



EDWARD M. KENNEDY ORAL HISTORY PROJECT

INTERVIEW WITH THOMAS M. ROLLINS

May 14, 2009
McLean, Virginia

Interviewer
Janet Heining

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TRANSCRIPT

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Heininger: This is an interview with Tom Rollins on May, 2009. Let's start with when you're back in the minority and the nomination of Jeffrey Zuckerman came up.

Rollins: This was one of the first big tasks that I had to undertake when we were in the minority, obviously a big task for the committee, relatively. This was a fellow who was nominated to be general counsel to the Equal Employment Opportunity Commission [EEOC]. I believe he'd been acting in that post for some time, but let history speak correctly to that. Anyway, he was nominated to be general counsel of the EEOC, and "the groups"—and I say that now with a positive cast on the quotation marks—were very upset about this guy. He had been an opponent of most of what they felt the EEOC was supposed to be about, and he did not favor most of the enforcement approaches that seemed to be not just the historical legacy but the actual mission of the agency.

He had said some stuff to folks at the Commission that suggested that he thought that federal enforcement of civil rights laws was an irrelevancy, that the market would punish any employer who failed to employ qualified minority applicants. The argument is fairly straightforward: if a business is hiring lots of smart African Americans and some other business decides not to hire smart African Americans because they're African American, then that business is at a competitive disadvantage and will be run out of business by the other one. So who needs the federal government?

That was an acute argument that ignores the realities about how quickly paybacks get measured and how conscious firms are of whether they are being punished for failing to hire sufficiently qualified people out of ten percent of a labor pool, whether they can compensate for that. There were all kinds of flaws in the argument. But he had voiced this aloud, citing the work of Thomas Sowell, to some other folks at the Equal Employment Opportunity Commission. They were a little aghast that somebody would have sufficient faith that the market would correct something as entrenched as racism in the United States, particularly given its lack of success in having done so.

So we had this guy as a nominee. Here was someone who was very much out of the core of the [Ronald] “Reagan Revolution.” Gosh, this comes back to me now, and I know it comes back to you. There were believers everywhere. They had this book. I’m trying to remember who published it. I think it was the Heritage Foundation. It was basically a guide to how every federal agency and statute should be abolished, reformed, repurposed, whatever, and it was the Reagan mission in dealing with all of this stuff. They had the book around. They wouldn’t give me a copy but I’m sure I could have gotten one. I admired the cohesiveness and coherence and comprehensiveness of their approach to running the federal government. They knew what they were about, and as a result, they were able to get a lot done. Clarity is power, and they had clarity.

Heininger: And determination.

Rollins: I tip my hat to the devil, and as I’ve gotten older I actually tend to agree with a handful of the things that they were doing. I understand the coherence and comprehensiveness of their strategy as a way of getting things done.

So this fellow Zuckerman came up. We worked really hard to prepare for the hearings on his nomination. We were loaded for bear. I was doing research into the footnotes of court cases to develop lines of questioning. We were vetting witnesses on this and that, things he had or had not said. We were ready to go after this nomination in a big way, and we were in the minority. If they wanted to run roughshod over us and take a vote and see how many Republicans were in favor, that would have been the end of it. We had Lowell Weicker of Connecticut on our committee, who was liberal and to the left of most of the members of the Democratic Caucus. I thought we had a shot at stopping this nomination and at least putting a marker on the ground that told them that the Reagan Revolution was going to have to obey some other basic rules along the way, at least in our committee, and it was worth the fight.

As I recall, we had a very successful first hearing with this guy. He agreed that he had made some of these statements, that perhaps the context had been misunderstood, but that he had said this stuff. He was openly willing to take positions that we thought were pretty clearly at odds with what the agency’s powers and mission entail. We wanted a second hearing on this guy because we hadn’t really finished with it. Kennedy prepared very—well, we prepared him very well for those hearings and he did the work in going through his briefing books. This was before we had the majority back.

Heininger: This was also pre-[Robert] Bork too.

Rollins: It was pre-Bork. It was a nice warm-up for that. I will say, without much fear of contradiction, that my boss was not a fully engaged person. That’s unfair. I’m saying that by contrast to the way that he was when we were in the majority. I don’t think there’s ever been a more engaged member of any organization than Ted Kennedy as a member of the Senate when we were in the majority, but he was at some remove. How do I characterize this? I mean his personal energy wasn’t, as I came later to understand, really invested in what we were doing. He did everything he was supposed to do. He fulfilled his duties. If I could say it was workmanlike, rather than passionate, that would be fair, but he understood that Zuckerman was on the wrong

side of the angels and we were going to go after this guy. So he did the work, he prepared carefully for the hearings, worked on his lines of questioning, and so forth.

Of course, as the chief counsel, I used to be a trial lawyer. I had some training as a trial lawyer and had tried some lawsuits, so I wrote what I thought were pretty good lines of questioning for this guy. I would box him in just so and then take advantage of it later. We did a real good job at that hearing.

The Republicans were not going to give up on this guy. They fought back hard so they'd redo a second hearing. Their lines of questioning were much more polished and effective the second time around, once they realized they had a fight on their hands. We had developed even more and better stuff by that point. We were working very closely with the NAACP's [National Association for the Advancement of Colored People] Office of Legal Counsel on this because they knew the statutes better than we did. They knew the decided cases better than we did, so they were extremely helpful. I'm trying to remember their chief lawyer's name. The guy camped out in my office for a couple of days. He was not just a good lawyer, he was a good teacher because he had to bring me up to speed in a way that I could translate it down into what would work in our political and legislative environment. I thought we did a pretty good job of that.

Then we held a *third* hearing on this guy. At the third hearing, he brought his wife and his children. He cried at the hearing. He was very upset. He could tell his nomination was in serious trouble, that there was a significant chance that he wasn't going to get this job, and that this would be embarrassing. Having read the record, I could tell that without the oversight of the Senate, this was a very arrogant man, or I took him to be that. I shouldn't say that. I don't know him personally, but reading some of the stuff he said and how he dealt with people's objections made him sound like someone who ordinarily was not prone to earn sympathy.

I remember how painful it was watching this, because at the end of the day, he's a guy, he's a father, he's a husband. This is probably a shattering moment in his life, and here I am, engineering this moment. And yet, he was on the wrong side of policies that affected millions of people. I'm sorry if that hurts your feelings, but perhaps if you want to be the general counsel of the Equal Employment Opportunity Commission, you need to be much more strongly in favor of equal employment. Think before you take the job next time. We defeated the nomination on a very close vote, and he didn't get out of committee as I recall.

Of course then the follow-on nomination was for Clarence Thomas to be returned as Chairman of the Equal Employment Opportunity Commission. I remember he, Thomas, called me. Some of it was a courtesy call, I'm sure, though I don't think I ever got a courtesy call from a nominee other than Clarence Thomas. He wanted to make sure that I understood that he was okay on these issues, where perhaps Zuckerman had not been okay, which was kind of problematic. Excuse me; you wanted him to be your general counsel. He explained he had learned many things as a result of our hearings, that maybe we knew what we were doing. He just wanted to make sure there wasn't going to be trouble. We reviewed his record carefully. No one said anything about Coke cans or dirty movies or any of that sort of stuff. And on the record, I thought there wasn't a fight to be had there. We spent a lot of time. We'd gone hammer and tongs after the general counsel. We were perfectly willing to go after the nominee to head the agency if we didn't think he was going to be right.

So we went carefully through it and decided it was not worth the struggle. That is to say, I didn't think there was a winnable fight to be had there. One of the foolish things I did was in talking to the press. The *New York Times* wanted to talk about his nomination going through, and I said some of these are worth fighting and some are not, and this one did not appear to be a fight worth having. The nominee was sufficiently appropriate for the position and we would let the President have his choice.

Howard Metzenbaum, Senator Metzenbaum—He would always correct me if I mistakenly seemed to know what his first name was. Senator Metzenbaum; his first name was “Senator.” Senator Metzenbaum, who voted against him, told the *Times* that he thought he was wrong. I guess they juxtaposed his vote and his comments with my quote on the front page of the *Times*. I got a call from Metzenbaum's office, not the Senator himself, but from Metzenbaum's office, saying that I should be more careful about saying things that might embarrass our friends. Yes, well, be more careful about your votes, because he had cast a vote against him.

I remember not thinking very highly of Thomas in the course of our conversation. He was working real hard at being likable, and what I wanted to know was whether he was smart and effective. I understand he wanted to get along, so he didn't want to pick a fight, didn't want to upset anybody, or seem dislikable. Zuckerman, as I recall, was very dislikable in the first hearing. He was combative, and it wasn't so much defensive. There was a tone of condescension in his disagreement with our lines of questioning, as though we didn't get it. Excuse me, dude. You were out practicing corporate law in the private sector before you got this gig. The folks who were informing us had been tilling these fields for decades; don't condescend. I thought, *This is a good fight to have; this is a good guy to have it with.*

So that was Jeffrey Zuckerman, the first big fight that we had had. That and the Davis-Bacon amendment were the two major fights that we had in the minority, just because we actually could scrounge together the votes to stop something, rather than just make an oratorical stand against something.

Heininger: Before you get to Davis-Bacon, there's a lot of stuff that you've raised here that is worth exploring a little farther. Your sense about Kennedy when you were in the minority is that he did everything he was supposed to do but his performance was workmanlike. You've also talked before about your initial impressions of his abilities. How much would you have attributed to fatigue at having now spent four or five years constantly having to be the voice of opposition against Reagan policies? How much would you attribute to having made the decision to give up the run for the Presidency in '84, still being faced, and shortly to make the decision to give it up in '88, recognizing this was truly, truly the end? And how much of it was that he's more animated in the majority than he is in the minority?

Rollins: Well, you just hit on the three factors. How those play out, those are his mental processes and I don't want to guess about them. I showed up in—this was November of '85. Maybe I was there in September; I forget. Whatever my paycheck stub shows is when I showed up. I thought he was running for President. I was preparing briefing books for a Presidential run for about a month. I was going to put all the issues on our docket to make sure that we had good positions on all these; that we knew what the right answer was, and so forth. A month later, he announced that he wasn't running. I remember somebody teasing me that I was going to win a

prize for having been the Kennedy staffer to have joined most closely to an announcement that he wasn't running for President. That meant gosh, we're not running for President. This is about the Senate now. So it was good that I had pulled all this stuff together on domestic policy. That didn't hurt a bit.

I wasn't much affected by that decision; my job was in the Senate. I did not imagine myself to be working in a Presidential campaign. A lot of other people were very—I won't say devastated, but certainly set back—by that decision. They did want to run or work in a Presidential campaign. For him, how much do you need to go into his head? He'd lost it in '80. The Senate had been turned upside down in '80; good allies and friends had been thrown out in the street. [George] McGovern, [Frank] Church, some of the other liberal lions of the Senate were gone.

Heininger: Very unexpectedly too.

Rollins: In a shocking turn. And then you're in the minority. I've said this to you before. Who was the guy who was Vice President who said the Vice Presidency is like a warm pitcher of spit? Let me tell you, that's a refreshing drink compared to what they serve up when you're in the minority in the Senate. All you get to do is answer to what the other side decides it wants to come up with, and they had more votes so they're going to get what they want. They might have to deal with a veto. Oh no, they have the Presidency too! All we had was the House, and that was the only thing that could shut stuff down. Isn't that lovely, that you have to count on them to beat everything back for you? Every now and then, if they got carried away—Zuckerman, Davis-Bacon—you could pick a fight and win it, just because the merits were so strongly with you. And you had to be careful what those were; otherwise, you were going to turn into what? The fool, the guy who keeps shouting in the night about what's gone wrong, and trying to find one honest man, or what have you. I didn't want to be that. I didn't think that was an effective role for him. Certainly, someone needed to sound alarms; it's just that you wanted to do it in places where you could actually make something happen as a result.

Heininger: Well, he had worked for four or five years at that point to try to save programs that he cared about, to save funding for programs that the Reagan administration wanted to slash.

Rollins: I'm sorry, it was triple-C; community—what was the federal job training program that had been transformed into a more Reagan-like thing? The Job Training Partnership Act [JTPA], so now we're going to work with businesses to decide what jobs ought to be filled, which frankly makes a lot of sense. Why train people if nobody is going to hire them? We worked with Dan [J. Danforth] Quayle on that. This was before my time, but that was certainly the legacy I was walking into. You work with them, you try to figure out how you do this stuff in a way that's acceptable to them but still preserves the core of what you're trying to get accomplished. He was proud of his work on JTPA. He never seemed resentful about that having happened or gone through.

And yes, he tried to fight, particularly on key programs that were getting slashed. It wasn't like it was a discovery that I made once I got there, that everybody was really pissed off and upset and amazed that we were cutting back on nutritional support for poor kids. I mean, come on. This was one of the most successful federal interventions in social policy in history. We used to have roughly ten million kids who were malnourished, all during the '60s. We were admitting kids

into emergency rooms for malnutrition symptoms all over America. Kwashiorkor, and I forget what the other big childhood malnutrition disease is called. They were all over the country. When food stamps and school feeding programs got launched, we did not have recorded cases of malnutrition in this country any more. The Reagan Revolution comes along in the early '80s and we cut the programs. Kids start getting into the ERs again. Well, great, so now we're raising another generation of kids with small brain pans and so forth because we're not giving them breakfast.

Heininger: And ketchup becomes a vegetable.

Rollins: And ketchup becomes a vegetable, thank you. All that kind of nonsense was going on. For someone who wants to have a good effect on social policy, the idea that a problem would turn up that is as simple as lack of food and that you can create a program that delivers food to hungry people is about as good as it gets.

Heininger: Or that you already had in place the program that had already achieved that.

Rollins: We knew how to deliver it; we knew that it solved the problem; we knew all that stuff. We needed to restore those funds. That was no discovery; that was no surprise.

Anyway, he was not—I don't know everything that went through his mind and what the decision must have been like to decide he wasn't going to run in '88, and that he was still in the minority. But we knew that we had a shot at getting the majority in '86, and that shot started looking better and better as the calendar year advanced. I remember that by May, before those November elections, I thought the odds were better than 50-50 that we were going to get the Senate back. In addition to orienting myself, that's when I got to work on what our program would be if we were to take the majority. What legislation do we want to move if we take the majority? What is it that this committee is about if we can call the shots and the priorities? I got immersed in the literature. That's when I worked out the idea that our jurisdiction would be about six specific goals, that we ought to have legislation that serves each of them, that you staff to move those pieces of legislation.

In the case of job safety, both for miners and for the OSHA [Occupational Safety and Health Administration] statute in general, it was my view that we already had the legislation in place; the trick was to make somebody enforce it. For that one, I wanted to do it entirely by investigation. We didn't need to modify any statutes, we just needed to drag some rats out into the broad light of day and that would probably get a lot better enforcement action for us. We had this fabulous investigator, Walter Sheridan, who was progressively losing his vision. He was a former FBI [Federal Bureau of Investigation] guy. He'd been there since Bobby Kennedy. He was a wonderful, crusty old guy; smoked cigarettes end over end all day long. We had to get him a special magnifying reader so he could read documents. You'd turn Walter loose on something and nothing would happen for a month. "Walter, how's it going?" "It's going, it's going." Someone told me to just leave him alone, that stuff's happening but he's not going to tell you until he has something.

Within three months, all of a sudden you'd have leaked internal memos from the White House on your desk. Walter, how did you—thank you, Walter, and I don't care how you got it. In fact,

I'd rather you not tell me. Stuff would just start to turn up. He had a method, which he finally explained to me some time later, about how you work an agency, how you start getting in, how you start getting people to agree to talk to you, partly for fear that some other guy had already told some portion of the story. He knew what he was doing.

I put this young fellow with him, Eric Lieberman, who was energetic and smart as hell. He had just graduated from Harvard and was willing to take the job at ten grand a year, which I finally realized wouldn't even pay his bus fare, so I had to give him a raise. So it was Eric and Walter working this stuff. As the investigations beefed up, now we're into '86, in the majority. I put a guy who had been very close to Kennedy—he had been captain of the Harvard football team, I think, and he then went on to play on the U.S. rugby team competitively, Chris Doherty—on the investigations too.

So we had this football player from Harvard, we had the genius sociologist from Harvard, and we had this crusty old FBI guy who would tell the two of them exactly where to go and what button to push. I remember Eric, who's a very Woody Allen sort of personality from New York—nervous, frightened about everything, but really wants to get it all done—coming back one morning almost sweating and yet happy because a guy had met him at midnight at the fountain outside the Senate to hand him a manila envelope. No names exchanged, no pleasantries discussed, just handed him the envelope and went away.

Heininger: *All the President's Men.*

Rollins: It was a sweet envelope, too. That envelope ended up on the front page of the *New York Times*. The investigations were extremely powerful. Anyway, so back in May I started crafting this up, and I was talking to a lot of people. I was going up to visit with professors about things they had published, ideas they'd had, to see what we might do in policy. This is when I was having all these studies done by the Congressional Research Service, like what job training programs work, what childhood intervention worked, what works that we might want to turn into legislation, and fashioning this. The boss was doing his political job at the time. He was helping to raise funds for Senate candidates. He was out stumping for people. The '86 election was under way.

