

## Preface

“For our visitors in the gallery, and for our viewers on C-SPAN, it may look like Senators are running this place,” said then Senator Joseph Biden in the Senate Chamber on January 31, 2008. “Mr. President, we know better. We trust dedicated, professional staff like Marty Paone to get things done. . . . To do his job, Marty has to be a combination traffic cop, diplomat, and parliamentarian—and he has to have the trust of the Senators who follow his direction. Marty has that trust, because he has earned that trust, and because he has all those other skills, too.” By the time of his retirement, Martin Paone had been on or around the Senate floor for three decades, beginning in the Democratic Cloakroom, moving to the Democratic Policy Committee’s floor staff, and then serving as the Minority Secretary and Majority Secretary for Senate Democrats. During these many years he worked under the leadership of Senators Robert C. Byrd, George Mitchell, Tom Daschle, and Harry Reid. As Secretary of the Majority, he was essentially the “floor manager” of the Senate.

“I have been here 35 years,” said Senator Biden; “it is hard for me to remember a time when Marty wasn’t here. And I don’t just mean year in and year out. I mean any hour of the day or night. Whenever this place is open for business, Marty has been here, helping to maintain order and to get things done.” Other senators recalled the help that Paone had offered them when they first arrived in the Senate, teaching them how the place worked and advising them about when to expect votes and how to time their schedules around those votes. “He was just the most knowledgeable, decent, kind, indispensable person around here,” said New York Senate Charles Schumer. “We are going to miss his ever-present—he hovered in the background quietly—omniscience, always knowing what was going on, and always being there to help.”

Martin Patrick Paone was born in Everett, Massachusetts, on March 1, 1951. He received a B.A. in Economics and Philosophy from Boston College in 1972, and an M.A. in Russian Studies from Georgetown University in 1978, paying his way through graduate school by working in the House Post Office and as a “vehicular placement specialist” for the Senate Parking Office. In 1979 he joined the staff of the Senate Democratic Cloakroom, the L-shaped room adjacent to the Senate chamber where Democrats could meet privately. In 1982, Paone transferred to the Democratic Policy Committee, whose staff supported the floor activities of the Senate Democratic leader, where he worked regularly at the party’s desk in

the front of the chamber, just below the presiding officer. His responsibilities including drafting written summaries of all legislative issues on which the Senate was concluding a roll call vote, negotiating unanimous consent agreements with the Republican leadership, and walking the senators through complex parliamentary procedures.

In 1995, under Democratic leader Tom Daschle, Marty Paone became secretary for the minority. The election of 2000 produced a rare evenly divided Senate at fifty-fifty, and then in June 2001 Vermont Senator Jim Jeffords resigned from the Republican party and joined the Democratic conference as an independent. Democrats became the majority party and Paone served as majority secretary until 2003. He was minority secretary again from 2003 to 2007, under Senators Daschle and Harry Reid, and finally majority secretary from 2007 until his retirement in 2008, when he joined the lobbying firm of Timmons and Company. At that time, Senator Reid claimed that it was no exaggeration that “every single Democrat—and more than a few Republicans” relied on Paone’s expertise every day, himself included. “Nothing happens on the Senate floor,” said the Majority Leader, “—no legislation is considered, no parliamentary procedure enacted—without Marty’s influence.”

There was also a personal side to his Senate connections. In November 1983, the *Washington Post* reported that in the Senate’s rush towards adjournment, “Sen. Robert Byrd paused in the debate to inform his colleagues that Ruby Grey Smith, who has worked in the Senate Reception Room for the last eight years, had married Marty Patrick Paone, a member of the floor staff of the Democratic Policy Committee. Byrd observed that with all the burdens of the Senate, the marriage shows that ‘every cloud does have a silver lining.’ Quick to agree with the minority leader, Majority Leader Howard Baker rose to add his congratulations, remembering that on the wedding day the press of Senate business almost interfered with the wedding hour. Sen. Howard Metzenbaum rushed out to get Mrs. Paone to hear the words of congratulation and she was there to see the chamber burst into applause. It may have been the best thing done in that chamber all year.”

*About the Interviewer:* Donald A. Ritchie is Historian of the Senate. A graduate of the City College of New York, he received his Ph.D. in history from the University of Maryland. His books include *James M. Landis: Dean of the Regulators* (Harvard University Press, 1980), *Press Gallery: Congress and the Washington Correspondents* (Harvard, 1991), *The Oxford Guide to the United States Government* (Oxford University Press, 2001), *Reporting from Washington: The History of the Washington Press Corps* (Oxford, 2005), *Electing FDR: The New Deal Campaign of 1932* (University Press of Kansas, 2007), and *The U.S. Congress: A Very Short Introduction* (Oxford, 2010). He served as president of the Oral History Association and of Oral History in the Mid-Atlantic Region (OHMAR), and received OHMAR's Forrest C. Pogue Award for distinguished contributions to the field of oral history.

## THE DEMOCRATIC CLOAKROOM

### Interview #1

Wednesday, March 11, 2009

**PAONE:** Oh, that's a great Jimmy Stewart, from *Mr. Smith* [pointing to a framed photograph from the film *Mr. Smith Goes to Washington*].

**RITCHIE:** My favorite senator, yes. That's a great perspective because it's right out of the Democratic cloakroom, looking down the aisle. That's actually a Hollywood set.

**PAONE:** Yes, I heard they let them come and take pictures of the chamber, at least maybe not as much for that as for the 1960 Otto Preminger movie.

**RITCHIE:** *Advise and Consent*.

**PAONE:** *Advise and Consent*, which reconstructed it out in Hollywood.

**RITCHIE:** Yes, *Advise and Consent* used the same set but they modernized it, because that's the 1930s look of the Senate chamber. By the 1960s it had taken on a different appearance altogether.

**PAONE:** It was great watching them ride the old subway from the Russell Building at one point in the movie. That was actually still running.

**RITCHIE:** That 1962 movie is like a time capsule.

**PAONE:** Yes, I love it. I went out and bought it myself.

**RITCHIE:** So I noticed that you were born in Everett, Massachusetts, but you were raised in Revere.

**PAONE:** Correct.

**RITCHIE:** I wanted to know about your background there. Did you spend your childhood in Revere?

**PAONE:** Yes, my parents met down here at Georgetown in the late 1920s. My dad came down from Massachusetts to go to Georgetown. My mom came from Lonaconing, Maryland, where her dad was a coal miner. He must have been an amazing guy because during the Depression he sent her off to college. She went to nursing school. They got married and they moved back to where he was from, up in Massachusetts, up in Revere. His dad opened up a grocery store. Before the days of 7-Eleven, it sold milk and bread and fresh fruit and candy. It had a soda fountain and the whole nine yards. He had immigrated over here in the 1890s and opened up what started out as a fruit stand and then turned into a grocery store. He had a house in the back where all the family grew up. So when my dad got back from college, he went back there and ended up working for the federal government. He worked for the National Labor Relations Board for thirty-seven years, until he retired in '72. But he would work every night. He would come home, have supper, and then he would go down to the store and relieve the uncle, his brother, that was running it in the daytime, and work until closing at 10:30, 11 o'clock. Then he'd go back home. And on Sundays he'd be down there at 5:30 in the morning, opening it up, and he'd work until like 2 o'clock on Sundays. Then I would go down on trash days and put out the trash on Tuesdays, and put out the cigarette and candy order. Everybody helped out at the store. As a result, the couple of brothers that stayed back and didn't go to college, that's what paid to send the other brothers and sisters off to college. His brother also went to Georgetown and graduated the year after him. A sister went to, I think Regis College, or somewhere. But the store was basically the source, the center of your life. So we grew up in Revere, yes, about a block away from the store.

**RITCHIE:** Did the family still live behind it?

**PAONE:** No, the uncle did until they closed it. He was a bachelor, who never married, the one uncle who ran the place. His name was Joe, and he was like the godfather of the family. If anybody needed anything, you went to Uncle Joe and he took care of you. He still lived in the back of the store. It was the type of place that still had an old GE refrigerator with the coil on the top, some ancient stuff back there. But he lived there until they closed it around '74, I think it was. Then he moved in with one of his sisters, a couple of blocks away and stayed there the next twenty years until he died.

**RITCHIE:** Did you go to local schools?

**PAONE:** Yes, I went to one right up the street. It was a small Catholic school, a twelve-room school. You had the first six grades on the first floor, seventh, eight and the high school grades were on the second floor, taught by these nuns. It wasn't a huge school where you changed classes or anything like that. You didn't have lockers or anything like that. The nuns would come in and change classes and teach you a different course. The only time you left the room was maybe if you had to go downstairs to the basement for a typing class, or the chem lab. My dad was in the first graduating class to that school, Immaculate Conception, in 1925. I graduated from it in '68, and my two brothers and sister graduated from it before me. So, yes, that was like a block away—like from here to the Capitol—from my house. Then I went on to follow in my brother's footsteps to commute into Boston to go to Boston College as an undergraduate.

**RITCHIE:** Charlie Ferris used to say that in Boston you didn't ask people what neighborhood they were from, you always said, "What diocese are you from?"

**PAONE:** Exactly.

**RITCHIE:** When you went to Boston College, what did you have in mind for your career?

**PAONE:** Actually, you know, I didn't. I just knew I was going off to college. I started off as a math major, because math seemed to come easy. And my oldest brother majored in math. But in my sophomore year we ended up having some very convoluted calculus book. Even my brother took a look at it and he said, "I don't know why they made this more complicated than they should have." He helped me get through that year by explaining something to me in thirty minutes that I would waste weeks in class on, not understanding. The teacher was horrible. Unfortunately, for me, I still did well in the courses, which kept me in the darn class, until my second semester my brother moved out of the house and I flunked the course! So that required the necessitation of changing your major, and I picked up economics. But around that time I had a really interesting history teacher, Raymond McNally. He taught Western Civilization, but he spent a long time on the Russian Revolution. He was fascinating, and that was around the time that you had [Henry] Kissinger in the White House, and the Soviet Union was our big competitor in

the world. I would read stories about the grain sales and all that, so I thought this is interesting. It's us and them, so I want to know as much about *them* as possible. I started taking all these Russian history courses, philosophy, Marxism courses, etc. By the time I was done, I wound up with a major in philosophy also, mostly because a lot of the Russian and Marxist philosophy courses I took, I only needed to take a couple more to get a major, so I did. I ended up with an economics and philosophy major.

I realized that this was really something I enjoyed. So while I was trying to decide what to do for graduate school, I got a job driving a forklift from 9:30 at night to 6:30 in the morning unloading railroad cars for a supermarket chain, the A&P it was called, the Great Atlantic and Pacific Tea Company was their full name. Then somebody told me about a program they had at Harvard. It was adult education. It was set up by someone centuries ago, by someone who had bequeathed them money but solely for the use of adult education, with the stipulation—the way I heard the story—that they couldn't charge more for a course than the going rate for a bushel of wheat. So I took a Russian course at night there—that was the one thing I didn't have, the language—while I worked at the warehouse. I would go there a couple of nights a week and then go to work at 9:30 at night. I did that for a year, and then in the summer I took an intensive course to finish it up. Meanwhile, I applied to graduate schools in Russian history and studies, to Tufts and a couple of others.

My dad was insistent, “Why don't you apply to Georgetown?” Just to get him off my back, I did. And lo and behold, I got in. They had what was called a Russian Area Studies Program, RASP, and I got a Master's. I ended up coming down here in September of '74. I figured I'd be here for a couple of years, get the degree, and go back. I've been here ever since.

After six months, I came down here in September so it's now January of '75, and I'm running out of money. I went looking for work. My dad said, “Well, go to your congressman's office.” Another thing, just to get him off my back, I did, but unbeknownst to me, he knew my congressman. We used to get a Christmas card from the guy, but I figured so did every other person in the district. But he had worked with him before the congressman had been a congressman. Torbert Macdonald was his name. His claim to fame was founder of PBS [Public Broadcasting Service]. It was his bill that established PBS. And for football fans before cable, it was his bill that ended the

blackout for home football, home Redskins games and other games that were sold out 72 hours in advance.

I went to his office, again just to get my dad off my back. I walked in—I think I had a flannel shirt and jeans on—and said, “I want to see my congressman.” The lady at the front, she must have been just passing through because it turned out she wasn’t just the receptionist, she was the office manager. She said, “Can I help you? Do you need a job?” I said, “Well, is it that obvious?” Apparently, just that morning, their patronage in the post office had finished up and she knew they had an opening in the House Post Office. So I went back to working nights again. I worked from 3 A.M. to 8:30 in the morning, over in the House Post Office, sorting mail. You did that for twelve days. You did that Monday through Friday, and then on Saturday and Sunday you worked maybe 4 to 6:30, and then you got every other weekend off. You ran around the buildings and you dropped off the mail at offices at 7 o’clock, before they got in. So I would do that, and then go eat breakfast at the Longworth cafeteria. They had, at that time, pots of coffee strategically located around the cafeteria, you could have as much as you wanted. I’d drink some coffee and then go over to the Library of Congress, across the street and do some homework, and drive back home. I lived in an apartment that was two floors below the ground so sunlight wasn’t a problem, and sleeping during the day wasn’t a problem. Having already worked for a year and half at the warehouse before coming down here, I was used to working nights. I’d sleep during the day and get up and go to classes around 6:30, 7 o’clock, go home and do a little more studying, then sleep from 10 to 2, and then go back to work. That lasted for a year and a half. He died and I lost my patronage.

I got a job, briefly, making furniture for the Door Store in Georgetown—or assembling it, I should say. Then I saw at Georgetown University, on the bulletin board, a card that said, “Parking Lot Attendants Wanted, \$5 an Hour. Must be Polite,” or something like that. I thought, well, \$5 an hour at that time was more than the minimum wage, more than I was making, so I figured, I’ll be polite. I went down and applied, and I got the job. At the time, Lot 18, Lot 16, those lots were making people leave their keys, and it was a relatively new program. They had run out of space to let everybody park their car and leave it, so they said to Terry Flaherty, who was a U.S. Capitol Police officer, why don’t you try to start this program? He hired parking lot attendants to be available to come out and move cars if people, if somebody came out during the middle of the day and needed help because they were in the middle of the row. He was running



the program, and I got hired as the parking lot attendant. I told him, “I need more than fifteen hours a week.” But within three weeks I was like at thirty-five hours a week, and then a week later I was on salary as a supervisor of Lot 18. Because Lot 16 was more established and Lot 18 had just come on.

**RITCHIE:** Which was Lot 18?

**PAONE:** It’s the one across the street from St. Joe’s and the Hart Building. [At Second and D Streets, Northeast.]

**RITCHIE:** Oh, okay.

**PAONE:** That was just then becoming—

**RITCHIE:** They were just demolishing that block.

**PAONE:** Well, they hadn’t yet demolished those front buildings down there by the Monocle, and First Street. That was Lot 16 and Lot 17. Then there was Lot 18 and a little Lot 19 over there. They weren’t connected. There were fences and regular buildings. That happened after I was gone. So I did that for a year and a half, working as a supervisor of the parking lots while I was writing my thesis at Georgetown, and finishing up school.

**RITCHIE:** I noticed that your title was “Vehicular Placement Specialist.”

**PAONE:** That’s what I would tell people. You would go to a party in Georgetown and they would say, “What do you do?” “Oh, I’m in pre-med.” “I’m a dental student.” “I work on the Hill.” “I’m a Vehicular Placement Specialist.”

**RITCHIE:** You mentioned you were writing your thesis, what was it about?

**PAONE:** Soviet and East European energy policy, going into the 1980s. At that time, [Jimmy] Carter was in the White House and you had the gas lines, OPEC was a new thing, and the Soviet Union was the largest producer of oil in the world. A lot of people didn’t realize that, except maybe the CIA. But they also had a captive audience, so to

speaking, for their product, because they had to supply oil to all of Eastern Europe, to their captive nations, and to North Korea, North Vietnam, and Cuba. Those countries couldn't pay them in convertible currencies. They would get some goods from them, manufactured goods and raw materials, but especially as OPEC formed and oil became far more valuable on the world market, the Soviets realized that they could make money here. So they eventually changed their policy to the Eastern bloc and told them, "If you figure out a five-year plan"—which they all had anyway under the Soviet model—"we will guarantee you that much oil each year, but if you need more than that, you have to pay us in a convertible currency," like dollars or francs or deutschmarks. That would obviously put a pinch on Hungary or Romania, who probably had very limited capital. If they needed more oil, then they were going to have to sell whatever they could on the world market in order to get dollars to pay the Russians. Anyway, my thesis was on that. It seemed like a topical thing at the time.

**RITCHIE:** What were you aiming at? Were you thinking about going into teaching?

**PAONE:** Teaching would have been a first love. Or working with a company that does business with the Soviet Union. Or working on the Hill. When I got the degree I went around the Capitol and left my resumé with everyone in the world. But at the time, Carter had a hiring freeze on, because of budget constraints, and I didn't know anybody on the Hill. So I wasn't getting very far. The CIA was one of the few people interested in me. But I told them I was a researcher and not an agent-type person. If they wanted an agent they were talking to the wrong person. But before anything came of that, they said, "If we hired you as a researcher, and we wanted to send you out for a little bit more training, would you be willing to do the training?" I said, sure. I needed a job.

But Terry Flaherty, the guy at the parking office called me. I was no longer working for him. I got my degree, I got my Master's, and he had a Darwinian theory of employment. He only kept active students. Once you got your degree, you left. We had an amicable parting. I just told him, "I've already collected unemployment in town once. I'm going to go down and collect it again while I'm looking for a job, so I'm not quitting." Because then you would have to wait longer before you could collect unemployment. So he laid me off. I went off to look for work and collect unemployment. But then two weeks later I got a phone call at home from him. He said,

“What are you doing? Are you interested in coming to work on the Hill?” A friend of his, Patrick Hynes, who had worked in the Democratic cloakroom for years, and had come to our parking office parties and softball games and whatever, had told him that one of their cloakroom staff had moved out to the floor staff and he had an opening in the cloakroom. He knew Terry had a lot of good young people over there; did he have anybody he could recommend? Terry told him, “Yeah, Marty needs a job, I just laid him off.” He said, “Well, can he be up on the Hill tomorrow with a suit on?” So I did, and the rest is history.

**RITCHIE:** That was in 1979?

**PAONE:** Correct. I went up and met with Patrick, and then [Walter J.] Joe Stewart was the secretary of the majority at the time, and I met with him. I had to wait for a couple of days for them to call and have me meet with Senator [Robert C.] Byrd, because he wanted to meet with whoever was going in, to make sure you have the right attitude, not thinking that you were better than you were. He wanted the place to be kept clean and orderly. A senator has his lunch in there, and when he’s done, you pick up the plates and have them sent downstairs again. I told him I had no problem with that. “You want the place kept clean, it will be kept clean.” So once he became convinced that I had no political ties to [Edward M.] Kennedy, being from Massachusetts—I told him, “I don’t have any political connections. I don’t know anybody in this town. My dad is a retired government worker. I don’t have any political sway.” Because it wasn’t long, prior to that, that he had defeated Kennedy for the whip job. Once he became convinced of that, then they hired me.

**RITCHIE:** That’s a case where political connections would have worked against you.

**PAONE:** Exactly. At least at that point.

**RITCHIE:** I just wanted to ask you a little about the days when you were in the parking lot. Did you get to meet many of the Senate staff people?

**PAONE:** Oh, yes.

**RITCHIE:** I would think that would have been a good networking situation.

**PAONE:** Well, not really. It would have been if you were more of an outgoing, gregarious person. That's not me. And I didn't see it as a networking opportunity. These people came out, they were through with their workday. They wanted to get in their car and go home. All they wanted from you was to move these two cars that were blocking them. So there were some people that were nicer than others, that you got to say hello, and you'd talk about the weather or whatever, and that was about it. Now, you make your circumstances yourself, so I mean for somebody who was more outgoing, and more gregarious, and more conscious of the position and thinking more ahead, they probably could have turned it into a networking opportunity. But that was not me.

**RITCHIE:** So now you've moved from outside to inside, and you're in the cloakroom, which is an unusual place. Very few people get to go into the cloakroom of either party, so I wondered if you could describe what it does, what services it performs?

**PAONE:** It's an L-shaped room. There's one for the Republicans, one for the Democrats. The long part of the room has couches and two tables, well, there's now a third table on the other side. But the couches and chairs are for the members to come in, sit down and read the paper, talk amongst themselves, sit at the desk at the end of the room maybe and go over their speech before they went out to give it, bring staff in with them. Now, in the days of television, their charts are stored in there, so they might come in with their staff and go over their speech and what charts they are going to use. At the end of the room, there are two big desks—it started out as two big desks. I've got an old *We the People* book that used to have a picture that I'm in. Basically it was two big desks mashed together, where you have four people sitting in back of them, answering the phones. You would have fifteen lines ringing—and then there are also ten phone booths, old wooden phone booths like Superman would change his outfit in, the old wooden phone booths that when you close the door the light goes on inside and there's even a little fan that goes on to circulate the air. People call in, mostly from the offices, but once TV came in you'd get calls from all over the world. Mostly in the old days it was the offices and people downtown, wanting to know what's going on, especially in the days before they were on TV.

Then you have five page lines, also, which were much busier in those days, prior to e-mail. E-mail completely changed that. We used to run these kids ragged, running things around from office to office. That was the only way to get them. You know, whip notices would go out on Fridays to all senators' offices, and the kids would have to wait around for them to approve the whip notice so they could then bring them around to every Democratic office. All that changed with email.

In the early days, you had a window in the corner that opened to the hallway out there, along the Ohio Clock hallway. You could open that window and get a little bit of breeze from the hallway, especially if the Republican leader had the door open to the balcony, where you've got the Dole Balcony. We used to open the window and have fun with the tourists. They'd be out there and you can hear them. The tour group would stop right outside the window, where there was a statue, in that window alcove, and you could hear them talking and explaining it. Somebody in the cloakroom would occasionally open the window a crack and say, [in a low voice] "HELP ME, HELP ME." You'd see these tourists look around, wanting to know where this was coming from. But that was when they actually had glass in the windows. In October of '83, a bomb went off in the hallway. Thank goodness it was a Monday night. Howard Baker was going to have us work late that night, but fortunately around 7 o'clock he got fed up with the lack of progress we were making and he came out and put us out. I go home and turn on the TV and see that a bomb had gone off in the Capitol. It was put under a bench right opposite the Republican windows. If there had been people in the cloakroom at that time, some of them would probably have died, because it blew those windows completely in. And that's right where the Republican staff sit, and also any members that were in there at the time. Which is why now those alcoves are just three-quarter inch steel plate, and those windows are gone. Inside the cloakrooms there are curtains up to make it look like a faux window, but that's all steel plate.

