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), an 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 Baking 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 and 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 the 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 calender, 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