Heininger: There's another piece in here too; '85 was also the year in which foreign policy was paramount. He was very deeply involved in the Contra aid battles and in the South Africa sanctions, for which—

Rollins: About which he was intensely passionate.

Heininger: Intensely passionate. In the time you were there, did you see times in which he was both intensely passionate about foreign policy issues and about Labor Committee issues? Or was it that passion and effort really could be directed in one channel but with more difficulty?

Rollins: No. The guy could cover many issues in a single day.

Heininger: Okay.

Rollins: I was always just the opposite. I was always impressed that I could take him from something where we'd been briefing him from 6:00 o'clock in the morning. He would grind through some committee thing until noon, and then I would walk him back to the main office. Man, he'd be off doing a press conference on Nicaragua. He would go from that to an arms control briefing. He would go from that to a Judiciary Committee—I mean, the guy could move among and between subjects and care about all of them all day long. His battery never seemed to run out before about nine o'clock at night, and then he would start getting really irritable, which I learned the hard way. Just don't ask him for lots of stuff after nine o'clock at night; it's not going to happen. No, he ran hard all day, to move from issue to issue to issue very quickly. After Ranny [Cooper] was in charge, frankly, the handoffs were pretty sweet. You might call ahead and tell the foreign policy people, "Okay, I have it; I'm going to be there five minutes early; we finished a little early. Do you want to run any of your briefing stuff over here so he can look at it in the hall on the way over?" It was an extremely cooperative relationship with his other tasks, with his other areas of jurisdiction.

Part of it was that he was personally disengaged. If I had to guess, and I will even though I don't have to, I think he was trying to figure out just what he was supposed to do, what his role was. In the minority, what? You're standing up and complaining about what these guys are doing all day but you're not actually doing anything. You're being visibly left behind on all the Presidential attentions. There was almost a mocking way that he would make his way into the discussion on lots of issues. I'm sure he was trying to figure out just what his role was at that point.

Heininger: Because subsequent to this extended period in the '80s, which was the first real big time period that he'd had when he was in the minority, he's had many periods when the Democrats have been in the minority. So he's experienced this again, and I am not picking up from those periods of time that his attention has lagged and flagged in a way that, by the end of the mid-'80s, his attention may have begun to flag. That's in part because these have been shorter periods of being in the minority.

Rollins: Yes.

Heininger: And he may have crafted ways of being more effective across the aisle with—he may have had partners that he could be more effective with too.

Rollins: That may be, I wasn't there. What's the old story that Walter Mondale ran into George McGovern at one of the restaurants here after Mondale had lost in '84? He said to McGovern, "When does it stop hurting?" And McGovern said, "When it does, I'll let you know." I can't imagine what sort of personally shattering experience, and coming from that family, that must have been like for him to not only not have gotten it one time but then decide that it really was not a good idea to go after it a second time.

Heininger: And to be in the minority.

Rollins: And then to be in the minority. What's all this about? Vainly, I'd love to think that he was reinvigorated by the prospect of becoming the "Lion of the Senate," and that he could become—that we had lots and lots of good legislation to move and that it would make gentler the life of mankind. I'm sorry, I'm not being overinflated in saying that, or maybe I am. I once heard

him asked, “What’s the purpose of all this, what you’re doing? You’re here; you work in the Senate.” And he said, “To make gentler the human condition.” Not a bad line. Anyway, what was he doing about that? The committee was a big part of a transition.

Heininger: The other thing about Zuckerman is, you made a point of saying that this was a run-up to Bork, and that this was somebody who came in, I’m assuming, expecting to have had an easy time. He was arrogant and condescending at his first hearing, and got nailed for it.

Rollins: Hey, does this sound like act one?

Heininger: But then Bork doesn’t learn from that, because Bork comes in just a couple of years later and does exactly the same thing. That’s surprising.

Rollins: Well, I doubt that Bork or any of the people who were trying to manage his nomination thought that they would study the Zuckerman hearing as a way to figure out how this might or might not work. Part of the problem there is that arrogant nominees are just bad nominees. They make themselves a really easy target. It’s against the nature of many extraordinarily accomplished people to get in front of the Senate and grovel.

Yet being in front of the Senate for a nomination is kind of a gruesome thing. I’ve had witnesses I’ve taken into trials. It’s a gruesome thing. Damn near anything in your life might be a subject for exploration, and with a Senate hearing, much more so than for a poor trial witness. And there’s this inner dialogue that you go through all the time. What if they ask about this? And you imagine yourself explaining and defending your whole life, and that imaginative exercise goes on for months as you anticipate a hearing like that. A lot of people are uncomfortable with groveling. A lot of people are uncomfortable with lots of postures and stances toward that, and some people elect toward a more arrogant posture. I think Bork assumed one of those postures, and it was not helpful.

Heininger: It strikes me, from having watched subsequent nominees, that one of the long-term results of Bork was that now we get nominees who haven’t written a lot, haven’t made many decisions, and haven’t made the kind of missteps. And they sure as hell have no opinions when they’re asked for them, when they come up in front of the committee.

Rollins: An unpapered nominee is difficult to debate with.

Heininger: Unpapered and unopinioned nominee.

Rollins: Yes.

Heininger: The other thing about Thomas is that you really looked at Thomas and you did not get a sense that there was nothing leaking at this point about the things that were going to eventually create problems. I’m assuming he was not somebody that you thought was a person that the Democrats would want to have heading the EEOC, but that he was about as good as you were going to get and he was okay. Did you get a sense then of what was going to happen when he was nominated for the Supreme Court?

Rollins: No, of course not.

Heininger: So none of this was really there.

Rollins: Well, no. Honestly, there are people far better informed about this than I am, but his nomination went off the tracks over Anita [Hill]. I don't think his nomination was in trouble until she turned up. He was probably going to get the job and he did, even with her. But on his legal record, I think the President was going to get his person, and still did. We didn't have anything about him trying to seduce his employees.

Heininger: Yes, but aside from those things, could you have projected that he was going to turn out to be as right wing a Supreme Court Justice?

Rollins: It wasn't a relevant question. All we were concerned with was whether he was going to enforce this one civil rights statute that was the domain of the Equal Employment Opportunity Commission. He had data on the number of cases that they were moving through. There was some serious concern about backlog and decision time on a lot of cases. He was very straightforward about what he intended to do about that and what had caused it in the first place. It didn't look to me like he was trying to leave all these cases laying around, but they probably needed some more staff and so forth, and that was a Reagan administration issue, not a him issue. As I recall, we prodded him to affirm that he would push for this and that to get it back on track. But no, none of those issues were germane. We weren't looking at him as a Supreme Court nominee. We were looking at him as an EEOC guy. I was surprised when they picked him.

Heininger: Were you surprised?

Rollins: Yes. The guy I kept expecting was Orrin Hatch. Orrin Hatch kept expecting Orrin Hatch. His chief counsel told me that Hatch would go over Supreme Court opinions in his car on the way to and from work and often at the office, just preparing for his own nomination hearings. He really expected to be chosen. He has relationships with everybody on Judiciary and he works with Kennedy; he thought he could make it through the gauntlet. I was surprised, I'm sure he was much more so, that he never got the nod. His name was in the hat many times but he never got picked.

But no, I didn't foresee that with Thomas. It was a surprise to me that they picked him. But they got a black Republican, nice, and then it's a matter of what your published opinions are.

Heininger: And Jack Danforth to shepherd him through.

Rollins: And Jack Danforth as an uber-godfather to walk him through—a minister to walk him through. All good things. Then Anita Hill came along. Nobody dropped any memos over the transom to us while we were doing the EEOC stuff.

Heininger: Let's turn to mine safety. Why did it become an issue?

Rollins: Well, this was part of the group of things that we regarded as the mission of the Labor Committee. It was poverty, unemployment, medical care, education, and so on, and worker safety was among those things. I personally have always had a real passion about this issue. I told you I have distant relatives who are Welsh and, therefore, probably coal miners. I think that

failing to protect the safety of workers is one of the most awful things that can happen, because workers generally don't have the information about safety hazards that they are encountering.

If you take a man's life or a worker's life into your hands, as an employer, and if you knowingly put them in harm's way while all they're trying to do is make their daily bread, then that's a monstrous decision. I reject out of hand most of the argument from the economic community that people are aware of the risks and so they can demand a premium for whatever safety hazards they're being asked to undertake. Yes, in some jobs that's true. Chemical exposures, not so much. They're unaware and it's not their job to know all of the chemicals to which they're being exposed and what the epidemiological risks are of those chemicals to which they're being exposed, and so forth. That is for the employer to know, because their access to that information is vastly superior.

If you're going to put somebody in a place where they're going to be exposed to chemicals, or you're going to put somebody in a place where you haven't replaced the beams as often as you should have to prevent the mine from collapsing, or you haven't taken the measures to get the methane out of the mine so that explosions don't occur, and so on, that's on you. There's a species of fraud-related murder that's involved in failure to protect a worker's safety. You're not giving them the information about the risks that they're taking, and their lives can be lost as a result of that. There's something that strikes me as so massively unjust when someone puts their trust in your hands and you abuse that trust for a buck and you take their lives in exchange for it. Anyway, off my soap box.

Heininger: I'm assuming that Kennedy agrees with you.

Rollins: That's the vanity in that whole clause there; who gives a damn what my views are on worker safety? Kennedy cared strongly about this. All of this stuff had been ratcheted back in the most visible and obvious way during the Reagan years.

Heininger: Yes, they hated OSHA.

Rollins: They hated OSHA, hated MSHA [Mine Safety and Health Administration]. We decided to start with MSHA, in part because it was small. OSHA was a huge agency.

Heininger: Smaller than dealing with OSHA.

Rollins: There are tens of thousands of chemicals that they would supervise a year. With MSHA, you have a much smaller example, a more manageable case to deal with, and frankly, much clearer examples. Everybody gets that either you reinforced the beams in the mine or you didn't, either you drained the gas out of the mine or you didn't, you provided sufficient lighting or you didn't. These were all reasonably clear cases.

Heininger: I don't remember. Had there been any big collapses?

Rollins: There had been some. I don't recall any massive disasters, but the rate at which people were dying in the mines had gone up and it seemed, on first blush, to be reasonably clearly related to lack of enforcement. So we started digging and that was Walter's first big—

Heininger: You turned Walter on it?

Rollins: We turned Walter loose on them. Oh, and the other thing was that they had nominated a guy to be the director of Mine Safety Health Administration. He had been an industry guy and I believe actually had worked for a company that manufactured a mask that you used to protect yourself while you're in the mine. The mask had been found to be inadequate; in fact, you needed a much better mask. After he got there, the regulations were done in such a way that the inferior mask could be used, so we saw some conflict of interest stuff going on with him too. Anyway, he was from the industry and so we started probing.

Walter starts talking to guys. Finally, Walter gets tapped in to the community of mine safety investigators across the country, who were all being real open about the fact that they are, in many subtle and unsubtle ways, being instructed to cut it out, don't go looking there, don't go doing that. Guys who had had shots fired on them as they were driving down roads toward mines. This one guy had shots fired through his living room window. I'm not saying the Reagan administration was doing that, but people understood that mine safety guys were not the protected species they might otherwise be. They had stories about being called off of particular investigations and so forth. So we knew we were on to some good stuff here.

Then we got the list of proposed amendments to the Mine Safety Health Act, promulgated by OMB [Office of Management and Budget]. With a little investigation, we were actually able to get a copy of the industry's proposed amendments to the Mine Safety Health Act.

Heininger: Don't tell me, they matched.

Rollins: Oh, they made a wonderful poster, a series of wonderful posters really. They basically correct some grammar here and there, but the basic question was do we have it right? Is this exactly what you guys want? And that's how they wanted to amend the statute and regulations. They were just tools of the industry and had no concern for the workers themselves. So we built this hearing; it was a long hearing. I remember the Q&A book, just Kennedy's Q&A for the witnesses, was thick. Over the course of days, we prepared him for this hearing, and God, he did the work. He was into it. We were fired up for this. I'm sorry. The facts are so clear and the rhetoric is just so beautiful on being able to protect the safety of workers, and we had all these hearings.

I remember Eric Lieberman had worked up all these lines of questioning, and we're asking these mine safety investigators a series of questions. When too much methane builds up in a particular way, the industry term for it is a *gassy gob*. So Kennedy has this briefing book and we worked this through with the witnesses: you ask this, he'll say that; you ask this, he'll say that. We're going along and Kennedy's doing a good job, and we've decoded all these industry terms. At one point he's asking the guy, "So you're going down the road toward your home in West Virginia at night, right?" It was something like that. And he said, "Yes, Senator." And the boss flipped the pages wrong, and then he looks at him and he says, "Was it a gassy gob?" *[laughter]* It was just a complete non sequitur and a weird set of terms in there to begin with. Eric was starting to sweat massively; he's going into full Woody Allen mode. He said, "Boss, boss, we skipped a page there. We have to go back a couple of pages, and we're back on track." Eric, for the rest of his

life, said, “We have to make sure the pages turn right. I can’t let that gassy gob thing happen to me again.”

We’d prepared for those hearings. I believe the first set of them, where we interviewed in front of the committee some widows and orphans about their fathers who had died in mine safety disasters—

Heininger: Whose job was it to find those people?

Rollins: Walter and Eric had to find them. We got a map of the United States, showing where every major coal seam was, and we plotted out all the TV stations that were within 100 miles of those coal seams, because coal mining is going to be an issue for all these people. That’s how we did the beam-out, the hearings. I recall that we had summer interns, or interns, working on this one. We called every program director at every TV station within 100 miles of a major coal seam to make sure that they were picking up these hearings.

Heininger: Was this before Paul Donovan was working as press secretary?

Rollins: I think the coal seam map may have been Paul’s idea. I hired Paul pretty early on. I say pretty early on, within a few months after we took the majority, so I think Paul was there. But we did it by coal seam. And we’re getting good coverage out of this thing. We’re beaming it right into every coal-digging region in America. It was time to have the head of the Mine Safety Health Administration come before the committee for the hearing. We were so ready for this guy, just loaded for this guy.

It is customary that if you’re going to call in the head of an agency for an investigative hearing of this sort, that there be a preinterview with the head of the agency before the hearing, just to give him a little idea about where this is going to go. Bill Brock was Secretary of Labor at the time. His office called and asked if they might have one of these courtesy interviews. I said, “Sure, we’ll do that.” And they said, “Could we have someone from our office sit in on it?” I said, “I don’t see any problem with that, you’re welcome to come to the hearing. He’s your employee; of course you can sit in on it.”

So Walter and Eric trundled down the hill because we weren’t far from the Department of Labor. It was about four blocks’ walk to the Department of Labor. I remember it was a warm, lovely day. So they go down, they interview this MSHA guy, and they must have talked to him for an hour and a half or something like that, and then they came directly back to my office to tell me how things went. Before they got to my office, Brock’s office delivered that guy’s resignation to my desk. Somebody from Brock’s office sat in on this line of questioning, called Brock, and said we have to get this guy out of this job. They must have had the letter drafted beforehand. They had his letter of resignation on my desk before Eric and Walter could walk four blocks back from the Department of Labor. They fired him on the spot. We had too good a target.

Heininger: Well, that also means that they were aware of the problems. This gave them a good excuse.

Rollins: Oh, and we’re fixing things; we got rid of this guy. Still, I was impressed actually. I thought that Brock ran the Department of Labor like a tight business.

Heininger: He did.

Rollins: Yes, he did. He was a good Secretary for them. The other one who was a good Secretary for them was Ann McLaughlin.

Heininger: She was.

Rollins: Married to that fool. She was actually really good. She worked really hard on all the issues she dealt with. I had many meetings with her and Kennedy, and I remember thinking, *Goddamn, this woman is really up to speed on this stuff.* The weak Secretary they had during that time was Elizabeth Dole. Lots of glad and happy and so forth, but you are not making anything happen here, are you? You just don't know how to move the ball forward. Maybe you don't care, I don't know, or you think that this is an honorary degree or something. She was profoundly ineffective. The Brock people were excellent; they worked it. We're rolling them on a bunch of stuff but they were doing a good job in trying to—

Heininger: He went into that job with a good reputation too.

Rollins: Yes, he did. But it was Ann McLaughlin who really surprised me. She didn't have a whole lot of reputation. The stuff about her husband grabbing his secretaries and saying I need a lot of sex and that business came out while she was Secretary. I was so embarrassed for her. I really liked her. I thought, *You're good stuff. I understand you're on the other side, but you're doing a great job of it.* And she was doing it legislatively. She would try to work and find common ground, and showed up ready on everything, beyond ready. She was an expert on everything we talked about. I remember thinking, *How did you end up marrying that guy?*

Anyhow, back to mine safety. So we got rid of the head of the agency and we skunked out a bunch of people who had been impeding investigations. We completely derailed this rewrite of all the regulations that OMB was trying to do along with the industry, and we were feeling pretty good about that. Then I told Walter, "Now it's time for OSHA; let's go get them." He warned me that that was going to take a year and a half or more to crack because it was such a huge agency. I said, "Do that thing that you do." And away he went, he disappeared. I didn't hear a peep from him, as I recall, for months, but he and Eric were running around feverishly all the time, Walter smoking like mad and Eric being nervous.