Each cloakroom has a refrigerator for the pages to get water. Pages are taught that the senators all get their water. If a page goes to get them a glass of water when they start speaking, they have options of the type of water—with ice, without ice, some don't want it cold, some want it lukewarm, some want club soda. In the olden days we had Northern water and Southern water, as we called it. There was Poland Springs from Maine, and I can't remember the name but the other water was from Arkansas. Eventually, we just stuck with Poland Springs. Then you also had water in a cooler. Some people just wanted

water out of the cooler. So the pages had a list on the refrigerator of all the members and what their preferences were for water, so all the kids could come in and get them a glass of water when they were about to speak, and get them a podium. Then there's a sink there. Now we've advanced to where we have a microwave and a coffee maker, too. So we had our own coffee inside the cloakroom.

**RITCHIE:** Was one of your responsibilities supervising the pages in the chamber, what they did?

**PAONE:** Well, yes, I mean the person that supervised the pages in the chamber was usually one of the cloakroom staff. I didn't get that, because when I first got started I got the worst job, which was the presiding schedule. That's the worst job in the city, easily, because you're responsible for getting senators up there to sit there for an hour at a crack. That's why you do it in pencil, because it will be a quarter to two and the person up there is expecting to be relieved at two, because they've got appointments in their office waiting for them, and ten minutes to two you get a call from the person who is supposed to show up at two saying they can't make it. "What do you mean, you can't make it? What am I supposed to tell this guy—or woman—who's out there wanting relief?" You then go scrambling, making phone calls, trying to plead with somebody for thirty minutes. The smart ones would take the second thirty minutes, knowing that the first thirty could go longer if you don't have relief for them. You just have a knot in your stomach all day waiting for the next person to cancel. As a result, every day you went in and called them all, reminded them, "You have this hour today. Make sure he's going to make it." That sort of thing. You'd be working on trying to fill in the holes, to the point where I would go around looking for help. I'd go in the Marble Room and they'd hide behind their newspapers. I'd show up in the dining room downstairs and they'd hide behind their menus. They didn't want to see me coming.

Then the next person would be the one who supervised the pages. Then the jobs changed. We still do have somebody in the cloakroom that supervises them. Everybody supervises them, but you always have one person that they know they can go to with their problems, as you will have occasionally.

**RITCHIE:** Well, what would you do if somebody had to leave and another senator hadn't arrived to replaced them?

**PAONE:** You would get whoever the bill manager was and ask them if they would go up there and sit there for a minute, or whoever had an amendment on the floor, which is really what you don't want to do, but you would ask them if they would do it until so-and-so shows up. But the really, really bad thing was if the opening person didn't show up. Well, you're supposed to be starting at X time, ring the bells, and there's no one up there. Then you'd have to put the leader up there, and they didn't like doing that. You ended up remembering who your weak links were, who was always late, so you didn't schedule them to be the opening person if you could avoid it.

**RITCHIE:** Then you had late night sessions, which you never knew how long they were going to go.

**PAONE:** Right, but interestingly enough that wasn't as bad. Because if you were there late it was because you were there working. So you had votes. So there were a lot of people around, and people would help out, because it was more interesting and because they didn't have any conflicts, they didn't have appointments, committee meetings, etc. If they were hanging around the cloakroom, usually you could find somebody.

**RITCHIE:** So mornings were harder than evenings?

**PAONE:** Mornings and during the day, during committee meetings and people have appointments. In the days of honoraria, it was horrible. When senators could go downtown and make a quick two grand and come back, it just would blow holes in your schedule. It was tough even as a floor staff scheduling votes. People were complaining about wanting protection for this time and that time. It was just ridiculous. I was so glad when they banned that.

**RITCHIE:** You probably got to meet all of the freshmen senators, because they're the ones that spend most of the time presiding.

**PAONE:** Oh, yes, I did. Of course, this was in 1979 and '80. Then when we lost the majority in '80, the presiding book went to the Republican cloakroom. So we didn't do it again then until '87. I used to joke, that the only person who was sad about the change of power was the person who was going to do the presiding, or who had presiding in the other cloakroom.

**RITCHIE:** There was a period when they used senators from both parties.

**PAONE:** That was before my time. That was under [Mike] Mansfield. Byrd wouldn't allow that because one time, apparently, under Mansfield, Mansfield had sought recognition and a Republican in the chair recognized the Republican leader instead. That was the last time that ever happened.

**RITCHIE:** It was Jesse Helms in the chair, too.

**PAONE:** Yes. But we offered to do that when [Tom] Daschle became leader. We offered to let them sit like three hours every afternoon, and they turned it down. So we said, "Well, okay, we offered it."

**RITCHIE:** They saw it as an onerous task?

**PAONE:** I guess, yes. They would have to fill those holes either.

**RITCHIE:** People say it's a good way for the freshmen senators to learn the procedures.

**PAONE:** Oh, it is. Like anything else, you learn by doing, and by seeing. And if you're up there, especially if you're up there during a busy time, you're going to learn the flow of the place. That's what you really learn. That's what you need to get a feel for, how the place moves, and how it operates, and what's the lingo, and how do you call off a quorum, what is the pace of waiting for the chair to send your amendment to the desk and wait for the clerk to report, etc. You pick all that up by sitting up there and watching. And in quiet times, the smart ones also take advantage of the quorum calls to pick the parliamentarians' brains, and the bill clerks up there, ask them questions about how the place works. That's another way of getting to know how the place works. So that's very good for the freshmen who take advantage of it.

**RITCHIE:** Both Senator Byrd and Senator Baker used to get annoyed when the presiding officers did something they considered inappropriate.



**PAONE:** Oh, yes, I remember the phone incidents. One time, Baker was out there and he was trying to seek recognition, or he was asking for a parliamentary inquiry, and [Larry] Pressler was in the chair on the phone. He didn't hear him. Obviously, that was infuriating. So Baker told Howard Greene, "I want that phone out of there." So the next day, the phone was gone. He had just unplugged it and took it off the hook. But the jack was still there. So [Barry] Goldwater was presiding, and he realized, "Oh, man, they don't have a phone up here anymore." The next time he came in to preside, Goldwater brought his one-piece phone, like you could buy in those days, and just plugged it into the jack. Baker was out there and he looks up and there's Goldwater on the phone! He's looking at Greene, "I thought I told you." [shrugs] "I did!" The next day, the jack was gone, too.

**RITCHIE:** I remember there was an incident where one senator had his lunch sent into the chamber, and Senator Byrd took umbrage at that.

**PAONE:** Yes, he didn't like that. We'd have to tell people. You'd have to go to great lengths sometimes. Somebody would be out there for a long time and they'd desperately want some coffee, so we would put it in a glass and wrap a paper towel around the glass and scotch tape it, so they could sip a couple of sips of coffee. But other than that, you're right, Byrd didn't want it, and you weren't supposed to have food up there.

**RITCHIE:** Of course, in those days you didn't have television in the chamber, so it wasn't quite as obvious if someone wasn't paying attention to what was going on.

**PAONE:** Right, and that's also what made the job in the cloakroom more difficult too, because you were blind. No TV. All you had was a speaker box. You had the four people that sat there, and there was a marble fireplace with a mantle. At the end of the mantle there was an old box, well, it's still the type of box they have under each desk right now, the speaker boxes. When someone would start speaking, you'd hear them on the box, and you had to learn the members by their voices, especially if you didn't catch the chair saying, "The Senator from Nebraska." If you caught that, then you only had two voices to pick from, so it was a lot easier. "Okay, I know this one." But you had to learn them by their voices. And if they went to a quorum call while they were negotiating something, and you didn't know what was going on, that's when you had to pick up the

phone and call your floor page, and say, “What’s going on?”—which is why the floor pages became invaluable.

In those days, the Page School went the entire four years, so you could start as a freshman and stay four solid years. By the time you were a senior, you had been a page for four years and you’re clearly floor page material. If not, you’re a seasoned page. So you had a lot of pages who knew a lot more than senators did, especially freshman senators. So you would call out to the floor page and say, “What’s going on?” They would give you a recap of who’s talking to who and what seems to be going on, which is why we ended up having a lot of floor pages immigrate into the cloakroom to work, eventually. Bob Bean and Bill Norton were two. So, yes, it was much tougher before TV, especially for people in the cloakroom to try to figure out. Sometimes, if you didn’t get a good answer out of your page, you’d just get up, put your coat on, and go out on the floor yourself and try to find a floor staffer, and try to find out what’s going on. “We’re getting a few calls here, people want to know what’s going on.”

**RITCHIE:** I’ve talked to people who were lobbying in those days and said that it was a problem because you didn’t know if your bill was up and you had to stay close to the chamber.

**PAONE:** Oh, yes, and the tape was much more important then—the legislative tape—of updating it regularly of what’s going on on the floor. That was sort of like your version of the Internet, in the sense that people would call that tape and find out, “Was there a vote on the amendment? Did it pass? What’s pending now?” You tried to update it. That’s part of the job of the people in the cloakroom, to update that tape every time something changed on the floor. If something didn’t change, like you were in a four-hour quorum call, you still wanted to update it every twenty or thirty minutes. So people would say on the tape, “At 3:30 the Senate is now debating the windfall profits tax, and pending is the X amendment.”

**RITCHIE:** And pending is a vote, presumably.

**PAONE:** Right. We’re expecting there will be a vote at set time, whatever. You would have everything on it. Then at the end of the day, you would have to put everything on it that happened during the day. And they still do, to this day.

**RITCHIE:** What's the difference between the Republican and the Democratic cloakrooms in terms of the way they operate? Aren't there some differences in terms of who can go in?

**PAONE:** Yes, the Republicans were always a little more liberal about allowing staff into their cloakroom. Senator Byrd, and other senators, wanted the Democratic cloakroom to be more of a place that members could go and feel like that was a place that was their own, and talk among themselves without being encumbered by staff, which was why we always asked members's staff—and they still do—if staff come in there to ask a question, we escort them back out to the floor. But if a member brings them in, and he's in there with the member, then that's fine. But usually, the member brings him in, talks to him, and then he goes back out to the floor. Whereas the Republicans, at times—and this is just my personal feeling that it would get a little crowded in there with all the staff in the Republican cloakroom. The members, I don't think, were too wild about sharing it. And now they've got it set up even in a different way. They've got a bigger table in the middle and they've got rid of some of their couches, so there's not as much seating area for just sitting down and reading the paper.

**RITCHIE:** In the Republican side?

**PAONE:** Right. Mrs. [Patricia] Lott redecorated it and put in different furniture and things. We had the opportunity to do that and I talked to Senator Daschle. He agreed that the leather couches were still comfortable.

**RITCHIE:** I've heard from various people that there's an advantage in the Democratic side of not having staff around. That you don't have extra ears listening to what the deals are.

**PAONE:** Exactly. Especially when you're negotiating, trying to get your time agreement, or letting the leader know who's holding up the time agreement, and who he has to talk to. So, yes, there definitely are advantages to that. Now, granted sometimes you end up with a scrum in there trying to get a time agreement. You might have seven members, and each one of those members will have their staff with them. But they're all involved in the negotiations. That's fine. But other times, especially if you're the floor staff talking to the leader, and he wants to know what's going on, and you've got

confidential information to give him, you don't want to be giving it to him with five other people hanging around listening. Other leadership staff are permitted in there. The whip's staff, and then you've got the leader's staff that handle various issues, whatever issues are on the floor at the time, that sort of thing, so you may wind up with three or four or five staff hanging around, and then you've got floor staff.

**RITCHIE:** One of the parliamentarians said that whenever he was looking for Bob Dole, he would look in the Democratic cloakroom, because Dole would sometimes be in there, sitting in one of the chairs with a yellow legal pad, with everybody standing around while they were drafting some amendment. He preferred to go there than the Republican cloakroom.

**PAONE:** Sometimes he'd come in and sit down. Not that often, though. I wouldn't be surprised with that story, because they did have so many staff hanging around in there. I do remember one instance. It was a Jesse Helms' issue. [George] Mitchell was leader and Dole was minority leader. It was an education battle that required cloture on the conference report. Dole knew that the votes were there, that Mitchell had the votes. He knew that he was going to lose anywhere from eight to ten Republicans on cloture. And he would have frank conversations with Mitchell when they would meet. They would both be up front with each other. Like, Mitchell, "I don't know why you're doing this. It seems like a mistake to me, Bob, but go ahead." Or Dole would say, "Yeah, I think you are going to get cloture. I don't know why Jesse's holding out like he is." You had an instance there on that bill where Dole had told Helms, "Look, let's take the deal. Let's move the cloture vote up." I think an Easter recess or something was coming up. "Why make people have a cloture vote on Saturday? Let's at least do it Friday. Let people vote and leave. If they get cloture, it's done."

Helms refused, but the story that came out of that was a [Robert] Novak story that some staff had clearly heard in that cloakroom and passed on to Novak. Novak wrote it in terms of "Dole is sharing his whip checks with Mitchell, to the detriment of Helms, and this is the extent he's gone to selling out Jesse Helms' conservative effort here to stop this bill." It wasn't selling him it, he was just being frank. It was just admitting that, "Yeah, you've got the votes on this one, George." And telling Helms, "Yeah, he's got the votes, why are you making people hang around for this?" In the end, he didn't renege. He came over. Liz Lechworth was my counterpart at the time. I was the assistant secretary

at the time. I was still the one in charge of the floor, as far as legislation was concerned. She came over and Helms wanted to know, would we give him a vote on something. I told her I'd take it to Mitchell, but I was pretty sure the answer was no. It was a conference report, and he's not entitled to anything else at this point. We already had these votes. We'd had quite a few Helms votes in his time on every bill there was. So I didn't see any reason to give him another one. And sure enough, the answer was no. I said, "It's not going to happen, so can we move this vote up." He wouldn't let us. I said, "All right, we'll come in at 12:01 A.M. Saturday morning and we'll have this vote at 1:01 A.M., if that's your insistence." So that is what we did. We got cloture, and Dole was right. Dole voted with Helms, although Helms didn't show. He didn't even bother coming in for the vote.

**RITCHIE:** He had made his point, he didn't need to be there.

**PAONE:** Right, but you can bet there were some of his colleagues, similar to a [Jim] DeMint issue last year, who said, "Wait a minute. We're here having this vote, and that guy who objected to the consent isn't here?" Colleagues don't forget that.

**RITCHIE:** Is there much relationship between the two cloakrooms, and the staffs of the two cloakrooms?

**PAONE:** Oh, absolutely. Yes, because no one else can sympathize with each other, other than the staff of another cloakroom. Especially with the floor staffs, we had worked together with each other for years. I mean, Dave Shiappa, who is now the Republican secretary. He worked in their cloakroom just like I did. Laura Dove was a page, her dad was the parliamentarian. She'd worked in there in various jobs. Over the years, each cloakroom has a different ebb and flow as to how long staff stay. You'll get a period of time where staff will be there for quite a while, and you'll have other periods of time where people are coming and going. You don't get to know them as well. But you're always in touch. "We're out of coffee cups," so we have cups. "We need some coffee." For a while, we were getting Starbucks coffee and they weren't. So they were trading us peanuts for Starbucks coffee, because they were getting peanuts and we weren't.

**RITCHIE:** The Senate has its peculiar rules and ways of doing business. It's not

self-evident when you walk in the door. How did you learn what you needed to know, being a cloakroom staff?

**PAONE:** Well, when I first started in the cloakroom, it was just like, “Have a seat and answer the phone.” I didn’t know what a first-degree amendment was, or a second-degree amendment was. It was only by watching and asking a whole lot of questions amongst the people I was working with—the other three guys answering the phones who were with me, and mostly asking questions of the floor staff. Abby Saffold, who went on to become the secretary ahead of me, whom I replaced, she was very good about answering questions—and Charles Kinney—about what’s going on, why are we doing this, what is a motion to recommit? If they didn’t have time to explain it to you then, at least they pointed you in the right direction. “Here it is in the Procedure book.” You can look it up yourself, and at least then the next time your question might have a little more intelligence behind it. It was just a matter of osmosis, of picking it up over the years. I was asking questions until the day I left. You’re always learning.

**RITCHIE:** How about somebody like the Democratic secretary, Joe Stewart, was he much evident in the cloakroom in those days?

**PAONE:** Only when Byrd needed him. He would do whip checks for Senator Byrd, or make some phone calls for him as to what he anticipated a vote was going to be, or get somebody on the phone for him, things like that. Over the years, that job changed also. For a while, in the early days, I’m told, I don’t have personal experience in this, before they changed the election laws, it was also something where you would raise money, or learned how to raise money, or deal with people that did that for the leaders’ campaigns and things like that. By the time I came along, that was all totally compartmentalized to separate fund-raising or campaign people that were separate from the office. It was all different then.

**RITCHIE:** When you came to the cloakroom, Senator Byrd was the Democratic majority leader and Senator Alan Cranston was the whip. They had a different kind of relationship than some leaders and whips because Senator Byrd always liked to be on the floor.

**PAONE:** Right.

**RITCHIE:** He was there all the time. What was the job of the whip at that stage?

**PAONE:** You know, it's just like the job of the vice president. It's whatever the boss gives you. Other than that, you content yourself to your committee assignments, your chairmanships, you have other things that you do. Occasionally, the leader would ask him to do a whip check on something. But just as often, he would have Joe do it. Not to make sure, because Cranston could do a very good job, but Senator Byrd was such a hands-on person himself he wanted to do it himself, to know what the results were. So there wasn't much of a role. Occasionally, if Byrd didn't want to do wrap up at the end of the day—which was rare—we would ask Cranston if he would come up and do it for him.

**RITCHIE:** How do you define “wrap up”?

**PAONE:** Wrap up is the end of the day, the two leaders or their designees standing out there, calling up legislation and offering amendments on behalf of other people, putting statements in the *Record* on behalf of other people, getting amendments adopted and passing the bills, and then putting in the closing orders for the next day. Now it also entails getting maybe a consent or two on how the next day is going to operate, but in those days Senator Byrd never left that to anyone else but himself. He always did the consents. He had such a knowledge of it that he could do it off the top of his head. The only reason you wrote them down was so that Senator Baker or Dole could follow what he was trying to get, because he didn't need it written down.

**RITCHIE:** What was he like to work for when you first got started?

**PAONE:** You lived in constant fear, and that's why I learned so much about what was going on, especially when I went out to the floor, in '82. I was in the cloakroom from '79 and I went to the floor staff in '82. You lived in fear that he was going to walk in at some point and walk up to you and ask you what was going on. If you didn't know, you knew you were dead. I determined early on that I never wanted that to happen. So I considered the floor was going to be my own personal floor, and nothing was going to happen on this floor without me knowing about it, just for my own self preservation. That put me in very good stead for the rest of my time, and as a result I became a lot like Byrd, in the sense that I didn't trust anyone else with questions. I went to the parliamentarians myself and asked them. Occasionally I would ask someone else and

they would give me information, and I'd find out it was wrong, and then they'd get mad at me for not going to them anymore after that, but I couldn't deal with that. I would just go to the parliamentarians and get it from them.

Sometimes, after doing it for a long enough time, you could have a give-and-take with the parliamentarians as to why is this situation different from the last time we did this. Don't you remember that? And they might not. Then they'd go back and they may have changed in the situation, and then you could sometimes have an impact that way.

**RITCHIE:** I remember Senator Byrd in those days used to come in on Saturdays. Did that mean that the cloakrooms had to be open on Saturdays?

**PAONE:** No, the cloakroom wasn't, but somebody from the Democratic Policy Committee had to be there from 9 to 12, and in the floor staff, and up in the press office, and I think in the voting records office. I think it was because he would have press conferences on Saturdays. So in case something came up, where he needed some information about a vote, the Policy Committee is where the vote information is kept, and it still is. It's all online now, but in those days it wasn't, it was in these big books in the offices. So you had to have somebody there to take the phone call and look something up, if he needed it. So, yes, you had somebody in on Saturdays. They didn't need anybody in the cloakroom, though.

**RITCHIE:** I remember the secretary of the Senate used to keep his office open on Saturday mornings. Short staffed, but it was opened on Saturdays.

**PAONE:** Right, in case he needed something.

**RITCHIE:** So the cloakroom was open every day from when the Senate went into session until it went out.

**PAONE:** Right.

**RITCHIE:** And the function was to facilitate what was going on on the floor.



**PAONE:** Right. It's an information center where members and staff call in. Members use it to prepare for the floor. The staff answer the phone calls from members or staff wanting to know what's going on, especially as I say in the days before TV. "What's going on? When's the next vote? Am I going to have dinner with my wife tonight or am I eating there?" Especially in the days before TV, I remember in one three-day period we logged in ten thousand calls on a busy CR, as we called it in those days.

It's sort of their office away from their offices. Members are over there managing a bill, they use the staff to make phone calls. They'll bring over their list: "These are the people I should be talking to today, during the down time." They'll have you get them on the phone and then they can check off the list of who they have to talk to. Other staff from their offices will bring over file folders for them, with the letters they have to sign, and things like that. They would finish it up and give it to you, and you'd have a page bring it back to their office. If they were spending the whole day there, they would probably eat their lunch there, too. So you'd send a page down, take their order, whatever they want, and they would eat down at the end of the room, at the table. And that was it.

As I say, it was an information center. And then during a vote, it would become very crowded, as all the members would come in to vote, and then they'd all go in to use the phone booths. With only ten booths, sometimes you'd have guys waiting to use the phone. Sometimes they would grab one of the staff phones. One of things I did when I took over, I added more phones. I put phones on each of the desks—they didn't have phones then—so that added more lines and we could tell them, "You can use one of those phones." So we added a couple more phones.

**RITCHIE:** Senator Paul Laxalt said that the Republican cloakroom was a great place to watch Monday Night Football. Were there more relaxed evening session groups in the Democratic cloakroom?

**PAONE:** Oh, yes. You'd always watch. If you were in on Monday night, it would be a football game, or during the baseball season, especially once TBS began broadcasting the Atlanta Braves games, you'd have people watching ball games. [James] Exon was a big baseball fan, as is Senator [Jay] Rockefeller still today. One Saturday session we were in, I think they were debating NAFTA [North American Free Trade Agreement], and Boston College beat Notre Dame. I believe Notre Dame was ranked

number one at the time, so that was a huge upset. You must have had twenty-five senators in there, with Kennedy and [Christopher] Dodd screaming when they scored a touchdown. I was out on the floor at the time and you could hear the yell go up from the cloakroom.

