EDWARD M. KENNEDY ORAL HISTORY PROJECT

INTERVIEW WITH MELODY BARNES

August 16, 2006
Washington, D.C.

Interviewer

Stephen F. Knott

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TRANSCRIPT

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Knott: Thank you for agreeing to do this.

Barnes: Oh, absolutely. It's my pleasure.

Knott: You'll get a transcript of this interview in about three months. You can make any changes you want. At that time, if there's something you forgot and you just want to write something in—

Barnes: Great. That takes the pressure off. "What I *meant* to say was—the best boss I ever had." [*laughs*]

Knott: I think the best place to start is to ask you how you became a part of Senator Kennedy's Judiciary Committee staff and how that happened.

Barnes: Sure. I was the Director of Legislative Affairs at the Equal Employment Opportunity Commission. I remember sitting there one day, and the phone rang, and someone said, "It's Senator Kennedy's staffer, Ron Weich, for you." And I thought, *Oh God, what have we done wrong? What kind of trouble are we in now?* I answered the phone and Ron said, "We have an opening on our Judiciary Committee staff and we'd love for you to come interview."

At the time, I had only been at the EEOC [Equal Opportunity Employment Commission] for about a year, but Senator Kennedy's office called, so I jumped at that opportunity and met with Ron. The more I talked to him, the more interested I became. It was an opportunity to work on women's health issues and civil rights issues, which were issues that I had worked on to some degree in the House. Not women's health, but that's an issue I had long-standing interest in. I decided—even though I had been at the EEOC for only a year—how often does this kind of opportunity come along? I went through the process, met with the person who was chief of staff then and the legislative director, Carey Parker. He's been with the Senator forever.

They recommended me to the Senator, and I met with him. I remember we met in a room off the floor of the Senate. He came in and sat down. I realize this now, having been on the other side, that as long as you don't fall over or do something really awful in front of him, it's going to be OK.

He was very charming and I remember him saying, "We want to make you this offer. Don't take too long in thinking about it." And off he went back to the floor. I remember thinking he was just a really charming and interesting person. Obviously, he embodied a great deal of history. I think I met with him—it may have been the first Million Man March, around that time, and then I started work during the time of the shutdown. So I went over in the winter of 1995.

Knott: As far as your initial impressions, you've mentioned he was charming. Was there anything else that jumped out at you? That was your first face-to-face meeting with him, is that correct?

Barnes: Yes, it was. Now, I also realize, having spent so much time with him, that as much as he is a people person—I mean truly, that's such a cliché—and really energized by crowds, he also is a little bit shy. I think some of that came out, although I didn't realize what I was seeing at that point. He had a few questions for me, and I think for any person meeting him, you're meeting history. So there was some of that on my part. In retrospect, I know that I saw some of what I would later come to recognize as his great sense of humor and the shyness with individuals that he doesn't know one-on-one. Also, the process reflects the trust that he puts in his senior staff.

Knott: Shyness. It's surprising to hear shyness.

Barnes: I think a little bit, yes. I definitely do.

Knott: Could you tell us again what your charge was, what your responsibilities were, when you first joined the staff?

Barnes: Sure. My title was general counsel. I was hired to handle the women's health portfolio, which included everything from abortion and family planning— gender equity issues—to some of the civil rights portfolio. One of my colleagues was a person named Tom Perez, who was on detail from the Justice Department. He was a prosecutor in the civil rights division. He had the other half of the civil rights portfolio, and we would either work collaboratively or split the issues in half. We worked collaboratively on affirmative action. Obviously, there was a race/ethnicity piece, and a gender component to that.

On gay rights issues, again we worked together, along with Ron Weich, who was chief counsel of the subcommittee at that time. That was most of my basket. I also handled some of the first amendment issues that came along. So when flag burning came up, the constitutional issues popped up. I also handled the balanced budget amendment to the Constitution.

Over time, staff and lawyers detailed to the staff from the Justice Department would come and go, and I'd acquire different issues or identify other issues that I think the Senator would be interested in, like our work around the bankruptcy bill.

Knott: I don't like to lead with these touchy questions, but one of the issues that you said you were brought over to deal with is women's issues—women's health issues and so forth. Did you have any reservations in that regard, knowing the reputation, true or not, of Senator Kennedy and women? Could you talk a little bit about that?

Barnes: Sure, that's not a problem. I remember there were people, professors of women's issues, gender studies, who asked me that question, and I told them that I didn't have reservations—I just didn't. I have always appreciated him, before knowing him, because of his work and because of his record. His record is stellar on those issues. I felt then, and it was validated for me over time, the respect that his staff had for him. There were several very senior women who had worked for him previously—Ranny Cooper, who was his chief of staff, Carolyn Osolinik, who had been his chief counsel on the Judiciary Committee—and they had boundless respect for him, had worked for him many, many years. He also had very senior women on his staff at a time when others did not.