Within a few months we had this beautiful organization chart that Walter would cover up whenever I wanted to see it. He didn't want anyone to see it because he had little markers about where he had leaks, all over the organization, for people who were starting to talk to him, who we were going to have to subpoena in order to get them to talk. At the end, I think we had to subpoena every single witness from OSHA. None of them would talk unless we would subpoena them.

Heininger: Wow.

Rollins: Well, they needed the cover, to say, "I had to talk, they subpoenaed me." That was pretty much the deal we had to make with those guys. Then the memo showed up at midnight by the fountain, and that was when [George H. W.] Bush was running against Dukakis at this point. I'm trying to summon the substance. Bush had green-lighted a change in OSHA enforcement.

Damn it, I cannot remember the substance of this. Anyway, we had Bush being on a committee and he had actually approved this change that was going to cause people to probably lose their lives eventually. We had proof that Bush had personally been involved in this, so that was part of the hearing process.

A year and a half later, Walter has all these scientists willing to come and testify about having all their regulations on—OSHA had jurisdiction over roughly 10,000 workplace chemicals to which people had been exposed. Now, the truth of the matter is that OSHA had not promulgated regulations on this stuff, even during Democratic administrations. There was a lot of study and so forth, all of which needs to be done. During the Reagan years, years had gone by. As I recall, only one chemical had been regulated, where they had said you shouldn't expose people to more than this amount of this chemical over this period of time.

The hearings are coming up, we have the agency dead to rights, we have the head of the agency dead to rights. We have them proving that they were derailing regulations everywhere, that they're canceling studies so no one will figure out how much benzene a nurse ought to breathe over the course of a day, and so forth. The week before the hearing, they promulgated regulations on 6,000 workplace chemicals and issued them. The week before the hearing. Now, history may correct me. It might have been five days, maybe it was ten days. I forget.

Heininger: Gosh, I wonder if there's any correlation there.

Rollins: You have to wonder. As I recall, those regulations were eventually struck down as having been improperly promulgated because they did it all instantly and they didn't go through their own normal procedure.

Heininger: No public review and all that.

Rollins: Inappropriate hearing periods and opportunity for comment, and so forth, because they were doing it to try to avoid the political heat that was going to come from the hearings. The hearings still produced enormous political heat for them. They were fairly clearly dismantling regulations, or failing to promulgate them and service the industry, and lots of people were breathing stuff that they shouldn't be breathing.

Anyway, those were very gratifying hearings, too, because it put what is, I suppose, the public health experts back in the place that they belong, at OSHA. There are just certain things that you can't breathe, and if you have to manufacture something that involves that process, well, you're going to have to protect your humans from it while you do that. If that means that the price of the product goes up, the price of the product goes up. And if that means that we have to produce it in a different way because it's too expensive to make it without killing humans along the way, well, then we're going to have to make a different thing.

Heininger: How much press did you get for it?

Rollins: As I recall, we got really good press on that. It was a good Senate investigative hearing. We had scientists who were being very clear about projects that had been derailed. We had millions of people exposed to this chemical, to that chemical. We had the data on this thing.

Heininger: Were you getting a sense that the public mood was changing after all the Reagan years of dismantling and not caring about things like worker safety?

Rollins: I'm not sure. I wouldn't know. I don't remember having read survey data at the time so that I would know what America's mood was like. What I do know is we were fairly convinced that the public didn't quite understand what this revolution meant in many cases. What this revolution meant in many cases was that the regulated were writing the regulations. In the case of workplace safety, we were letting business write its own regulations. In the case of workplace safety, we were letting business say we'd rather not have any regulations at all. So the agency was being run in such a way that there would be no regulations.

Heininger: Was that part of Kennedy's goal with hearings like this, to make it clear that those being regulated were the ones writing the regs?

Rollins: Our goal was to save lives.

Heininger: Okay.

Rollins: Our goal was to save lives. There were nurses breathing benzene; we needed to protect their lungs. There were workers being crushed by unreinforced beams; we needed to save their lives. We really weren't trying to embarrass anybody. There had been great legislation that probably needed some work here and there, but we had the statutes in place to protect the miners and protect almost all the workers. The trick was to enforce it. Yes, stupid decisions had been made about some ways to protect workers in the workplace and so on, but a lot of good decisions had been made too, and more needed to be made. We just needed the agencies to do their jobs.

Heininger: Was that the 30-second sound bite that you had Kennedy use repeatedly, "We're doing this to save lives"?

Rollins: No. Anyway, I don't remember giving him that bite. The lines I remember went something like this. "No one should have to risk his life to earn his daily bread. No man should lose his life because an agency lost its spine."

Heininger: Oh, that's good.

Rollins: Those were the lines.

Heininger: That's good. Those are good 30-second sound bites.

Rollins: These issues were heart and soul of what the Labor Committee is about, correcting the market irregularity, that there is an externality in failing to protect workers from workplace hazards. There's too much money to be made in doing that. Workers cannot efficiently recoup their losses through lawsuit. Regulation ought to protect them in the first place. And I always included this other economic argument. It also means that failing to apply and enforce these regulations means that you are subsidizing evil employers at the expense of good ones, because there were plenty of coal mines out there doing a great job protecting their people, and lots of businesses who were protecting their workers without the regulations, who said, "We probably shouldn't have our people breathing benzene; that's a bad idea. We think it might be a

carcinogen, what do you say we give them masks?” That was going on. Those businesses were at an economic disadvantage compared to the others, who were at the end of the day being served by this administration. Let’s not compete on who can mistreat their workers most. That was part of our argument on health insurance too. Most businesses insure their employees.

Heininger: Right.

Rollins: Let’s not subsidize—let’s not give a competitive advantage—to those who mistreat their employees. That was a key argument across all of our work and statutes, which was to level the playing field. We just want an even playing field here. We want all employers to compete on quality and price and not on how much you can mistreat your workers.

Heininger: This was an argument that Kennedy believed in and internalized and vocalized.

Rollins: Absolutely, oh yes. I’d make this argument to the Republicans. “How can you do this when most of your constituents are doing this and they are now at a competitive disadvantage against these guys? So remember who you’re here for when you’re on that side of the issue. You’re not here for the business community, you’re here for the bad actors in the business community, and you’re trying to give them an economic advantage over the good actors in the business community.”

Heininger: How did they respond to that?

Rollins: “Well, then you’re going to involve government in this thing and there will be waste and there will be misunderstanding and uneconomic decisions.” Yes, you know what? We can debate about that. We can debate about that, and let’s debate particular regulations and particular statutory provisions, but the fact that there ought to be regulation and equal enforcement so that we’re not subsidizing the bad employers, I don’t think is debatable. The other argument was, “We’re competing with foreigners and they don’t have to do any of this stuff,” which was a trickier argument.

Heininger: So at the time you’re dealing with these big investigations, you have these ongoing big investigations that are also leading to big and splashy hearings, which, from your standpoint, are not like the rodeo clown but really substantive hearings that are making an impact on mine safety. You know, the head of the Mine Safety filed—

Rollins: Six thousand regs the week before the hearing.

Heininger: Right. So you’re getting effects with this. You are also dealing with all the routine reauthorizations of legislation that have to come through the Labor Committee, all of which take a great deal of time and effort, even if they may be relatively routine. Plus, you have a whole agenda for Kennedy, new stuff to take on.

Rollins: Right.

Heininger: All right. Before we get to that kind of new stuff, let’s talk about one of the ones that is a chronic problem, and that is raising the minimum wage.

Rollins: We were still in the minority and I'm working on what I think the grand plan ought to look like, reading a lot of polling data. We talked two days ago about the public enterprise idea, which solved a dilemma in policy making because it allowed you to pursue the creation of public goods without the risk that you would waste lots of public resources along the way. That I loved, because I thought it solved the political problem, and solved it in such a way that you could actually get Republicans to cosponsor your legislation and fall all over themselves to help you pass it.

There was a separate way of addressing problems, and it didn't cause Republicans to fall all over themselves to help us, but it did address the problem that the majority of Americans were having with the way that we approached policy toward the extremely disadvantaged, the poor, for the most part. And that was that a lot of what we were doing in welfare, in income policy, was thought by many Americans—and there are many occasions when I agree with their view—as being done at their expense, for people who could take care of themselves. I'm sorry. I'm trying to be very politically correct about that. A lot of working people were pissed off that they were paying tax money that was going to other people who are just as capable of working as they were but they weren't working. So why am I doing this?

Heininger: That's the classic argument against welfare.

Rollins: The absolutely classic argument. But the reason I phrase that particular argument classically, or use that particular classic version of the complaint, is that that argument kind of made sense to me, or it made a lot of sense to me. It made sense to me that that argument, that very simple ethical statement explained most of the animus against these programs.

Heininger: It does.

Rollins: Now, if we change the equation and say we're not trying to do this for people who don't work, we are only trying to do this for people either who are already working or who are trying hard to get a job, that's the group we're out to help, then the numbers change completely. Americans are in fact very generous toward people who are trying to make it.

Heininger: Right.

Rollins: And they are willing to lend a hand to people who are trying to make it. They are willing to pay taxes to help people who are trying to make it. So if you—and we did research on this—ask, “Do you believe that someone who works full time all year at their job ought to make enough that their family does not live in poverty?” there's overwhelming agreement.

Heininger: When you ask it that way; the dilemma for pollsters is how you ask the question.

Rollins: Well, you can rephrase that one quite a few ways and you'll still turn up a majority, because at that point, back then, that was the question. If you worked full time all year at a minimum wage job, your family was still in poverty. In fact, still way in poverty. It was an incredibly low wage. I'm trying to recall the numbers and multiply them times 2,000 hours a year. But you were well below the poverty line, particularly if it's a family of four. So you have a wife and two kids, you're working full time all year, and you're in poverty.

The poverty line, let us not forget, is defined as the level of income below which it is highly likely that you are malnourished. The definition since the mid-'50s has been that we pick out a basket of food and we find out what the minimum size of that basket of food needs to be for you not to be malnourished. We assume you're going to eat that basket of food for a year, we figure out what that basket costs, and we multiply it times four, that's the poverty line, on the assumption that the poor will spend 25 percent of their income on food. You have to do transportation, you have to do housing, and you have to do this and that. That is the poverty line.

It is defined as it had been—well, this was true through the '80s and I'm pretty sure this was true all the way through the '90s, probably still true today. The poverty line is that basket of food that is necessary to meet USRDAs [U.S. recommended daily allowances] on your vitamins, your minerals, your calories, your protein, and so on, and we assume that the poor spend 25 percent of their income on food. So you take that basket and you multiply it times four, there's your poverty line. Over time, the cost of food goes up and so the poverty line moves up.

Back then, the minimum wage paid so little that not only were you poor if you worked full time at it, you made more in 35 of the states by going on AFDC [Aid to Families with Dependent Children] than you did by having a full-time job at the minimum wage. And that doesn't even include the fact that you're generally forfeiting all your health care benefits, because you at least get Medicaid if you're on AFDC. If you go get a minimum wage job, you lose all that stuff. So the argument was a single mom is insane if she goes and takes a minimum wage job. It means her family is going to get less money and they're going to lose their health care. There are a lot of problems with taking a minimum wage job. We need to move up the minimum wage to the point where somebody can work full time all year and stay out of poverty. So working away on this, that's where minimum wage began. It was part of a worker-based antipoverty strategy.

Heininger: Is this the way it traditionally had been approached?

Rollins: What?

Heininger: An antipoverty, worker-based approach, or was this a—

Rollins: I don't know.

Heininger: In some ways, is this a reformulation?

Rollins: There are many different ways the minimum wage is advocated. Some talk about it as a baseline, and then workers can build from there. I know organized labor often thinks of it as a baseline and then if that's the minimum wage, they ought to be making that much more for their organized employees in different contexts. There are many different arguments that we made for the minimum wage. The one I was making for the minimum wage is that this is an antipoverty strategy based on work, and that we can get broad support for an antipoverty strategy based on work.

Heininger: It strikes me, going back to how you came in and laid out a strategy for Kennedy with a new Democratic approach. This strikes me as a new approach to dealing with the minimum wage, which has traditionally been dealt with as inflation, and the minimum wage hasn't been raised in ten years and it's time to do it.

Rollins: We were making all those arguments too.

Heininger: I understand that, but it's not—that's almost an emotional appeal, rather than a rational appeal that is rooted in numbers and in an argument that carries a great deal of power.

Rollins: I thought it was a very powerful argument. Sorry, I'm a professional debater. I don't see arguments a whole lot better than the one we were making on minimum wage. I thought it was a slam dunk.

Heininger: Did Kennedy like that?

Rollins: Kennedy loved the argument. And because the man was wise beyond knowing, he told me it would take at least four years to get it done. Now, we were in the minority and started talking this thing up, and then it was a big part of the agenda that we were going to work on when we took over the majority. I remember him saying, "This is going to take four years." And I thought, *He's so full of shit. My arguments are so good, this bill is so da da da.* I think it ended up taking him four and a half years. He told me exactly who the problem people were going to be and what their problems were going to be. He told me the AFL-CIO [American Federation of Labor and Congress of Industrial Organizations] would not support us on this thing at first, which they did not. It took the better part of two years to get labor on board, and as my labor counsel later reminded me, the AFL-CIO opposed the minimum wage when FDR [Franklin Delano Roosevelt] proposed it. If the government is giving people raises, why do you need to join the union, right?

Heininger: Right.

Rollins: So they were ambivalent about government benefits and wages. He had it down to—and it was a guy from Pennsylvania, whose name mercifully I will forget—the guy from Pennsylvania who would be the big problem on the House subcommittee. It took us the better part of two years to crack that nut. He foresaw every obstacle we were going to run into. I was not there when it finally passed. That happened in the 101st Congress. The thing went through like a steamroller. Once the argument was done, once the initial roadblocks were out of the way, it just ran over the Congress. Since then, it's almost an unstoppable argument. You let inflation go up on that minimum wage for a little while, Democrats will be at you with a minimum wage rise and the Republicans regard it as a third rail. They don't want to touch it because the arguments are so good on this thing. We shouldn't let people work all year and be in poverty.

Heininger: But the point at which you started formulating this argument, if I recall it hadn't been raised in something like ten years.

Rollins: Yes, it was over ten years since they'd raised it.

Heininger: So my sense is that you got Kennedy to rephrase the argument for increasing the minimum wage in a new and a more powerful way that really resonated.

Rollins: Well, I hope your characterization is true.

Heininger: I mean, yes, you can take the credit, but I'm listening to a new argument that I don't see having been made before that.

Rollins: Okay, perhaps not. As I say, I wasn't there before. I'm not sure what arguments people made the last time it had been raised. I'm sure I looked at some of those old arguments in the course of trying to prepare a legislative debate, but what I really remember looking at was this one bar graph. I forget who produced it for us. I said, "I want to know what you make on the AFDC in every state, and I want a line running right across it that shows me what you make working full time at the current minimum wage." I remember it was 36 states in which you were better off on AFDC than you were on minimum wage.

Heininger: From what you knew, had Kennedy used a lot of charts in presentations? Has that long been a standard practice for him, to use charts and graphs?

Rollins: People sure expected me to show up with some if I was doing a lot of stuff, so I think charts and graphs had been around for a while.

Heininger: Did other people use them a lot, other Senators?

Rollins: I wouldn't say a lot. For him, they were such a useful device, particularly if he had to do a complex presentation. They were basically gigantic cue cards. Here's this chart, explain it. Just be sure you peel them off in order, boss, so you don't hit a gassy gob before you're supposed to, and then you go to the next chart. Then all he has to do is explain the chart, and you go to the next one. This was pre-PowerPoint, so you'd have charts that would just have something like three talking points on them.

Heininger: Is he highly visual or more auditory?

Rollins: I wouldn't be able to say. I don't know what his better memory style is. If you have something that says the solution is here, the problem is here, a bar chart, and just let the bar chart—put one up there, everybody gets it once they see that. I've actually read studies. It turns out the bar chart may be wired into human DNA [deoxyribonucleic acid]. Who's the guy? Edward Tufte teaches at Yale on the visual display of information. The bar chart is a powerful way of communicating information to human beings. They get it; there's the relationship.

Heininger: It's probably because they can see it all at once and they can see it in a fashion where it doesn't need to be spoken to them. They're seeing it as a whole instead of well, first I have to look here and then I have to look here and then I have to look here.

Rollins: When I teach my kids about math, I use Excel bar charts because you can just drop numbers in and it makes bar charts. And then you say, "Look, here's a three." Three is a weird abstraction. There's a three, here's a seven, and the relationship of the two quantities is instantly visible, whereas three, four, five, six, seven, okay, they're in sequence. Well no, if you have three of something, it looks like that; you have seven of something, it looks like that. More than twice as big, boom, done, test over. Everybody gets that very quickly. In fact, I found my own mathematical proficiency improved dramatically once I started working with Excel and I could visualize data real quickly. You just create a chart out of it and play games with it. Ooh, and what would that look like as a pie chart and what would that look like as a graph chart or a line

chart, where each of the nodes is a star? You know? All of a sudden data become tangible, and that tangibility, for me, makes a big difference.

