floated that maybe Mark Hatfield would vote for this budget resolution. He got calls from among others Lloyd Bentsen, who by then had gone to be Clinton's Treasury Secretary. In the end, he did not vote for that budget resolution, but I think the idea that he even considered doing so was indicative of his openness to the kinds of things that they were suggesting and trying to do, because I think he remained concerned that federal fiscal policy had to be predicated on what he always referred to as the three-legged stool: appropriations, entitlements, and revenues.

I know that in staff-level exchanges, if you will, with President Clinton's folks in the White House and at OMB—when Senator Hatfield was ranking Republican and then with the second two years of the first Clinton term he was chairman of Appropriations again—they were very attentive and solicitous of his view. We would get calls as the president's budget was being finalized: Were there things that he would like to see in the budget? And so on. I think there were good relations there.

RITCHIE: I was thinking that it was sort of a peculiar circumstance that he was probably closer ideologically to the Democratic president than he was to the Republican

leadership in the House.

KENNEDY: Oh, definitely so.

RITCHIE: But as you say, party loyalty was being judged very closely in those days, so he stayed on the reservation. And the Democrats bit the bullet on Clinton's budget bill. Vice President Gore had to break the tie to pass it.

KENNEDY: Yes, I think that's right. Then of course it will be asserted that there were certain House Democrats who lost in the '94 elections because of, among other things, that vote—there was an energy tax, as I recall.

RITCHIE: Raising taxes was not a popular thing to do.

KENNEDY: No, it never is.

RITCHIE: But on the other hand you had those ballooning deficits at that stage. The issue was how the Congress was going to get some control of them.

KENNEDY: Well, I would assert, as I think I already have in an earlier interview, that I think that the framework that was arrived at at the Andrews Air Force base discussions is what led directly to the surpluses of the later Clinton years, creating “pay-go” and establishing caps on discretionary spending brought us some years of fiscal prosperity.

RITCHIE: Putting the caps on discretionary spending also put the caps on the members of the Appropriations Committee, didn't it?

KENNEDY: It's been of some interest to me that every time the Congress of the United States attempts to rein in those willy-nilly members of the Appropriations Committee, they wind up empowering them all the more. Gramm-Rudman back in 1985 created the 60-vote point of order against an Appropriations bill exceeding its 302(b) allocation. The attitude was: “Well, that will show 'em.” That will rein in those guys. And of course, what flowed from that was that any subcommittee chairman worth his salt wrote a bill that spent every last dollar of the allocation, and when you got to the floor,

nobody could add anything, unless you made a commensurate reduction somewhere else, and that's always difficult to do.

Here recently, the whole discussion about earmark reform, where we're going to cut down on the number of earmarks, and where we're going to have transparency—okay, fine, well and good. I don't know of any member of the Appropriations Committee that is at all embarrassed by having his or her name attached to something that they're asking for. If it is the will of the body, and the administration, that the sheer number of them will be reduced, well, clearly the people who are going to have first crack at that smaller pot are going to be the members of the committee. So, once again, what is touted as something that is trying to alter the behavior of certain individuals, is just giving them more influence.

RITCHIE: We had talked about earmarks in an earlier interview, but it seems to have been in this period, in the '90s, that the number of earmarks grew to the point where people outside of Congress were aware that there was such a thing.

KENNEDY: Yes.

RITCHIE: Was there any reason why it became more popular for Congress to earmark at that time?

KENNEDY: To my view, the exponential growth in earmarks occurred after I left, after Senator Hatfield retired in 1996. That's not to say there weren't earmarks before, there certainly were, but the remarkable increase in the sheer number of them occurred from the late '90s up until last year. All of that time, of course, you had a Republican majority in Congress. For the last part of the '90s you still had the Clinton administration, and the increase in the number of earmarks was explainable, I think, as a way for a Congress of a different party to get its priorities established. But once you had the Bush administration in office, in January 2001, and they still keep going up, you can't explain it that way anymore. I don't want to be unfair about the Other Body, but I think this was influenced more by the House of Representatives than by the Senate. The Senate just sort of played catch-up. My impression is that in the House, increasingly it became viewed by the leadership as a way to reward or discipline people in the party and help those in difficult elections. This just multiplied and got just ridiculous, really, and way

out of hand.