**RITCHIE:** Were there regulars? People who were there all the time?

**PAONE:** Yes, there were some. Senator [Quentin] Burdick, near the end of his days, preferred to hang out with us versus his office. He would come over and read the paper, and he would play cribbage with Pat Hynes, and then hang out in the Marble Room. That was great for me, because he would preside, when you asked him to preside.

**RITCHIE:** In case of emergency, break glass.

**PAONE:** Exactly.

**RITCHIE:** There were a few who lived on Capitol Hill who were also close by.

**PAONE:** Right, but if they lived on Capitol Hill, usually they went home and hung out there.

**RITCHIE:** Just before that, they had Senator Lee Metcalf who lived on Capitol Hill and they made him the permanent deputy president pro tempore because—

**PAONE:** He presided so much.

**RITCHIE:** He could be there when they needed him. But when he died, they didn't replace that position, so you didn't have somebody quite as convenient.

**PAONE:** No, Burdick was the best we had. He was great. Then in the '80s, we didn't have to do it until '87, and then we had a big freshman class. And then you also had a pent-up demand from people who had come in '80, '82, and '84, that had never presided, so it was new for them too. But eventually the newness wore off and then you had to rely on the freshmen.

**RITCHIE:** You came in 1979, and then in 1980—I don't think anybody on either side anticipated it—the Senate went Republican. How did the world change at that stage?

**PAONE:** Yes, it was a shock. A lot of people that you would talk to everyday on the phone in these offices were now out of work, looking for work, plus you had lost the administration, so there was no more administration to go look for work. [Ronald] Reagan had been elected. But we didn't change other than giving them the presiding book. It didn't take Byrd long to realize that the rules were such that he could still be a major power here, to prevent things from happening. It was around that time that they regularized the idea of a Tuesday Conference luncheon for Democrats, because we hadn't done that on a regular basis up until that time, as a way of keeping unity, and realizing that with a united caucus he could still affect the legislative process. The way to keep everybody united was to have lunch once a week and let everybody let their hair down and let them know what the schedule was, who has what amendments they want to do, and that sort of thing.

**RITCHIE:** You had all those senators who were used to being chairman.

**PAONE:** Right. Oh, yes, and in those days you went from two-thirds-one-third committee staff money, so your budget was immediately cut in half. It went from two-thirds of the pie to one-third of the pie when you were ranking member. It was a shock to a lot of people.

**RITCHIE:** Did it significantly impact the work of the cloakroom?

**PAONE:** No, because you still had to make sure they were there for votes, make sure they knew what they were voting on. Every morning you would still have to do the daily attendance for the leader, because that's one of the things they do, is call each of the offices and find out who's here, is he going to be here today and tomorrow and the rest of the week, so the leader would know what his attendance would look like if he wanted to schedule an important vote. You wouldn't do that if somebody was going to be off at a funeral or something like that.

**RITCHIE:** The advantage of being in the majority is you can sort of predict when

things are going to happen. When you were in the minority, were you less able to do that?

**PAONE:** Well, you had less control over when was the last vote. But you'd be surprised, you don't really have that much control over when things are going to happen, unless you're going to move to table somebody's amendment, because as far as having an up-or-down vote on something, the minority has just as much control over when that vote's going to happen as you do. I mean, you can force a vote on a motion to instruct the sergeant at arms, if you're the majority leader, or you can move to table if you're in the minority. In that respect, the day-to-day operations, you were more frustrated in the sense that you didn't have as much information. But quite frankly, when Senator Byrd was leader, you didn't have that much information anyway, because he kept it close to his vest, because he was using it to negotiate with the Republicans on getting an agreement on finishing up whatever was pending on the floor. So he wouldn't announce the last vote of the day until after he had gotten his agreement. So people would get frustrated with you not being able to tell you that. They have gotten a little bit more when the Republicans were in charge. Baker probably didn't play it as close to his vest as much as Senator Byrd did. But it didn't take him long to realize that that's one of your big power points as leader, and you don't give that up without getting something for it.

**RITCHIE:** I can remember, you used to walk through the halls of the Capitol in those days and you'd be stopped by policemen and elevator operators. They'd all say, "Do you know when the last vote's going to be today?"

**PAONE:** Yes, and you still get those questions. You'd have people from the restaurants calling because they need to know, "Do we have to put out a buffet tonight?" Or "Do we have to keep all these other people here to work the restaurant?" You give them your best guess, but that's all it ever was. You never knew when somebody was going to come in, and even to this day someone can come in and decide, "This is a good time for me to give a forty-minute speech because there's no one else around." And you thought you were about to go out.

**RITCHIE:** Yes, you can see the expressions on the faces of the people sitting at the desk. Well, you mentioned Howard Baker. How different was he from Robert Byrd as a leader?

**PAONE:** He was a lot more laid back. And he would be the first one to admit that he wasn't a master of the rules, but he had good staff. He had Marty Gold, who was a person who was with him, and Howard Greene was good, and Marty would serve as his parliamentary advisor. So he knew. And in those days he didn't bother trying to use the rules to surprise you with something. He knew that in the long run that was not going to do him any good, especially with Byrd. So he was predictable in that respect, and he was a nice guy. He is a nice guy. But Senator Byrd was much more into that floor and the way things operated. Baker was much more into the big picture, so to speak, I guess.

**RITCHIE:** You've seen a lot of different leaders. What works better? Is being on the floor all the time, and being a floor person, better? Or is being a backroom strategist better? What's your general reaction?

**PAONE:** You want to be on the floor enough to get a feel for the place and for your colleagues, and to know when the time is right for negotiations, or when you want to hold back. All of the leaders have always done all of that. It's just a matter of style. They all had their own different styles. Mitchell was different from Dole, but they got along very well. I think it's just a matter of individual style, more than anything else.

**RITCHIE:** There was some comment when Senator Bill Frist became the Republican leader that he had never managed a bill on the floor, and for a leader that put him at a big disadvantage, as opposed to a lot of the other senators who had served in that position.

**PAONE:** He was. He did have that much, but he was also a brilliant man and he was smart enough to keep all the floor staff together, Dave and them, and as a result he got good advice, and he was able to seamlessly keep the place moving the way the Republicans wanted it to. Now, like anyone else whose got a majority that has a number of different interests in it, he didn't have the ability to just walk out there and say, "Okay, this is what I want to do here." He'd have to go back and find out if both wings of his party would agree to whatever he was trying to do. He would get like—just like we're seeing today—[Mitch] McConnell may have a vast amount of his party that wants to do one thing, but there may be a half a dozen of his party that want to do something else. So you've got to find some way of driving down the middle of the road. [Jon] Kyl insisting

that they get another dozen votes the other night on the omnibus was a classic case of that.

**RITCHIE:** We've gotten to the point where you moved from the cloakroom to the Democratic Policy Committee. It's now 11:30 and I don't know what your schedule is.

**PAONE:** Yes, I've got to head back, I think.

**RITCHIE:** This would be a good place to break. Then we could pick it up with '82 and talk about the 1980s. You know, we're working right now on the Democratic Conference minutes.

**PAONE:** Yes, that's what Dick [Baker] was telling me.

**RITCHIE:** They're wonderful because they become verbatim. We had edited the earlier volume and that was just minutes.

**PAONE:** Right, they didn't have an official reporter in there then.

**RITCHIE:** It's fascinating material, although it's surprising to me that senators are fairly formal even when they're in private sessions. Occasionally they let their hair down, but most of the time they're not much different than they are in public.

**PAONE:** No, that's right.

**RITCHIE:** But we're learning a lot about the way the institution works. We have all the minutes from '71 to '81.

**PAONE:** Yes, and after a while you'll see that they realized that with the press being outside in the hallway, people became more guarded with what they said. It started out with: this is your inner sanctum; you can let your hair down and say what you want in here. But too many times people would go out and give verbatim accounts to the press, and that was also before you had three daily Hill newspapers and *Congress Daily* and *CQ* and all this other stuff reporting twice a day on this stuff. So now they're just as guarded

in there as they are on the floor, normally. Mitchell would always tell them, “You know, you’re not constitutionally obligated to answer their questions. You do not have to talk to the press when you leave here.” But it didn’t do any good.

**End of the First Interview**

## **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 staffers 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**

## **“WELCOME TO THE SENATE”**

### **Interview #3**

**Tuesday, August 18, 2009**

**PAONE:** There were two items—I don’t know if we even touched on them—in the ‘80s, that were very interesting. One was the bringing Senator Pete Wilson in on a gurney to break that tie on Social Security. It was the budget vote. Dole brought him in after he had just had his appendix out, I think, earlier that day. It was a big vote for them to pass the budget. I think it had a freeze in spending, which also meant a freeze in entitlement spending. So if you’re on the other side of that, you’re saying, well, they’re cutting Social Security, because that was also one of the things that was frozen. You know, one man’s freeze is another man’s cut. They brought him in on a gurney and he raised his hand and voted, and then they wheeled him right back out.

The other occurred when Howard Baker was leader and there was an effort to increase by a nickle a gallon the gas tax. I may have touched on that already, but we were in a lame duck and they needed some revenue, so they wanted to increase gas taxes by five cents a gallon. Jesse Helms was opposed to it. Some of the conservatives were opposed to it. It was John East, from North Carolina, who decided to make this his cause celebre and led the fight. He had a staffer with him who was one of these guys where a little knowledge is a dangerous thing. He did have some knowledge of procedure and he was helping them hold the floor and tie the place up. Baker was getting ready to throw in the towel for the night and head back to his office. We were going to stay in all night, though. They were making East stay there all night and speak, and he wouldn’t yield the floor.

Then, after Baker had gone back to his office and Byrd had gone to his office, and most of the other members had left, it was left with us floor staff sitting there on the floor and one senator up in the chair. That staffer next to Senator East thought he’d be cute and told him that he thought he could cause problems for the leadership, for Baker and the others, by making a point of order that a quorum wasn’t present. Well, that’s just another way of suggesting the absence of a quorum. He thought this was going to cause some heartburn of having to produce a quorum or something like that. We all snapped our heads up and looked at him and said, “I can’t believe he just did this.” The parliamentarian immediately whirled around and told the chair to state: “The clerk will

call the roll.” The chair did that and banged the gavel. Then East started seeking recognition, realizing that he had lost the floor and began yelling, “Mr. President. Mr. President.” The chair just kept saying, “The clerk will call the roll.” The chair then objected to calling off the quorum in his capacity as “Senator from X. ” Then the leaders, Baker and Byrd, and staff came charging into the Chamber and then they went to talk to East, now that he had lost the floor, and negotiated a way out of that situation and get an agreement for a vote. That was a classic case of a little knowledge can kill you.

**RITCHIE:** When you were describing senator Wilson coming in in a gurney, it reminded me of this last vote on Judge Sotomayor. Senator Byrd came in in a wheelchair, as did Senator Barbara Mikulski in a wheelchair. I don’t know if Senator Tim Johnson went on the floor in a wheelchair. He’s sometimes in a wheelchair. There are quite a few senators who have various illnesses. Senator Kennedy missed the vote altogether. Is that an ongoing problem for floor leadership? Not only do you have to have your senators there, but they have to be in good enough health to show up to vote.

**PAONE:** Yes, you just never know when you’ll have to deal with a health situation or during a presidential primary year how many senators will run. At one point in the ‘80s we had the whole back row, it seemed, up in New Hampshire. Between [Ernest] Hollings and [Gary] Hart and [Joseph] Biden and Kennedy, everybody was running at that time. That’s where your attendance may alter your decisions, when are you scheduling your votes. You have to be careful and make sure, like on that one with Mikulski, they made sure that they gave her enough notice so that she could come down from Baltimore because she had to have a special van to get that wheelchair in and all that, due to her recent surgery on her ankle. That’s often a problem and it just depends on who’s got the problems, on which side of the aisle You try not to take advantage of it. As far as leaders talking to each other and saying, “Look, I’m not going to try to have a vote just because I know so-and-so is in the hospital with a problem. I won’t do that.” No matter who was leader or which party was at the control, both sides went out of their way to make sure that the other side had enough notice to get somebody in if they were physically able to get in.

**RITCHIE:** I know there’s a wheelchair capable van that’s standing by for Senator Byrd. He’s anxious to come in to vote. It’s his staff who are afraid that he’s susceptible to infection and they don’t want him to be surrounded by people. But apparently he’s itching

to be on the floor.

**PAONE:** Yes, the center aisle in an incline now. It used to be the only way that you could get into the Chamber via wheelchair was on a ramp put in when Senator East was there. It is by the Republican door. It's old, but it still works. But you don't need it now in the case of Senator Johnson as you mentioned. He is able to go in through the lobby and then through the Democratic doors. Then he can go up the inclined center aisle if he wants to go to the cloakroom. For awhile there we had both Senators East and Stennis in wheelchairs.

**RITCHIE:** And you had Max Cleland later.

**PAONE:** Right, Max Cleland was in a wheelchair. We modified [telephone] booth ten in the cloakroom for him, we took the doors off so he could use that booth. But mostly he took his phone calls at the desk at the end of the cloakroom. When I became secretary, I had them add phones to the two desks in the cloakroom because I was in there so often and I would help out when the phones were busy. It also gave the senators a couple more phones to use when all the booths were full, and that's what Cleland used to use.

**RITCHIE:** Max Cleland was originally a staff member in the Senate Veterans Committee. He was on his own when he was a staff member, but once someone gets elected to the Senate, the institution accommodates itself to them.

**PAONE:** Oh, yes.

**RITCHIE:** They went out of their way to find ways to help him get around.

**PAONE:** Yes, it's the best long-term care you can find. Look at Senator Thurmond.

**RITCHIE:** Well, we've talked about your coming in the '70s and being here in the '80s. You served with an extraordinary number of floor leaders in the Senate, both on the Democratic and Republican side, and got to see them in action. I thought today we could do a little survey of some of their styles of leadership and the way they operated,

and make some comparisons between them. You've served for every Democratic leader since Robert C. Byrd, so I wondered if you could talk a little bit about Senator Byrd as a leader. What distinguished him as a floor leader?

**PAONE:** Well, he loved the floor. He loved the minutiae of details and he knew that process could be extremely important in getting something accomplished. I just finished teaching a class in legislative procedure at William and Mary. I gave a test that was not that tough, and I sent it to a friend of mine, Abby Saffold, my predecessor. I asked the kids a question afterwards just for their opinion, "knowing what you know now, would you recommend any changes in the rules or do you think that everything's fine?" As Abby put it in her response, "Maybe if more than two percent of the members knew the rules, you wouldn't have to change them." [laughing] And that's it in a nutshell. Very few of them take the time to learn more than just a modicum of the rules. They know how to call for a quorum and send an amendment to the desk and then argue their amendment, but the rest of it, they don't. They have other demands of their time. I'm not criticizing them.

But with Senator Byrd, that was the difference. When he first came to the Senate, he watched Richard Russell, who was a master of the rules, and saw how he used them to his advantage. I think Byrd realized, "Well, there's something to be said for this." It was also just the nature of his personality, these things appealed to him, the mechanics. Like myself, I built a lot of models when I was a kid. There are people that are into seeing how something gets put together. The orderliness appeals to them. The rules appealed to Senator Byrd and he studied them constantly. Senator Baker wasn't like that, and he would often joke about it: "I'm not going to bother getting into a parliamentary battle with Robert Byrd." But Baker had his own way of leading and was just as effective when he was majority Leader. That was the big difference between those two leaders.

In the days before TV, when I started in the cloakroom, you had to learn the members by their voices, because all you had was a little speaker box at the end of the fireplace mantle right near our desk. There was one box. So when somebody called off a quorum, you hoped you would recognize the voice. If you didn't catch the chair say, "the Senator from Ohio," then you had to recognize his voice, whether it was a Republican or Democrat. Who was he? If you didn't, that's where the floor pages came in. You called the floor and said, "Okay, who's speaking?" When I moved out to the floor, you had to

be constantly aware of the situation. If Senator Byrd was in his office, at the time, it was S-208, right off the floor (it's the Republican whip's office now), and there was a long quorum call, then you might look up from your desk in the well and he'd be standing in front of you asking, "Why aren't we doing anything? What's going on?" And God help you if you didn't know what was going on and why you were in this quorum! Even if you did know, your answer might not satisfy him, so then he would go look for the manager of the bill, or the senator with the pending amendment. If he wasn't satisfied with the progress, he'd have a vote on a motion to instruct the sergeant at arms to get senators over to the floor. If he thought we'd waited too long for someone to show up to get their amendment pending, he would come in. The only way he had any way of knowing that not much was happening was he'd look up and see the lights and see two white lights, meaning we were in a quorum call, and he always knew how much time we were in a quorum call.

Having had the vote to instruct, he would try then to make sure that he had set in motion not just the next amendment, but the next two or three senators with amendments lined up, and made sure they were ready to go so that you could get the bill moving and try to make some progress on that piece of legislation. That's one of the ways that showed how much he focused on the floor. He picked all of this up, like I said, in the years before he was leader. While he was whip for Mansfield. He was to Mansfield what Reid was to Daschle. The two leaders were very effective, very respected in their caucuses and by everybody in the Senate, but each had a whip who was totally in love with the floor and who didn't want to leave the floor. So that allowed the leaders to concentrate on other things in their offices, knowing that the floor was in good hands.

In that respect, years later, when I ended up working with Senator Reid as whip after Senator [Wendell] Ford retired, I used to joke with my colleagues and say, "He's the best floor staff we've ever had." Because he was doing all the stuff that we used to do: going around to members during a vote with a list of possible amendments and trying to see who on this list still wants to offer their amendment. He would ask, "Are you serious about offering your amendment and are you willing to go next? How much time do you want?" And going back and forth with the Republican whip or whoever was doing it for the Republicans and saying, "Okay, so-and-so has his amendment. This is what it does. Can you agree to a time limit?" If they balked at an agreement, I'd say, "Well they've got an amendment they want to do in lieu of, or in addition to, on the same subject matter,

and we could negotiate those agreements out.” He didn’t do them without us, but he got the ball rolling. Much of that process we, the floor staff, did when Mitchell was leader. Whereas Byrd, when he was whip and leader, he did a lot of that himself. Just as Reid immersed himself into it when he became whip.

**RITCHIE:** So each leader brings a certain interest and style with them?

**PAONE:** Right. Mitchell was new to it, but he was a fast learner, because he was a brilliant guy. He was a sharp enough person so that he would pick up on procedure very quickly and you didn’t have to often repeat legislative instructions. Once you’d experienced a situation, he remembered it the next time, and he realized that, yes, this process can be important. So with him, we would start the week off sometimes finishing up a bill from the previous week and by Tuesday we were already working on what type of agreement we could get on Thursday to finish up this week’s bill in return for no votes on Friday, knowing that you catch more flies with honey than with vinegar. The prospect of no votes on a Friday is often a huge enticement to get an agreement on finishing up a bill. Members will much prefer to work late on Thursday, knowing they can get an early flight out Friday rather than come in and have a vote Friday morning. Amendments tend to evaporate at 10 o’clock on a Thursday night, especially if they’re non-germane. Members will decide, “Well, I’ll do it to the next bill.” Or if they are germane or relevant to the subject matter, bill managers all of the sudden became much more amenable to accepting them, figuring “We’ll deal with it in conference.” Mitchell became very good at getting a feel for the whole body as far as what type of an agreement to attempt to move something along in order to finish the bill at the same time keeping the membership relatively happy with the schedule.

**RITCHIE:** That raises an interesting question: what is the relationship between the leader on the floor and the manager of the bill? Does the leader step aside and let the manager run the show? Or is the leader standing behind the manager? Or does the leader sometimes take over?

**PAONE:** No, most of the time—ninety-eight percent of the time—the leader steps aside and lets the manager run the show, because the manger has the expertise. Whether it’s an energy bill or a commerce bill or a tax bill, they have the expertise. They have the staff. The leader would go off to his office and they’d get the bill started. Only when

you'd get to a situation where the two managers were at loggerheads or they had some outlier come in, whether Republican or Democrat, that they managers were unable to placate and they were holding up the floor, then you'd say, "Okay, I'll go get the leader and see if we can..." Sometimes that's all it took was for the senator with the problem to feel like they were getting a little more attention, and if you elevated it to the leader being involved, then they may be more willing to get an agreement. But like I said, ninety-eight percent of the time, you didn't have to go that route and the managers were able to take care of things and we would assist them in putting together agreements on how much time was needed for debate on this amendment? Would there be a second-degree? Or is this going to be a "side-by-side," as we would call it where each side gets a vote on a similar proposition with the majority getting the first vote, as if it were a second-degree. Then neither side would feel like they had been denied their rights to get a vote, and that's really all it comes down to is, "can I get a vote?" We can't guarantee you'll win, but the floor staff will at least do everything it can to get you a vote, and after that, you can't complain. We saw it akin to legislative Darwinism, if your item didn't rise to the level of getting a majority vote, then there's nothing we can do for you. Now you would need 60 votes for anything with real opposition to it in order to cross the finish line.

**RITCHIE:** It's interesting, so much of legislation is really crafted in the committee and is agreed upon before they ever get to the floor.

**PAONE:** Right.

**RITCHIE:** You know, there's a huge chunk of it that isn't subject to all that partisan wrangling on the floor.

**PAONE:** Absolutely, I'd say eighty-five percent of the work is done in those hearings and in putting together the chairman's mark. And you know, making sure that you're in there at the outset is a far better position to be than trying to add something or take something out on the floor.

**RITCHIE:** And most of your chairmen have been there for a long time, so they're pretty savvy, I assume?

**PAONE:** Yes, and their staffs, likewise.



**RITCHIE:** So one of the interesting things after the Republicans won the majority back in 1995 they had a lot of chairmen who were relatively junior members. They hadn't been around for a long time.

**PAONE:** Right.

**RITCHIE:** So they didn't come with those decades of expertise that some of their predecessors had.

**PAONE:** No, that's right. It was a learn as you go operation.

**RITCHIE:** Well, you started talking about Senator Mitchell, and you know, that was a huge change when Senator Byrd decided to step aside and become Appropriations Committee chairman. Mitchell was relative new in the Senate. I mean, he'd come in 1980, although he had been a staff member before that. Then he'd been the chairman of the Campaign Committee in '86 and then became the floor leader in '88. Was there an appreciable difference in style when Mitchell took over for Byrd?

**PAONE:** Well there was from the floor staff standpoint because now you had a leader that actually needed or wanted your assistance. Not that Byrd didn't want your assistance, but he didn't need it. He knew where he was going with the rules and what he was trying to accomplish. He might delegate a job for you to go do, or to get something ready. Whereas Mitchell was tabula rasa. We used to joke that of the three that were running—you had Mitchell, [Daniel] Inouye, and [Bennett] Johnston who were running for leader at that time. Byrd had stepped down and he offered me a job, of which I had the temerity to turn him down. I told him that "you spoiled me with my job on the floor working for you. I know that whoever replaces you is not going to know nearly as much as you did. So I'm hoping to try to help out whoever wins." That's where the difference was. Mitchell was the type of guy where the floor staff was much more important to him as far as laying out the possible avenues that he could go, and then he would pick from them and make the choice.