Back to minimum wage as a way of solving a political problem that I saw as abundantly evident in the polling and focus group data that I was reading. It was a way to address that problem. It also addressed the other insuperable barrier to trying to do poverty policy at that time, which is that we took budget restraints seriously back then, and not as a matter of personal virtue, it's that the Gramm-Rudman Act was there.

You couldn't get out from under this thing. You wanted to spend on something? You're going to have to cut something else. I'm sorry, and Republicans figured out what we were up to and then started writing snotty memos and putting it in their newsletters and so forth. They realized we were using workplace mandates as a way to spend money without having to take anything out of the Treasury. We're going to spend billions of dollars on this antipoverty program, but no federal check would ever have to be signed to do it. I was explicit about this in my discussions with Kennedy. I said, "Boss, there is a way to do social policy without spending money." There are two big ways. We do it with public enterprise, where you don't put up any money until the results are actually produced, then you do spend money but you've already—and if you do it right, like JEDI [Jobs for Employable, Dependable Individuals], you've already saved more than it cost you. You don't need to spend money.

Two, workplace mandates. The employer has to take care of that; it's a cost of doing business. The worst part is that most of them were already doing it. All we're doing is making the bad actors—or the ones who were paying people insufficiently, or who decided that a good way to cut costs is to get rid of everybody's health insurance. We're just bringing them up to speed with everybody else so that the playing field is level.

So I remember—and I've told you this story, about the night we took the Senate back. I was out with a girlfriend and we got roaring drunk, so drunk that we didn't stop drinking until three o'clock in the morning. He calls me at six o'clock. I was still drunk. Of course, he's all lit up because now he's the king of the world, and he says, "Tom, we're going to do a press conference here in Boston on that labor thing." What labor thing? That was his first really solid signal to me that he was going to be Chairman of the Labor Committee. The boss was often telegraphic in his communications; in fact, famously so. He said, "Remind me again, name for me again, those things that we can do without spending money." Fortunately, I had those somewhere in a portion of my frontal lobe that wasn't muddy at that point. So I ticked off, "Here are the things that we can do and they don't entail big spending."

A point on the telegraphic quality of his communication. The first week I was there—I don't know if I told you this story already—Greg Craig took me out to lunch. Greg had known Bob [Shrum] and so Greg was going to help me as a new staffer. We went to the Senate cafeteria, where you get Senate bean soup and so forth, and he said, "Now the biggest thing you have to understand, Tom, is the code. The Senator speaks in this kind of choppy code and it's hard to figure out what he's talking about. You have no idea how often the phone will ring at 8:00 in the morning, I pick up the phone and say, 'Boss, hi.' And he'll say, 'Greg, I need you, da da da,' and he'll go on for a paragraph and I have no idea what he's talking about. And you keep wanting to shout into the phone, 'Topic sentence, Senator. Give me a topic sentence. Just let me know what

the subject is.” So I said, “Really?” He said, “You’ll understand what I mean. Just work hard at trying to figure the context and then you can figure out what he’s talking about.”

I remember it was about three months later, I’m taking through this new hire and I’m introducing her to the staff and then to the boss, the Senator. “Sarah von der Lippe, this is the Senator.” And he says—it went roughly like this—“Um, we have to get that thing through there because if we don’t get him to get that thing through there, we have no shot at the other.” And I said, “It’s okay, boss, he’s marking it up in subcommittee tomorrow. I think it’s going to be in full committee by the end of the week. That other thing is at least two months away.”

We walked out and she said, “What was that?” I said, “Okay, this is the code thing I need to tell you about,” and I gave her the Greg Craig speech. I said, “What he just told me was we need to get [Christopher] Dodd to mark up the Family and Medical Leave Act, and move it up from subcommittee to full committee real quickly; otherwise, the ABC Childcare Bill is going to move up in front of it and that’s going to use up so much of our time that we’re never going to get Family and Medical Leave out to the Senate floor.” “He” and “the thing” meant Dodd and the Family and Medical Leave Act, and I knew that was on his mind. He was talking about a he, so he was talking about someone very familiar to him, and Dodd was his buddy. He was talking about two things that he was working on colliding and one stopping the other, so I knew he meant the childcare bill—that was the big one that would collide and overwhelm—and we needed to get that moving. He spoke like that all the time.

Now, there were meetings where we’d sit down with famous people and dignitaries and so forth, and his English improved dramatically. But often he would just do this code thing with you. Sometimes you would say, “I’m not sure what you mean.” Sometimes you were embarrassed that you didn’t know what he meant and you’d go ask somebody else, “What was the sentence he just gave me there?” And you’d figure it out. He had this shorthand that he would do on stuff.

Heininger: Does he know that?

Rollins: Oh, I’m sure he must. Also, his handwriting is nearly unreadable. We’d get back memos that we’d sent him the night before. They’d go out in the bag and they’d come back with stuff on them. There would be grand debates that would go on about what he had written on them. My secretary, Wanda [Dawkins], was actually really good at reading the Senator’s handwriting. She had been there for a long time, had been watching this stuff come back for a while, and she could decode it most of the time. So she was always a tiebreaker if there was a serious dispute between me and a staffer as to what the Senator had written on that staffer’s memo.

Heininger: But deciphering the verbal shorthand, how long did it take you to figure it out?

Rollins: It took me about three months. You just have to understand what all the moving parts are. Once you know what all the moving parts are, you can usually figure out what it means. We probably had 15 live issues in the Labor Committee at any given time, so it was going to be one of those. That’s why he would be talking to me. There were times he would start talking to me about a person and I’m trying to figure out who it is, and then I’d realize that he was talking to me about someone I’d never met. I don’t know who this person is. He thinks I know or he thinks

I ought to know who it is, just given what I do. And I'd have to say, "I don't know who you're talking about, boss." He'd say, "Oh well, it's Bill."

Heininger: Bill who? *[laughter]*

Rollins: Which Bill, there are probably 20 of them around here? And you figure it out. He could be like that. It was usually when he was tired that he would be most encoded. I remember that one day in particular: he has to move the thing; it's going to be run over by the other. I knew what he meant. But topic sentence was a problem.

I'm sorry; we were talking about something of substance. Oh yes, trying to solve the double political problem, how are you going to do poverty policy in a way that the voters wanted it and in a way that it was actually possible, given the fiscal environment in which we found ourselves? The minimum wage was beyond "thread the needle." This was like an answer standing there, waving a flag at you saying, this is how you do this. So, as I continued to work on that, I'm looking at this health care problem, all the uninsured, what are we going to do, we have this lame thing that we've been trying to do. I say that—maybe it's about to happen—but national health insurance, where you had all of nine Senators in support of it the last time he had done it. I can't remember how this piece of data got in front of me but it did. It turned out roughly 66 percent, two-thirds of the people without health insurance, were members of households where the head of household worked full time all year. Now, I'm looking at that in the context of the minimum wage and it's like, wait a second, we have a minimum wage, how about a minimum benefit? No one had ever done minimum benefits before.

We were looking to raise the wage about a dollar, and so I had Dave Nexon investigate what we could get for 50 cents an hour. Figure somebody's working 2,000 hours a year, so I'm talking about a grand. What can you get for \$1,000, what kind of health coverage? If you were buying it for the average American family, what would we buy with a grand? Is there any kind of coverage that we could get that's worth a reply? Well, it turns out there was. You have some catastrophic coverage; you had your major medical and hospital. You could put in a little bit of prenatal care. You could cover a lot of important bases. You weren't going to get dental, you weren't going to get eyeglasses, but we were going to cover the big stuff that was causing people to go bankrupt, causing people not to get care where they needed it, and so forth. I worked up a memo and proposed to the boss that we think about doing minimum health and minimum wage, and this was not a well-received idea at first.

Heininger: By him or by others?

Rollins: He was skeptical as to whether others would receive it well. I think he got that the idea was, this is interesting, but it was very weird. It was a very weird approach, or very unusual.

Heininger: A very unusual approach.

Rollins: Unusual, let's say that. I remember he had me talk to some guy who had been a former Secretary of Labor, who was then a Federal judge or something like that. He was a wicked smart lawyer but a crusty old guy. He said, "I'm just not sure how many of those labor guys are going to want 50 cents that could be in their pocket out there for health insurance instead. A lot of

people won't buy health insurance down at that income scale, so you're kind of forcing them to spend the 50 cents on that." I said, "Yes, I understand that. That's a problem. I agree with that objection but this solves the problem. We can get the minimum benefit done in there." So rather than actually carve it out of the minimum wage, the better solution seemed to be raise the minimum wage on its lonesome and propose minimum health as a separate thing and say this is going to run you about 50 cents an hour.

But you know what? Most employers aren't going to have to deal with it, because most employers insure their people already. They spend more than 50 cents an hour on this. And we can do this in such a way that a lot of the employers who are out there spending a buck or a buck-fifty an hour on coverage for their people can now join these purchasing pools; their prices are going to go down. They'll be able to buy a buck-fifty for a buck, or the evidence we had was if you were spending a buck, you can buy it for 50 cents. GM [General Motors] was paying half as much for coverage as employees of smaller firms would pay for the same coverage because they had the bigger pool, they were blessed with a big pool.

Heininger: Economy of scale.

Rollins: This was another thing where I was just thrilled with the number of problems that we were solving simultaneously. It addressed, frankly, one of the biggest barriers to joining the workforce for people, because you would lose your medical coverage if you joined the workforce. It solved the problem of the millions of uninsured; it solved two-thirds of that problem. It did it in such a way that a lot of businesses were actually going to save money. We did it in such a way that a lot of the businesses that might otherwise provide insurance to their employees would do so voluntarily if the price were right. And we could get the price right. There were going to be some people who were going to be dragged, kicking and screaming, into insuring their employees. And you know what? We're leveling the economic playing field because now, nobody gets to compete by deciding not to insure their employees. It was just such a wonderful thing, and the bill was only six pages long.

I also knew what Republicans would regard as the giant risk of the thing downstream, and that is that it would get loaded up with a mandate for all kinds of coverages wanted by every single interest group in America.

Heininger: Right. But that's always a hazard of any piece of legislation. They always get loaded up.

Rollins: In our original bill, we put in a super majority requirement for any mandated benefit. We said, "Yes, we can do this, but if anybody wants to put in any other coverage, it needs a super majority," because we are talking now about maybe every business in America buying this coverage as a minimum. We need some pretty broad agreement about this. We can't go doing this just off majorities. And that was, in part, just to take out a Republican objection. They'd say "Well, you'll get the super majorities." I'm sorry, if a super majority wants it, then it's probably something we ought to do.

Heininger: Did you get any Republican cosponsors?

Rollins: Good question. We had surprising support from many quarters on the bill.

Heininger: Really?

Rollins: When we did the first hearings on it, we called in the business community supporters.

Heininger: And they liked this?

Rollins: Chrysler loved it. They insure all their employees. You know what? All the other employers in town don't insure their employees because they're usually married to somebody who works at Chrysler, and so they get picked up that way. Chrysler is carrying whole towns.

Heininger: Okay, yes.

Rollins: Bob Crandall used to be CEO [chief executive officer] of American Airlines, and he came in to testify in favor of this bill. He insures all of his employees. He's competing with Continental, which had gone into bankruptcy. The first thing Continental got rid of was all their health care coverage. He said, "Continental has a \$600 million advantage over us because they don't insure their people. We don't want to compete on who throws their people into emergency rooms rather than doctors' offices."

Heininger: That's very interesting.

Rollins: Beautiful argument. I forget, there was some third giant of industry that came and testified in favor of this thing. Business thought it was terrific that we could actually—or some species of business thought it was terrific—let's just solve this. Everybody's going to insure their employees. You insure yours; I'll insure mine. Oh yes, and you, you bastard, you want to compete with me? You insure yours too. It was a very nice way of solving that problem.

Heininger: What about the small business community? Didn't you get a lot of opposition there?

Rollins: Well no, we got a lot of opposition from the National Federation of Independent Businesses. Even though a majority of their members already insured their employees, they were of course worried that they were going to be mandated benefits that would ratchet up their costs over time. There wasn't much discussion because I don't think there was much understanding about the insurance pools, that we were actually going to let all the small businesses—

Heininger: That was a new concept.

Rollins: It was new and it was hard to prove how much they would—we kept saying, "GM only pays half as much." It was hard to express in an indisputably quantifiable way for folks. Anyway, the thing developed sufficient popularity. Dukakis' people came down from Massachusetts to visit. They wanted to borrow it as a model for what they did in Massachusetts. They went off and did their own thing. The Southern Governors Association was quite fascinated with it. Young Governor [William] Clinton really liked the proposal, and so the Southern Governors Association endorsed it. Then he, Clinton, became the head of the Democratic wing of the National Governors Association, also endorsed it, and he ran on that in '92. It was to require the employers to insure their employees, set up small business purchasing pools. It was the Kennedy plan. He ran on the Kennedy plan, and then he got elected and he put that guy, Ira Magaziner, and Hillary [Clinton] in charge. They had 457 decision checkpoints, and they did the

thing that we knew was politically impossible. They wanted to nationalize the health care system.

Heininger: It's also politically—it is a better term semantically to use a minimum benefit than employer mandates.

Rollins: Yes.

Heininger: Because employer mandates is the buzzword that kicks off all sorts of opposition, but a minimum benefit semantically has many advantages to it.

Rollins: Well, it's not very far after you say minimum benefit that you say most employers provide far more than this minimum.

Heininger: Yes, right.

Rollins: We're just trying to get everybody to stop competing on how poorly you can treat your employees. It's that simple.

Heininger: Now, there's another piece that comes in at the same time, which is another approach to dealing with health and a specific end, and that's catastrophic, which Kennedy was also involved with.

Rollins: This was after my time.

Heininger: No, catastrophic is '87, repealed in '88.

Rollins: Repealed in '88?

Heininger: Yes, one year later. Dan Rostenkowski had his car stormed and came back from Chicago and it was repealed, in the Senate, something like 99 to zero.

Rollins: This is not clear to me.

Heininger: I'm trying to get where it came from, because Kennedy did sponsor it. It may have originated in the House. It did come from Ways and Means and [Henry] Waxman together, and was wildly popular. But this was the whole issue of providing catastrophic for, and largely beginning to means test Medicare, to pay for it, and only a small proportion would have had to pay for it. And the elderly just went bonkers with it, they would not—

Rollins: Means test.

Heininger: Would not means test.

Rollins: I don't remember this issue much.

Heininger: You don't remember, really?

Rollins: No. That was a big part of the needle, or a big part of the problem we were trying to solve with the minimum health benefit. What was it? Every four minutes in America a family goes bankrupt because of medical expenses. If you have hospitalization and catastrophic benefit in there, which generally is the cheapest part of what you buy, you can solve that problem. That one's easy. Understood, that still doesn't solve people mostly getting their care on an emergency basis, through ERs, rather than with a relationship with a physician. It didn't deal with prenatal and it also didn't solve the problem of people getting into the workforce knowing that their health would still be protected. So I'm sorry, I'm drawing a blank on this.

Heininger: That's interesting. Do you recall when he worked with [Barbara] Mikulski on spousal impoverishment, for Medicaid and nursing home care?

Rollins: Yes. I remember the debate on the floor.

Heininger: Because that is the only piece of catastrophic health care that survived. It was all repealed except for that one provision.

Rollins: I remember her speeches on the subject. She was powerful. I never got along with her but I admired her hugely. In fact, I remember that being one of the first things she really worked on when she came to the Senate. She had some constituents who had been through awful times. I remember him being supportive, but it was her issue.

Heininger: It was her issue but she gives him a lot of credit for it, particularly for being the only thing to survive out of catastrophic. Okay, so minimum wage takes four years; it takes beyond when you're there.

Rollins: After my time, right.

Heininger: Why do you think it took so long? Kennedy was obviously right; he knew how long it was going to take.

Rollins: I know, why don't you just ask Kennedy why it took so long? He knew it was going to take so long.

Heininger: Did you realize relatively quickly that he was correct, that it was going to take a long time? You said you started off thinking—

Rollins: No, no, no. It took me a couple of years to realize that he was way more knowledgeable than I was about this. I mean, the argument seemed so clean to me. I thought we'd be able to beat pretty much all the arguments against it. And the big argument against it was, is this going to increase unemployment? Is this going to cause people to lose their jobs? And does a bunch of the benefit go to the non-poor? Are you basically giving raises to high school kids who work at ice cream stores after school, and people working in Hallmark stores as an after-school job, and so on? Those were arguments you had to contend with, but I didn't think they were serious problems. The big one you had to worry about was unemployment. You were increasing the cost of a thing, labor; therefore, people will buy less of it. I had a pretty good idea that this argument was nonsense because I didn't think labor was priced at anywhere near its value. The people who were in a position, who were in that category, at that part—forgive me, the ass end of the labor

pool—are the most vulnerable workers possible, are never in a position to negotiate for their true value.

Heininger: Right.