I think certainly the staffs of both the House and Senate Appropriations committees, majority and minority alike, Republican and Democrat alike, would tell you that earmarks got out of hand and became a great burden on the staff, and time spent on trying to manage earmark requests, satisfying members, was time taken away from more thoroughgoing budget review and program assessment. You'll have staff tell you now that they don't hear any longer from members about overall program funding levels. You used to get calls about "How much are we going to have this year for Section 8 Housing?" And "We need more money for that program." Doesn't happen anymore. The call will be: "Am I going to get my EDI grant of \$50,000?" The sheer number of earmarks has really ballooned, and the dollar value of some of them has just gotten ridiculously small. You can see references in report language now for amounts as low as ten and twelve thousand dollars. It's crazy.

RITCHIE: Do you think that lobbyists had a role in this? Figuring out that this was a way into Congress to get money, and bringing interest groups in that way?

KENNEDY: Yes, I don't think there's any doubt about that. And interest groups can be very small. But I think a culture developed that folks outside of Washington interested in federal funding began to think, "Hey, I'd better get one of these Washington insiders to help me." It became sort of a trophy. I'm sure you read—I didn't read all of it, I only read the first installment of the big, huge, long *Washington Post* article about Gerry [Gerald] Cassidy and his firm [beginning March 4, 2007]. I think the more universities heard about the successes of other universities, they said, "We need to get one of these." It became something you need to have. But yes, I don't think there's any doubt about that there are more folks in the private sector that are involved in the appropriations process than there used to be.

RITCHIE: It's funny, before World War II the Congress passed more private bills than they passed public laws, and now they've sort of gone back to the private claims.

KENNEDY: Yeah, in a way that's right.

RITCHIE: During the first two years of the Clinton administration, in '93 and '94, Senator Byrd chaired Senate Appropriations and I think David Obey was chairman of the House committee.

KENNEDY: He was, right towards the very end. Mr. [William] Natcher was still with us early on.

RITCHIE: Some of the things I was reading said they were getting their appropriations bills passed on time. It seemed like they were running a tight ship in terms of appropriations. Did Senator Hatfield work well with Byrd and Obey as ranking minority member?

KENNEDY: Oh, yes. He didn't have that much interaction with Mr. Obey, but that's just the way it is. But he and Byrd were great friends and worked well together.

RITCHIE: It seemed like the committee had a good bipartisan process going, meeting their deadlines and all. As compared to the big fight over the budget at that time, appropriations didn't seem too divided.

KENNEDY: I may have told you this before, but it was either in '93 or '94 where Congress enacted all the appropriations bill into law before October 1, which was the first time that had happened since Harry Truman. President Clinton decided that was worthy of a little reception down at the White House for all the members of the House Appropriations Committee and the Senate Appropriations Committee, and the four staff directors, majority and minority. Senator Hatfield and I went down to the White House on the appointed morning, and Jim English, Senator Byrd's staff director, rode with us. We just happened to get there at the same time as Senator Byrd, who was coming in from his home in Virginia. We all walked into the State Entrance of the White House together and Senator Hatfield turns to Senator Byrd and says, "You know, Robert, I've been here many times, but it always gives me a thrill to walk into the White House." And Byrd, without missing a beat, says, "Same here, Mark, but it's not as great as the thrill I get every single day when I walk into the United States Senate." For Senator Byrd, the Senate always comes first.

But yes, things marched along quite well. The Appropriations Committee, at least

as I always knew it, prided itself on process and doing its work on time. When I first became majority staff director in 1981, I went over to visit my counterparts in the House Appropriations, working for Mr. [Jamie] Whitten, and learned a lot from those folks. One of the very first lessons they taught me was the calendar. They always had a big calendar mounted on the wall. They just laid out the schedule. This Tuesday morning we will have this subcommittee markup, and this Thursday morning we will have this full committee markup, and we'll be on the floor, one, two three. It's harder to do that in the Senate, but it was impressed upon me early on that it's an orderly process that marches along. We don't have time to wait and think and gather coalitions, because we need to get our work done on time.