As I said earlier, he was very sharp at picking something up. He was very good at being able to stand there and grasp the situation and then give a cogent argument opposed

to whatever someone had up, after a very brief update for him. He was able to expound quite well without notes. Then he would have these meetings with Dole and we would sit in with him. Dole would be there with Sheila Burke and Elizabeth Letchworth or Howard Greene, the Republican secretary. Mitchell was very up front about things: “This is what I plan on doing.” They would have frank conversations. Then it was good that staff were there because sometimes they would say, “Well, why don’t we just do this?” Neither Dole nor he were as knowledgeable as Byrd was in rules, so they would ask, “Can we do that? Can we do X? Can we do Y?” We would say, “Maybe you could, but you’ve got Senator So-and-So who has already said he would object to anything on this subject. So you’re going to have to talk to him.” They’d say, “Oh yeah, that’s right. I forgot. We’ve got a problem there.” They were both very open with each other about the relative problems they had within their own caucuses. “Yeah, I’d be glad to do that but for X” So that was very interesting, watching them deal with each other in a frank and open manner.

There was one time that there was an education filibuster by Senator Helms on a bill that President Clinton wanted, Dole knew that Mitchell had the votes for cloture on this conference report, and tried to explain to Helms, “Look it’s going to happen. Let’s at least get an agreement to let you talk all you want, whatever you’d like.” Because we were approaching a recess and Mitchell was determined to get the conference report disposed of before we went off into recess. All right, we’re looking at a Friday cloture vote here before a recess, or worse, maybe that vote on Saturday. Mitchell and Dole exchanged information, because Dole knew within his caucus how many Republicans were going to vote for this, and he told Helms that. The next thing you know there was an editorial in the paper because somebody had leaked the story. They spun it that Dole had given Mitchell his whip count and helped Mitchell, thus undercutting Helms. But it wasn’t that at all. It was just Dole being frank with Helms, saying, “Look, we know that there are so many votes. I can tell you that X, Y, and Z are going to vote for this. I *know* they’re going to vote for this. So they’ve got the votes for cloture. We’ll work out a time frame for you to speak all you want, and let the vote happen and not force your colleagues into a vote on the weekend.”

But Helms wouldn’t relent. So we, without an agreement, came in at 12:01 A.M. on a Friday night, and we had the vote at 1:01 o’clock on Saturday morning. We got cloture and the item passed. We didn’t use any of the time post-cloture. And of course,

one of the people who missed that vote was Helms. He didn't even bother sticking around. The rest of his colleagues noted his absence, let's just leave it at that. But that was just a case in point where the two leaders were frank with each other, exchanged information, while outside pundits claimed that Dole was undercutting Helms. He wasn't. He knew that Mitchell knew who the Republican supporters were.

**RITCHIE:** One of the unusual things about Mitchell as leader was he was willing to divide up some of the Democratic leadership. Democrats, unlike the Republicans, had always concentrated everything in their floor leader. The Republicans had a separate floor leader, and Conference chairman, and Policy Committee chairman, but the Democrats had just their floor leader. But when Mitchell became leader, he made Daschle co-chair of the Democratic Policy Committee.

**PAONE:** Right.

**RITCHIE:** Was he cultivating Daschle as a potential leader?

**PAONE:** I don't think it was that. I think it was just a willingness to show the younger members of the caucus that he didn't need to control all these positions and that there was more than enough responsibility to go around to share with others in the caucus. Senator Daschle took that position and used it to cultivate a good base to broaden his support within the caucus. He used it in a different way than it had been used before, when it had been primarily an information forum for his colleagues. And yet the irony is that years later, people would—to this day, you'll see some people write that Mitchell was such an insulated leader and didn't reach out. Yet he did reach out, as you pointed out. His door was always open, and members didn't hesitate to walk in. He didn't have large leadership meetings like the case today, but he still had wide open caucuses lunches every Tuesday and he was always willing to listen to the other side of the argument within the party. Then he would go the extra mile to try to placate people in the caucus and make sure that they felt that they at least had their shot.

**RITCHIE:** I don't know if it was because he had been a judge at one time, but he did seem to have a judicial manner as a leader. He was somewhat benign, almost, when he appeared on television. He was always a very low-key person. I don't ever remember him being a shouter or anything like that.

**PAONE:** No, he was very good.. What made him very effective was being able to deliver a partisan comment in a very un-partisan way, using a logical, orderly argument that anyone could understand. His opponents, following the debate, walked away and only later realized that they were just gutted. But he did it in such a nice way and such an orderly, judicial way. Whereas opposed to others who would take a more—I don't know how to put it—a more over the top approach. That was one of the things that did separate him from a lot of his colleagues, even Dole now and then got a kick out of it.

I remember one time it was Phil Gramm who was out there arguing healthcare. Some things don't change. They were trying to do the healthcare bill for Clinton, and we had gone through various iterations. The difference at that time, the President did propose a massive bill and it had gone through changes as people studied it. The problem was it was going through these changes while it was pending. So you ended up with multiple versions of the bill pending in seriatim. That was the argument that Gramm was making was the fact that you had one bill and then you had another bill. I think he had them all labeled on his desk, "Mitchell 1," "Mitchell 2," "Mitchell 3." He brought in a prop that day. He brought in one of those postal spring scales that you would weigh packages with before the electronic scales came into vogue. Graham had that on his desk, and he was weighing each version and saying how heavy "Mitchell 1" was versus "Mitchell 2" and "Mitchell 3", and how they were growing.

Mitchell stood out there and listened to him, calmly taking notes. Now Senator Gramm of Texas—this is Phil Gramm—was a very effective speaker. When he finished, Mitchell then got recognized and then asked if he could borrow his scale. "Of course," Gramm said, wondering why. So I went over and took the scale off of Gramm's desk and put it over there on Mitchell's desk. Mitchell then went on to talk about the Republicans and how they were opposing all of these versions, so let's see how much the Republican bill weighs, which will solve the problem of forty million uninsured, including millions of children. How much does their plan weigh? He looked and he said, "Why, it doesn't weigh anything, because they don't have a plan." [Laughing] Then you could see where he was going with his argument. Even Gramm started chuckling. Then he just lacerated them, eviscerated them, calling them out and showing how they had no plan and they were just opposed to something and they weren't trying to solve the problem and that the Democrats were. Yet he did it in such a way that, like I said, even Gramm was chuckling by the end.

**RITCHIE:** When you were starting up, you were on the Democratic Policy Committee staff, right? Was that an extension of the Senate leader on the floor?

**PAONE:** Floor staff, right.

**RITCHIE:** Once you had Daschle heading the DPC, or becoming the co-director, did that affect the way the floor staff operated on the floor? Or were there two sets of staff, essentially; one for the leader and one for the think tank part of it?

**PAONE:** The floor staff operation, and it's the same today, has their offices in the Capitol on the first floor diagonally across from Foreign Relations at the bottom of the steps leading up to the chamber. We were always an island unto ourselves, because for awhile there in the '80s, the DPC went through a lot of staff directors. The rest of the Policy Committee is now over here in the Hart building, with a lot of researchers and a lot of people with expertise in various areas. That was the area where Daschle excelled, that was his bailiwick. It went without saying that the floor staff was under the leader's sole control. We operated on our own, like in a cocoon within the Policy Committee.

**RITCHIE:** The rest of them were turning out position papers on issues?

**PAONE:** And were answerable to Daschle, yes. That was their operation. Whereas the floor operation was strictly through the leader's office, and so there was no problem with that.

**RITCHIE:** One other thing about Senator Mitchell, he was increasingly frustrated during his time as leader with the number of what he called filibusters, which were cloture motions that failed. At that time, a lot more cloture motions were being introduced on a regular basis, and a lot of them weren't passing. Was that symptomatic of the beginning of the partisan divide in the Senate, that the minority could frustrate the majority leader by just having forty one members?

**PAONE:** On some of the major issue, yes. He was also trying to do some major things and it became apparent to the people who were opposing him that "We don't have to agree to this, we don't like it, we can just filibuster it." It was even, again, Phil Gramm—I think Mitchell may have been gone by then—but he was the first one to employ

a filibuster within a filibuster. Where in the past, if you had filed your amendments in a timely fashion, by one o'clock the day after cloture had been filed, and your amendments were germane, then once cloture was invoked, there was not too much of an argument about giving people votes on germane amendments. But once Senator [Carl] Levin had a germane amendment to a clotured bill (I think it was a banking bill). Gramm was ranking member on the Banking Committee at the time. There were amendments pending. Having invoked cloture, you had germane amendments pending. The usual method of operation was to get consent to lay aside the pending amendments to let this other person offer his amendment, so that at least you could get the thing pending, because at the end of the thirty hour cloture limit, everything that's pending has to be voted on, disposed of—unlike the budget, where at the end of the time you can continue to offer amendments and get votes on them without debate. You cannot do that under cloture. The curtain comes down; it's a hard and fast ending. Gramm was refusing to allow consent to lay aside the pending amendments so that Levin could get his germane amendment up, and he also was refusing to allow a vote on those pending germane amendments. So he was essentially filibustering those germane amendments within the thirty hour cloture limit to make sure that Senator Levin's amendment never got pending and never got a vote. I realized we had now entered a whole new realm of process. Even if you get cloture, you were not going to be guaranteed a vote on even a germane amendment. We had now elevated this to a different level.

That was just one more piece of the puzzle that morphed as the years went on. And the issues—there was campaign finance when Byrd was leader. McConnell led the opposition. He still led the opposition years later, from a spirited First Amendment position of whether you should be able to limit the amount of personal money that people have the right to spend in a campaign. It's just two different views on that issue. Byrd, at one point, had seven cloture votes on that issue. Years later, a bill actually did pass when Mitchell was leader, and again it was Phil Gramm and McConnell who would not let them appoint conferees. They realized that Mitchell could file cloture on the three necessary motions needed to go to conference but that's three separate cloture motions. Each one has to wait for the other. You can't file them all at once. They have to be done seriatim. As a result, it takes a long time. It takes you a good couple of weeks just to get something into conference. So it was a very effective tactic. Now, you don't need a conference, as was shown years later, to get a bill done. You could do an amendment between houses if you could come up with the magic bullet, that is an amendment

between houses that could attract sixty votes. But there was not sixty votes for campaign finance reform. That year the votes were in the low fifties. That's probably why they let the bill pass initially. They realized they didn't need to filibuster at that stage in the process. They let us have our vote knowing that they could still stop it in the end. With campaign finance and other issues you saw major issues being stopped that way. Others thought, "Well, I can use that too. Why am I letting this bill go?" Then you'd end up having a number of cloture votes. On some of them you'd get cloture on and they would pass. But as a result, it takes longer to get things done. Some things do still get done by majority vote, but for a lot of things it only takes one member to say no and that forces a cloture vote.

**RITCHIE:** Nowadays, it seems that the majority leader automatically files cloture when a bill is coming, or at least any consequential bill.

**PAONE:** They'll give it a day or two to try to allow people to offer amendments and all, but sometimes he knows ahead of time by conversations with McConnell that, "We can't get you an agreement on amendments on this no matter what we do." So you might as well go ahead and try and file cloture, and then at least give people the two days in between to get whatever non-germane amendment votes they want.

**RITCHIE:** We used to get a number of calls, when Senator Mitchell was leader, about whether or not there were more filibusters now than ever before. Of course, we have no way of measuring filibusters. People don't stand up and say, "I'm about to filibuster."

**PAONE:** No, you've got to go by number of cloture motions filed and number of cloture votes. That's about all you can do.

**RITCHIE:** What we did see was a spike in the number of cloture votes that started in the mid to late 1980s and have continued to rise considerably since then.

**PAONE:** Senator Dole was from the old school of: "Let's have some votes. We'll try to work this out. Let's get an agreement." Yet when he left, he wasn't able to get the votes and finish a couple of items. Minimum wage was one of the items. There was another bill called the Presidio. It was a land transfer bill that was controversial with

some out in California. Ironically, in a way, he was frozen because he had his campaign staff telling him” “No, you don’t want to have these votes.” I think that’s when he realized, “I can’t do both. I can’t stay here and run this place and avoid these votes. And so I’m going to leave.”

Lott comes in. We were able to get an agreement to untie the Gordian Knot and get rid of the stuff that was pending and have these votes, some of them were cloture votes. But then after that, it didn’t take him long to decide that—he used to often wistfully complain, saying, “I wish I had a Rules Committee like the House.” He would often call up a bill, fill the amendment tree, and file cloture. Then when we would oppose cloture because we hadn’t been given the opportunity to offer an amendment, he’d accuse us of being obstructionists and move on. He took it to the next level of not even waiting for senators to offer amendments. It would be very frustrating, if you were in the minority, because that’s how the press would report it: “Democrats filibustered on the bill.” We wouldn’t have filibustered, we wouldn’t have voted against cloture, if we had a chance to offer a few amendments. But that’s how the story was often written. Then last Congress, Reid ended up doing a lot of similar things. Dave Schiappa, my counterpart, and I used to joke about trading each other’s speech book, with him accusing us of trampling his rights and me accusing him of being obstructionist.

**RITCHIE:** Senator Mitchell mostly had to deal with Republican presidents. It was only the last two years that he had a Democratic president.

**PAONE:** Right.

**RITCHIE:** So he was in a position of having to offer a Democratic alternative to the president at a time when the president’s party was in a position of obstructing what the majority was trying to do. It seems like that’s a particularly delicate situation for a majority leader. You’re not following a White House agenda, you’re setting something up against the White House.

**PAONE:** No, that’s right. But the Bush White House was much more realistic as to what they needed to do to get bills passed. They were willing to negotiate. One of the early things that he did get done was a Clean Air bill. Right after he became leader, he joined with Dole and with President Bush 1. Byrd was opposing them because he wanted



more assistance for displaced coal miners, because he knew that the Clear Air bill was going to reduce the market for coal, particularly eastern coal. So in that case you had a situation where Mitchell was aligned with the White House, and the White House worked closely with him. The other side of the coin was when the Republicans and Democrats in the House would complain to Mitchell about, “Your rules over there,” and “cloture,” and “ Why can’t you get anything done?” Or, “Why can’t you get this stuff down to the president to make him veto it?” It was Dole’s job to make sure that didn’t happen, so Bush didn’t have to veto bills. So they would refuse up or down votes and have cloture votes.

The Democrats in the House would complain vigorously and vociferously about the Senate rules and cloture. Then comes the election of ‘94 and one of the first phone calls we got was from them, saying, “Well, it’s up to you to stop the Republican ‘Contract With America,’ because you’ve still got more than forty votes over there and we’re counting on you to be the ones to stop all this.” That’s when we pointed out to them, “Oh, you mean using the rules that you all wanted us to change two years ago?” And they realized that perhaps there was some utility in the way the Senate was set up.

**RITCHIE:** It all depends on where you stand.

**PAONE:** Exactly. There were also situations where Mitchell stopped things that the White House wanted. I think it was a capital gains tax at one point. The *Wall Street Journal* railed against him and predicted a recession as a result, that “this will be the Mitchell recession” and all that. Of course, none of it came to be and those things just didn’t happen. Later it was very difficult when Clinton was President and we were trying to round up that majority vote for the Reconciliation bill that summer and [Al] Gore ended up having to break the tie on the final vote.

**RITCHIE:** When Mitchell was the majority leader and Bush, Sr. was president, they had a budget summit out at Andrews Air Force Base. Eventually it was the senators who supported Bush on the deal and the House Republicans who rebelled against their own president. The Republicans in the House were more obstreperous, in some respects, than were the Democrats.

**PAONE:** I think that's also a sign of the fact that Dole had been chairman of Finance in his previous iteration and he was well versed in what it took for budgets to get passed, since he went through that in the mid '80's. He was even willing to take that tough vote in the mid '80s, bringing in Pete Wilson to freeze entitlements and everything to try to get control of the budget. So Dole had a very keen grasp of fiscal matters and he knew that certain things just didn't add up and that the idea of enacting tax cuts and the economy was going to grow so fast that it would outweigh the loss of revenue was a fallacy. He knew that was laughable and it is to this day. He wouldn't sign on to that. Whereas the House Republicans, they drank that Kool Aid and many of them still believe it to this day. Some of them now are now in the Senate.

**RITCHIE:** Senator Mitchell's first years as leader were with a Republican president but in '92, a Democrat was elected president. What was the expectation in the leadership's office? Did they know they had a tough road ahead, or were they assuming that they were finally going to break the logjam and get things done?

**PAONE:** It was excitement. Early on, we passed some things like family medical leave, which Senator Dodd was very involved in. But then you also ended up stepping into some swinging doors like "don't ask, don't tell," and issues that just came up out of nowhere on bills that had absolutely no relation to the bill's subject matter. There were amendments on issues like gays in the military that were offered to non-defense bills. There was also, it being a Democratic White House, much more coordination with them, which was a pleasant change—not being a pariah down there and having their people come up and working closely with us in trying to advance their legislative agenda. It was all new. It was as new for Mitchell as it was for everyone else, because like you said, we had dealt with Republican administrations for so long that we were used to different treatment. It also meant that Mitchell was no longer the lead Democratic voice in the city. He had to now step back a little and let the White House take the lead. President Clinton was going to get the press coverage and nobody could work it better than he.

**RITCHIE:** The big issue during the first two years, as you've already mentioned, was the healthcare plan that was proposed. Now everybody's saying that the [Obama] White House is following a game plan of not doing what the Clinton administration did in '93 and '94. Not having a detailed plan that they present to Congress, but trying to get something to come out of Congress to at least be involved in the negotiation on. Do you

buy that argument that the big problem in '93 was that the White House presented a plan without enough input into it?

**PAONE:** I think the problem there was that the pendulum swung too far to the other side. They tried to put something together without any input, ignoring the chairman up here, which you do at your own peril. Moynihan was the Finance Committee chairman at the time. They even had some injudicious comments out of the White House about “rolling him,” which was not the smartest thing to say. Making an enemy of one of your most powerful chairmen in the Capitol was not the way to get things done. And they were trying to put something massive in size and extremely complicated together without any input from the members. That was a mistake. Now, with this healthcare effort, you’ve gone, to me, almost to the other side of letting the Congress put it together with too little White House input. As a result, you’ve got five versions of the bill on the House side, and one, waiting for the second one, on the Senate side. By having so many different versions out there, you allow the opponents to frame the argument. In a way, they’re being swift-boated right now by people coming up with slogans like “They’re going to kill grandma,” and taking innocent provisions that would provide for end-of-life counseling and allow Medicare to pay for it, which many Republicans have supported over the years, and allowing people to mis-characterize that provision. The next thing you know, you’ve got some very upset people out there and you’re having to react to that as opposed to publicizing your positive items that are in your bill. So in some way the pendulum has swung the other way. Now it’s up to them to try to get it back. We’ll see, but I think something will get enacted. It may not be as robust as what they had hoped for at the outset, but I think they will finally get something done.

**RITCHIE:** Was Senator Mitchell frustrated in that period in '93-'94?

**PAONE:** Oh, extremely. Yes. But he was the type of guy that would play the cards he was dealt. He had to soldier on and try to do as best he could to enact the bill the administration finally sent up, even though he had a chairman that was not one of your bigger supporters. That’s why the bill kept morphing as it was on the floor, because it didn’t have the benefit of the committee process, even to the point where he kept them in a week longer, biting into the August recess—what was supposed to have been the August recess—in the hope of coming up with some magic combination that will get the votes. But it became obvious that that just wasn’t going to happen and we finally adjourned,

leaving healthcare reform for President Obama.

**RITCHIE:** I wondered if all of that frustration wasn't the reason why he decided not to run again in '94. Did he just get tired of it?

**PAONE:** I don't know. He had turned sixty, went out and climbed Mount Katahdin [in Maine] and decided "maybe there are other things I want to do with my life." He saw people around him who had been there for forty years, and he probably thought, "Do I want to be like this? Do I want to be in my seventies, ten years from now, still doing this?" I guess he decided that, "No, I want to do something different." Leaving while Clinton was still in office, maybe he thought that...I doubt that he thought we were going to lose the Senate. But he probably figured that this is a good time to leave. Clinton was still in office. We were still in the majority. "I'm not leaving them holding the bag." Little did he know that that election was going to be such a disaster.

**RITCHIE:** Well it was a disaster for your party. When it was all over, you had a new leader, Senator Daschle. Was it '95 when you became the secretary?

**PAONE:** No, Abby was still the secretary. He kept her as secretary. I remained as assistant secretary. I became assistant secretary in '91. He came in in '94. She left in '95. June of '95.

**RITCHIE:** Senator Daschle hadn't been in the Senate for that long. He'd only been elected in 1986.

**PAONE:** No, that's right.

**RITCHIE:** But he'd had the opportunity of being the co-chair of the Democratic Policy Committee. How different was he as a leader than Byrd and Mitchell had been?

**PAONE:** Well see, you also have to take into account how he came in. He was running for leader against [James] Sasser, who was chairman of the Budget Committee. And Mitchell was leaving. And then lo and behold, on election night, Sasser gets defeated. Sasser had been supported by the old bulls, so to speak. The older generation of the senators, the Byrds and all. So now nobody was running against Daschle and the old

guard went to [Christopher] Dodd and said, “Look, we don’t want him to get it by default. You run.” The first week of November was the election. The organizing Conference was the first week of December, so Dodd had three and a half weeks to make some phone calls to try to pick up support. There were forty-seven Democrats at the time. Forty-six of them showed up for the caucus that day. We counted the votes and I was in there and twenty-three voted for Daschle and twenty-three voted for Dodd. There was one proxy. At that point Daschle knew he had it because he had the only proxy in the room. They announced the proxy and he was leader. A few months later, the person that gave him that proxy became a Republican senator, Ben Nighthorse Campbell. Dodd used to joke with him about how “I want a rematch.”

So Daschle came in on a very divided vote. You don’t get any closer than that. But he went out of his way to be inclusive of other members and to include their desires or their concerns and to not ignore them and to involve them in leadership. He had task forces that he would put together and made sure that members who didn’t support him were on these task forces and tried to get as much input from them as possible so that it was one caucus. He was very good at uniting the Conference—and that’s where Lott, quite frankly—made it easier for him to rally the people around him because Lott’s leadership style was so confrontational and dismissive of the minority that it made it much easier to argue to your troops that we need to stick together or we’ll have nothing. It became readily apparent to the members that, yes, he’s right. As a result, occasionally they did break through and get votes on things and have some impact, to the point where it wasn’t long before you had members standing up in caucus admitting that, “Yes, maybe I didn’t support you for leader, but you’ve done a great job and you’re our leader and we’ll support you.” And Byrd was one of them.