Rollins: They may be producing \$10 an hour of value, but they're not going to get paid \$9. That's just not going to happen. They're not in a position to recapture any of the value that they're creating. We waded into the studies, state after state. The minimum wage had been increased several times since, whenever it was, 1937. There had never been an increase in unemployment after it had happened, so let's start digging into the data. Individual states had raised their minimum wages beyond the federal minimum wage, many of them deciding they didn't want to wait ten years, and so there were no negative unemployment effects in any such state.

We then commissioned the Wharton School. They had the biggest macroeconomic model going in the country at the time; they would do macroeconomic forecasting. They dropped our minimum wage increase into their model and it produced a modest, I mean a tiny, inflationary effect, but almost no effect on unemployment because the people who worked at the minimum wage would get a raise, they would buy more stuff, and it seemed like it would cause more people to get jobs. So it wasn't having any of those negative effects.

And then there were a couple of scholars who had done some very careful research on the minimum wage and came out with what was the crushingly counterintuitive finding to the economics community, that raising the minimum wage does not increase unemployment. This is an article of faith to economists, part of the DNA of the economics profession. You increase the cost of a thing, and less of it will be purchased. The subtleties, the nuances of increased demand, of inability to negotiate for true value of a thing in the first place, is not part of the way minimum wage is taught in economic schools. I remember arguing with Larry Summers about this, and with Alan Greenspan much later; you increase that, unemployment necessarily increases. Republican speeches I heard, everyone was taking this as an article of faith. It was a simple, but profoundly wrong, answer.

Then there is, of course, the comic extension to the absurd; why don't you raise the wage to \$30 an hour? Why don't we pay everybody like Donald Trump? That's not what we're trying to do; this is at the bottom end of the labor force. There does come a point at which you're paying people more than the value that they can produce, and yes, then there will be unemployment, but it ain't anywhere near \$3.25 or whatever you're going to pay.

Heininger: All right, so why did this effort appear to result in a payoff that not only raised the minimum wage, but then shifted the debate on minimum wage so that subsequently, now when there is a significant rise in inflation, we do raise the minimum wage? This is not the way it had gone before.

Rollins: No.

Heininger: And it took four years. So what caused the difference?

Rollins: I think people started to see the issue differently. They started to see it the way that it should be perceived, which is that we're going to set a floor on just how poor you can be.

Heininger: So the recasting of the debate brought in a powerful set of new arguments.

Rollins: I had not been an extremely close observer of the minimum wage debates after that first rise, but I watched it.

Heininger: Well, that counts for a reason.

Rollins: Also, I used to have to put up the new posters at my company every time they'd raise it, and let everybody know what their minimum wage was. We never paid anyone near the minimum wage, but again, hey, they raised it again, good. I used to love putting up all those worker posters at my firm, because occasionally I would take somebody and say, "That polygraph thing, minimum wage, I did that." I'd go, "See all this OSHA stuff? We investigated those bastards." I mean, every poster I had worked on.

Heininger: No ego there.

Rollins: I was proud of it and yes, there was a lot of ego there. It was also a way of saying to people, "We run this firm to take care of our people. These things are great but they're never going to be an issue here." I wouldn't dream of falling below the minimums that these posters expressed. I think it changed the nature of the debate. As I watched the debates in subsequent years, it only gets what, 30, 60 seconds on the evening news? They're making the argument the right way. They are making the argument as a matter of not just fairness, not just keeping a COLA [cost-of-living allowance] for low-wage workers. It is that people who work that hard shouldn't be in poverty; that we ought to give families a way that they can take care of themselves. These are the arguments that resonate with people. It's what makes the case for it almost unstoppable.

Heininger: Well, and it does help that you did this at a time when you got the October stock market crash in '87, but then you move into the '90s, and in the '90s we have the big boom. It's a hell of a lot easier to raise the minimum wage when there's a boom on than it is, say, like right now.

Rollins: I'm trying to remember; he would have gotten it raised. Yes, so things would have been relatively prosperous, if this was before the '92 recession. Yes, which it was.

Heininger: Okay. So the other thing on other labor issues right now is the employee polygraph. Why did it become an issue?

Rollins: This was an issue that was being worked up before I had arrived. The issue was fairly straightforward. There were some two million people a year undergoing a polygraph test as part of their employment screening process. Then sometimes if something had gone missing, people would polygraph folks. I actually knew as much as any person ought to know, and then some, about polygraphs because in my senior year in college, I ran a debate case about polygraphing police accused of brutality. Part of it was because usually the only witness to the brutality would be other cops. They would all lie to defend each other, so we're going to use a polygraph to

figure out what the right answer is. Polygraph the victim; polygraph the cop. We're going to use that to sort out and decide which of these cases to prosecute.

And we had really good evidence that if you started prosecuting police brutality, incidents of it drop from something like 100 to 2. There rarely seems to be a need to beat the shit out of people while you're arresting them, and guys were doing it a lot. So I knew a lot about polygraphs. You can go talk to other guys who were debaters that year. They knew a lot about polygraphs because they were working up the negative stuff against my case, so they knew all the flaws of polygraphs as well as I did.

I knew that the polygraph was an extremely dumb tool, that there is probably only one defensible use of the polygraph, and that is when you know that a specific crime has been committed—it's called the guilty knowledge test—and your questions all have to be various multiple choice questions, where the correct answer to the multiple choice question could only be known by the guilty party. Someone walks into a room with green carpet, and the question has green carpeting, red carpeting, blue carpeting, and yellow carpeting; pick one. "I don't know." "Well, you have to pick one." If they knew that it was green carpeting and they said red carpeting, it shows as a lie. If they had no idea, it shows as nervous but it then shows as a lie. "And you stuck your hand in the drawer and you saw a pile of hundred dollar, ten dollar, five dollar, one dollar bills;" and so on.

The guilty party can be caught that way. But the polygraph, in trying to figure out whether you have ever had traitorous thoughts, is an absolutely worthless device. People who are criminally inclined by nature tend not to get nervous when they're lying. People who have been law abiding most of their lives tend to get nervous when just answering questions about whether or not they've done a bad thing. So the thing will turn up false-positives on grandmothers all the time. We had cases of grandmothers being asked about their lesbian past. I don't know about your grandmothers, but both of mine's blood pressures would spike if you asked them about their lesbian past, because they don't even want to hear the word spoken in polite company, right?

Heininger: Mine would have spiked really badly.

Rollins: What are you asking about this, and what's that got to do with employment anyway? I mean, what do you care?

Heininger: I don't think they could have handled the word.

Rollins: So we had a pretty good idea that hundreds of thousands of people were being knocked out of job possibilities because they weren't doing well on polygraph tests that were probably caused by false-positives. And then the problem is the false-negatives, where you have sociopaths who just fly through these tests, doing extremely well. Oh yes, he's knocked off a few convenience stores but none of that's going to get picked up on this because this guy can lie calmly.

Heininger: Plus, there was a rash of increasing use of polygraphs at the time, if I recall.

Rollins: Well, if you had a technological way of figuring out what the right answer is and you didn't have to worry about truth in ways we ordinarily do, sure, then you apply the technology.

The Reagan administration was using a lot of this in screening national security people. Hatch had a former staffer who had gotten knocked out of a job in some Reagan administration department because he had not done well on the polygraph test. Hatch felt strongly that the questions that had caused this guy trouble were nonsense and that this guy was trustworthy and credible and should have gotten the job. Hatch was a real enemy of the polygraph.

Jay Harvey had joined the committee and I'd hired him as our chief labor counsel. He had been working this issue, I forget with which union, but early on he said that we need to do this polygraph bill. It seemed like a lot of people were being affected by these things. I knew about polygraphs. They weren't asking them about specific crimes that they'd committed. They were asking them general character questions. I knew the device was useless in a context like that.

Heininger: There were fishing expeditions.

Rollins: Yes, and something about making the employer seem scary to people. It was silliness. It was a lot of snake oil being sold by the polygraph industry; that was much of what was going on. That was the primary opponent, the polygraph industry. You're doing two million exams a year, you're employing a lot of polygraphers out there. And some members of the business community.

So we put together the bill, we held the hearings, we had the data on how effective and ineffective the tests were, and in which contexts they were workable and which they weren't. We included some provision to allow these to be used in particular national security contexts because frankly, the argument is fairly obvious; we don't care if some people don't get those jobs. Sorry that you didn't do so well on it, but we were willing to accept some false-positives just to make sure that there was no chance that a potential traitor was being hired. The cost of error was so high that we were willing to allow some errors. We were willing to allow the cost of unemployment, or employment elsewhere, to be borne by those people. The argument was going to be a tough one to beat, so we accepted that, and then we went to the floor to debate this thing.

Phil Gramm was our most effective opponent on this. Dan Quayle was an opponent too, but this was going to be a hard bill to stop. Kennedy and Hatch were the primary sponsors of this bill, so we unexpectedly got Republican support from the far right with us. I remember the floor debate on this thing. Jay and I had this little bucket of material that we had ready for various amendments and so forth, and answers to this and that argument. We used to go to the floor incredibly well prepared for debate.

Okay, we're going to the floor with the polygraph, here are the nine primary objections that we expect, coupled with amendments, and I want a minimum of four great answers on every one of these. So we'd do it up and we'd put them in a book. The guy would say the GAO [General Accounting Office] study from 1983, and I'd click, click, and I'd hand Kennedy a sheet of paper; answers to the GAO study from 1983, one, two, three, four, boom, boom, boom, boom. Take it out; on we go. We were always really well prepared for floor debate. I think Gramm knew this because he was sharp in a debate. So he started running amendments that were just off the wall. We couldn't have anticipated these things. One of them was clever, and then we did him in with it.

The clever amendment was, you guys have an exemption in here for people who are getting sensitive DOD [Department of Defense] jobs, and you agree that this can be done well, as long as DOD procedures are followed. Now, this was a Senate floor amendment, right? All we know is that there are going to be ten amendments offered, but you don't know what the titles of any of them are. He has five minutes to present it; you have five minutes to answer it. This is happening and you have to get a five-minute speech ready in less than five minutes to answer this thing. So he's going on, you agree with the DOD procedures. Hell, what are the DOD procedures? I'm whispering to Jay, "What the hell are the DOD procedures?" Here's all I've got, and he grabs this thing. It's this 100-page document, DOD, polygraph procedures.

Heininger: Where's the executive summary?

Rollins: So Gramm was up there and he says, "I'm offering an amendment to the bill that employers may do this as long as they follow DOD procedures." I'm going through this thing and Kennedy's watching. What are we saying about that? I said, "Give me a second, give me a second." I'm going through this thing and found this paragraph. Every DOD polygraph exam has to be signed off on personally by the Secretary of Defense. Now, there are two million of these a year that the employers—you get the idea.

Heininger: Yes.

Rollins: It was such a fun answer. "Now, I have here the DOD procedures. It says here, every one of these has got to be supported, signed for personally, by the Secretary of Defense. Now, there are two million of these going on right now." We'd figured it would take him probably a minute to read and sign each of them. The Secretary of Defense was going to be doing nothing but signing polygraph exams, full time, not defending the country, not dealing with the needs of our men and women in uniform. You can just see—You can go nuts once you get him in that corner. You can tell Gramm was embarrassed. It was like he was thinking, *Oh, he got me, and Oh boy, did I step into that one.*

So he comes down, and I remember Kevin McGuinness was Hatch's chief counsel. He got the two of us together and he said, "All right, how about we go back into the cloakroom and talk about what else I've got? Maybe we can agree to it rather than do that." I said, "Yes, but you know, I'm not allowed in the Republican cloakroom." He said, "You come with me, it will improve your reputation." [*laughter*] So we went back in there and we agreed yes. He said, "Now I have one here about nuclear power." I said, "Nukes huh? You're going to do nukes? You have a nukes amendment?" He said yes. I said, "We can do a nukes amendment." So we agreed to some language, worked out a couple of other changes, and that was the end of Phil Gramm. I just loved that one.

We were best when we were unprepared, but we were really good when we were prepared. I mean, literally, I had guys prepare answers to every argument we could think of. Before we went to the floor, we had them canned out and not in speech form. They were in one, two, as a debate block form; answer one, answer two, answer three, answer four. You put those four answers on and he gets to reply, and if he misses any one of them, "Boss," you say, and he doesn't even answer my third argument, because each of them was designed to be independently sufficient to take out whatever the claim was. We were just real good at floor debate.

Heininger: And if I recall, George Shultz did not support polygraphs either.

Rollins: Well, Shultz was Secretary of Labor from days gone by.

Heininger: Right, and he was also Secretary of State at this point, and my recollection was that he was not a fan of polygraphs.

Rollins: I think a lot of people knew that they were kind of—“black magic” is not the phrase I want.

Heininger: They’re unreliable.

Rollins: It was sort of silly witchcraft. No, at the end of the day, it had been studied extensively. I had read the extensive studies. There was one way that the test worked, called the GKT, the guilty knowledge test. That is almost never the circumstance when the thing was being used. In the case of police brutality, by the way, we were asking about a very specific crime where only those who were present would know the answers. “And then you hit him on the right side of his head with the stick, or on the left hand side of his head with the stick,” and you could figure out whether or not it happened. There were other truth devices, psychological stress evaluators, PSEs, and so forth, and none of that stuff worked. Frankly, why do you think the world is—in the course of all this torture today, we never hear about one of these guys being hooked up to a lie detector. Hey, why didn’t you just hook him up to a lie detector? Because we all know that’s bullshit.

Heininger: No, we don’t, do we?

Okay, we have another big one and that’s plant closings.

Rollins: A beautiful bill. It originated in Metzenbaum’s subcommittee.

Heininger: A big bill.

Rollins: Yes, it was a big bill.

Heininger: Actually, it was a huge bill.

Rollins: And a big fight. We had to tack that thing on to several pieces of legislation before it finally made it through. And it was in the context of a huge piece of trade legislation we were doing that year.

Heininger: Omnibus Trade Act.

Rollins: Yes, a huge thing. It was a Finance Committee bill, and owing to our jurisdiction, we had some thoughts that we wanted to share about the retraining of workers who were unemployed by changes in trade policy or by turns of the worm that just didn’t work out well for them, and we wanted to retrain them. So there’s a lot of work that we did on changing provisions to the Job Training Partnership Act, in the context of that bill, to target more assistance to workers displaced by trade.

The Metzenbaum folks—it was their idea—wanted to enact a plant closings provision where we would give notice to workers who were going to be laid off as a result either of a complete closure or a mass layoff at a facility. This was clearly within their jurisdiction, so it was their job to hold hearings on it. It became clear instantly that this thing was going to be a lightning rod, that this would get fierce opposition from the business community. This wasn't just for shop owners who weren't paying people enough to stay out of poverty. This was going to apply to the big dogs. Dow Chemical wants to close a plant; you're going to have to comply with this statute.

Metzenbaum's chief counsel was a guy named Jim Brudney, who was the son of one of my law professors, Vic Brudney. Jim was an incredibly smart guy, capable guy, politically savvy, and so forth. It was a joy to work with him on this bill. We knew early on that this was going to be a big fight, and we really wanted this thing. We really wanted it in part because we looked at the benchmarks about what other countries were doing about this. We had zero plant closing requirements now. The Japanese required something like a year and a half worth of notice. Oh, and you had to keep paying the employees, even after that had happened. The Germans were ridiculous; they would practically give them a car and all kinds of things, and they had very strict requirements, at least a year's worth of notice. The Canadians required something like six months of notice, and so on and so forth. There were provisions all over the civilized world that required that you tell people in advance before you're going to shut off their jobs.

The damage to individuals that was caused by lack of notice wasn't beautifully quantified, but the anecdotal evidence was commonsensical. Everyone knew this was happening to about a million people a year. About a million people a year were losing their jobs in plant closings or mass layoffs. It was obvious that they were being damaged by this in ways that could be prevented if they had 60 days' notice. You wouldn't take out a new mortgage, you probably wouldn't buy a new car, you would start saving more, you wouldn't buy new silverware, and so on. You would start looking for work. You'd go find another job. Now, the business arguments were, "Oh no, they will stop working altogether because they know their jobs are lost, and they're going to start destroying stuff because they're going to get angry."

Then, of course, we had these beautiful examples about what business had done because they thought that was the case. There was a 3M plant somewhere in the frozen northern territories where they sent everybody a note asking them to appear at this hotel in this room. Everybody got—about ten people per room—to show up at this hotel on Monday morning at 8:00 o'clock, before the shift starts. So everybody shows up at the hotel not knowing what's going to happen, and they basically fired them all on the spot as they showed up. People would then go back to the plant to get their stuff out of the locker, and there was barbed wire, Pinkerton guards, and so forth, because they were afraid people would come and destroy the plant if they found out that this was going on.

We had fabulous evidence, and Jim was actually the master who designed this. I wish I had thought of the strategy and then borrowed it later. We set up a series of studies. I say "we" because we had to sign on to these to get them done; this was Jim's idea. There was a series of studies, and we would have the data from these studies to report whatever the answer is come out at roughly the time we thought the bill was going to come to the floor. So we had this really fresh stuff—GAO, Congressional Research Service, Wharton model, whatever—coming out. We had fabulous stuff coming through.

But the really beautiful work that Jim did was to find evidence on what actually happens when you tell the workers at a plant that you're going to shut down the plant. We had a lot of Canadian examples. You give them six months' notice or 90 days, whatever it was the Canadians were doing. About 30 percent of the time, the businesses would end up not shutting the plant because productivity would go up so much that the plant became profitable, so they'd keep the doors open.