Things went a little bit astray in that regard in recent years, but I think certainly under Senator [Thad] Cochran's chairmanship in '05 and '06, and now with Senator Byrd back in the chair and Mr. Obey chairman again in the House, I think you will see renewed attention to meeting deadlines, and making progress, and following the proper procedure.

RITCHIE: Well, the election of 1994 sort of turned everything upside down here. The Senate and House both changed majority. Senator Hatfield became chairman of Appropriations again, and you returned as majority staff director. What was it like coming back into the majority at that stage?

KENNEDY: Well, of course, it was exciting and it was unexpected. It also had its difficulties, because as you mentioned earlier, Senator Hatfield was not exactly in step with the House Republican, Speaker [Newt] Gingrich-led Revolution. And there were some things done in the initial weeks and months of the new Republican majority in '95 that I think he thought were not necessarily prudent and wise. As it specifically affected the Appropriations Committee, there was this notion, again led by the House of Representatives, that committee funding should be cut across the board by ten percent. I think Senator Hatfield thought it was silly and shortsighted, and that it missed the mark. It was shooting at a problem that didn't exist.

That meant some tough decisions for him as chairman on the Appropriations Committee in staffing matters, but we managed to make that work. A few short years later, when Senator [Ted] Stevens became chairman, he was successful in persuading his colleagues that was not a very smart way to do things. The Appropriations Committee

budget and staff is now quite robust.

RITCHIE: Well, the Speaker was trying to get control over the House committees. He was doing a lot of things to reduce the power of the chairmen, passing over senior members to put his own people in as chairmen, to rename the committees, to change their jurisdiction, and then to reduce the staff was one way in a sense of making them less independent powers. That was probably truer in the House—

KENNEDY: Than in the Senate, right.

RITCHIE: —But the House has always been more of a hierarchy and Gingrich wasn't all that out of step with some of the things that Speaker [Jim] Wright and the Democrats had done previously.

KENNEDY: No, no, that's true, but to take that House model and try to apply it to the Senate just didn't work very well.

RITCHIE: Yes, the House passed the Contract with America in its first hundred days, and then it stalled in the Senate for deliberation over the next two years..

KENNEDY: Not unlike the current Congress with the House in its first one hundred hours.

RITCHIE: The House can always set deadlines, but the Senate can't do it.

KENNEDY: Yes.

RITCHIE: How well did Senator Hatfield get along with the Republican leadership in the Senate at that stage? Senator Dole was the majority leader.

KENNEDY: And Senator Lott was the Whip. He was getting along with the leadership just fine. There were some elements within the Conference that thought he was not in tune with some of the things that he should have been in tune with. I mean, let's face it, by this time the makeup of the Republican Party in the United States Senate was distinctly different than it was when he first came in 1966. When he and Howard

Baker, and Chuck Percy, and Ed Brooke, and Bob Griffin, and Cliff Hansen—that was the Republican class of '66—when they were sworn in in 1967 they joined people like Jack Javits and others, who were decidedly moderate if not liberal Republicans. People like Lowell Weicker, and Mac Mathias, and Bob Stafford and others, John Chafee. But by 1995, most of those people were gone. Javits was long gone, Weicker was gone, Packwood was gone. The majority party in the Senate was considerably to his right, if you will. He was just sort of alone.

RITCHIE: Was the Appropriations Committee itself feeling pressure from the new majority in terms of the directors they wanted to go in?

KENNEDY: No, I don't think so. In sort of a macro sense, the Appropriations Committee lives with what is put before it. There had passed through the Republican Congress a budget resolution that gave the Appropriations Committee a certain amount of money and its discretionary allocation. There may have been members of the committee that would have wished it to be otherwise, but there's the number, okay, that's what we can live with. Let's do our work. The problems came more with sort of specific things that, again were more the House than the Senate, I think, wanted to see done. The problems came more with policy matters, legislation written into appropriations bills. That became the bigger issue, I think, in trying to ultimately resolve differences with the House than in just moving the bills and dealing with the numbers.