**RITCHIE:** I don’t see much ideological difference between Daschle and Dodd. Do you think it was mostly generational?

**PAONE:** It was mostly generational, yes. And the members, amongst themselves, their attitude of do we want new blood running the place or do we just want a continuation of the old? Not that Mitchell was very old. Daschle had come along with the Policy Committee and the policy lunches that they had instituted, bringing people along and doing things like that ended up creating a good base among the newer members.

**RITCHIE:** Was Sasser considered to be more aggressive? Were the older people looking for a tougher leader at that point when they were going into the minority?

**PAONE:** No, I don't think more aggressive. No, they weren't. That's just it. Sasser was gone. We thought he was going to be majority leader. With Daschle, I think the older crowd thought that Dole was going to eat him for lunch. Because you were going up against Dole as majority leader and Dole had been majority leader before, so they knew how effective he could be. They didn't know what type of a leader Daschle would be. But he surprised them. And he surprised Dole. I remember one time when Dole was out there complaining about Democrats and their non-relevant amendments that we were insisting on trying to offer and about our insisting on this and that. I whispered in Daschle's ear, "Tell him, 'Welcome to the Senate,'" And to my surprise, Daschle immediately said it. [Laughing] Dole looked like he had been hit in the face with a wet washcloth. I think Dole realized, "Yeah, you're right, that is the way this place operates and I was making a silly argument." It wasn't long after that that Dole also realized that "I can't run for president and do this at the same time, and make this argument that people shouldn't have the right to offer non-relevant amendments when I did it all those years when I was in the minority."

**RITCHIE:** Of course, he was under fire from the House Republicans just as Mitchell had been from House Democrats.

**PAONE:** Oh yeah. It was Dole that put the end to the government shutdown, when [Newt] Gingrich and company loaded up the continuing with matters that they knew the president would veto. They dared him to veto it and shut the government down, and he vetoed it and the government did shut down. We went I don't know how many days or whatever—I don't know how many days it was—and finally I remember Dole walking into the Chamber one day and saying, "enough is enough," under his breath but loud enough for us to hear. He agreed to pass a continuing resolution. We sent a continuing resolution, on a House bill, over to the House, saying we need to reopen these essential services; Social Security office, Veterans offices, et cetera. Dole realized they were getting the short end of the stick as far as the PR battle was concerned on keeping essential services from the people, and that this wasn't rebounding badly on Clinton. It was rebounding badly on the Republicans who controlled Congress. And as a result, oh, I can't remember the derogatory term that the House Republicans would use to describe

Dole. “Tax collector for the welfare state,” or something like that, because Dole had been chairman of Finance. He had been majority leader before in the ‘80s. He knew what it took to put a fiscally responsible budget together, and as a result there was a total disconnect between he and the Republicans on the House side.

**RITCHIE:** The Contract for America, which helped to drive the ‘94 election, was written primarily on the House side. They also promised to enact it in the first hundred days, which you can do in the House, but it was almost a given that you couldn’t do that in the Senate. That didn’t happen.

**PAONE:** Right.

**RITCHIE:** That put the onus on the Senate Republicans and their leader: How come you didn’t follow through on all of these things that we just promised?

**PAONE:** Yes, at the time, we took great pride in the minority of being a graveyard for the Contract, of stopping almost all of it.

**RITCHIE:** There were some very dramatic votes. I was sitting in the gallery the day that they voted down the Balanced Budget Amendment, when lost by one vote.

**PAONE:** Was that the constitutional amendment?

**RITCHIE:** Yes, the constitutional amendment.

**PAONE:** When they wanted to go after Hatfield.

**RITCHIE:** Yes, Senator Hatfield cast the deciding vote on that.

**PAONE:** And I believe it was [Rick] Santorum who started making sounds about taking his chairmanship away. But Byrd told Hatfield, don’t worry about it. Because they can make all the sounds they wanted to, but Byrd knew, procedurally, the only way you could take that chairmanship away was by passing a resolution on the Senate floor that could be filibustered, and that that resolution wasn’t going to happen.

**RITCHIE:** They changed the rules inside the Republican Conference, but they weren't able to change what was going on on the Senate floor.

**PAONE:** Exactly.

**RITCHIE:** Because members of the committees are elected by the Senate as a whole.

**PAONE:** That's right. That's why it's so crucial. That's why when Daschle was leader and you had the fifty-fifty election, using the organizing resolution as leverage for better representation in committees was crucial. Because your time of ultimate leverage in the minority is on that organizing resolution, at the outset. Now committees continue, but they continue minus the people that have left or been defeated. If a chairman has left, then they are rudderless, and the disbursing office is the one that handles all the vouchers. They don't even have somebody that can sign for vouchers. You had a lot of people looking for committee assignments and Daschle knew that this was the time of his most powerful leverage in arguing for equal representation on the committees and saying that it's fifty-fifty Senate, we should have fifty-fifty committee representation.

Republicans still were in the majority by dint of [Dick] Cheney being the president of the Senate. We had to come up with some way of splitting the baby. Because they had a legitimate argument; "If we're in charge, if we're in the majority, if we're going to be chairman, how can we report something out of the committee if everything loses on a tie vote?" So we came up with the arrangement of giving them an expedited procedure on a motion to discharge, on the floor, where Cheney could be used to help get something out of a committee. Because we said, "Well, that's where your majority is. It's not in the committee, it's on the floor. So we'll give you that." That's what broke the logjam on that organizing resolution.

**RITCHIE:** An interesting coda to that organizing resolution is that it also had the provision that said if there's a change in membership in the Senate, that would be reflected in the committee, and that would change—

**PAONE:** Who could be leader.



**RITCHIE:** There had never been anything like that before.

**PAONE:** Oh no, that's right. We were in total new ground there and we were going back and forth. That was very prophetic because later, [Jim] Jeffords switched. And that also changed, from there on out—in the old days—up until that time, committee budgets were divided up two-thirds, one-third: two-thirds for the majority, one-third for the minority. So you can see where, if you were in the majority and you went into the minority, you just lost half your budget. Thereafter, and to this day, the budgets are more reflective of your numbers in the Senate, and as a result the numbers on the committee. So if you've got a 55-45 Senate, then you're entitled to forty-five percent of the budget from that committee. When the Republicans went into the minority with Jeffords' switch, obviously they said, "Don't expect us to go back to two-thirds, one-third on the committee staffing or on the budget, because all of this is just reflective of you'll have one more vote, but we're entitled to forty-nine percent of the budget." We were able to work that out and that became the template to this day of organizing resolutions. The space and money at the committee level is divided up in accordance with representation. Which, in the end, is more fair than two-thirds, one-third anyway.

**RITCHIE:** Before that. all of the switches in the last few decades had been Democrats becoming Republicans—usually Southern Democrats switching over.

**PAONE:** Like [Richard] Shelby.

**RITCHIE:** I wondered if when they signed off on that agreement, everybody figured that if anybody changed, the Republicans were going to pick up a seat, not the other way around. Still, it was a remarkable provision, because no majority party had ever written an organizing device that risked losing the majority. That was astonishing in retrospect.

**PAONE:** Well, we insisted on it. We weren't going to allow it to go forward and we knew this was our maximum leverage. We went for everything we could. Giving them the motion to discharge finally, once they got that, then the other matters they figured, well, that's not going to happen.

**RITCHIE:** Yes.

**PAONE:** We'll agree to that. We've got our ability to get things out of committee now. Let's just get this done and get everybody on the committees and get up and moving.

**RITCHIE:** People kept coming to us at that time and saying, "Had that ever happened before?" The closest was in 1953-54, when nine senators died during the Congress. Because of appointments, the minority party actually had more senators than the majority party.

**PAONE:** And LBJ didn't push it.

**RITCHIE:** No, there was no organizing device. Any attempt to change the majority would have been debatable and could be filibustered. But in 2001 you had an automatic trigger built into your resolution that happened, much to everyone's surprise.

**PAONE:** Yes, it turned out to be a lot of foresight on Daschle's part on getting that put together.

**RITCHIE:** Senator Lott bore some of the blame in his party for having signed off on that.

**PAONE:** It's always easy to be a Monday morning quarterback and to criticize after the fact, but nobody expected, as you said, a senator to go the other way. The Republicans wanted to get their people assigned to committees and to get their chairmanships up and running. And Lott got that done. He got that accomplished.

**RITCHIE:** You mentioned assignments--.

**PAONE:** And they ended up, as a result, getting their tax cuts through.

**RITCHIE:** Oh, yes.

**PAONE:** So they can criticize him all they want, but if he hadn't done all that then they may not have gotten their tax cuts.

**RITCHIE:** Yes, that's the other part, that President Bush actually got what he wanted from that Congress.

**PAONE:** Right, and so Lott delivered. Jeffords did not change until after that was completed.

**RITCHIE:** And that was one of the things that triggered his change.

**PAONE:** Right, when they dropped his education spending.

**RITCHIE:** You worked very closely with Senator Daschle. What was your assessment of him as a person and as a leader?

**PAONE:** He's a remarkable person. What you see is what you get. He's a thoroughly nice guy, and a hard worker. This is a person who, when he was a staffer for [James] Abourezk back in the days when you didn't have computers, you had—you've got one right there, an IBM Selectric—when he was an LA, he would do his LA work during the week. But he was also responsible for some legislative correspondence and if he didn't get it done, he would lug that typewriter home on the weekends, with young children, to catch up on his leg. correspondence. He was just a hard-working, diligent guy, and he didn't change. He was extremely hardworking, and yet a nice guy. Very understanding of people and a good listener, which is very good in a leader, when you have to listen a lot to people complain, when your colleagues are in there venting. Sometimes half the battle is just letting them vent. Then once they've said their piece he would lay out the reasons for his position. Often, he was very logical, similar to Mitchell, and he was able to lay out the reason why he thought his way was best. More times than not, members would agree with him, and they would eventually go along with him.

**RITCHIE:** Do you think that he was influenced by Mitchell's style of leadership?

**PAONE:** I think he couldn't help but be influenced by it. But he also put his own stamp on being a little bit more inclusive in the sense that he branched out even more. He took it one step further than Mitchell did and had an even larger leadership group of expanding of deputy whips. Up until Daschle's time, the secretary of the Conference was an elected position. But eventually it morphed into a situation where he would appoint

them and include them in the leadership meetings. Same thing with the Steering Committee. You know, the Steering Committee is an important committee, but it meets once every two years. It would select committee assignments for the party and then not do anything else after that. He took that to another step and raised the chairman of the Steering Committee to a higher level. So they use it as an outreach group to reach out to businesses or whatever interest groups there are that you may want to broaden your contact with. He used these positions as a way of being more inclusive and bringing more people into the leadership, to the point where you'd have Tuesday morning leadership meetings which we would have prior to the Tuesday luncheon, and that leadership meeting might have a dozen people in there.

I remember that's where we were meeting when the planes hit the towers and when the plane hit the Pentagon. It was right before we went into that meeting that the planes hit the towers. We saw it on the TV in his office. I kept looking out the window watching planes go across the sky. As I said to Mark Patterson, this guy who was with me in the leadership meeting at the time, "You know, this is probably not the safest place to be right now." It wasn't long after that that we saw smoke rising from the Pentagon, out the window. Then you had policemen pounding at the door yelling for everybody to get out.

**RITCHIE:** For a long time, the Democrats were the majority party and that's the period when they had concentrated leadership in the majority leader. But after 1980, there are several stretches where they're the minority party. It seems like one of the reasons for broadening the leadership and pulling people in was because they were not going to be committee chairmen at that stage. It was not the traditional leadership situation. You had to be creative about incorporating more people into the system. I wonder if the fact that Senator Daschle started out as a minority leader had some impact on the way he structured that party during his term?

**PAONE:** Well, yes, and he had input from a lot of good people like Senator Dorgan, who took over the Policy Committee. He ended up using the Policy Committee because, as you say, when you're in the minority you don't control the committees. You can't call a hearing. So they would have Democratic Policy Committee "hearings" where they would have people come and testify. After a while the press started picking up on these things and filming them as if they were actual congressional hearings, to the point

where the Republicans were grumbling about, “Who the heck gave them a room for that? How are they doing this?” It was a very effective use of whatever you had left of minority rights and minority power. It was also a good way of keeping people invested in the group so that it wasn’t as tough to get them to vote with you against cloture.

**RITCHIE:** As you said, in ‘95, you moved from being assistant secretary to being the secretary for the minority at that point, or the Democratic secretary. How did your job change by taking that title when Abby left?

**PAONE:** Well, I took over the responsibility for the executive calendar, which is the nominations and treaties. That’s the secretary’s bailiwick. But other than that, that was about it. There were other housekeeping matters that I was responsible for, like page assignments—senators requesting pages and then you funneling that down to the leader and let the leader know how many slots he had to fill, and how many people you could accommodate who had page requests for that semester. The other part of it was dealing with committee assignments and helping the leader. You have this book where you keep track of peoples’ requests. Everybody comes in as a new senator and there are requests like, “I want to be on Finance and Appropriations.” We’d say, “Okay, fine. Duly noted. Now tell us what other committees you’d like to be on because you’re not getting on those. At least not now.” But we’ll keep track of it. There’s a book up in the office that keeps track of everyone’s requests and when they made them. When somebody’s got, like, since 1982 they’ve had a request in to be on Appropriations, is it their turn? Who’s on what committees? Who has a waiver for what? Keeping track of waivers and super-waivers.

You’re entitled to two A committees and one B committee. But once fifty-fifty came and we insisted on equal representation, and then the Jeffords change, the Republicans said, “Okay, you’re entitled to a majority, but we don’t want to lose any committee seats.” So we had to increase the size of the committee even more. Just by the size of the committees, you ended up with people with three and four A committee assignments, some with five. So you had to keep track of who’s got all these committees. Then you have “super A waivers.” That’s Appropriations, Armed Services and Finance. You’re not supposed to be on more than one of those. Byrd is on Armed Services and Approps. He’s got the super A waiver. I’m not sure if we have anybody else now who has a super A waiver.

That's all part of the stuff that you have to keep track of. Members will every now and then say something to you about, "Yeah, I'd like to get off this committee. I'd be willing to give up this committee for that committee." You make notes and if they pass it on to the leader first, he would let you know. You keep track of all that. So at the end of the Congress when you're looking at: Okay, what slots do we have to fill? Are we in the majority? Do we have an embarrassment of riches here? We have a lot of slots to fill, but by the same token we've got a lot of freshmen senators that we have to find slots for. Then it's also sort of like Santa Claus: you're making a list and checking it twice and remembering who's been naughty or nice. The secretary's job is to remember who's been naughty and nice and then to lay that all out for the leader when you're putting all this together. Those are just some of the facets that go into the recommendations for the leader, and there's many ways of being nice and naughty, from how many times you voted with the majority, with your colleagues, to how much effort did you put in to helping elect these new Democrats. It runs the gamut. That's one of the more important parts of the job, every two years, working with the leader and trying to put it together.

It's like a Rubik's Cube, because you're also working with the Republicans as to whether you're in the majority or whether you're in the minority and what ratio are you going to insist on on a size of the committee. If you're in the minority, are you going to insist on only a one vote minority or are they entitled to a two-vote majority? You know, depending on your size. That book also keeps track of the committee sizes over the years and what was the make-up of the Senate during those years. Well, we already had a 53-47 Senate and this is what the committees looked like. Or the last time we had a 55-45, this is what it looked like, and that sort of thing. You have all that information available to you.

You're the repository, as you know, for the caucus minutes. I kept that up in the office. And we started bringing in an official reporter for the Steering Committee meetings' minutes at the beginning of the Congress. Sometimes we did and sometimes we didn't then you had to rely on your notes. So you might have a record of their decisions, because the Steering Committee would make decisions that could effect somebody's seniority down the road, say Daschle giving up Finance so that [Carol] Moseley Braun could get could get on Finance, but that his seniority would be retained should he choose down the road to come back to Finance. The Steering Committee had

to agree to that. So you would keep track of that sort of thing so that if somebody wanted to come back or some committee assignments changed later, you can say, "Well, we've got a record that he's entitled to come back and come back under these conditions." Also keeping track of how were new members seated. How was a member seated who was a former member? Hubert Humphrey came back having been not only a former member, but a former vice president, and did not get any more accommodation than any other senator in his class. Other than, yes, he was a former senator, but he was still only put in at the top of his freshman class, not at the top of everybody else. It's things like that that you had to then point to years later when you had other people come back, who had been former members, requesting their old seniority. We'd tell them, "Well, you've got a legitimate argument, but this is not how it's done." Even for somebody like Humphrey it wasn't done that way.

**RITCHIE:** Did you have senators coming to you to lobby to get onto committees?

**PAONE:** The smart ones. But mostly, no. I mean, the ones who realized how the operation worked. Some would come and say, "Yeah, I'd like this. Keep me in mind." As a matter of fact, freshmen members were told to send their requests to my office, because my office is the one that keeps the requests and puts you in the book. But the more senior ones eventually realize that, yes, there could be some input here. I once had a member come to me who was leaving who had a freshman coming in and he wanted to make sure that his replacement was dealt with in a fair way. He came to me and said, "You know, he'd be really good on Judiciary." I said, "Well, you know, the leader will make the ultimate call. We'll see."

**RITCHIE:** Lyndon Johnson gets credit for the decision to try to put freshmen senators on important committees instead of making them wait for years to get to that. But he would always remind them that he got them on that committee. In other words, when he wanted them to vote his way, it was, "you know, I put you on that committee."

**PAONE:** When he needed a vote.

**RITCHIE:** I suppose that still works to some degree.

**PAONE:** Well, not really. Once they're on the committees, they're all independent actors. You know what I mean? I should go back. I should not by any stretch of the imagination leave the impression that I had a very large role in where somebody went. I would lay out options for the leader. The leader was the one that made the selections. He, whether it was Daschle or Reid, would make these selections or recommendations in concert with consulting with the chairman or the ranking members. He would always call them and say, "Look, what do you think of so-and-so? What do you think of so-and-so? How about this one?" Sometimes they would be fine. Sometimes they'd say, "Well, I'd prefer someone else." Like in an appropriations situation, you don't want somebody who's in favor of the line-item veto, for instance. So I didn't have any say in that. My role was strictly ministerial in putting together the list and keeping track of who had what requests in. Then Daschle or Reid would make the decisions on where to place people and what to recommend to the Steering Committee.

**RITCHIE:** What's the purpose of having the majority secretary handle the executive calendar?

**PAONE:** I don't know. I can't tell you. It just evolved in that way. When I was on the floor staff, quite frankly, the secretary didn't do that. That was all done on the floor pretty much. Well, no, I take that back. I think Joe Stewart did deal somewhat with the executive calendar. Maybe in the old days it was seen like it was something more important, of dealing with ambassadors or Supreme Court justices or treaties, and so the secretary decided that that's one of the things that they would supervise. It's just sort of, I think, evolved in that way.

**RITCHIE:** What did that entail, being in charge of the calendar?

**PAONE:** Oh, you just kept track of consults. Just as for the legislative calendar, you have a marked calendar. Does somebody have a problem with this person? If they have a problem, they would notify the leader. Eventually, they would tell you. If they were smart, they'd tell you right away or at the same time as they're telling the leader so that you could keep track of where that person was in the process. Are they still in committee? Once they're out of committee, are they on the calendar? If they're on the calendar, then this person has a problem with them. Or is it a problem that they want to have a hold on the person, requiring a cloture vote possibly? Or is it something where



they just want to be notified when that nomination comes up and they want to come over and give a two hour speech on why they are using this nomination as a way of extrapolating or getting an issue out before the Senate, using this as leverage for getting some time to debate something and to make people aware of something that they're concerned about that might have nothing to do with the nomination.

I remember once we had a senator hold up Ed Meese's nomination for attorney general over an agriculture issue, until the Reagan administration came through and promised changes on dealing with agriculture. Until then, Meese didn't become attorney general. You could have unrelated things like that. So you basically keep track of who has what interests in what nominations. Then you work with your Republican counterpart, with Dave or Elizabeth. Also it would depend on who's in the majority and who's in the minority. But on which nominations are going to go at what times: Do we need debate? Who needs a roll call vote? You might often, as you saw just recently, a lot would get done right before recess. Then some will be left where you have to file cloture, which is what Reid just did with somebody who's been on the calendar for awhile.

**RITCHIE:** Nominations have become so much more contentious. Starting really in the 1990's, they became a huge issue for Clinton and other presidents since then. Does that add to the burden of keeping up the calendar?

**PAONE:** Yes, and it's one more thing you have to have a cloture vote on.

**RITCHIE:** I remember that Senator [James] Inhofe once put a hold on every judicial nomination that President Clinton had. He was objecting to recess appointments, if I'm not mistaken, so he just put a blanket hold on every nomination.

**PAONE:** Of course, when they were in the majority, it was easy for them to hold up Clinton's nominations because they just didn't report them out of committee. So the nominations were stopped in that way.

**RITCHIE:** Basically, on a day to day basis as Democratic secretary, did your job really change from what you had been doing over the years? Were you on the floor more?

**PAONE:** I was still on the floor the same amount, because I was like Byrd and Reid, that was my true love. I would go in in the morning, go up to my office, maybe have a bagel, and then go downstairs. I'd get there around 8:00 or 8:30, go downstairs and go to the leader's office. We'd often have morning meetings with whoever was leader before we came in session, making sure we knew if they were going to have anything to say in leader time when they first came into session, or whether they were even going to come out during leader time. Sometimes they had other things they had to do. Then I would basically go out and babysit the floor. If I wasn't on the floor, I was in the cloakroom, which is why I added the extra phones on the desk, because I wanted a phone I could use rather than having to go into a booth all the time and take one of the booths when the booths sometimes were busy with senators. So I ended up having a desk down there that I eventually had a computer put on that desk, and that became my office away from my office upstairs. I would spend all the time down there. So the only time really I would see my office was in the morning when I got there and then at night when I went back upstairs to get my bag and my keys and go out the door, or on the days during recess when I would spend the time up in the office. Other than that, I was very rarely up in that office.