Heininger: Because people didn't want to—

Rollins: They didn't want to lose their jobs.

Heininger: They didn't want to lose their jobs, so they'd work harder.

Rollins: We had the plants going under, we're not making enough money, we're going to have to shut the doors. People would get together and really gun it and boom, the darn thing would be profitable and they'd keep it open. There were almost no examples of any kind of vandalism or destructive behavior. Part of our argument was that you have to put barbed wire on the thing and put Pinkerton guards around it because you've just treated people like animals.

Heininger: Right.

Rollins: If you treat people with respect and dignity, they may actually help you out of the hole, and they're certainly not going to go out and destroy things. And what really makes people feel like they've been treated like animals is that the white-collar guys have known for months that the goddamn thing was going to be shut. The blue-collar guys are the only ones who don't get told. They're the ones who are standing there with the bag, where they went out and took a second mortgage on the house. They did this, they did that, with no idea that the floor was about to fall out from under them. Let's just give people some warning. Oh, it was such a sweet. . . .

Heininger: It's so commonsensical to give people warning. And as soon as you started presenting data about what standard practices were, which was vastly different—

Rollins: The primary Republican argument against us was, "Look at what standard practice is. You guys are eventually going to demand this. You're going to require that they pay them for months after the lay them off. You're going to require this, and you're not going to let them shut the facility. You're going to have German workers councils decide when to close them."

Heininger: Let's give them an inch; they'll take a mile.

Rollins: Exactly. And say, when that turns up, do your damndest to defeat it. But that's not what's at issue, so we fought the fight that way. The evidence was just so good. We built the case. I thought the ethics of the argument—I believed so strongly in this—were so clean. I talked before about the ethic of the argument that you're making to Joe Sixpack and his wife. They're holding down two jobs, so you need to give them a good reason why they need to give up some extra tax money to help a family where no one is working. They want to know that he and his wife are working real hard too, or she and her husband are working real hard too; then they're willing to help. But if you say, "We want to help out these two and they could work, and they aren't, but we're going to give them money anyway," you get a different result. Now he's mad,

now he's a blue-collar Republican, because the ethic of the argument is wrong. Here the ethic of the argument was so clear. All the white-collar guys already know and the blue-collar folks can adapt if they know, too.

We had pretty good evidence that when you gave notice, people got re-employed much more quickly because they found other jobs. They would spend some of that 60 days looking for work. They could relocate, they could this, they could that. They might even get a little training, but 60 days wasn't much time for that. But there was no harm to the plant. Businesses often started to succeed in the face of this. It was very hard to stop. There was fierce business opposition. This was government regulation about when they could redeploy assets and all this sort of stuff, which offended them. I understand the argument, but it just wasn't flying in this case. They were wrong. Yet, the business lobby was really entrenched on this and fought incredibly hard. So, we're trying to get—well, I can tell this story.

I was working really hard and personally on this bill, and Kennedy was deeply invested in it and really, really wanted to get this one through. We had some great speeches on it. This bill went through the "Perils of Pauline." [Lloyd] Bentsen hated that provision. And for the record, it is galling that when he was nominated as Dukakis' Vice President, he tried to claim credit for this thing as one of the three or four things he'd done for workers. The truth is that Bentsen wanted that thing ripped off the trade bill instantly. He didn't want anything to do with it, and was hammering Metzenbaum to get him to agree to pull it off the trade bill, which is where we'd put it, along with all these job training partnership amendments. We did everything we could to keep this bill alive and keep this thing on the trade bill, because that was the way to get it through conference.

Heininger: It was the train that was running then.

Rollins: It was the train. So I get this call from Metzenbaum's office on a Friday afternoon. Peter Harris was the Chief of Staff's name, and he said, "Tom, I'm so sorry. Metzenbaum agreed with Bentsen this afternoon that he would pull the—" No, actually [Robert] Byrd's office told me Metzenbaum talked to Bentsen and had agreed to pull plant closings off the trade bill so we could get it through, because it was going to be filibustered and all this. I said, "Give me a minute, I'll call you back." So I called Metzenbaum's head guy and I said, "Is it true that he did this?" He said yes. I said, "Where is he? We have to get him to reverse himself." He said, "He's on the plane home to Ohio. There's nothing we can do."

I said, "All right, Peter, here's what I'm going to do. I'm going to call Byrd's staff and I'm going to tell them that Senator Metzenbaum was stinking drunk when he said that, or that he was on powerful drugs and did not mean what he said." He said, "I'll take drunk." I said, "Okay, drunk it is. And at the time that he was, he did not have mental capacity to make that agreement, and that that amendment will be live on Monday morning just as it was live on Thursday afternoon." And I called—I can't remember who your staffer was. "He was drunk. I spoke to his Chief of Staff. He agrees that he was drunk and did not have mental capacity to make any such agreement. You communicate to Bentsen's staff that amendment is not being pulled off on Monday." And so there were all kinds of hoo-hah after that, but on Monday that amendment was still back in there. We were doing anything it took. I was willing to lie, cheat, and steal to keep that thing alive.

I remember the bill being debated. It's on the floor and it's clear we have a filibuster problem and we're certainly going to have a veto problem with this thing. So Danforth gives this little soliloquy. I remember it was like 3:45 in the afternoon, and I'm sitting there with Kennedy. We're down in our little place where you'd go if you're a bill sponsor. I don't think we were down there on the trade bill at the time. But anyway, Danforth is giving this thing about the trade bill. He says, we have this terrific bill, da da da, which I had read. It was worse than a tax bill, with the number of exemptions for particular companies in there on every page. Every chemical in America had some beneficiaries being helped out.

Heininger: It was 1,400 pages.

Rollins: It was gigantic, and we had something like six pages for the workers. Danforth says, "This bill, we've all struggled so hard with it. It's gone so far and yet this one little provision is causing this bill that's just been swimming to shore and swimming to shore. Why, it's like a barbell on the back of this bill causing it to sink." Kennedy leans over to me and he says, "We have fifteen minutes before we miss the deadline for the evening news. What do I say to that that gets us on the evening news?" I said, "That's easy. You want to talk about throwing barbells on the back of something, how about barbells on the back of the American worker, boss? How about them trying to swim toward prosperity and somebody throws the job out from under them?" Barbells on the back. I was too excited. I was pissed off that Danforth was doing this. Here he was, the minister who was in fact the servant of industry, up here talking about saving a bill and caring a naught for the million people. I wrote some line for him too, about how we should start treating our people not as chattel, not as cattle, but as humans. I wrote this thing as fast as I could and put it on his podium, and he rose to make some remarks.

Carey Parker had always warned me, saying, "Kennedy gets too hot for a TV screen sometimes." And if it's a small screen and you're screaming and you're angry, it's too hot. "When he's down there, you have to calm him down." I have this picture here somewhere, this poster, and it's of three scenes from the plant closings debate. It made the evening news. It made all three networks with the scene that he then put on. He gets up and he just rips into Danforth about this thing, and I can tell that he's getting really wound up. The rhetoric is good, we have him where we want him, this is going to work well, and he starts screaming.

So I gently wrote a note that said, in big letters, "Boss, you're yelling," just to let him know, you need to cool off. The first scene is the boss starting to wind up. The second scene shows that there's a note up there, and you can see the little corner of the three-hole piece of paper hanging over the edge of the podium, and he's glanced down at it and it says, "Boss, you're yelling." And the third scene is, "Ya!" He just starts yelling. Now he's mad about the note and about Danforth, and just lit it up. We got all three networks out of that one, well timed by the boss.

We did get it through on the trade bill; it went to Reagan for signature. By the time that thing had come out of conference, we had polling data that showed that 65 percent of *employers* agreed that the bill ought to be law. It was something like 80 percent of Republicans. We had huge numbers on this thing, and it was during the Bush-Dukakis race. This was going to be a beautiful campaign issue. If they vetoed the thing, Bush was going to have to support the veto. So Reagan let the trade bill lapse into law. He didn't veto it; he didn't sign it. In ten days, if you don't veto it or sign it, it becomes law. I was down in Houston when the thing lapsed.

Heininger: Didn't it get dialed back to 30 days, the plant closing notice?

Rollins: No, it was 60.

Heininger: Okay. There was a lot of effort to try to get it back to 30 days.

Rollins: We had guys like Dale Bumpers, who at the end of the day were saying, how about 58 days? Give me 58 days and I'll vote for it. No, it's 60. It may have been 30 for certain kinds, maybe for smaller businesses, something like that.

Heininger: I think there was a provision for 30 for some, but the big boys were going to have to live with 60.

Rollins: The WARN [Worker Adjustment and Retraining Notification] statute. Anyway, I remember he called me in Houston the day it lapsed into law.

Heininger: The WARN statute, you're right. Worker Adjustment and Retraining Notification Act, the WARN statute.

Rollins: Yes. And now, two decades later, I deal with business acquisitions and so forth. Lawyers give you the boilerplate and you're looking at the papers, and there's always a WARN statute compliance section. Yes! I can comply. That was Jim Brudney.

Heininger: So that was a winning issue for Kennedy.

Rollins: A great win. It was one of those where it was right there where it needed to be, make the Republicans decide, do you want to give us this issue, veto that bill? We're going to be talking about this until November 7th, late in the afternoon. Go ahead and veto this bill. At the end of the day they realized we had the better end of the argument. The ethic of the argument was unstoppable and they couldn't defend it any more. It was one of those things where you have to kill it before the public becomes aware of it. And if your lobbies can't kill it before the public hears about it, it's too late because this is right. We were just right.

Heininger: Wow.

We only have a couple of little things left, some questions. Do you want to do them today?

Rollins: Well, what are the little things you have there?

Heininger: Well, stuff leading to ADA [Americans with Disabilities Act], the Developmental Disabilities Assistance and Bill of Rights Act, amendment of 1987, leading to ADA in '90.

Rollins: This was not a statute where I had much responsibility, so I don't have much to tell you about that, other than we put on the hearings. The Senator's son testified, obviously; Teddy [Kennedy, Jr.], who had lost his leg.

Heininger: Did Connie Garner handle it?

Rollins: I don't remember who handled it.

Heininger: Is that why it came on the side of the—

Rollins: This may have been handled more by Judiciary than by us. I don't remember. I just don't remember. That was not something I worked on a lot.

Heininger: Because you get a couple of things that cross jurisdictions. You get the Civil Rights Restoration Act, which actually the Labor Committee does take.

Rollins: That was the Labor Committee, yes.

Heininger: Civil rights, okay, but it does go in the Labor Committee. You get the stuff leading to ADA, which ADA eventually is Labor Committee. Family Medical Leave.

Rollins: That was Labor.

Heininger: That was Labor. Older Americans Act renewals and Meals on Wheels.

Rollins: Well, for the latter there were actually fairly standard reauthorizations, there wasn't anything—

Heininger: But they are things that he cared about.

Rollins: Yes, oh yes, and so we got them reauthorized, renewed, and so forth. The trick there was actually to get the appropriation number up. We just didn't have enough money to keep people from freezing. I'm trying to remember. There were some issues about the administration or the program.

Heininger: But this is one that really crossed the aisles for all the New England Senators. This is one issue—in fact, I can't think of any other ones—They *all* said, "Our constituents are freezing," whether they were Republicans or Democrats, and so they all worked together on it.

Rollins: But as I say, it was not a giant or controversial issue. The trick was just, could you get the money in the face of Gramm-Rudman? Older Americans, there wasn't anything terribly controversial going on. It was just, can we get more money for Meals on Wheels? We have a bunch of elderly who are homebound. A great little program.

Heininger: Which had been Kennedy's program too.

Rollins: And for a very long time. I actually drove a Meals on Wheels truck for a while, back when I was in college. I loved that program. Once you've driven one of those trucks and you realize who it is you're serving; it wasn't the food, it was the social contact. The Meals on Wheels driver was sometimes the only person those people saw. It was heartbreaking to do that. Other bills?

Heininger: Family Medical Leave.

Rollins: Family Medical Leave was another one where he thought it was going to take longer than the 100th Congress, and he was right. We got the bill to the floor and it got beat. That was

Dodd's bill; he handled it pretty well. Now, there was one where it was just getting cut back, cut back, cut back, to the point where by the time it reached the floor, pretty much everybody who would be required to comply with it was already compliant. Businesses with more than 100 employees tended to have a policy just like this. I think he went to the floor with a 100-employee minimum. I forget whether it was 50 or 100.

Heininger: I think it started with 100.

Rollins: Yes. Most of the firms with more than 100 employees had something very much like this, so it wasn't really buying a lot of change. The Republicans were concerned that hey, eventually you're going to move it down to 50, eventually you're going to do this, and they were right. Eventually, I believe the level did get moved down. But that was one that was just—again, it was anecdotal, but the anecdotes were slam dunks. A guy tells his boss, "I have to leave for three days to take care of my mother who is dying with cancer." He comes back and his job is gone. A guy has to take care of his kid in the emergency room and his job is gone. There was mistreatment that you can't even imagine being done to another person, but people would do it. Family Medical Leave was a terrific way to address that.

Heininger: Did he care about it?

Rollins: Yes, oh yes. The anecdotes were powerful. It was Dodd's. This was his friend's bill, but he expected Dodd to come through with the bill. I mean, did he burn for it? I don't recall burning. I don't ever remember him being reserved about it. I'll give you an example of one where I told him, "Stay away from this bill; don't touch it." Metzenbaum had a bill. They had been persuaded by some of the industrial unions that the federal government ought to pass a law that requires that any employee who has at any point in, I believe, the last 40 years, been exposed to any chemical in the workplace, be notified by the employer who exposed them. And the notice needed to tell them what chemical they'd been exposed to, what possible diseases might come from that chemical, and where to get medical monitoring so that they would be able to detect.

Heininger: This is a reaction to W. R. Grace?

Rollins: I'm not sure what it was a reaction to. If so, it was a gross overreaction. The sheer logistics of it are mind-boggling. You have companies that haven't existed for 30 years and somebody has to find somebody who is going to pay for this notice. It would result in a ton of litigation, that much is certain, and probably a lot of phony litigation. So there were lots of ways to try and check and screen for that. Their primary opponent on the bill—I'm sorry, I just looked at it and I thought, *This is a lawsuit-baiting bill*. How in God's name—we're going to hold people responsible for things they did 40 years ago, assuming they still exist. Things they did 40 years ago, where no one knew it was dangerous.

So this isn't feeling right to me on the equities, the ethic of the thing didn't feel right to me. And the medical monitor, I said there have to be a bunch of plaintiff's lawyers, and I used to be one, who could be real happy about this. Guys are turning up spots on their liver, which could be caused by 100 things, but hey, he's been medically monitored for having worked somewhere for a few months 40 years ago and having seen some benzene. This seemed like a nightmare to me, a nightmare for business, a nightmare for workers who are all going to get these notices. Hey, 35

years ago, you were in a room with this wood-cleaning product, so we need to monitor you for liver cancer. Where the incidence of disease was measured in the one per thousand, one per ten thousand, one per hundred thousand instance, but we're going to notify all thousand of them that they need to be medically monitored about this. This did not seem cost-effective, I wasn't sure it sounded just, and so forth.

Metzenbaum was moving it up, wanted to move it through committee, and wanted to take it to the floor. I told Kennedy, "We're going to stay away from this bill." Plant closings, we're there, and we are so there we want the bill to be mistaken for ours. But on this thing, you let Metzenbaum do all the work and I wouldn't do any lifting for him. I told Jim Brudney, "I will not cash in chips on this. I'm not sure this bill is a good idea, Jim." Then he would launch into two hours' worth of arguments, and I would listen and I would answer them. I'd say, "I'm not sure it's a good idea. We will vote with you but we're not going to help out on this. We're not cashing capital in on this."

Heininger: So even though you had reservations about it, you would advise Kennedy to vote for it?

Rollins: I would tell him to vote for it because I was fairly certain that it would never go into law. And you have to help your friends sometimes, when your friends are doing things and you aren't sure they're right, they're there for you when they aren't sure you're right. So I remember the markup in subcommittee on this bill. My office was not unlike this room you and I are in right now, and I had a nice chair like that in the corner of my office. The committee hearing chambers were about 20 feet that way down a hallway.

So it's about 11:00 o'clock in the morning and I'm in my office working away and answering the phone and so forth. Howard Metzenbaum comes walking through my office door, which he had never done before. There's nobody else with him. And he collapsed in my chair, like this, and I assume he's having a heart attack. I said, "Senator, are you okay?" And from his chair he says, "Dan Quayle knows my bill a lot better than I do." So I said, "You're okay, then?" "I'm okay." I have to hear the story from Brudney. So I went dashing down the hall, "What's going on?" He says, "I don't know what's going on. Dan Quayle just killed us in markup on this bill. We've been marking up since 8:00 this morning. He has 15 amendments, and he knows them all inside out. We have to start over and we're going to do another markup on this bill."