From my first meeting with him going forward, our relationship was always one of such mutual respect. None of that was an issue and because of his record and because he's such a power in the Senate, because he gets things done, that's the place where I wanted to be. So it wasn't an issue for me, although as I said, others raised it with me.

Knott: You joined him in the winter of '95, I think you said.

Barnes: Yes.

Knott: It's not too long afterward, the [Newton] Gingrich revolution and the Republican takeover of the House and Senate. I wonder if you could just give us a sense for that time and what you and the Democratic Senators and their staffers were doing to try to hold the line.

Barnes: One of the things about Senator Kennedy is that he really just doesn't see defeat. He recognizes circumstances for what they are, but for him it's, "OK, that window slammed down, so how do we find the next one?" And I say all that to say that I feel he looked at this in the same way. I mean, he's got not only his own 40-plus years there, he's got his family, his brothers' history, and the Presidency and the Department of Justice to build on as well, and he's a great student of history.

He believes in the system, he believes in opportunity, and he believes in finding opportunity. I think that's one of the things that he was trying to convey to people through that period. This is post his rough reelection. I wasn't working for him then, but by all accounts in talking to former colleagues, that was a scary period.

But there were things he was just not willing to compromise, and that was the message that he was sending to people at this point, too—we have to have a firm sense of who we are and where we want to go and what we want to accomplish, and we have to articulate that to the American people. Yes, we've got a rough road to hoe, but this is doable, it's always doable, and the system—he thinks it's incredible. We can work with the system that's been given us to try and achieve what we want to achieve.

Knott: Did you ever get the sense from him that he was concerned that President [William] Clinton might—there was concern at the time, I know, in some quarters, that President Clinton

might compromise too much with the Republican majorities in the House and Senate. Did you ever hear him talk about this or express any concern, or is that a media myth?

Barnes: I don't know that it's a media myth. I just don't remember having those conversations. There are certainly the stories about the conversations and notes that he sent the President, and I know that they did speak, quite frequently. I don't know what level of concern he may have had. I know that he often felt it was important to try and push in a direction that he believed was important for the country, and so he was going to push everybody, no matter where you sit.

Knott: Could you recall for us some of the early pieces of legislation that you were involved in?

Barnes: My very first day of work, the so-called partial-birth abortion ban was on the floor of the Senate. I remember he looked at me and said, "Boy, you can pick a day to start work." Because that was an issue that I was directly responsible for. That, obviously, was a difficult one for the pro-choice caucus, much of it Democratic, though not all of it. It occupied a lot of the floor time, and we spent a fair amount of time on the floor over the years, in committee and on the floor with that one. So that was an issue that came up initially.

The Balanced Budget Amendment—it's strange. There are some very clear pictures in my head, but it's all kind of fuzzy, and a lot of it is just me feeling really tired. I remember working on that, and he was very forceful in committee in pushing back against the amendment. Flag burning was hovering around at that time, and then, as we went deeper into '95, the gay rights issues started on an upward trajectory, both the opportunity to try and advance positive legislation and fight the Defense of Marriage Act that was coming along.

There was an immigration bill that was underway at the same time, but I didn't really have a lot of responsibility. That occupied a whole lot of his time, and Michael Myers, who was a senior staffer on Judiciary and then became the staff director of the subcommittee when Ron left, had primary responsibility for that. I worked on some very minor pieces, but I didn't work on that directly.

Knott: How often would you interact with the Senator, let's say in a typical week, or would it be all over the place, depending on what was going on?

Barnes: A lot of it depended on what was going on. If the minimum wage was hot, then I didn't really interact with him that much because most of his time was occupied by the Labor Committee staff, whether it was in the committee or on the floor. So I'd write him memoranda. If I really needed to talk to him—call it stalking—I'd go find him outside a committee hearing and walk him to his next event and talk to him.

I think all the staff tried to remain respectful of the fact that he had a calendar that was literally scheduled to the 15-minute—turning on a dime on a different topic very quickly. We'd try and give him room to do what he needed to do when we didn't have to work with him, and I think because of his role on the Labor Committee, as either the Chairman or the ranking Democrat, that's where a lot of his time was spent.

For Judiciary staff in some ways it was great, because once you acquired his respect and his confidence, you had a lot of rope to run with to get things done. But then when you'd need him, you'd say, "I need you in this hearing or for this meeting," and he was there. It was fun to know him and know his position well enough to be able to handle the negotiations and move things down the field and then call on him when you needed him. Then when we had an important issue that was moving in committee or on the floor, I'd see him all the time. Constant briefings in his office. The staff would go to his house and brief him there. He'd call. There was quite a bit of interaction.

Knott: You mentioned acquiring his respect and confidence. Was there a moment when you felt that that happened?