**RITCHIE:** So your office was really the floor?

**PAONE:** Right. But the difference was I wasn't as much intimately involved with the moment to moment actions on the floor, like who's got what amendment pending? What is their agreement on the amendment? I always was aware of what was going on, but I left to others—Lula and the floor staff—the negotiating of the agreements on that as opposed to getting involved in that. Because I was often then called across the hall to sit in the leader's office in meetings about one thing or another, about trying to finish the bill up or what bill was coming up next or what have you. I delegated the moment-to-moment operation to Lula and the floor staff. They would put those agreements—if it was an overall agreement on how the bill was going to get finished up or whatever, I made sure I was involved in those or at least was aware of what they were getting. Because you didn't want a situation where if something went wrong you had no knowledge of how it came to be.

**RITCHIE:** It sounds a little like the military, where the general is always a little bit further away from the combat than the lower-grade officers.

**PAONE:** That's right, which is why I liked staying down there and staying in the cloakroom, because by being around there, even though they were putting it all together, you were still aware of what the situation was as opposed to being away from it and up in the office.

**RITCHIE:** And I gather because a lot of decisions are made on the spot and not things that are planned in advance.

**PAONE:** That's right. You have to react. Who's come in and who's got a burr under their saddle and what are they upset about? How can we ameliorate this? Is it just because somebody's late for a luncheon and they want to go ahead and speak? But they just walked in and someone else has been here for thirty minutes waiting to speak. Can you help him out? Things like that.

**RITCHIE:** You mentioned earlier that Senator Byrd really liked things to work on schedule and he got upset about quorum calls that went too long.

**PAONE:** He didn't like down time.

**RITCHIE:** Did you have the same sense when you were working with Mitchell and Daschle that they were as concerned about the flow of business on the floor? Was that as much of a priority with them?

**PAONE:** No, no it wasn't. They were more end-results oriented. If you felt as floor staff that there was too much down time and that we had hit a trough and that the managers of the bill needed some goosing, then you would go get the leader and get him out there, or you'd let him know that "Look, we're not making any progress here and it's going to take some input from someone else to get this moving." But that was rare, and usually there were reasons that you would hit a trough. Committee meetings, people being on four different committees, they had all these responsibilities to be at and yet they also had an amendment they wanted to offer and so you might have to wait awhile. Or while you were negotiating an overall agreement on the entire bill, that might take hours. As long as you got the agreement, that's what mattered.

**RITCHIE:** So things just were in abeyance until the agreement?

**PAONE:** Right, and that's often to this day you'll see there will be a long time of inactivity while the bill's pending. It's not because they're not working. It's because they're negotiating behind the scenes making the phone calls, exchanging text of amendments on both sides of the aisle to end up with getting the ultimate agreement.

**RITCHIE:** One other group in the Capitol that always sort of want to know what's happening is the media, the press galleries. When you became Democratic secretary, did you get a lot more reporters coming to you at that point?

**PAONE:** No. I realized that if I was going to talk anybody it should only be on background. You had press people that handled the press. So whether it be Mitchell or Daschle or Reid or Byrd, whoever, they always had somebody in the press shop that dealt with those inquiries. The leader's press person often came to me wanting to make sure they understood what was going on. I made sure I kept them up to date and gave them whatever they needed for information. I liked to keep it that way, and that's how it was. They dealt with the press and I kept them up to date. Occasionally, just by walking the halls for thirty years, eventually some of the press people realized who I was and would just stop and ask me questions. If they did, I answered them, but they knew it was always on background.

**RITCHIE:** A lot of times reporters will call the Historical Office with a question and I'll say, "Well, you really need to talk to somebody else who's a specialist. You need to talk to the parliamentarian. Or you should talk to the floor secretaries." They always say, "Yeah, but they won't return my calls." [Laughing] They have the knowledge, but they're just not giving it out, right?

Well, you've been here for a bit. What's your schedule?

**PAONE:** I'm going to have to head back now.

**RITCHIE:** All right.

**PAONE:** Now that I've got some more time and I finished my class, I'll get to look at these and I'll send them back to you.

**RITCHIE:** Good. Well this has been a nice nuts-and-bolts approach to the way the legislative body works, so I appreciate you doing this.

**PAONE:** Sure, my pleasure.

**End of the Third Interview**

## MAJORITY AND MINORITY SECRETARY

### Interview #4

Wednesday, June 2, 2010

**RITCHIE:** The last time I saw you was at the Brookings conference on filibusters, which I enjoyed a lot.<sup>1</sup>

**PAONE:** I don't think the crowd did.

**RITCHIE:** No. It was a mixed response. It was so interesting that the first panel consisted of Senate insiders, people who had worked on Capitol Hill, who tried to explain what the filibuster was. And the second panel was political scientists who seemed offended by the notion of filibusters. It was such a startling difference between the two. And you used the expression "Stockholm Syndrome" in your remarks.

**PAONE:** Yeah, and I ended up getting slammed in some blog after that. The headline was, "So-called Senate expert admits to Stockholm syndrome." Then it quoted Dick [Baker] and it just said, "Other expert says, 'the Senate's perfect,' [laughing] but political scientists disagree with them." Well, they never worked here.

**RITCHIE:** I wondered if we could talk about that in terms of why the perception of the Senate and its rules are so different from inside and from outside the institution.

**PAONE:** Well, I think it's easy to portray it in a negative way in the sense that we're so used to the concept of majority rule in democracy and in our country, and yet the Senate's rules are not set up for a strictly majority rule. Treaties, in the Constitution, have a higher threshold, two-thirds. And then, over the years, cloture evolved. It used to be you had no way of eliminating, as you know, extended debate, until 1917 when they brought in the ability to put at least a finite cap of debate on something. But that's been misconstrued and it has been abused over the years, I'll admit. You have a lot of people making you have cloture votes that are strictly to slow down the majority so that they don't accomplish that much. In this day and age of three-day weeks, Mondays and

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<sup>1</sup>"The State of the U.S. Senate: Understanding the Filibuster and the Emergence of the 60-Vote Majority," Brookings Institution, May 17, 2010.

Fridays being light, it's easy to slow things down by insisting on a cloture vote on every, say, judge or whatever. Then you vote for the person, having invoked cloture, by a huge margin, but you've caused them to waste a couple of days by doing that. As a result, it gets portrayed in a negative sense on the outside as being "gridlock," the place not getting much done.

I had a meeting the other day with a member's chief of staff and I told him, "Let's just step back here a minute and look at this Congress. This is probably going to go down, in my opinion, as one of the more effective Congresses in a couple of generations." I mean, you passed healthcare. You just did reg. reform. I have no doubt in my mind that conference report will get enacted, which is going to be fifteen hundred pages, for good or evil, depending on where your sitting, if it's Wall Street or not or in a big bank, but it's going to be wholesale changes in how the financial system is governed. And other legislation that got passed. I don't think that they can belittle that. Plus it looks like you'll have two Supreme Court justices confirmed. So they did get a lot done despite the "gridlock." But the place, as Dick pointed out, was meant to not be efficient. It was designed to force consensus. And with a super-majority requirement, you do have to get consensus. It will be even more pronounced.

Having sixty at the beginning of this congress was more of a curse, in my opinion, for the Democrats. Because they did try [to get bipartisan support] on healthcare. They worked for months with [Michael] Enzi and [Charles] Grassley and I forget who the third one was—[Olympia] Snowe I think it was—during the summer in [Max] Baucus' negotiations with them to try to get something done in a bipartisan fashion. But it became apparent that they didn't have any interest in an overall, huge reform bill. Do it in pieces maybe, but they weren't going to compromise on a huge reform bill. So the Democrats had to go it alone. They got it done, but I think having less than sixty, that has brought a situation where you end up having to negotiate within the caucus.

I remember—I probably have said this before in one of the earlier sessions—watching Wendell Ford go around and making changes in his motor-voter registration bill. He believed in it and he wanted to get it done. We had a majority, but not sixty. And so he kept negotiating and making changes and finally got it to the point where he could get more than sixty and he got his bill done. I think that's the way this place is supposed to operate, on consensus. I think as a result, though, from the outside looking

in, it's easy to get frustrated and see that things can be held up by "one man" objecting or threatening to filibuster. Well, one man can hold something up. He can delay it. But if you've got the three days to have a cloture vote and then thirty hours after that, that one man's not going to stop you. People don't get that. They just see all these bills that the House passed and have come over here and died or are floundering. As I said that day at Brookings, that happened prior to the election. That happened when [George] Mitchell and [Tom] Foley were leaders and the House leaders were complaining about the Democratic Senate not getting their bills done. Then they were so happy after the election of '94 that we could stop the Contract With America, because they didn't think those were worthy bills. And most of them did die, if not all of them, when we were in the minority.

It's just that I think it's easy to misunderstand from the outside world. It's easy also to think of, well, everything should be majority rule. That's democracy. But we don't have majority rule. I think that's why people perceive it as a bad thing. But I think once you get involved in it, especially if you've been in the minority now and then, you see where, well, these rules do have a purpose and they do allow me some rights that my counterparts in the House don't have.

**RITCHIE:** You mentioned the fact that the Democrats had sixty votes this Congress. That's the first time in thirty years that either party has had sixty votes. In fact, I've heard it said over the years that fifty-five was a working majority in the Senate and anything less than that made it hard for the majority leader to get anything done.

**PAONE:** Right.

**RITCHIE:** So this has been an extraordinary Congress just in that respect. At the Brookings conference, you said that the same rules that could be used to build a bridge could be used to blow it up. I liked that expression and I wondered if you could elaborate a little bit on that.

**PAONE:** Well, that just came from the difference, while I was here, between being secretary for the majority and secretary for the minority. It's one thing when you're in the majority, depending on how large a majority you've got, as to how well you get to advance your agenda and get things accomplished. If your in the minority and the other



side is trying to advance things that you don't think are proper, then you use those same rules to try to slow them down. I remember once, Liz Letchworth was the Republican secretary at the time, and I think [Bob] Dole and [Tom] Daschle were leaders. We were at some sort of loggerheads and we were making them cast every vote to tear down this tree so that they could get to their final passage. They wanted us to cooperate and I just pointed out to her, I said, "You remember that bridge in River Kwai?" And I said, "My job is to blow up your bridge right now. So no, we're not going to cooperate." And she understood. She understood they were going to have to go through certain steps. But they got there. But they also cast some votes they didn't want to cast in the process, which may or may not have been used down the road.

**RITCHIE:** That seems to be a recurring argument, when a party is in the minority, its members complain that the majority is trying to stop them from offering amendments. The majority, of course, is afraid of what those amendments might be because it would make them go on record on certain controversial issues. Is that a daily recurrence in the institution?

**PAONE:** Well, unfortunately it's become more so as the years went on. When Byrd, Dole, Baker, Mitchell were leaders, they would call up bills and step back and let the managers manage the bills. You'd cast votes on whatever was offered. There was no concept of trying to deny the minority the ability to offer an amendment. What would happen is if somebody came up with an amendment that was difficult to vote on or vote against, then the majority would exercise their right and say, "Well, I'll have to second-degree it and get the vote that way." Then the minority would say, "Yeah, but I'm not going away. I'm going to re-offer it then after you've had your vote." Then we would arrange for an agreement that would give each side their vote with the majority getting the first vote on a proposition and the minority getting their vote second. And people would grumble about their substance, but at least they got a vote first—to vote for something before they had to vote against it. Over the years that has evolved so that the agreements are called "side-by sides" now, where you don't second-degree the person's amendment and if you win, wipe them out and then have to defeat him when he tries to come in with the second-degree to put it back in. Instead you end up with agreements called "side-by-sides," where you debate the two of them and the majority get's their vote first, and he or she gets their vote second,. But even if the second one wins, it doesn't wipe out the first and vice versa. So you can have a situation where it makes it even easier for people to

vote for both and say, “You all let the leadership work it out in conference with the House and we’ll see what comes back from conference.”

**RITCHIE:** So you send two contradictory amendments to the conference?

**PAONE:** Correct. And that happens often. But again, there was no concept of denying the right to offer amendments. It wasn’t until Senator Lott became leader that the concept of denying the minority even the ability to offer amendments to avoid difficult votes came into play on a grand scale, to the point where he would regularly fill the [amendment] tree, and then file cloture. We, of course, would take umbrage at not having had a chance to offer an amendment and as a result, vote against cloture. Then he would accuse us of filibustering, which would, of course, set our teeth on edge because we’d say, “We’re not filibustering. We just would like to offer some amendments. But if you’re not going to let us offer amendments, we’re not going to vote for cloture.” That worked as long as you didn’t really care to get too much done, because if you couldn’t invoke cloture, then you just moved on to the next item. But I think it was in 2000 where the Republicans—I think they might have lost five seats—and where we ended up at fifty-fifty. He made a comment privately, I think it was to Daschle or someone, “Well, I guess avoiding all those votes didn’t really matter.” And it didn’t, you know? Sooner or later you’re going to end up casting difficult votes, whether it be on an appropriations bill or something.

Unfortunately, though, that modus operandi seems to have caught on no matter who’s leader now. Because you’ve had members of your caucuses, whether Democrat or Republican, who want the leadership to, by and large if possible, protect them from difficult votes. That puts the leader, no matter who it is, in a difficult position because he wants to get things done, but in order to get things done, if he doesn’t have sixty on his side all the time, he’s going to need some members of the minority to invoke cloture. The surest way of uniting a minority is to deny them the ability to offer amendments. So it’s not fair, I think, for members of a caucus to ask either leader to protect them from votes because it just makes it all that more difficult for them to accomplish their agenda.

**RITCHIE:** Senator Lott had been in the leadership in the House before he came to the Senate.

**PAONE:** Yes, he used to comment regularly about the fact that how he wished he'd had a Rules Committee over here.

**RITCHIE:** Do you think that filling the amendment tree was, in a sense, a device to make the Senate work a little closer to the House?

**PAONE:** Oh yeah. He didn't hide his admiration for the way the House operated. He would occasionally complain about how he wished he had those levers to pull over here to make the place operate in a more orderly, majoritarian fashion.

**RITCHIE:** Senator [Harry] Reid has said that he wished he was Speaker of the House sometimes. Not to be in the House, but he wished that he had the powers in the Senate that the Speaker of the House does.

**PAONE:** Sure.

**RITCHIE:** Regardless of who the party is, that seems to be the universal feeling.

**PAONE:** Well, yeah, no matter who's leader, you always eventually come to the point where you say, yeah, it's difficult to manage. Plus you've got all your members complaining to you or asking for protection on this or that. Or they want timing protection because they want to be somewhere. The demands of the leadership on both sides are such that people who don't do the job can't understand. So anything that makes your life a little easier, you definitely appreciate.

**RITCHIE:** To go back to the notion of cloture, it does seem like it's changed over time. The statistics are at least that the leaders are filing cloture far more often than they did before. Did you watch that evolution take place?

**PAONE:** Yes, and it's more so even in the last two years since I've been gone. Because you could go back (I'm sure you all have on your website you've listed them all—I check it regularly, the numbers of clotures and all) and you could look at how many are motions to proceed. Those used to be rare. Only on really controversial items would you have to get a cloture vote on a motion to proceed. Otherwise you would get consent to at least start the bill. Now it's almost automatic. I think this last reg. reform bill that

they got consent to go to was a rarity. But again, if you make them have a cloture on a motion to proceed, then you just carved three days out of their schedule. Now you're in a situation now where you won't be in session more than four weeks at a crack unless you extend into August. And so four weeks go by very quickly, especially if in each week, you've only got three work days of solid work. If you've burned up a couple of days on a motion to proceed, you can see where it's being used just to lag.

**RITCHIE:** Is it that they're filing these cloture motions because someone is objecting to unanimous consent agreements?

**PAONE:** Yes, to just call the bill up.

**RITCHIE:** To go ahead. I was always wondering if the leader was trying to figure out whether or not there was sufficient support to get to an end.

**PAONE:** No, not on a motion to proceed. No, you'd never file cloture unless you had to, there's no reason. I've never seen an instance or known an instance where anybody ever filed cloture on a motion to proceed where they didn't have to. It's only because somebody's not giving you consent to call the bill up. The other interesting thing that's evolved over the years—and I remember the night this first happened with Phil Gramm and Carl Levin. Cloture had been invoked and you used to have a situation where you'd have your thirty hours and you'd try to dispose of whoever had a germane amendment or two that had been timely filed and properly drafted and see if we could work out some votes. Well in this instance, Levin had an amendment that was germane and timely filed and properly drafted, but Gramm wasn't about to let him have a vote on that amendment. So he objected to disposing of the pending germane amendment. There was already one pending at the time of the cloture vote. He objected to an agreement, to lay it aside or set a vote on it, this was an amendment that was going to be passed, so it wasn't something you could table to get out of the way. So he objected to any agreement on that and as a result that amendment remained pending for the thirty hours. At the end of thirty, it's not like the budget where you can offer amendments and get votes without debate. You can't offer any more amendments at that time. You only vote on what's pending. So Levin got shut out. And I thought, boy, we've truly entered into a whole new stage now.

Now that's become the basic operation of the way things operate under cloture. You want to know who's got what pending and how many, if cloture's invoked and if there are more than one and if they're germane. You have to think more than one step ahead now and file your amendments in the germane second-degree fashion, if necessary, to try to get a vote, because you may not get up on a first-degree. Since you don't have to be germane to the first-degree, just to the underlying proposition, if you do it right, you still have at least a shot, a chance. But it adds a whole other layer that we didn't have to deal with until that time.

**RITCHIE:** Looking at the statistics, we've noticed that the number of cloture motions starts to go up in the late 1980s, about the time that the Democrats came back into the majority after the '86 elections. The number of cloture motions doubles in that Congress, and the number of failed cloture motions triples. The numbers are very small by comparison to the numbers in more recent Congresses. Was there something going on in the late '80s that made the leaders begin to rethink their tactics?

**PAONE:** Well, we had been in the minority. We took the place back in '87. Senator Byrd was leader for '87 and '88 and that was probably the era—one of those reasons you had probably in one of those Congresses you had a bunch of cloture failures was he filed cloture seven times on campaign finance and lost every one of them. Then later, campaign finance in the next Congress under Mitchell, they allowed it to pass, but then when the bill came back from the House, they filibustered sending the bill the conference. We had at least two or three, is my recollection, attempts to invoke cloture on going to conference and failed. So that would account for some of those failures. I think up until that time, I don't know if we ever had seven failed attempts on one item before. That may have been a record.

**RITCHIE:** We have two lists. One's just the numbers and one actually identifies what the votes were on. So I should go back to check that to see.

**PAONE:** But probably about eleven of those in those two Congresses were campaign finance. And then there were a number of instances where Byrd and Mitchell were leaders—we were in the majority up until '88 it was Reagan and the '88 to '92 it would have been Bush I. Then it would be an interesting thing in the sense that we were trying to advance things that maybe the administration did not want and that were trying

to protect the administration from having to cast a veto. So they were successful in their attempts in stopping cloture in that respect. That's probably another reason why we had an increased number of failed cloture votes.

**RITCHIE:** Another thing about your panel the other day was that Bob Dove was on the panel. Bob had been fired as parliamentarian in 1987 and was immediately hired by Senator Dole as his personal parliamentary advisor. I always wondered if his sitting there next to Senator Dole didn't have something to do with the strategies that the Republicans employed.

**PAONE:** Oh, I'm sure, because Bob's phenomenal as far as his knowledge. To this day I use in my course—I give it to my students in my course at William and Mary on legislative procedure—May 13, 1987, is a day that I'll never forget where Senator Byrd tried to use (and this was the last time any leader tried this) but occasionally Senator Byrd would lull the minority into a relaxed mode and he would adjourn without the normal adjournment boilerplate language. That meant he could attempt a non-debatable motion to proceed to something during the morning hour the next day. Then he would pull that rabbit out of his hat the next day and faced with that, then, he would get his bill up. Well that day, the night before, obviously Bob Dove had recognized that they had adjourned without a boilerplate and Byrd had probably announced his intentions that he wanted to go to the defense authorization bill that had language in there on the MX missiles. I think it might have had a limitation on them. And it had a provision on Contra aid, I think. There were a couple of things in there that the administration did not like and so Dole was doing his best to keep it from coming up. And Senator Byrd, in order to—bearing in mind this was post-TV—May 13 of '87.

**RITCHIE:** TV in the chamber had started, yes.

**PAONE:** It was '86 when TV started. Yes, because when we did TV, he changed the ability to filibuster the approval of the journal. We went from a hundred to thirty hours and he got the Senate to agree to a non-debatable motion to approve the journal, which was the one thing that gets in your way if your trying to use the morning hour to get to a non-debatable motion. First you have to get the journal approved. So he made his motion to approve the journal. We were voting on that, and it was non-debatable. And all the sudden, I think it might have been [Dan] Quayle, who was the first one. Meanwhile

Dove is sitting right next to Dole. And all of the sudden as the vote's almost done, because they waited until the end because they wanted to use up as much time because the morning hour consists of a two-hour window after you've convened. So you have to approve the journal, close morning business and then you can make your motion before that two hours is up.

So they were burning as much time as they could and then all of the sudden, I think it might have been Quayle or one of them, said, "I refuse to vote based on the fact that I haven't read the journal." Well, the rules state that a member cannot refuse to vote unless by grant of the Senate, permission of the Senate. So you can have a vote on whether somebody should be permitted to refuse to vote, at which point Dole asked for the yeas and nays on whether he should be allowed to refuse to vote. He got the yeas and nays and we're voting. Now you're voting on a vote within a vote. And of course, Byrd was not happy. As we're voting on that vote, I think it was [John] Warner near the end of that vote stands up and says, "I refuse to vote on this vote because I don't think a man should be compelled to vote." And Dole asked for the yeas and nays and we start now a third vote within a vote. Now you can see it's like putting up two mirrors and you're looking at infinity now. And the idea of getting this done.—it ended up with points of order, parliamentary inquiries during the votes and whether you could do that or not. Even the chair was confused. Whether you could put in a quorum call during a vote, which of course you can't. But then you can appeal the ruling of the chair as to whether you could and have a vote on that. To say the least, Senator Byrd did not get to his motion to proceed. That was classic Bob. And that was the last time Byrd tried to use that motion to proceed during the morning hour. I would always dissuade any other leader if they came to me about the utility of that motion. It has been proved that there are ways around it.

**RITCHIE:** As floor secretary, would you sit down with the leader and talk about the types of strategies that they were planning to do. I mean, the parliamentary procedure at least?

**PAONE:** Oh yeah, every day. Sometimes every hour. Sometimes more often, constantly, depending on the situation we were in and wanting to make sure you knew the possibilities of what they could and could not do and what to expect.

**RITCHIE:** They had to be all different styles. You worked with four different leaders over the years.

**PAONE:** Well, with Byrd, you sat down and he told you what was going to happen and you just were to execute it. If he came out and he wanted to know what was going on, then you would update him as to the situation. It was only when you got to people who were not as experienced in the rules as Senator Byrd was—and that would include ninety-nine others, then you would sit down with Mitchell and Daschle and Reid on a regular basis to let them know what their options were, either in trying to get something done or trying to keep something from happening.