RITCHIE: Was that when the precedent was established that you could legislate on an appropriations bill? I remember that Senator Hutchison got that through.

KENNEDY: You're absolutely right. It was in '95 or '96—one of those, it was probably '95—where Senator Kay Bailey Hutchison from Texas offered an amendment to the Interior appropriations bill relative to the endangered species act, and it was legislative in nature. A Rule 16 point of order was made that it was legislation. The chair concurred. She didn't attempt to raise the defense of germaneness—and I don't recall now whether it was because there wasn't a conceivable defense, or if she just didn't know that was available to her. But in any event, she appealed the ruling of the chair, and the chair was overturned. Therefore, you're right, there was a precedent established that the Senate had decided that Rule 16 was not in effect anymore. There were those on the Republican side of the aisle that were briefly elated at this, and then over time it came to be

understood what a Pandora's box this was. Eventually, when Senator Lott was leader, some years later, he engineered a reversal of the precedent to reestablish Rule 16. But it took a while for everybody to realize that was in their common interest.

RITCHIE: I remember the Parliamentarian expressing his frustration that the rules said one thing but the precedents said just the opposite, and he had to advise the chair to follow the precedent.

KENNEDY: That's right. It was interesting to me the other day—and this is bouncing off the subject, at least bouncing out of the time frame—when the Senate had under consideration the Iraq supplemental. Senator [Jim] DeMint of South Carolina raised a Rule 16 point of order against a particular part of the agriculture relief portion of the bill. Senator [Patty] Murray, who was managing for the Democrats, on the advice of staff, raised the defense of germaneness. There followed several minutes of confusion because nobody had heard that in such a long time. Senator [Barack] Obama was in the chair, and of course he didn't have an appreciation of what all that meant. The Parliamentarian was advising and various people were jumping up in the chamber, demanding to know what was going on. It was very confused.

RITCHIE: Senator DeMint, like a lot of senators these days, came from the House, and there germaneness means something very different.

KENNEDY: Indeed.

RITCHIE: Over there it's very much enforced, and over here it's a lot looser.

KENNEDY: Well, one of the people that stood up to inquire what was going on was Senator [Jim] Bunning from Kentucky, also a former member of the House. The presiding officer had said on the advice of the Parliamentarian, that the question is: is the amendment germane? Because under the precedents of the Senate, the Senate decides that, the chair just doesn't rule. Bunning jumped up and said, "Do you mean to tell me that the Senate will decide what is germane? Isn't it the Parliamentarian's job to do that?" Anyway, they worked it all out.

RITCHIE: It was in '95 that President Clinton vetoed several appropriations bills

and we had the government shut down. Was that really a product of the appropriations bills or a product of the budget agreement. Did the budget set the issues that he was vetoing or was that a matter of what was actually in the appropriations?

KENNEDY: Well, I think the first one he vetoed, oddly enough, was the Leg. [Legislative] Branch Appropriations bill. I recall having a heated discussion with Pat Griffin, who was then head of legislative affairs for President Clinton, about doing that. I was in high dudgeon talking about how outrageous it was that the president would deny the Congress funding for its own operations, and comity between branches, and all that. And he said, “Well, you tell me what you’re going to do with the Treasury Appropriations bill, which funds our operations, and then maybe we can have a discussion. But” –again this was more of an issue with the House– “as long as the House is pushing these certain things, we will not sign the Leg. Branch Appropriations bill.”

They had their issues in the Treasury bill, and that actually produced a very contentious conference. Senator [Jim] Jeffords was the chairman of the Senate Treasury Subcommittee. His counterpart in the House was one Ernest Istook, who is a very conservative fellow. The House was trying to put through as legislation a requirement that people testifying before Congress had to stipulate certain things like whether the organization ever got any federal funds, or something like that. The Senate was having none of it, and the conferees were just at loggerheads. Senator Jeffords, with Senator Hatfield concurring, just wanted that particular amendment to be reported in “true disagreement,” which had been the procedure. When conferees couldn’t agree, and you had true disagreement, you reported that particular matter in true disagreement so the House could vote first on the conference report and then vote on the matter in disagreement. The House refused to do that because the leadership of the House was fearful if that particular amendment were reported in true disagreement, the House, voting as a whole, would agree to recede to the Senate position and drop the language.