So I go to the Quayle staffers to find out what's happening, because Dan was not famous for his intellectual acumen. A staffer said he started prepping for this last night at 11:00 o'clock. The chief of staff had to show up at his house at two o'clock in the morning; they've been prepping together since two in the morning. Quayle was fluent on the statistics of epidemiological analysis, on legal tests for causation, and so forth, and just ate Metzenbaum alive. So they go, they re-mark up the bill, finally get it passed with a bunch of stuff Quayle has stuck on there. But everything Quayle couldn't get on in subcommittee, by God you're going to hear about it on the floor. Quayle was fabulous during the committee markup. We had a majority Democrat group here. We're going to get this thing out of committee, which we did, and I think they ended up with something like 32 votes for the bill. And yes, we did prevail upon Byrd to give him floor time, and they ended up with 32 votes. It was a disaster. It was a catastrophe.

Heininger: What got into Dan Quayle?

Rollins: At the end of the day, he was actually a very smart guy. He was just incredibly poorly educated. I used to tell people, you have to watch out for Quayle. He has a bunch of IQ [intelligence quotient] points but he's probably not real clear on who was on whose side in World War II. He's just not educated. He played a lot of golf in college and law school, so I just think he just doesn't know a lot of stuff. But if he decides he wants to know something, look what he did to Howard Metzenbaum. And I would tell that story. He comes in dazzled, frayed. Quayle had just beaten the snot out of him, and it was all with such good, clean arguments that Howard Metzenbaum, who used to be the head lawyer for the AFL-CIO in the state of Ohio and a self-made millionaire in airport parking lots, which nobody does for love, couldn't keep up with it. And it was on his own bill. He just cleaned him out. Quayle could be risky like that.

Now, we had him as a primary opponent. He was also one of the primary opponents on the polygraph bill. So you had Gramm, who was doing it in a clever way, and Quayle was just trying to delay stuff. I remember [Robert] Dole had—was it Dole? What was Dole doing? Anyway, Dole was gone for some reason, so Alan Simpson was running the Republican side of the Senate. I remember Quayle—we're all sitting there for something like four hours, waiting for Quayle to show up with an amendment and offer it.

Finally, Simpson drags him out of the cloakroom and says, "We need to talk." He said he's going to address the chamber, and he said, "Dan, you can't just be a chicken shit gadfly around here. If you want to offer an amendment, offer an amendment." Because he was speaking for Hatch now too. He's mistreating Republicans with this behavior. So Quayle started offering amendments and we beat those back. But I remember that he spoke well and he did a good job with the stuff that he had.

Against Metzenbaum, Quayle had an incredibly crafty, smart chief of staff, and I think he knew there was a deeply flawed bill and that it would be really fun to beat this one up in a big way, which they did. It was just a piñata, and they would whack it and votes would fall out if it. Whack it again, votes would fall out of it. I felt good about that because I saw that thing a mile away. I thought, *This is a bad idea*. I mean, so many moving parts, so many disputed issues that are taken as assumptions in this thing, this is not going to work out well. So we stayed away from that one, but we did end up giving the Labor Committee floor time to it.

I always felt that we shouldn't go to Byrd and ask for air time unless we had a winner. You don't ask the Leader to go out there and do stuff that's going to lose. He should choose the things where we were just going to lose. So campaign finance reform, I think was seven times that year.

Heininger: Yes.

Rollins: That's the Leader's choice, but you don't ask for two days on the floor so you can get beat. Family Medical Leave. We went down; we got beat. I think we had a pretty good idea we were going to get beat. Grove City, the Civil Rights Restoration Act: we believed we were going to win. We were certain we were going to lose a key amendment on pregnancy coverage, requiring that the Catholic universities' hospitals would have to provide abortions. I thought we were going to lose that one and that the women's groups would want us to pull down the bill

when we did lose it, and that we were going to refuse to pull down the bill and we were going to have to see whether we had the votes to keep the bill going on our own side once they pressured their members. Fortunately, the members resisted. I say fortunately—again, that was one where the ethic of the thing felt tricky to me. To pull down a bill that would give civil rights protection to millions of people because we’d lost on this one area, it seemed wrong as an ethical matter to me too. So, fortunately, they withstood the pressure of the groups on that one.

Heininger: Why was the Civil Rights Restoration Act in Labor instead of Judiciary? It was rectifying several Supreme Court decisions.

Rollins: Well, no. Grove City was designed to rectify the *Grove City* decision. The *Grove City* decision held that—it reversed standing federal law, which had been that if you are the recipient of federal funds, you must comply with federal civil rights laws. *Grove City* held that “recipient” should be interpreted very narrowly, and it applied to Grove City College, which was a very Christian college. They wanted the recipient of federal funds to be defined only as the student aid office and not the college in general, so federal civil rights law would apply only within the four corners of their student aid office and not to the university at large. And for the 30 years before then, if you’re at Grove City College and you take the money, then Grove City College must comply with the rules. By departmentalizing this, it had basically exempted thousands of institutions that had, up until then, been required to comply with the federal civil rights laws from federal civil rights law compliance. So it was designed to reverse that decision.

The committee had a number of civil rights statutes under its jurisdiction. Age discrimination—obviously all employment workplace discrimination—covered by the Labor Committee. And that, frankly, is where the great swath of *Grove City* effect came from. Pregnancy discrimination, that’s a workplace requirement. We had nothing about sexual orientation, which we had to keep reminding people about, and race discrimination in the workplace. These were labor statutes, these are workplace requirements, so it was a Labor Committee bill. We had, obviously, a lot of help from the—beyond help. We co-staffed that with Judiciary, Jeff Blattner and Carolyn—

Heininger: Osolinik.

Rollins: Thank you—Osolinik were basically the chief staffers on that bill. I was real ambivalent about bringing that bill to the floor because I knew it was going to be a nasty fight.

Heininger: It took two years.

Rollins: I knew that the women’s groups had not been telling us the truth about whether they could win that amendment. I had been demanding vote counts for a long time on that amendment because I was pretty sure we were going to lose it. You can just look at it, who’s going to vote to require Notre Dame to perform abortions in their hospital? You know? We’ll tell Catholic universities, “You don’t have to comply with that part of it, they’re going to allow that carve out.” You just know that’s going to happen. They kept saying, “No, no, we can beat this thing, we can get it.”

All right, show me the vote counts, because they were also saying, “If it doesn’t have this in it, we don’t want the bill.” I said, “Then you need to show me you have the votes.” “Well, we have these 33 for sure.” I said, “The way the Senate works, you absolutely have to have 51. Thirty-three, don’t even talk to me about 30s. I want to know where you are in the 50s and I need to be able to verify your vote counts. So you bring them back here and don’t tell me you think somebody comes with you. Prove to me somebody is with you, that they have seen the amendment and they’ve said they’ll vote for it.” This went on for months because this was the issue that was keeping us from going to the floor.

Anyway, we finally went to the floor; they said they had the votes. Sure enough, I forget what they ended up with, 32, 25. It was just a crushing defeat on this issue, and they wanted to pull the bill down. Actually it was Weicker who basically just went out there to tell them to go screw themselves. We have this thing now for everybody here; we even have sexual discrimination. We have this, we have all this stuff for women in here. It’s this one issue at Catholic universities, and I understand, and so forth, but no, this is not the wedge that’s going to get abortion banned in this country. We’re going through with the bill. That was about two hours of nastiness out in the lobby, and finally the bill went through.

I wish I could say the Labor Committee had more to do with that than we did, but it was a lawyers’ bill. We didn’t have a lot of lawyers on the Labor Committee, and I have to admit that I was ambivalent about the bill. I thought it was going to be an extremely costly political fight. But I went on C-SPAN [Cable-Satellite Public Affairs Network] and defended it and all that, and at the end of the day we did get the darn thing. That was somewhat earlier in my tenure. That was one of the first really big, nasty bills that we brought to the floor, so much of that was just me being nervous as anything else. Yes, all bills are nasty, and you’re going to piss off somebody before you’re done or you’re not doing your job.

Heininger: But the time was also right for it.

Rollins: It was.

Heininger: It needed to be done and it resonated with the public.

Rollins: And it resonated. The key thing was, we’d been doing it that way 30 years before, so all of these predictions of disaster were all ridiculous. I’m sorry; the damn thing had been there for 30 years. None of this happened. Don’t give me the “parade of horrible”; we’d run that experiment. Now what we have to worry about is the parade of horrors that comes from not covering all these people. It made the argument much cleaner on the merits. Now it was a matter of managing the groups.

I remember Ralph Neas. Poor Ralph, he was the head of the group that covered all the civil rights groups. I remember telling him that I wouldn’t do your job for all the tea in China. He was trying to manage everybody, and with the Hispanics revolting on this and the gays are upset with me about that, but Ralph could keep that whole tent together. The problem was the women’s groups on this one issue. At the end of the day we all knew what we were going to have to do. It was going to be tough, and it had to be clear that we had not agreed to this in advance, which we hadn’t. It was obvious what was going to have to happen.

Heininger: Do we need to talk any more about the AIDS [acquired immune deficiency syndrome] bill? I can't remember whether we did in much detail.

Rollins: S. 1220, I don't know. I hired Terry Beirn and Mike Iskowitz. We talked about this a fair amount, actually, with the thin book and the fat book, and [Jesse] Helms and Hatch nearly coming to blows on the floor. Hatch giving his gay rights oration during a campaign year, on C-SPAN, with his chief counsel watching.

Heininger: How did Kennedy feel about this issue?

Rollins: AIDS?

Heininger: Yes.

Rollins: He spoke about it, and I believed him when he said it, that he thought it was a defining issue of our day, and that if public policy makers failed on this, that the judgment of history about our era would be harsh and unforgiving. We had the opportunity to stop an epidemic before it spread, and it was going to take courage and it was going to take a willingness to overcome some of our reluctance to deal with sexual issues, blood and semen. And we're going to have to talk about semen here in the Senate. It was going to call on from people a lot that they ordinarily weren't asked to do as a matter of public policy, but we would have to do it.

I remember him giving this speech to Hatch. I remember him giving this speech to us. This would be a defining issue as to whether we had the courage to deal with this epidemic before it spread, as it was spreading, and to deal with its victims and so forth. I think he felt very strongly about that issue. And still does, I'm sure he does. For him, in retrospect, it seemed so obvious; this is what we do. You watch the swine flu thing go on now. Yes, now the systems are in place. Here's how we deal with an epidemic.

Heininger: But there were no systems then.

Rollins: We didn't have any of that back then. We were all figuring it out backwards. He was tough. He had been having difficulty dealing with gay issues and gay lobbies and all the rest of that long before then. He was great at doing all that stuff. I had to educate myself a little, quit being a Texas high school boy. But that was a very tough and beautiful fight. There was another bill where the beneficiary groups didn't want us to bring it to the floor. I remember we had worked up S. 1220; we had done the work, we had the research, we had a really good idea that this thing would make a big difference if we could get it out there. The gay groups were terrified that Jesse Helms was going to hang a bunch of antigay amendments on the thing.

Heininger: What was it on, just 1220?

Rollins: Oh, S. 1220, it was research and education for AIDS, it was a billion bucks, new NIH [National Institutes of Health] department, new facility within infectious disease at NIH, with a ton of money in it, and education in the schools and elsewhere about how to avoid contact with AIDS. And yes, we were probably going to talk about condoms with sixth graders and so on, all of which was highly controversial, and then things we weren't going to do as part of the bill. We weren't going to do notification of all spouses. We would allow gay groups to distribute this

money and this information, so we were going to be funding groups that were openly gay, who were trying to communicate with gay men elsewhere. We weren't going to do needle-exchange programs, but we'd really like not to forbid them if we can avoid it. The gay groups were afraid that stuff would get in there about homosexuals and that there would be discriminatory results, perhaps flagging them as objects for discrimination, flagging people who carried infectious disease of this sort as being immediately terminable in their employment. There were a lot of risks that they were worried about. I remember this roar was starting to build up; "don't bring this thing to the floor."

There was a dinner somewhere that I attended; Barney Frank was there, and I was telling him that we were having a hell of a problem with this. We were ready to bring this to the floor and we're getting a lot of opposition. He said, "I will arrange a meeting. Come to my office and we'll talk with these guys, because I understand. You and I, we understand we can strip stuff off. We can do this; you know they don't have to be so worried about this." So it was a few days later that we got the meeting, and I went over to his office over on the House side.

I came into his office and there's Barney at his desk, and there was a big circle of chairs around, and probably 20 guys there in the meeting. I went in and I realized there were only guys in this room. I looked at him and I thought, *I'm the only straight one.* [laughter] We sat down and we had a terrific discussion. Barney was there to prevent hysteria, so nobody could get carried away with their concerns, and we made some promises. Look, if we get stuck with X or Y, yes that may be the end of it, but why don't we worry about beating X or Y first?

And then, of course, I had Terry Beirn and Mike Iskowitz of the fabulous fax network that could reach everybody in the country, and we mostly just beat everything. We were able to defeat most of that stuff and we used some tricks. That's where I used the "blue vase" strategy, I think I told you about this, where we made up ten amendments that we weren't really going to offer and leaked them to the Hatch people because we knew they would leak them to the Helms people. So the Helms people were working day and night to defeat these ten amendments that we never intended to offer, and therefore not working on their own stuff that they intended to offer.

We went to the floor and Helms had a batch of amendments. Hatch was sworn to defeat any amendment offered by the right. He chickened out on this one amendment that was hard to oppose. Again, just the clear wording of it: no funds may be used to support any organization that directly or indirectly condones or encourages homosexual sexual behavior. Well, if you're telling a gay man that he might live if he wears a condom next time he's having sex, then you're kind of encouraging homosexual sexual behavior. It would mean that none of the organizations would be able to offer the most obvious advice on how to keep yourself alive and yet, on the face of it, say no, the federal government shouldn't be giving money to people who are encouraging homosexual sexual behavior. Won't that make a killer 30-second commercial against you if you vote for it?

People were running like sheep away from that amendment. We had something like 22 votes to defeat it. But we had a secret strategy, which was to gut its substance, which was an amendment saying that regardless of any other provision in the bill, nothing will prevent public health officials or whoever from communicating information to potential victims on how to avoid contact with the etiologic agent for AIDS. Now, that's just as clinical as you can be. Hey, you

wear a condom, and I'm not encouraging your behavior, I'm telling you how to avoid contact with the etiologic agent for AIDS. Helms knew it would completely gut his amendment. Hatch agreed he would offer it.

Alan Cranston, who chickened out on the first one—of course, he was from California and was being pilloried by the gay lobby for his failure to do more on this issue—wanted to offer the second agreement. Hatch agreed he would do it and keep the bargain. He offers the amendment; Helms knows what he's doing. Helms starts screaming at him. He said, "You realize the federal government could be giving advice to homosexuals, telling them to shack up." The way they can avoid this was by being monogamous, by shacking up. So we're going to be telling homosexuals to shack up, with federal money. I thought, *Yes, that's a cute way to put the argument but yes, we will be telling them that.* Hatch realized that's cute, and probably right. Yes, we're telling them that not being promiscuous saves them, and so on and so forth. He couldn't stand it anymore, and he turned toward him and that's when he lit up at Helms. It was an election year, we're on C-SPAN, and Hatch is running for re-election. His campaign manager was also his chief counsel of the Labor Committee, so Kevin's over there watching and listening to all of this.

Hatch flew into a rage with this oration where he said, "I am a bishop in the Mormon Church. I have to counsel homosexual men, who are sinners in the view of our religion, about their behavior and try to persuade them to change their ways." And he said, "I have to tell you something. None of these men chooses to be gay; they're just that way. I must also tell you, I've counseled many of these men, many of them are of far higher character than members who serve in this body." *[laughs]* It was so sweet. I'm looking over at Kevin and he's just giving me this look that says, *Do not revel in this.* Then he launched into this thing about their character and so on. I swear to God, I think it was the first gay rights oration given in the Senate, and it was done by Orrin Hatch of Utah, and it was because every now and then they get under enough pressure that they stop being politicians and they turn into themselves.

Heininger: They say what they really think.

Rollins: Yes, and he turned into himself right then. We passed that amendment something like 75 to 25. We just rolled on that. I remember John Kerry, Barbara Mikulski, a bunch of people came up to Kennedy afterwards and thanked him for the clever second degree, because they knew what the right answer was and they wanted to do it, but they had to do it in a way that they had political cover. They said, "Oh, that was so clinical, the etiologic agent for AIDS." They were really happy about that. So we were able to win the war and do it in such a way that none of our fellows got in trouble for it. We ended up passing that bill overall, something like 85 to 4 or something.

Heininger: And the amazing thing about Helms is that he changed his mind on AIDS much later in life.

Rollins: Well, and on lots of things about caring for sick people. Later in life, and his wife having cancer had that effect.

Heininger: He did. It made a big difference.

Tell me why you left and when you made the decision to leave.

Rollins: I had known a lot of people who had grown up on the Hill. My friend Shrum is 12 years older than I am, and he had been chief of staff to the Senate Nutrition Committee when he was roughly the age I was. A good friend of mine, Alan Baron, who used to be a political consultant here in Washington, had worked in various Hill staffs. I knew I didn't want to grow up on the Hill. I didn't want to be in my 50s having been on the Hill for 30 years, in part because I had older friends who had done something near it, or knew a lot of people who had, and the next thing you know is that all you're good for is lobbying and stopping stuff. The engine of innovation dies out; the fire dies in your eyes. Carey Parker is an example completely to the contrary, but I think he's the odd-striped zebra. He's made of better stuff than I.