**RITCHIE:** So you sort of were semi-parliamentarian?

**PAONE:** Well, I was our Democratic parliamentarian, so to speak. As I said, it was either are we trying to build a bridge or are we trying to blow it up?

**RITCHIE:** In this Congress they've been debating the issue of secret holds. It almost got to a vote the other day and Senator DeMint raised this issue about the unanimous consent agreements and the hotline—

**PAONE:** Yeah, I think it was [Tom] Coburn who might have referred to that as the “McCarthyite hotline,” which I got a kick out of.

**RITCHIE:** What is the hotline and how does it work?

**PAONE:** The hotline is just merely an alert that rings in their forty-one offices. We have one that goes into our fifty nine offices. What happens is, the battles are fought out on the floor on ten percent of the legislation that the Senate usually does, is my guess. The other ninety percent of it is done by unanimous consent. The only way you're going to get things done by unanimous consent is by making sure everyone knows what you're doing and they've had a chance to look at it and then had a chance maybe to alter it. Sometimes, granted, it could be National Peach Week and it's nothing of great import, but there are many times where you would pass major pieces of legislation that people had worked on for years, maybe for more than one Congress, that finally got to the point where you could do it by unanimous consent. These were major pieces of legislation.



Members had worked on wilderness bills and things like that, which were important to their state that they had been trying to get worked out for years.

What the hotline is is the bill, as it works it's way through the legislative process, members—now this gets into what some call “holds.” The floor staff refer to them as “consults,” because a hold is only as good as your ability to deliver a member to the floor to debate the motion to proceed to something. A consult is what it is. You say, “I’m interested in this. Don’t do anything without consulting me.” Then I can decide whether I want to show up or whether I just want to put a statement in the *Record* when it passes.

So members would send the leadership consults on bills, sometimes before they were even reported out of committee. And you would keep track of them so that when the bill was reported out of the committee and hit the calendar, we would keep what was called a “marked calendar.” The Republicans do the same thing. And so you could open that marked calendar and you could see on that bill I’ve got maybe two or three members who want to be consulted before we try to pass that bill. Like I say, sometimes they might have an amendment. Sometimes it might be, “I completely hate this bill. It does injury to my state and I will oppose it.” Or it might be, “Just let me know so I can put a statement in the *Record* or come down in person and congratulate the committee for passing it.” And so the majority would originate a request to the minority, and usually it would come from the committee staff because they had been working with the minority staff even after they reported the bill out. They may have then come up with a manager’s amendment or another couple of amendments and they would send them over to the floor. You would give a copy to the Republicans, you would write up a script saying, we’d like to take up and pass this bill with this amendment and do you have any problems? And that’s what you would run on your hotline. And you would say, “We have a request by the leader to take up and pass this bill.”

Now before you had even done that, if you had people that had notified you with consults, you would contact them and say, “They want to do this. This is the amendment. Do you have a problem?” If they had a problem, then we’d recommend that they go to the committee. We would recommend if they had problems that they go to the committee at the outset so they could be incorporated in that original negotiation and it would smooth things out and get it done quicker. But eventually you got to the point where everybody’s okay in the known universe to the point where you run it on the hotline and

say, “We have a request to take up and pass this bill with this amendment. If your senator has any objections, please notify the cloakroom.” The Republicans do the same thing. And we would give them time for that to percolate. And sometimes people would call who were not on the committee and say, “Well, I want to check this out.” And we would snag it for them and say, “Sure, check it out.” The committee might ask who snagged it. If they wanted just overnight to look at it without being hounded, we would let them know that, “Well, whoever it is would like to just privately look at it. I don’t think there will be a problem.” If there is a problem, though, they’ll surface, because we have to tell them, “At some point, we will let the committee know that you’re the one snagging this.” Sometimes they didn’t care. They’d be like, “Go out and tell them now. I don’t care. I want to look at it.”

But that’s it. That’s what the hotline is. And eventually both sides—if then the person that snags it goes to the committee and they make another change. They send down now a new modified amendment or maybe just an additional amendment to be included in the script. Then you would give a copy of that to the Republicans and the majority staff would be working with the minority staff on the committee already, letting them know about the additional amendment, because it doesn’t do them any good to go ahead and clear it themselves and then have the minority snag it. They would be working, if it’s being done properly, with their minority counterparts on arranging to see if we can get that amendment agreed to. And then you change the script. If you changed the hotline, if you added another amendment to it, you would run it again. You would change the script. So basically, members always have a chance to snag it and to look at it and that’s how the place operates.

Now Coburn and DeMint have argued that: You’re doing this and nobody is paying attention. Well, if they’re not paying attention, then they’re the one’s who are not serving their constituents, because that’s how the place operates. You don’t have time to stand out there and verbally read out loud every single bill and amendment that you’re passing. There are too many of them. I mean, at the closing days of a session, especially at the end of a Congress, floor staff will clear for passage fifty or sixty bills a day. We will even break it up by committees because it just gets too busy. The pace and the pressure gets white hot. You don’t have time. Usually it’s like everybody is doing everything. Helping each other do it. But that doesn’t work at the end when you have to say, “Okay, if there’s anything that comes in from the HELP committee, you take it. If anything come in

from Finance, I'll take it." So rather than trying to keep track of the other person's issues, because there are too many of them. You've got too many of your own to keep track of. Meanwhile, you're also working on whatever's pending on the floor and making sure you're keeping track of that and, you know, the write-ups and the descriptions of their votes, et cetera. So at the end, you divide it up by each person gets five, six, seven committees, maybe more. And you're responsible for those in trying to see if those bills are going to clear. The committees are constantly, then, funneling requests to you because everybody's trying to get their bills done before they die at the end of a Congress. So you're constantly getting requests being sent down that you're then having to put in, if you're in the majority, do a script for, make sure there's copies of them and to give to the minority so that they can then try to clear them. That's just the way the place operates. If they don't think that this is a rational way of operating then it's because offices are being derelict in their duty in trying to keep up with the hotline. But that's just the way it is.

**RITCHIE:** The diary of Senator William Maclay in the First Congress says that in the last two days of that Congress he was just overwhelmed by bills. He complained that he didn't have enough time to read everything that was coming through.

**PAONE:** Sure.

**RITCHIE:** That was the First Congress. It seems like that's happened constantly since then. What is it about the calendar that winds up bunching everything up at the very end of a session?

**PAONE:** It's human nature. Sort of like college students cramming for exams. You let the whole semester go and then the last two weeks, you try to study as much as you can before your exam. It's rare that you come across the student that does his work every week in an orderly, week to week fashion. [Laughing] And senators are no different. You'd like to think that you get better as you age, but you don't. So those last weeks of a Congress are usually extremely hectic.

**RITCHIE:** Well, this has been a very hectic Congress. Since the last time we met, the healthcare bill has been debated and passed. You were in the Democratic secretary's office at the time when the '93-'94, when the Clinton health bill was up. I wondered from that perspective, what kind of lessons did the Democrats learn from the

'93-'94 experience and how did you see that playing out in what went on in the healthcare debate in this last Congress?

**PAONE:** Well, I think they looked and they (more of the administration)— the people that were running their effort at the administration level realized that in the first effort not enough deference was shown to the respective committees in the Congress and their responsibilities. They tried to put the entire thing together themselves, as a legislative—not a blueprint, but as a legislative bill. That was a mistake. And some unfortunate remarks were made about the chairman of the Finance Committee and we can bypass him if we want, or something like that. Or that they didn't need him as much. This time they realized that, no, you know you send up broad brush strokes of what you want and let the Congress be responsible for the details, and then step in where you had to near the end when it gets down to the final negotiated settlement. I think that's what they did and I think that it worked out as a result. [Nancy] Pelosi convinced them not to give up on the overall bill as opposed to trying to break it up, especially after the [Scott] Brown election.

Thank goodness they had the foresight to use reconciliation to put that in—I think it was in the Spring. I'm not sure when it was that they did that budget resolution, but it gave them at least the option of using it. Now at the time when they did it, some thought, well, they're going to use reconciliation for all of healthcare. Well, [Kent] Conrad, chairman of the Budget Committee, and others, realized that no, it's not of that utility. You can't use it for that. It's too fine a scalpel, a surgical tool to use for this entire bill. So it was sort of put on the back shelf. But after the Brown election when they realized the House couldn't take our bill, they had to make changes. They were in the process of negotiating those changes when the election occurred. Well, then reconciliation became the perfect vehicle for at least making those changes enough to allow the speaker to get enough votes to pass it.

**RITCHIE:** So you're suggesting that it's a good idea for the White House not to write the bill and send it up?

**PAONE:** Right.

**RITCHIE:** But aren't there a lot of occasions when, essentially, the executive branch does write the bill and send it up?

**PAONE:** Oh, they do, and they send up legislation, but they also know that I'm sending this up as a blueprint. Like, you guys take it from here. In this case, I think they realized that this was too big an effort and it was just going to cause problems. Especially when Baucus was still trying to negotiate a bipartisan bill. I think they realized it wouldn't do them much good to send something up for everybody to attack while they're still trying to negotiate a bill, whereas they did do that in the early '90s. Then when the thing had to be altered, the Republicans used that as criticism, showing these giant bills on the floor with Roman numerals on the side, saying, "This is what is now. This is what it was before. Who knows what it will be tomorrow. See, they don't know what they're doing." That sort of thing. So this avoided that pitfall.

**RITCHIE:** What was your opinion of the way they handled the health bill this time?

**PAONE:** I think it was fine. I think it worked out very well. I think they did a great job.

**RITCHIE:** If you'd been on the floor, would you have tried anything different?

**PAONE:** No. As soon as I saw the Brown election, I said immediately to my wife, "Well, they're going to have to use reconciliation now to fix this bill." I said, "That's their only choice." The idea of tearing the thing up into three smaller bills or starting over, you'd gone too far at that point. I mean coming in on Christmas Eve for your final vote and then to say, "Well no, we can't do this." That's not going to happen. They weren't going to give up.

**RITCHIE:** There's a school out there that keeps saying: The trouble with filibusters is that they don't make the minority stand up there and talk. I've been saying: Actually they did. The whole month of December was essentially an old-fashioned filibuster. They were in seven days a week. They were voting at one o'clock in the morning. How much more of a filibuster could you have gotten than that?

**PAONE:** Right. And as you know, whether before or after cloture is invoked, you can't force the person to speak. You can force them to sit out on the floor to object to a question being put by the chair, but if they just put in a quorum call, then that's their filibuster. That's good enough to keep a vote from happening. It's far more difficult—people don't understand—that's the other thing where these political scientists and other experts on the Senate, they don't understand that, unlike the House, you can't force an up or down vote on anything in the Senate. All someone has to do to deny you an up or down vote is sit out on the floor and object or put in a quorum. If they object and they put in a quorum, they don't have to speak, whether cloture is invoked or not. But you're right, that last couple of days, I think from like November 30<sup>th</sup> until December 24<sup>th</sup>, I think it was twenty-six straight days that they were in and used the clock, every bit of it to get it done through those hours.

**RITCHIE:** Scheduling votes at one o'clock in the morning so they would count as the next calendar day and things like that.

**PAONE:** Right. Exactly. So the thirty hours would get done quicker so you could get to the next stage.

**RITCHIE:** The other issue of the definition of filibuster occurred when Senator [Jim] Bunning objected to unanimous consent agreements over the minimum wage, not the minimum wage—

**PAONE:** Unemployment extension...

**RITCHIE:** Unemployment insurance.

**PAONE:** Right.

**RITCHIE:** He kept saying, "I'm not filibustering. I'm just objecting to unanimous consent agreements."

**PAONE:** Well, he didn't have to filibuster. An objection was enough.

**RITCHIE:** Right. So it's all a matter of how people view it and how they define the term filibuster.

**PAONE:** Yeah, well in his defense—limited defense—what he was saying was, “Okay, I’m not filibustering. I want a vote on my amendment.” But then he took it to the next stage. They were perfectly willing to give him a vote on his amendment on paying for it, but he was saying, “No, I want my amendment to be agreed to.” Well, wait a minute now, you can’t have your cake and eat it too. We’ll give you a vote, but—

**RITCHIE:** Right.

**PAONE:** Afterwards, when they finally got the agreement and had the vote and his amendment was defeated, he claimed that he had been misled. Come on, that doesn’t pass the laugh test. Everybody knew that all you were getting was a vote. You weren’t getting a guaranteed that that was going to be agreed to. Even [Mich] McConnell didn’t come to his defense on that.

**RITCHIE:** Yes, there have been some strange legislative tactics this year.

**PAONE:** Yeah, that made him a hero amongst the Right. Then the next time that the issue came up, they ended up recessing without doing it, just like we have now, because Bunning’s colleagues decided to join with him in not agreeing to do it unpaid for.

**RITCHIE:** It depends, I suppose, on which side can make a better case when they go home. One side can say, “They obstructed. They blocked it.” And on the other side can say, “We saved it from happening.”

**PAONE:** Yeah, “We stopped them from adding to the deficit.” Which is fine if you’re one of the ninety percent of the people that still have a job. But if you’re the ten percent that are unemployed, then you stopped my unemployment checks. It just depends on how you portray it.

**RITCHIE:** You alternated over time being the minority secretary and the majority secretary between 2001 and 2008. You started as minority secretary in 2001, then you were majority secretary. Then in 2003, you were the minority secretary and in

2007 you were back to being the majority secretary again, all in a relatively short period of time. How significantly different is the role of the minority secretary from the majority secretary?

**PAONE:** Well, it's a reactive role in the sense that, you know, the majority controls the committees and the majority leader dictates the schedule. So you work, when you're in the majority, with the majority leader and, depending on his relations, with the committee chairmen, on keeping him informed of what the chairmen's desires are that they want to get done. What is their high priority items that they want to get out? It also changes even more so when in '08, after I left, when you have the administration, because it's one thing to be doing it when you're just a majority. It's another thing to be doing it because you don't have to just factor in this is what the chairmen are interested in and this is what they want to get done. The leader is also hearing from the people down on Pennsylvania Avenue, saying, "This is what I want to get done." Now you've got another voice involved in what are the scheduling issues. We had that when Mitchell was leader and Clinton was down there, which is why you could see where it was going to also change in the closing days of the 2007 avoiding votes by Republicans on amendments, filling the tree and filing cloture.

The debate sometimes was eerily reminiscent of Lott-Daschle, with Reid and McConnell, only in the roles reversed. We didn't have the White House in '07 and '08 and the bills we were going to be advancing weren't going to be signed. So there was a strategic decision made that as a result we don't need to have to break our back to try to get these things done and as a result cast all these bad votes. But God forbid we should win the White House, because then you're not going to be able to just stop at the water's edge. You're going to have to get something down to the president's desk and in order to get it down to his desk, you're going to have to invoke cloture. You're not going to invoke cloture unless you've lanced the boil and given the minority the ability to offer amendments and cast votes that you didn't like. And so it was going to be an eye-opener for some members of the Democratic Caucus who had been protected, so to speak, for awhile, of not having to cast a bunch of bad votes to then having to belly up to the bar on a regular basis and cast a lot of crappy votes, especially if they were up. So that's what we've seen in the last two years.



**RITCHIE:** I think it was in 2007, Senator Specter, when he was still a Republican, had a motion to ban second-degree amendments, so that, in a sense, the majority leader couldn't fill the amendment tree anymore. Is there any validity to that?

**PAONE:** I don't think so. Then you take away one of the major pluses of being in the majority—the ability to react to what they're doing. Bearing in mind, they still get to offer amendments and they still get their votes, but you, with the second-degree, are guaranteed the first vote. We never argued, whether I was majority or minority secretary or Dave was the majority or minority secretary, or Elizabeth, his predecessor, regardless of who was leader, we never argued as to the ability of—that the majority was entitled to the first vote in a situation like that. Yeah, you can have the first vote because you could have second-degreed us. Granted it's a rarity, but you can get a second-degree up where the majority doesn't get it in there. But by and large, that's a rarity.

We had an instance once where we were in the minority and Dole was leader. I think he had left the floor. He had filled the tree, but he did not fill the tree completely, leaving the underlying text open. [Edward] Kennedy and [John] Kerry offered first and second-degree amendments on minimum wage, which at the time was like kryptonite to the Republicans. It was an election year and they did not want to vote on an increase in the minimum wage. They were doing everything they could to avoid that. Then we were able to file cloture on it. So we guaranteed that there would at least be a cloture vote on an increase in the minimum wage. I think, actually, that was one of the contributing factors to Senator Dole realizing that he was better off campaigning [for president] full time rather than having to spend his time trying to keep people from offering amendments and people casting votes that they didn't want to cast. It didn't do him much good.

**RITCHIE:** How did you spot the fact that Senator Dole allowed that?

**PAONE:** We were just there the whole time. They had already come over. We knew that they—because we hadn't decided to do it—I mean Kennedy or Kerry hadn't decided to do it and we were just operating under a regular—the bill is up and it's got a substitute amendment and that was the operating method, amending your substitute. Like I said, this was a different type of leadership. In those days, you didn't actively try to keep the minority from offering amendments. But in this case, he had offered first and second-degree amendments because there was a push for the minimum wage. I don't

know whether it was because we weren't used to doing it or whatever, but the left side of the amendment tree was open. Now, granted, that left side of the tree only gets you a vote. I mean, if you were to win there, you're still going to have to add it to the substitute somewhere along the line, because the substitute would wipe out whatever is on the left side of the tree. Like I said, it was just a situation where they weren't used to trying to block people from offering amendments, because to their credit, they were used to letting people offer amendments and getting votes on things. It was just a rarity that in that instance they were trying to not do it. It was obvious, and I couldn't believe when he left that open. I had Kennedy's staff, who were having kittens on the back bench and I kept trying to tell them to "calm down. You're going to make this too obvious. They're going to realize what's happening here and they're going to fill that slot." But they didn't and when they finished we offered the amendments. I was as surprised as anybody that we got them up. That was the only time that ever happened.

**RITCHIE:** I also remember when Senator Specter had his reform proposal up, he took it to the press gallery. The reporters told him there was no story because you could never explain a second-degree amendment to anybody outside the Beltway.

**PAONE:** That's interesting, and that's probably very true.

**RITCHIE:** He reported that in the *Record* at the time. So I thought it had to be true, because he was so deflated about it. But it does indicate that you really do need to know the rules of the Senate. Would you say that there are a lot of senators who don't know much about the rules of the Senate?

**PAONE:** Yes, I'd say it's true. I think it's also, as evidenced by the desire of a lot of the freshmen and sophomores now wanting to change the rules and make it easier to invoke cloture or to take away some of the minority's rights and to change the rules through a possibly majority vote, which I think is stemming from a lack of institutional memory on how the place should work, in my opinion. If you want to do it, as Doc Riddick said, and Dick Baker quoted him: "If they decide to make cloture a majority vote, then the rules will still be perfect." It's whatever they decide.

**RITCHIE:** Of course, the freshmen haven't been in the minority yet.

**PAONE:** That's correct. This works as long as you think you're going to be in the majority and you're going to control the White House forever. But I, as you pointed out, was on the other side of the fence too many times to want to offer a weapon of such huge import to the other side to use against me should they take the majority. Because if I were them, I would do things and I would just say, "Well, from now on anything that comes up on the floor legislatively or on the executive calendar, the time limits on it will be dictated by whatever parameters are assigned to it by the Rules Committee. And, oh, by the way, you can no longer filibuster the organizing resolution, either." Then I'd pack the Rules Committee with fifteen majority and five minority and that would be the end of the Senate as we know it. Each one of those members will have, as a result, lost a lot of power. We will just be a smaller version of the House at that point.

**RITCHIE:** One reason why the Senate always pulls back from the brink is that it's not just the parties, it's the individual senators who have a lot to lose.

**PAONE:** That's right. I had a meeting with a member the other day in which, having voiced my concerns and he thought about it—he was one of the proponents of this—and he thought about it and he goes, "Well, what's to keep them from doing it when they take over?" I said, "Well, the fact is they haven't, have they?" I said, "Neither side has because it's sort of like the nuclear arms race. It's mutual assured destruction. Nobody wants to be the first one to pull the trigger, because you know that thereafter it will be irrevocably changed, in my opinion." But if they do it, they do it. We just have to sit back and watch.

**RITCHIE:** There's even an aversion to using the word "nuclear." Some call it the "constitutional option." But everybody knows it would have a nuclear effect on the institution.

**PAONE:** Absolutely. As I pointed out, LBJ changed the rules and he had to do it because he was faced with a "constitutional option" at the beginning of a Congress. So he, in order to lance the boil, my recollection is he scaled cloture back from two-thirds of those sworn to two-thirds of those voting and got the proponents to back off from forcing the "constitutional option." But the folks that were opposed to changes made him put into Rule V that last two lines that says that the rules continue from congress to congress and can only be changed in accordance with these rules. So if you do the constitutional

option, then you'll be doing it in opposition of your own rules. So that's another rule you've got to change while you're at it. But so be it.

**RITCHIE:** One more question about the majority secretary. I've seen the majority secretary referred to as the "floor manager" of the Senate. Is that an accurate or a reasonable description?

**PAONE:** Floor manager for the majority leader's staff, yeah. Whatever chairman is out there is the floor manager, obviously, for the bill that's pending. But the floor manager for whoever the majority leader's floor staff is what has evolved in the last—well, since I was doing it. Because prior to that time, the Democratic secretary's roles were different and evolved into this because my job as floor staff then morphed into assistant secretary and I never wanted to leave the floor. That was one of the reasons they kept me, because I was on the floor. At one point, when I transferred from being on the "floor staff" to the assistant secretary position, Abby [Saffold] had to get Senator Mitchell to approve that. He didn't want to approve it if I was not going to be on the floor any more. He said, "Well, as long as he's not going to leave the floor." She had to convince him that, "No, he's not leaving the floor. He'll just be on a different payroll and have a different title. But he'll still be out there doing the same job." He said, "Well, if that's the case, then that's fine." Whereas prior secretaries had other responsibilities that they did.

**RITCHIE:** So in a sense, you're the eyes and the ears of the majority leader at all times on the floor? Is that it?

**PAONE:** Yes. You and the floor staff, keeping track of what's going on out there and trying to help or assist any Democratic senator that comes in with any needs, from the mundane to the complicated.

**RITCHIE:** A number of the senators have said that when they first came to the Senate, you gave them the walkthrough; that they turned to you for when they wanted to know "How do you do it?" How do you orient a freshman senator?