I honestly forget how it ultimately got resolved, ultimately it obviously did, but one of the things I believe it led to, in subsequent years, was a change in procedure. In those days the Senate relied on so-called numbered amendments. The House would send an appropriations bill. It would come to the Appropriations Committee. The Appropriations Committee would report out that bill with lots of amendments. The committee would just let stand in the House bill what it agreed with, and just altered

those things that it disagreed with. Then the bill would come to the Senate floor and the same procedure would happen on the floor. When the bill left the floor, it was a bill with Senate amendments, plural. When we went to conference, the conference was only on the amendments. If the House passed an Energy Appropriations bill and it said fifty million dollars for this particular thing, and the Senate agreed with fifty million, when we got to conference you didn't talk about that. It wasn't an issue. You only talked about separate amendments.

In '95, in that Treasury bill, one of those separate amendments was the Senate had stricken that House language. Under that old procedure of numbered amendments, when you couldn't reach agreement on a particular thing, as I said, it was reported in true disagreement, and each House would vote on it separately and apart from the whole conference report. In the late '90s, and certainly on through to date, the Senate Appropriations Committee now takes a House appropriations bill, strikes everything, and offers a complete substitute, so that when the committees go to conference now, everything in both bills is still in dispute. But when the conference is over, there is agreement on everything in both bills, and the conference report comes out and there is just an up-or-down vote on the conference report, as is the case with authorizing legislation all the time.

It was a significant departure from historic appropriations procedure, and it allowed for the leadership—and in time the Senate leadership caught on to this—to do things that it had never been able to do before: to use appropriations vehicles to carry matters that would not have survived had they been using the old procedure. It enabled the leadership to walk into conference, to an appropriations conference, and drop in entirely unrelated legislation and get the conferees to agree to it, get the House Rules Committee to issue a rule waiving all points of order, and the two bodies would be presented with stuff they had never seen before on an up-or-down vote on a appropriations bill. Not a good procedure. It would appear that the Senate committee is going to continue to use the amendment-in-the-nature-of-a-substitute process, but it would also appear that both bodies, and the House has formalized this in revisions to their rules, are going to be resistant to new material being added in conference.

RITCHIE: When the bill comes out it's this thick, and people don't even see the new material that's gotten into it.

KENNEDY: Right.

RITCHIE: Could you describe, from your perspective, what it was like when that confrontation was happening between the Clinton administration and the Congress—really the House?

KENNEDY: It was a very frustrating time. And it was a very confused time. By the time all this had occurred, Senator Hatfield had announced that he would not run again. Senator Dole, everybody knew, was going to be running for president. The House took a continuing resolution and added to it—again, legislative provisions relative to Medicare—thinking that the president would be forced to sign it in order to keep the government running. I think that Senator Dole and others cautioned that maybe this was not the best thing to be doing, in private counsels, but ultimately the decision was made that this was how Congress would proceed. It went to the president and he vetoed it. Then the House, and I think certainly to my surprise and to the dismay of lots of folks in the Senate, the House decided that they just wouldn't pass another continuing resolution.

So large portions of the federal government were out of money. They had no budget authority to obligate, and we just sat that way for what? Ten days? Two weeks? A long period of time. Senator Dole tried various things to get us unstuck. The Senate passed the bills and sent them to the House, to try to get things going again, and nothing happened until it became so abundantly clear to everybody that the president was winning the public relations campaign. The American people were saying: "What in the world are you guys doing?" Eventually, of course, a continuing resolution was passed to get the government up and running again, and then there were protracted negotiations on into '96, to finalize the particulars of I think the five remaining appropriations bills that had not been enacted. That eventually got signed into law as a comprehensive package, and people moved on, but it was a searing experience, something that people said they never would want to go through again.

RITCHIE: I think a lot of members were surprised that the public missed the government services. They thought they wouldn't notice that they were gone.