I knew this when I took the job. I told them that I would probably leave after the '88 election. If a Democrat won, maybe I would try to get a job in the administration if I could get one, or I would leave to start my own business, and I didn't know what that business would be. So along the way, in part because of Star Schools, I faced this frustration of trying to pick out the best teachers in the country and let everybody have at them. A few months before the election, as best I understood because I had never even seen what a business plan looked like, I started putting together an idea for what business I might do.

Now, I had told them I wanted to leave after the '88 election. I don't think they took me seriously, so I had to go back and say, "I mean it, I'm leaving in November. We need to interview somebody else to do the job; we need to get people in here." They kept dragging their feet, dragging their feet, and there were no candidates. And then Nick [Littlefield] came by, because I was on the interview list, and he was there for Greg Craig's job. So I just pitched him on doing mine, and that's how I got a replacement. I was able to leave in February, 11 months after I told them.

Heininger: And he didn't try to stop you from leaving?

Rollins: No. Well, not in any overt way, no. He was absolutely fabulous: going away parties and all that sort of stuff, joke gifts and real gifts, and all the rest, but I was gone.

Heininger: Do you regret when you left? Should you have stayed longer?

Rollins: I should have stayed for those two bills. I should have stayed for the health insurance bill in particular.

Heininger: You were 32.

Rollins: Yes. I think I would have had a shot at getting that done right. Then again I look back at that and I say wait, the reason you would have had a shot is that Bill Clinton got elected. You were not going to roll Hillary on this thing. You would have been one of the 400 voices and you would have been quickly overrun, so don't carried away about your powers. More likely, I would have luck with Smart Start, getting that done. I would have done a great deal more on public enterprise than I was able to. I really started cooking on that in the last year that I was there, and I needed a couple more years worth of momentum to push that forward. I loved that job, I truly did.

Heininger: Let's talk about personalities. You are not Larry Horowitz.

Rollins: No.

Heininger: You are not Ranny Cooper. You are not Nick Littlefield, and you're not Michael Myers. How are you not them? Now, I raise that because—

Rollins: I don't know Mike, so it would be hard to say.

Heininger: Okay, but you do know Nick and you have known of Nick subsequently, Nick's personality. I raise Larry because Larry has had a very unusual, some could say somewhat inexplicable, relationship with Kennedy for so many years. But it is also believed by many who had worked for him as being abrasive; the edges were sharp, et cetera. You come in with the same kind of energy that you could argue Larry had, a whole plethora of new ideas, a new approach, a new strategy. It energizes him at a time in which he's able to reach a full stage. And yet, you're also in some ways competition for him. You too were single.

Rollins: Who, with Larry?

Heininger: No, no, with Kennedy.

Rollins: Oh.

Heininger: Okay. But clearly never going to adapt, as some staffers have, to sublimate who you are entirely to meet the needs of what you have to do for your job. Nick comes in, and Nick's very different from you. Not posing the same situation, but do you think Nick has been more willing to put up with more from Kennedy? You weren't willing to put up with a whole lot from him.

Rollins: I put up with a ton from him. He blew up at me more than a few times.

Heininger: Yes, but everybody's boss does that. But there was a line there, and in your eyes that line really got crossed. You said there were some other people who were willing to allow that line to be crossed.

Rollins: Right. Trust me, the person I particularly have in mind is not on your list of folks you've just asked me about.

Heininger: I understand is not.

Rollins: In fact, I'd be surprised if he turns up on any list. No, I don't know that any of the people you've just mentioned ever felt put upon by their relationship with Kennedy. There were times he blew up at me. One of the beauties about him is that he was so quick to apologize. I have a personality like this too. I know exactly what he's doing. You blow up, you realize instantly that you've done the wrong thing, that you were a jerk, and you need to go apologize right away. He was real good about that. He would always go and apologize right away. Within the half hour you would hear from him. He's very good about that sort of thing.

And I understood the pressure he was under and, yes, and the 13th request for special assistance from a staffer at the end of the day, or particularly after nine o'clock, that's going to get under your skin. You might get a little explosive. I know I did. So I didn't regard that as being put upon. Sublimating your life, a lot of people understood that you were in service to this guy.

What I think a lot of people didn't understand is that when you go to work for a guy like that, your silence is part of the job. There's a lot I know and think about Ted Kennedy that I'm not going to tell you; that goes with me to the grave, and that's okay. And you know what? I find it disgusting when people don't assume that that's part of the job. Sure, we all tell really colorful anecdotes about our bosses and the glories that there were and the fact that he would do this wrong and he would do that wrong, but at the end of the day, he gave you the job. There's a degree of protection from the light of day that is part of the job.

I don't want to call it executive privilege or legislative privilege, but there's something like that, that they enjoy the right to be able to vent fully, to say this, to do that, and you're there to allow him to do that in a circumstance where public policy can get made as constructively as possible. There are frank discussions about interest groups, who's actually good at running one; who actually really represents people and who doesn't, and so forth. You have to be able to say those things and never repeat them; it's how the job gets done, that's part of it. And yes, you could run out and repeat something like that and cause a little one-day firestorm, and then everybody on the Hill is going to wonder, "I wonder if my staffers are going to do that every time I try and evaluate the real political cost of a bill?" No, you keep your mouth shut.

I'm willing to talk about many matters now. I'm willing to participate in this project, and I talked to the *Boston Globe* when they were doing their book. It's because I know the boss is dying and I regard my helping fill in the record, and my helping—I haven't done nearly enough of it in the interviews we've done—fill in my adoration of this man as a love letter to the boss. He'll never see these transcripts, but I adored him. I was lucky as a young man. I was able to be the, whatever you call it, the recipient of the mentor relationship, the mentee, to many brilliant and powerful people—I count Ranny Cooper among that group—but no one like him.

You know, when I was a kid, I worked for a lion. I saw the proof that one man with courage makes a majority. They ought to quit calling it the minimum wage; they need to call it the Kennedy wage. Nobody had the stuff to move that thing at that time. I remember when it passed and [George] Mitchell actually gave one of those nice, frank, honest speeches you sometimes hear. He said, "This would never have happened without Ted Kennedy." He was the one who was willing to pull that thing for four years. The last six months, it started to look like a good idea, but he was the one who took the heat for the first three and a half years, to try and do that thing, and finally got it done. I saw his determination and his courage again and again and again. Bend history and shape the nation.

I think I told you this early on. You work in the Senate, and you think there are 100 people there. That's not true. There are about five and everybody else votes on their stuff. There are two or three from each side, and everybody else is just there voting on their stuff. You have your Helms over here, you have a Kennedy over here, you have a Dole, and you have a Byrd. Each team gets one draft pick to add to that, and honest to God, that's what goes on there. The rest of them are

all just running up the bills that the lobbies gave them to do. Kennedy has been that guy for my generation, for our generation. It's extraordinary. I love the guy.

I probably shouldn't have left when I did.

Heininger: You were 32.

Rollins: Yes, I know.

Heininger: The judgment that we have in our 50s is not the judgment that we have in our early 30s.

Rollins: I understand and I know that, and thank you for that.

Heininger: But in many ways it's a shame, because I think what you put in motion and what you were being successful at with him was a new approach that could have had enormous long-term effects.

Rollins: Yes.

Heininger: Now I, of course, am a devoted listener of the Teaching Company.

Rollins: That's right, that wouldn't have happened.

Heininger: Well, or it might have happened later.

Rollins: Right.

Heininger: So you didn't have a lot of contact with him for 15 years. And he didn't call on you.

Rollins: I wrote him a letter a few months ago because I knew he was dying. This is another reason why I adored this guy. He was the greatest goddamn dad I ever saw. At that point in my life, I was pretty ambivalent about whether I even wanted children. It looked like a lot of trouble to me.

Heininger: They are.

Rollins: I remember the first thing that turned my head was while I was watching Larry Tribe deal with his own son, who was then the age mine is now. I grew up with a very distant, tough father. I'm watching Larry and his son. His son is climbing all over him; it's bedtime. He says, "Dad, come on carry me upstairs like you used to when I was little." He says, "Mark, you're huge now, I'm not going to carry you." "No, Daddy," and he's pretending like he's going to crawl. Just the way they were toying with each other physically and affectionately. I had never seen that between a father and a son, and I thought, *Now, that would be a really cool relationship.*

Kennedy would do this kind of stuff all the time. I remember he gets off a plane; he's flying from Moscow to Dulles to San Francisco, okay? But he has a meeting with some labor guy in San Francisco, so I have to meet him at Dulles, where he's just come in off a transcontinental flight,

and give him the briefing stuff. We have 20 minutes on the ground. He gets off the plane—this is before cell phones—and I’m there with the book, and he knows I’m there with the book. And he says, “I have to make a couple calls first.” He gets on the phone and calls all three kids. I remember the first call he made was to Patrick. The phone rings and it’s kind of early in the day. It’s a weekend; Patrick is probably not up yet. There’s this pause, “Hey, what do you mean who is this? It’s your loving da.” Your loving da? I’m sorry, the way I grew up, if those words came out that meant dad needed to be taken to a hospital. Loving da. I remember thinking, *What would it be like to say that to your kid? What would it be like for your kid to hear you say that about him?*

We were doing this tour. We were finishing up the day before Christmas. We’re in Boston and he wants to go by Teddy Junior’s house, so we go by Teddy Junior’s house. A couple of other staffers and I were wandering around, and there’s this chest, a treasure chest the size of this thing here. It’s beautiful, all hammered brass, and I’m looking at it. Teddy says, “Oh, I got that for my sister for Christmas. That’s her Christmas present.” He opens it up and he has cool stuff inside. The Senator is standing there watching the two of us and I said, “Wow, that’s an awfully expensive thing to get for your own sister.” Kennedy sees me and he says, “Generosity is a beautiful trait in a person.” It was an admonition; he was correcting me. And I thought, *Boy, you’re absolutely right, aren’t you? You don’t hold the resources down. No, no, no, err toward generosity.*

So I wrote him a letter about this and I said look, I know you’re hearing from everybody about how you’re the greatest Senator ever, which of course you are. I was there, I watched you do it. And I know you’re hearing from everybody about the impact of your legislation, and you know all that, you’ve been there. I said, “I just want to tell you about what you did to my life and what you’ve done to the lives of my children. I learned how to be a loving parent from you,” which I did. I wrote him this letter and I said [*sobs*]—Well, I’m going to stop. I’m going to get upset if I talk about it too much, but I just explained to him the effect that it had on my life and the lives of my children. I didn’t expect to hear from him again. Actually, I had first e-mailed it to Vicki [Reggie Kennedy] and said this could be a disturbing note, I don’t know. I wanted to check with you if it’s okay to send this. And she wrote back that it was a beautiful note. She said, “I’m crying as I’m writing to you. This is beautiful. Go ahead, send this thing.”

So I sent it, and I never expected to hear from him. He’s in chemotherapy, he’s having seizures, he has a brain tumor. But he wrote back this beautiful note, which I’m keeping and will keep for the rest of my life and make sure my children have it. I was astonished that he took the time out to write this long reply to me while he’s there dying, and the two of us had not dealt with each other much in the course of 20 years.

Heininger: He put you on our priority interview list, and that was created four, five, six years ago. So regardless of how much contact you’ve had with him, he knows what you did. I’m sure he appreciates it, or you wouldn’t have been on that priority list.

Rollins: Thank you. You can tell, I have this, I have that, I have Kennedy stuff all over the place. I’ve continued to adore him. I adored him. I adored what he and I did together. We spent days, we spent months on the floor together where you get—if you’re a Senator, you get one of the nice, big chairs, and if you’re the staffer, you get the little bitty chair, like this. I remember being

coached. The first time I went down on the floor, Carey Parker told me, “Remember, you’re on C-SPAN. You look at him with your best, adoring, Nancy Reagan look every time you’re in that damn chair. I don’t care what he’s doing, you look at him adoringly.” There are photographs where I was just like this, doing my best Nancy Reagan.

I’ll tell you one other thing I did wrong while I was down there. It had just gone C-SPAN and they didn’t know how to mike the place, which, as a guy who has since produced video, I’ve come to appreciate how awful the problem was. What do you do? You have swinging boom mikes moving around. What do you do? People can’t clip on lavalier microphones. Oh, and you can’t have a guy running a switch, where he’s turning on the audio for this guy, turning off the audio for this guy. They had 100 live microphones on the floor and they were on those little self-winding strings. So a guy would pick it up and he’d stick it on and he’d speak. I always wondered what do the women do who are wearing a flat-front dress? I guess you just hold the thing.

I figured out early on that all the mikes were live at all times. So I would always go to the floor, and particularly for Dan Quayle. Whoever was running the bill sat here, and I forget who had the two seats next to us, but I would take the mike from the guy who had the seat next to us and I would just tap the mike with my pen.

Heininger: Oh, you’re kidding.

Rollins: Or you get a pencil, which has that little piece of metal next to the eraser, and I would rub it across the top of that microphone like that. So the whole country is hearing Dan Quayle like this. [*makes static sounds*] [*laughter*] Of course, whoever is on C-SPAN can’t figure out—

Heininger: That is mind-boggling.

Rollins: Why is this happening? What’s the matter with the audio? We have to do an audio check. I’d only do it for a couple of minutes at a time. I’d set it down and then I’d reach over and I’d rub it some more, thump it with my thumb. Go Dan; give ’em hell, Danno. Go to ’em, Quayle. Rub it with the back of your fingernail like this.

Heininger: Honestly, that beats all. I wish I’d thought of that one.

Rollins: Now, that’s one I never told the boss I was doing. [*laughter*]

Heininger: If I’d ever done that with Byrd, I would have been killed.

Rollins: I would only do it if somebody was being incredibly difficult, just incorrigible. I thought, *The world doesn’t need to listen to you.*

Heininger: Oh, my God, that is mind-boggling.

Rollins: That’s right. Some guy warned me when I was down there—he was involved with the Senate audio something—he said you have to be careful because all the mikes are live. He said if you’re whispering stuff to your boss, you have to be careful the mike doesn’t pick it up.

Heininger: All of it gets picked up, yes.

Rollins: Right. He said be careful. I said, “These are all live, all the time?”

Heininger: It’s the only way they could do it so that they could pick up everybody when they needed to. Thank God they didn’t mike the entryways to the doors, because that’s where we would get the head nod, which means come over here, and basically you have 30 seconds to tell the member how to vote, and all the reasons, and summarize those five memos that were written and the three meetings you had.

Rollins: Right, and the two groups that will be upset but they don’t really matter anyway.

Heininger: Exactly, and what the mail looked like. But if they had miked all those things, I shudder to think.

Anything else we should cover?

Rollins: I’ll give you one more anecdote I want to make sure I get on the record. One night they’re doing some big appropriations bill and the rule is, no amendment is clear unless the chairman and the ranking member both agree it’s okay, and then we’re going to do all this by unanimous consent and we’re done. So I’m there camped out, waiting for stuff. I go down to police the little folder to make sure, just in case. I go through it and there’s this big Labor Committee amendment. It’s in here, there’s no sign-off on the thing, and I was unaware of it.

I said, “Excuse me.” I went and got whoever the guy was, or whoever was running it, and I said, “This is not approved; you haven’t cleared this with me.” And this guy basically just turns his back on me. I said, “Excuse me.” So I go to get the boss, get Kennedy. “Boss, they’re supposed to clear these, both sides, down here in the folder, not cleared. The guy won’t talk to me. Let’s go.” He says, “Oh, yes.” The boss is fired up, boy he’s ready. He comes down there. I forget, maybe it was Byrd who was running the thing. He says, “I don’t understand what’s going on. This is supposed to be cleared. Chairman, ranking member, nothing’s happened. The bill’s in here, it’s sitting in the folder.”

And the guy says, “Oh, Senator, *that* folder, those are just the *proposed* ones. Here’s the live folder.” He opens it up, “There’s nothing here you haven’t approved. See, here’s your signature, your staffer’s signature, and Senator Hatch’s staffer’s signature on this one. Nothing. No problems.” Kennedy looks at me and I look at him. He says, “Come with me.” So we’re marching up the stairs to the cloakroom and you could tell he’s thinking, *I’m going to hit his ass with a paddle. I’m going to paddle him for this.* We get to the top of the stairs and he turns to me and, boy, he’s ready to unload. He looks at me, and I say, “All right, I screwed up, so shoot me.” [*laughter*] And he just busts up laughing, “All right, don’t do it again.” Screwed up, shoot me, off he goes. He went and got himself a drink in the cloakroom and left me alone. How many guys could I have said that to and not get my head taken off? How many members of that body could you say that to?

Heininger: Nobody.

Rollins: I'd say maybe a third of them would have let you get away with that. He was one. Boy, I just messed up where I had embarrassed him, I think in front of Byrd. Oh, I felt like such an idiot. And it was after nine o'clock; it's just when he'll take your head off for that kind of thing. He was a great guy. He was a terrific man to work for.