**PAONE:** Well, there's an official orientation that the secretary's office puts on for them that we attend, Dave and I. Then we would do it for each of our freshman

senators. We would do it more for their staff than for them, in the sense that we'd have their staff over and show them what it's like on a day out of session and walk them through the floor and show them where they would get their pass and how they get on the list with the sergeant at arms for the floor passes. Then where you'd come in, and floor conduct, and how you never sit in the chairs with arms, that sort of thing. For the members, you'd pretty much keep an eye out for them as they come in the chamber. Sometimes you'd have orientating classes for them. You always made yourself available to them, but they were so busy setting up their offices, et cetera, that they often didn't have time. I remember that one year our freshman class consisted of Obama and [Ken] Salazar, and Senator [Mark] Pryor was a sophomore, but he realized that there were a lot of things that he still didn't understand about how the place functioned. He thought it would be helpful if I came over and talked to them one morning. So I did and tried to give them a run through. But, you can only do so much in an hour.

Basically, you'd try to catch them as they came in and then you'd go up to them and they would always come in with staff and you'd ask if they wanted to speak during morning business. Are you going to offer an amendment? Have you talked to the manager yet about your amendment? Do they know you're offering an amendment, and have you given them copies? Do the Republicans know? Et cetera, et cetera. Or just down to what type of clip do you want for your microphone at your desk? There's a lefty or a righty. Or do you just want a hook that's for your pocket? The basics, until they became comfortable and they could come over and do it on their own.

**RITCHIE:** About how long does it take a new senator to get comfortable?

**PAONE:** Not long. A couple of times, and then they're fine. Then you still want to look out for them and go up and make sure that—especially if they come in and you don't expect them. Because often you know as the bill is progressing, okay, who's coming over to do what amendment next and that sort of thing because you help out the committee chairman's staff in trying to line up an orderly progression and letting people know when they should come over to offer their amendment. Or telling somebody to stick around after the next vote if they want to offer an amendment or something like that. But then if, all of the sudden, somebody comes in that you didn't expect, then you usually would try to find out from their staff, okay, do you just want to speak or what is it you'd like to do? Because usually they came to you as they walked through the chamber, as

they walked through the well, and they'd ask, "Okay, what's pending? Is there an amendment pending? Can I speak? I just want to speak in morning business." Or, "I want to try to offer an amendment. What should I do?" And then you'd explain to them if there is something pending at the moment and then ask and direct them to the chairman's desk and suggest that they talk to the chairman and their staff about sequencing their amendment.

**RITCHIE:** We noticed an interesting development during the healthcare debate—maybe because we were watching more of the debate than usual—but it seems like the two parties would divide up the hour. Each one got a half an hour. But instead of one senator speaking at a time, two or three of them would come on and they would engage in a little colloquy between themselves. There would be two or three Republicans. And then they would leave and two or three Democrats would follow. They would hold these little exchanges in which they'd say, "Oh yes, I completely agree with you. That's a great point. I'm glad you raised that." Is this something that's relatively new, or have they been doing that for awhile and we just haven't been paying attention to it?

**PAONE:** No, usually though—yeah, that was new in the sense of done in such a long-term, organized fashion. But that was just basically putting together colloquies like you do. Sometimes you do them verbally on an issue, or you would put them in the *Record*. Oftentimes you would see that by a chairman at the end of a bill, putting colloquies in the *Record* on various amendments that they'd agreed to. That was just a case of they are forcing us to use this time, so let's organize members to come over here and promote our issue. And if we all help out, then we only have to contribute ten minutes at a crack rather than thirty. And so both sides ended up using that form.

**RITCHIE:** It gives the illusion of a debate going on, but in fact for that half an hour they're all in total agreement with each other.

**PAONE:** Right. They were just thirty minute colloquy segments divided up per side.

**RITCHIE:** I think a lot more people paid attention to the healthcare bill than have paid attention to any bill that's come through Congress in a long time. You learn a lot by watching, but in other ways, people have been just totally appalled by what they

saw, because they didn't understand all of the processes that were going on. The word you hear is "arcane." People don't know the history or the logic behind a lot of it.

**PAONE:** Right, and the so-called deal-making. I would be at home watching this criticism and just laugh and say, "Well, it's called how laws are made.: This isn't anything new. It's a negotiated process and you may have to make changes in order to get your bill done. As a bill progresses, people realize that there's something that impacts their state in a negative way and they need that corrected. There's nothing wrong with that. It's what they're there for.

**RITCHIE:** At one point after Senator [Ben] Nelson made the Nebraska deal, a reporter call up breathlessly and wanted to know if there had ever been legislation that was "state-specific." I emailed the parliamentarian, and Alan Frumin wrote back that he was "shocked, shocked" to think that any legislation would be state-specific. Then he listed like Louisiana and Hurricane Katrina, New York and 9/11, where funds were oriented towards a particular state.

**PAONE:** San Francisco's earthquake. Mount. St. Helens. I think after Mount St. Helens, the Treasury just basically shifted into Washington state. [laughing]

**RITCHIE:** It is funny that people will look at a particular moment and think of it as an isolated instance without ever seeing how often things like this are done.

**PAONE:** Sure, or pieces of farm bills that get down to being crop specific, so you end up having your Great Plains states versus those who might grow sugar or sugar beets or something. One needs a lot more land and the other doesn't. You get down to area specifics. That's just the legislative process. Versus, as [Joseph] Biden used to say when he'd come and voting on the farm bill, "Remember this, guys, when I have my farm bill and we're doing the Amtrak bill." Because, where the farm bill was of interest to the farmers, he wanted to make sure that they knew that his interest was just as much tied up in the Amtrak legislation, and he expected their support when that ended up coming up. That was his farm bill, as he used to call it.

**RITCHIE:** The farm bill in 2006 was also fascinating to watch. The House passed a bill that was about a hundred and twenty pages long, and the Senate took

another year and they passed a bill that was about fifteen hundred pages long. They were based on two different years worth of statistics, so the numbers didn't match. They had to go to conference and produce a bill, which the President [George W. Bush] vetoed. They turned around and got two-thirds of both houses to overturn the veto. By that time, everybody had a thumb print in that bill somewhere.

**PAONE:** Yeah, farm bills are notorious for being—they're not partisan. It comes down to who's got what crop and what's growing in their state, whether it's sugar or wheat or cotton or rice. Then you could throw in dairy. It's amazing. It's why we used to say, thank God we only do them once every five years.

**RITCHIE:** I guess, after the veto, it's really impossible to take the bill apart.

**PAONE:** Well, you have to start all over.

**RITCHIE:** It's got to be passed as a whole.

**PAONE:** It's either do this or we do another one with his changes. And they weren't about to do that.

**RITCHIE:** That was another one of those classic cases that you can learn a lot about the process by watching a particular bill work its way through all of this convoluted system. But when it finally does pass both houses, there's some consensus behind it, usually.

**PAONE:** Oh, yeah. I remember one year working with somebody out there on the floor. I think Dole was leader and we were there every night until 11:30 p.m. We'd be back in at nine o'clock the next morning, for weeks on end. It was the farm bill. I remember this one guy I was working with looking at me and saying: "If I'm still here when we do the next farm bill, I want you to take a gun and shoot me." [laughing] Because they were just amazing bills.

**RITCHIE:** I was curious, because you worked for awhile with Senator Reid when he was the whip and then majority leader. You've had a chance to watch him operate. What's your assessment of Harry Reid as a majority leader?



**PAONE:** Oh, he's outstanding. He's got a huge well of patience. All the folks that were in and out of his office—I wasn't there then, but I've heard stories about all the people that were in and out of his door and all the twists and changes that he had to go through in getting that healthcare bill done. He doesn't lose sight of the big picture. His tactical ability is phenomenal in looking at the big picture and then in dealing with the microcosm of dealing with individuals necessary to try to get the whole thing done. He's a master at both and weaving the two together and he's done a phenomenal job.

**RITCHIE:** Since Howard Baker's election, there's been this talk about how parties elect majority leaders because they're the public face of the party. In some cases, if they're the minority leader, then there no president, they become a major figure, they're in front of the TV cameras all the time. They elected Baker, at that time, because he projected himself well. That's not been one of Senator Reid's great strengths; standing in front of the TV cameras and projecting.

**PAONE:** o, I know. But actually on the Democratic side, we've had a history of just the opposite. In the sense of Byrd. Mitchell was a newcomer. You know, Daschle was a newcomer. These weren't people that were known for being out there. And Reid. And so it's almost like they gravitate towards somebody that they're not going to be competing with to be on the Sunday morning talk shows. Somebody that will let the chairmen and the other members who are issue-specific experts come to the floor. He, the leader, will just be a Mansfield-like type leader in managing everybody else and keeping the train running. I think that's where Reid has excelled. He excelled when he was whip. That's why it was a seamless transition to step into the leadership post after Senator Daschle was defeated.

**RITCHIE:** I was going to ask you if that, essentially, is the best route. Essentially somebody who really knows the floor and has worked the floor.

**PAONE:** Well, it certainly helps. But Mitchell didn't and he was an outstanding leader. He just took a different path. At that time, you had an unusual situation of a leader stepping down and the whip was not running. You had three untried members running, with Johnston, Inouye and Mitchell. Mitchell ended up getting it on the second ballot and filling that void quite well. Daschle also. Daschle came from the Policy Committee and hadn't been whip. I think Reid's analogy was more of a Byrd-Mansfield.

Reid was to Daschle what Byrd was to Mansfield. Reid allowed Daschle to focus on the big picture and the overall structure of leadership and what to get, because we needed that, especially when we were in the minority. To try to focus on how to advance our agenda while we were in the minority, which is what makes the Senate unique, because it's the only part of the government where the minority has the ability to even get a vote on something that it cares about. You can't in the House and you can't in the executive and you don't in the judiciary. So the Senate is the only place where the minority has that ability. Senator Daschle did a great job at structuring the loyal opposition and keeping the caucus together and unified as much as possible. Reid's focus on the floor and his love of the floor made that job a little easier for him. Just as Byrd loved the floor while Mansfield was leader, making his job easier.

**RITCHIE:** Each leader brings a little something different, given their personalities and backgrounds. I was listening to an interview with Senator Baker on C-SPAN, and he said, "Well, they told me, when I became leader, that the chief power I was going to have was the power of persuasion." He said, "But you know, the power to call bills off the calendar, that's pretty powerful, too." The majority leader really does have that as the ultimate decision. Nothing comes up without his approval.

**PAONE:** Right. He sets the schedule. That's where the difference is. You're question earlier was, "What's the difference between majority secretary and minority secretary?" As the majority secretary, you work with them on trying to set that schedule. And with the chairmen, what bill do you want to call up next? The minority secretary is: okay, you're finding out what bill is coming up next. You then discuss with the minority leader, these are the bills, this is the next item, how do we want to react to it? Do we have things we want to do to it? Is there something current that has somebody chomping at the bit to offer as an amendment? That's where the beauty of the Senate comes into play, amendments can have nothing to do with the bill. In the old days, that used to be something where you didn't even think about it twice. Now it's a little bit more difficult.

**RITCHIE:** The Democrats came back into the majority in 2007 and you retired in 2008. Why did you decide to leave at that point?

**PAONE:** It was pretty much happenstance. We were doing the farm bill. It was another seventeen hour day. By that time I had had about thirty-two years up here.

Twenty-nine of them on the floor, almost. My wife and I used to joke—not joke, we would talk about—do you want to leave? You’ve got your years in. Do you want to try something different that has not as stressful hours? We would talk about it and didn’t really have any game plan. Then one day I read a story about somebody that used to work for Senator Dodd, who was down at a lobbying shop, one of the more reputable ones in town, Timmons and Company. He was going off on his own. It was a bipartisan shop, and he was a Democrat. He was the lead Democrat in the shop and he was going off on his own. And we joked amongst ourselves, well maybe they’ll offer you that job. We laughed about it and I go to work the next day and I’m in the cloakroom and I get a phone call from her saying Larry, the lead Republican at the shop—“Larry’s out here and wants to talk to you about that job.” I said, “You are kidding me, right?” She said, “No, do you want to come out and talk to him?” I was like, well, I’ve got nothing to lose by talking to him. I talked to him and one thing led to another and my wife and I talked. They made me an offer and I tried to convince them that I didn’t know anybody downtown, as far as I’m never the one that got anybody an appointment with the senator. So as a result, I didn’t have contacts with corporations and I never helped raise money. I didn’t know anybody that was well-heeled or anything like that in businesses. I put that out to them. I said, “I don’t have a Rolodex where I can call on all these corporations to get you clients. I just don’t have that. This has been my life. Are you sure you want to talk to me?” They said, “Oh, yes, definitely. We still want to talk to you.”

So that was it. We just continued to talk and the year finished out. We got the farm bill done, and then we went out. That was the year we also passed the ethics bill, which is why Senator Lott left early. Because that had a two-year bar, once it was enacted, on members. But if you left, it was only a one-year bar. So he left before that became enacted. But the two years didn’t apply to staff, so I knew it didn’t matter. I was already under a one-year bar from everybody by the fact that I was an officer of the Senate. So that didn’t change my situation. We decided, well, let’s give it a shot, and that was it. It wasn’t like I went out and actively put out my resume. In the back of my mind, I think I had looked in terms of, okay, we’ve got the majority back. It’s ‘07. We’ve got this Congress going. Let’s finish up this Congress and I’ll help with committee assignments for the next Congress, which is what I did. It’s part of the job. Then after I get the next Congress organized and the committees assigned, helping with that, then maybe I’ll look around. Also by then, there would have been a new presidential election. I didn’t know who was going to be in the White House. Then maybe I’ll look around and

see what's out there. If there's some other role that I might want to try. But then this thing came up and it just seemed like, well, how often do you get an opportunity like this?

**RITCHIE:** What types of things have you been doing for Timmons?

**PAONE:** I, basically, advise folks, their clients. It's sort of like the Senate in the sense of whoever's got an interest that's working it's way through the Senate that they're concerned about. How is it going to happen? What's the danger? Is there a way that this can be stopped or is there a way that we can try to change this? Or can we improve this? How does this process even work? It's amazing the lack of knowledge once you get outside of these buildings, not even outside the Beltway, as to how this place works.

Just to give you an example, reg. reform that was just done. I can't tell you how many meetings I was in, because obviously it affected a lot of people, going from listening to folks, plead their case or point out what they thought were deficiencies in this or that. Afterwards, they would be talking about, "Well, but then they're going to put this in the manager's amendment," and I kept trying to tell them, "The managers don't have the ability to wave a magic wand and say, 'poof! There will be a manager's amendment.'" I said, "that is going to take consent." I said, "And in the atmosphere you're in right now, the way this bill is going, I can easily see consent not being granted, A. And B, if you're into cloture, it won't be germane by dint of the fact that it will be something that was created well past the time amendments were filed. So you're going to need consent, pure and simple, to get the thing done. And it's only going to take one to say no. And it could be.—and my understanding of the last time they tried, they had, like, forty-nine different individual amendments they were trying to get cleared for the manager's amendment." And sure enough, it didn't get done. I told them, "Well, you're just going to have to hope that everything that they talked about doing in the manager's amendment, if they truly agreed to do them, that they will then take them to conference and try to resolve the issue in conference." I said, "But this isn't something that they have, by being managers, they've got a divine right to say, 'yes, there will be a manager's amendment'" I said, "That's not how the place works." And that was news to some people, which to me was second nature. So I just try to help them out with whatever's going on.

**RITCHIE:** Do you wind up going around and talking to the senators or the staff?

**PAONE:** Not that much. I go around with clients who bring people in who want to talk with the staffs, occasionally with the senator, about their concerns. I, myself, would just accompany them. Mostly that's about it. If I bump into somebody in the hallway and I know there's something that they're working on, I might mention it to them. But usually it's just bringing folks around to meet with folks.

**RITCHIE:** Have you gotten involved at all in the campaign financing side of it all? The fund-raising?

**PAONE:** Well, yes, in the sense that now that you're downtown, you immediately get requests to attend fund-raisers. That's just part and parcel of the job. So I've seen a lot of members, more now than I had when I was up here, by going to their breakfasts and dinners and receptions, by attending their fund-raisers.

**RITCHIE:** I interviewed Senator George Smathers, and he had become a lobbyist. He said that being a former senator the door was always open to him, but the hand was always out to him as well.

**PAONE:** Well, it's unfortunate in the sense that they need so much money. It's gotten into such a huge escalation of demand for money, even in small states, like say, Delaware, for instance. There will be a huge amount of money, probably, expended by both sides, because they'll use the Philadelphia media or whatever, and then that will be very costly in such a small state. No matter who you are, if you're running, you need to raise a lot of money.

**RITCHIE:** One other thing we haven't talked about about you're connection to the Senate is that you married into the Senate staff back in 1983.

**PAONE:** Yes.

**RITCHIE:** Was it an advantage to be married to another staffer, given the hours that you were keeping at the time?

**PAONE:** Well, I had the advantage of having a spouse that understood the hours, since she also worked off the floor and her hours were dictated by the floor also. So she,

of all people, knew what I was going through. If I wasn't home with the children, she understood and she was able, over the years, to work it out so that she would get a more flexible schedule than mine. That was one advantage.

**RITCHIE:** I read one account that the Senate schedule almost upset your wedding.

**PAONE:** It did. They were in session. We sat down when we got engaged and looked at the schedule and figured, okay, we picked Veteran's Day weekend, because we know that they're always out for Veteran's Day. We picked that weekend and unfortunately it was one of those years where you had a CR [continuing resolution], the appropriations process had not been done. The CR was expiring and a new CR had to be done. So you had a rare Saturday session and it was the day of my wedding. They were in session on that day, but fortunately they were out by noon, and the wedding was at 3 o'clock. Everybody that had worked up here and was invited was still able to come to the wedding. The next day, Sunday, I moved out of my apartment and moved my stuff. Then Monday, we were both back at work because the Senate was still in session. It was the final days, it was a sine die. Well, it was '83, so it wasn't the end of a Congress, but it was the end of a session, and it was the last week of the session. So we both came back to work. Howard Baker mentioned something on the floor—he apologized for being in session on our wedding day. Because I had mentioned something to him weeks before that, like, "You can't be in that day." He confessed that he had not remembered when he scheduled the Senate session that day, but that he understood that it all turned out okay. So that was fun.

**RITCHIE:** Well you've had over thirty years of...

**PAONE:** And she's still here.

**RITCHIE:** Yes, in the Reception Room.

**PAONE:** Yeah, for thirty-five years.

**RITCHIE:** She actually came before you came to the Senate.

**PAONE:** Right. She started in March of '75. I was known in the building as Ruby's husband. [laughing] Still am.

**RITCHIE:** Well, she also knew what was going on around here. That was probably a good source of information to have somebody who was coming and going through the Reception Room. I remember the Senate Reception Room before they lifted the smoking ban. That was where the lobbyists used to wait before there was TV in the chamber. These big guys with cigars would be walking around. I used to compare it to the father's waiting room in a maternity hospital. What a cloud of smoke would be in that room.

**PAONE:** Oh, it was horrible. Everybody smoking in there. You couldn't see across the room on a busy day. It was so nice when they ended smoking.

**RITCHIE:** You've been here over thirty years, connected with the Senate. Looking at the institution over that whole period, what changed the most about it as an institution, or about even the environment of the institution, in addition to not smoking in the Reception Room?

**PAONE:** The partisanship in the sense of the lack of cross-party relationships that you used to have in the old days, where you would hear stories about [Ted] Stevens riding in a car pool with [Edmund] Muskie. Senators would come and live, they'd bring their families here and they'd get advice from their colleagues as to what neighborhoods to live in and where to send their kids to schools here. They'd be members of the same PTA and have cookouts on the weekends and get to know each other, as a result, outside of this place. Now its so many members run to get elected and describe—you'd think the place was Sodom and Gomorrah—and that you don't want to bring your family here. Yet nobody accused Gerald Ford of not representing his state when he lived here all those years and raised his family here. If you recall, his funeral went through Alexandria on the way to Arlington Cemetery, where he lived and raised his family. Nobody accused him of being any less a great member representing his state just because he raised his family here. Yet now it's almost unheard of. Unless you have really small children, some do bring them with them. But so many people, especially House members, that they leave their families at home and don't live here. As a result, you don't have as much of a ability to know each other across the aisle as a person as opposed to your political

opponent. And so I think that's unfortunate and hopefully it will come back. That's not something that has to stay that way. Kennedy was very good at that, at cultivating relationships with members on the other side over the years. But that's about it. Other than that, other than maybe a few more cloture votes, the place hasn't changed all that much. People think that they're reinventing the wheel every two years and they're not.

**RITCHIE:** How about television? That came about sort of midway through your years up here.

**PAONE:** Yes.

**RITCHIE:** Was it significantly different before or after?

**PAONE:** Just in the use of charts. As a result, you end up with a whole subculture, then, of charts and easels and people using things to demonstrate their points, which can and cannot be effective, you know, depending on the type of chart you have and how well you use it. Senator Conrad's an expert at showing very good illustrations of budget situations and charts and tables. Specter once—I think it was Specter—somebody once had one during the Clinton healthcare debate that purported to show the bureaucratic eventual arrangements and it looked like the circuit board off a computer. It looked pretty effective.

**RITCHIE:** So you can use them to highlight a point or simplify something, but you can also use it to really mock something.

**PAONE:** Right.

**RITCHIE:** There's a rule against putting editorial cartoons in the *Congressional Record*, but I always wonder if someday someone's going to cross the line with one of those graphics in the Senate chamber.

**PAONE:** Right.



**RITCHIE:** And they'll ban those as well. Sometimes they can get some funny stuff up there. I remember Senator D'Amato had a pig to illustrate a pork barrel discussion. Well, I understand you've been teaching, at William and Mary.

**PAONE:** Yeah. And I'm afraid I'm going to have to get going, though.

**RITCHIE:** Okay. I was just going to ask you, what are you teaching?

**PAONE:** Legislative procedure.

**RITCHIE:** And you've got a class coming up?

**PAONE:** Yes. It's hardcore, because you've got to be hardcore to want to take my class, because it's Friday's in July at 4 o'clock in the afternoon, four Fridays in July and one Friday in August.

**RITCHIE:** Well, they're lucky to get you.

**PAONE:** This is my second year. I did it last year for the first time.

**RITCHIE:** Lee Rawls has been here. I've done an oral history with him. And he does a course there as well.

**PAONE:** Yes. He does one also. They have a place up on Mass. Ave.

**RITCHIE:** Well that's terrific. And this has been fascinating.

**PAONE:** I hope so. I hope it's been helpful.

**End of the Fourth Interview**

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