KENNEDY: Yes, they were. I mean, there were a lot of folks in those closed

meetings that said things like, “Hey, it’s not our government. It’s his government.” Or “These are programs we don’t like anyway.” They just totally missed the point. No, it’s not your government or his government, it’s the American people’s government, and there are people out there that know these programs exist, and benefit from them, and think they’re a good thing.

RITCHIE: The most dramatic image for me was driving to work in the morning—there was a lot of snow in Washington at that time—and seeing people standing in line in the snow for the Vermeer exhibit at the National Gallery of Art, which shut down with everything else. Anyone who would stand out in the snow at dawn to see an art exhibit would be pretty outraged when the politicians got in their way.

KENNEDY: Yeah, that was one that the media certainly played up. Here were folks coming to Washington, to their nation’s capital, to see their museums, and they were closed. The Smithsonian was closed, the National Gallery was closed.

RITCHIE: They always used to use the Washington Monument—that if you cut back the National Park Service they would shut down the Washington Monument. It turned out that the National Gallery of Art had more influence than the Washington Monument!

KENNEDY: Exactly.

RITCHIE: What do you feel was the result of that showdown? Was there any benefit after all that? Did people learn any lesson from that experience?

KENNEDY: Well, yes, it was a lesson that you would have hoped didn’t need to be taught but I think people learned the lesson that you don’t want the government to shut down. I suppose the political lesson that was drawn was you don’t want to be seen as the cause of the government being shut down. And Congress was seen as the cause of that, and in my opinion rightly so. The Congress decided to just shirk its responsibility until the American people brought it to its senses.

RITCHIE: They could have gotten around that by passing another continuing resolution.

KENNEDY: Sure.

RITCHIE: There was a mechanism for doing it without necessarily giving in to the president.

KENNEDY: Absolutely, and they could have passed a continuing resolution that would have constrained spending to very fiscally constrained levels. They could have passed a continuing resolution that would have kept everything at the previous year's level, or some percentage below that. Had it been simply a federal spending level argument, I think the Congress could have won. But when they threw in this extraneous thing on top, about Medicare reimbursements, that had the effect, as I understood it, of increasing the costs for Medicare recipients, increasing their co-pay or whatever it was, then the Congress gave the president a whole other issue to talk about, and lost the argument.

RITCHIE: About that time, a memorable event occurred in the Senate: the vote on the Balanced Budget Amendment. I've never felt the atmosphere in the Senate chamber as dramatic as it was that day, and I wondered if you could talk a little bit about the Balanced Budget Amendment and Senator Hatfield's role in that?

KENNEDY: Well, it was. It was an incredibly tense atmosphere. Of course, the constitutional amendment to balance the budget was one of the items in the Contract with America. And the House, as the House had done before, passed the amendment by the necessary margin. Everybody knew this was coming. Everybody knew the Senate was going to have a vote on it. Some weeks before the Senate took it up for consideration and had a vote, Mark Hatfield got up on the Senate floor and made a speech about the amendment and said that he would vote against it. Now, he had voted against it before. He had also voted for it before. There was a time in the early '80s, I believe, when it came before the Senate and he voted for it, as did one Robert C. Byrd. In fact, they almost literally held hands in the Senate well and both voted for it. It failed of passage that time, too. Anyway, Senator Hatfield got up and announced his position, explained his reasons, and it sort of passed largely unnoticed, I guess because people knew that's what he was going to do, and there were those on the Republican side of the aisle who were confident that they had the votes, relying a good bit on certain members on the other side of the aisle who had, in their political campaigns, had said they favored such an

amendment, therefore they expected they would vote for it.

Well, as the days wore on and better vote counting was conducted, the supporters of the amendment came to realize that some of those votes on the Democratic side of the aisle were not going to materialize. And every Republican was going to vote for it—except Mark Hatfield. The pressure became very intense. He was getting calls from all over creation. Elizabeth Dole, who was then the head of the American Red Cross, called him up and talked to him about how important this was to Bob Dole. There's a minister out in California that preaches from the so-called Crystal Cathedral—

RITCHIE: Oh, Schuller.

KENNEDY: That sounds right.

RITCHIE: Robert Schuller.

KENNEDY: He called up Mark Hatfield. I think Billy Graham called Mark Hatfield. One of my favorites was Haley Barbour, who came calling. I've worked with Haley since, and I love to tease him about this. He came to see Mark Hatfield, and Haley was chairman of the Republican National Committee at the time. His pitch to Senator Hatfield was again how important this was to Robert Dole, and one of Senator Dole's competitors in the upcoming presidential race was going to be one Phil Gramm, and Haley Barbour was saying, "You need to help Bob with this, if this thing goes down it's going to be blamed on him and Phil Gramm is going to get the nomination." Of course, Phil Gramm spent a whole lot of money and didn't get a single delegate. So much for Haley's political calculation.

Then last but by no means least Senator Dole came to see Senator Hatfield on the day of the vote. He came downstairs from his leader's office to the Appropriations Committee in S-128. I ushered him back to the chairman's office, and then got out of there, so I did not personally hear the conversation. But Senator Hatfield told me afterwards that he had told Dole he would resign. He would just step out of the Senate and then Senator Dole would have his necessary two thirds. I've seen Senator Dole quoted somewhere since as having said he thought that was a grandstand stunt and didn't believe that Hatfield would do it. Senator Hatfield, as you might expect, has said no, he

was absolutely sincere in that offer. And I think he was because even though he had not publicly announced it, I think he knew in his own mind he wasn't going to run again.

But anyway, it was a very difficult time for him. He felt a lot of pressure. The pressure he didn't mind so much, I don't think. I mean, he had stood up to pressure before back in the McGovern-Hatfield days with the Nixon administration. As Senator John Warner has told me, he had heard from Hatfield personally of Hatfield as a young naval officer getting Marines in the boats to go land on Iwo Jima, and how tough he had to be to make that happen. He doesn't lack for courage. But I think it was hard on him because he had so many friends of his who were urging him to do something, and putting it in terms of "do something for these other people." But it was just against a stand that he had taken in principle. Of course, the odd thing was—it's not odd, but this is true in a lot of these situations—the more the pressure intensified, and the more public it became, for Mark Hatfield the less chance there was that he was going to change his mind. The last thing he wanted to demonstrate to the world was that he could be pushed around. It just wasn't going to happen.

RITCHIE: And of course he was proved right in the end, because they were able to balance the budget without this cumbersome amendment.

KENNEDY: Indeed. That's exactly right. But if you were in the gallery, or if you saw it on TV that day, you'll recall that they did one of these scenes where all senators were at their desk and voted from their desk. He rose and gave a sort of strangled "no" and sat back down.

RITCHIE: I can remember the expression on Senator Dole's face.

KENNEDY: He was not a happy man.

RITCHIE: There are only a handful of times that I've seen all the senators sitting at their desks in the chamber.

KENNEDY: Yes, that's right.

RITCHIE: And every seat in the gallery was packed, and the entire press gallery

was up there, leaning over to get a better view of what was going on.

KENNEDY: Yes, it was high drama, it really was.

RITCHIE: And it was a symbol of what the Senate can be: one senator can stand his ground and prevail.

KENNEDY: Interestingly—when was this?—two years ago I think, Senator Cochran sits on the Profiles in Courage board of the Kennedy Library. A couple of years ago, I learned that some young high school student wrote the award-winning essay on a Profile in Courage about Mark Hatfield’s vote on the Balanced Budget Amendment, and was recognized at the annual Profiles in Courage ceremony up there at the Kennedy Library. Obviously, I got a copy of the essay, and it was fun to read. You might want to find it yourself and put it into the files around here.

RITCHIE: Yes. Immediately after that vote, the Republican Conference rewrote its rules, and one of the rules dealt with electing chairmen of the committees. It was clearly connected to Senator Hatfield’s independence on that particular vote. Do you think if he had chosen to run again that he would have been challenged for his chairmanship in the next Congress?

KENNEDY: I don’t think so. Who knows, of course, it would have depended in large part on the makeup of the committee and what other things may have happened. But yes, it was in the wake of that vote that Senator [Rick] Santorum and Senator Connie Mack—Santorum being the more vocal of the two but Senator Mack being equally part of it—led a discussion in the Senate Republican Caucus about how “we just can’t let this happen.” If you were a chairman you were supposed to be part of the leadership team, and this was a leadership vote. Of course, these were two former House members, Senator Santorum at the time just fresh from the House, and this was very much a House of Representatives mentality. And while all this discussion was going on—and it went on for some time before the caucus finally met and did make some rules changes—Senator Hatfield would be sitting out on the Senate floor, since this was early in ‘95 it was probably a supplemental, and various senators would come by and say, “Don’t worry about this, Mark, we’re not going to let them do it.” These were people on both sides of the aisle. I particularly remember Senator [Ernest] Hollings of South Carolina coming up

to Senator Hatfield. They were old friends. They'd been governors together back in the '60s. Hollings reminded Senator Hatfield that the *Senate* votes on who chairs a committee, and there would not be a single Senate Democrat who would vote for replacing Mark Hatfield with somebody else. And Senator Hatfield took some comfort in that, I dare say, because he probably had his thoughts that if it were left entirely to the Senate Republican caucus he might not keep his seat.

The Senate Republicans—I believe you are right, I have no reason to think otherwise—they did change their rules, and they did change the way Senate Republicans decide who to recommend to the Senate, but the Senate ultimately still votes on committee memberships and chairs. It wasn't the first time in my tenure, or yours, where the question of who chairs was an issue. You'll remember the back and forth between Senator [Richard] Lugar and Senator [Jesse] Helms on who was going to chair Foreign Relations. Senator Helms—he chaired it at one point and decided he would go to Agriculture?

RITCHIE: He had run for office promising that he would chair Agriculture, but then he said that was only for one Congress, and he exerted his seniority on Foreign Relations.

KENNEDY: That's right, it's not that Helms had relinquished it, but he stood aside and Lugar got it. Then Helms came back in a couple of years and exerted his seniority. Interestingly, it was folks like Mark Hatfield, and Lowell Weicker, and Bob Stafford, that crowd, who were certainly more politically and philosophically aligned with Dick Lugar than with Jesse Helms, but they supported Helms down the line, because they said, "If this gets left up to ideological purity, we don't have a chance, so stick with seniority."

RITCHIE: Yes, the Senate has a history of having some of its iconoclasts and insurgents winding up as chairmen of committees, not necessarily following the party line, so anyone who is as independent-minded as Lowell Weicker would never stand a chance unless there was a seniority system.

KENNEDY: Right.

RITCHIE: Well, Senator Hatfield's Senate career ended when he did not run in 1996. Did you have any thoughts about staying in the Senate, or were you looking to leave with him?

KENNEDY: I'm sure, yes, I had some fleeting thoughts about staying on with Senator [Ted] Stevens, continuing to work as staff director on the Appropriations Committee, which I'll always believe is the best job one can have in the Senate. But those two gentlemen are very different, and it would have been a very different experience working with Senator Stevens. The more I thought about it, the less that seemed liked the right thing to do. The more time passed without my actually going directly to Senator Stevens and talking to him about it, the more he was focused on getting somebody else to do it. In say June of '96, sometime in the summer of '96 thereabouts, Senator Howard Baker called up Senator Hatfield and after they had some preliminaries, Senator Baker asked Senator Hatfield what I was going to be doing, and would I be interested in coming down and talking to him. So that sounded like a reasonable thing to do, and I did. I went with Senator Baker to Baker Donelson in '97.

I also talked at one time with Congressman Bob Livingston, who was chairman of House Appropriations at the time, about maybe going over there and working on House Appropriations, which one of my colleagues in the Senate Appropriations Committee did after Senator Hatfield retired. I was interested mainly because I only had, what, eighteen more months of service before I could retire. Ultimately, I decided I didn't want to do that. Ultimately, I figured out another way to get that time.

RITCHIE: Well, we've gone passed three now. Did you want to stop now?

KENNEDY: Yes, this would be a logical time to stop. As I've said to you before, so you can take this with a grain of salt, but I will try to be more faithful and we can get this thing wrapped up!

End of the Fifth Interview