Barnes: Yes. Certainly, through the Balanced Budget Amendment, things went well, but I think the defining moment for us was around the Employment Non-Discrimination Act. We were working on that in '95, going into '96. The Defense of Marriage Act had come up, and we knew it was going to be on the floor. We spent a lot of time as staff trying to figure out what to do in response, and decided to offer the Employment Non-Discrimination Act.

That discussion, in and of itself, is one that I'll never forget, but in terms of our relationship, he was managing that amendment on the floor and he really gets prepared when he's going to manage something on the floor. You come with big accordion folders, folders of talking points, and responding to this, that, and the other. He's constantly there listening to the other Senators manage the debate, doling out time to his allies. It gets pretty funny because another Senator would stand up and attack our position and as they're talking, you're trying to listen. The Senator—at the same time—is saying to you, "Are you listening to that? Are you listening to that? Because I need to respond to that. Are you listening to that, you got that?" I'm trying to listen.

But the process was one of trying to be prepared and him feeling that we're prepared—we're going into battle and I'm prepared to answer that. I just remember at various points feeling that he knew that I was there to staff him and it was going to be fine, and we were a good team. I think for him, he felt so strongly about that amendment, and to come within one vote of being able to get to 50/50 and break the tie—it was such a historical moment. I think it meant a lot to him as a civil rights issue. It was the new field for civil rights. It hadn't been voted on before, hadn't been done before, and it went well. I think that was a significant turning point for us.

Knott: Did he say anything to you after this battle?

Barnes: Oh, yes. That's part of the beauty of working for him. I mean, unlike a lot of other Senators, he would say, "Thank you, I appreciated that. You did a great job with that," and he would celebrate. I'll never forget, after that vote, which was very emotional, we walked out of the Senate chamber and there were wall-to-wall people, the gay rights advocates and labor and civil rights, and the whole, huge coalition that had come together to work on that. They were wall-to-wall in the Senate reception area, standing on tables and on benches. A huge ovation for him when we walked out, and I didn't realize just how emotional it would be for me, and we

walked out and we went back to his office, and Ron and Tom and I were still feeling really bad. We thought, *What could we have done to get that one vote?*

I realize in retrospect we just weren't going to get it. The Republicans weren't going to give us that vote. But the Senator's response was, "What's the long face about? That was a victory and we're going to celebrate," and we had a party. We started calling around and we got everybody together and we ordered food, and he invited all the coalition to his office and on the balcony we had a party to celebrate something incredible that had been done. So he says thank you in lots of different ways.

Knott: We hear a lot about his staff, how good they are. They are also extremely loyal, it seems to me, and that's not always the case. Can you explain that? I guess you've sort of explained it. How does he—

Barnes: Engender that kind of loyalty? I think, particularly talking to friends who have worked for other Senators, that when they leave, the attitude is: "You're gone, you're dead to me now." It's not that way with him. I think the Senator builds relationships with people because a lot of people stay with him for a long time. I was there for almost eight years, which by many accounts in Washington is a long time, but it's kind of mid-level in the Kennedy office, where people stay 20 years, 30 years. So there's a trust. There's the fact that he's so passionate about his work and committed to it, and you see how hard he works and you respect that, but he also respects you in return. I think if you spend that kind of time with a person, that affection and loyalty grows.

At the same time, he's very good to his staff. I still talk to him all the time. When he calls, I'm happy to try and be helpful. I want to be helpful, and when I was still there, I saw that with people who had worked for him years and years and years before.

He's very helpful to his staff. I think it comes from his heart to be helpful but he also wisely recognizes, *I've got 40 years worth of staff out there. I've got people from Supreme Court.* I'm not saying he controls the Supreme Court, but Supreme Court Justices to people in the senior levels at departments, to people in state and local government, professors at the best schools in the country. That's an incredible network and pool of talent and people who want to help him. He wants to help you move to the next thing and do well. So once he finally says, "OK well, if you're going to go, you can go—" he's very generous with his time and with his resources, so it all kind of flows together.

Knott: Is it hard for people to leave?

Barnes: Yes, I think so.

Knott: Was it hard for you?

Barnes: It was.

Knott: Why did you leave? I mean, we're jumping way ahead.

Barnes: Because I felt as though I had learned a lot and I loved the privilege of whispering in his ear and helping him, but I also wanted to try and stretch my wings. What would it mean to write in my name, to speak in my name, to try and exercise some of those muscles which, just by nature of the job, you can't do when you're there. It took me a couple of years to finally walk out the door, and even when I made that decision, it was really, really hard. People say to me, "Oh, do you miss the Senate?" The day-to-day, I don't. I did it for eight years. But the Senator, absolutely, and the staff of colleagues I had, absolutely.

Knott: Can you give us some sense of his assessment of some of his Senatorial colleagues? Do you feel comfortable doing that?

Barnes: Who do you want to talk about?

Knott: I'll leave it up to you. Did he have particularly strong relationships with certain Senators, and were there others where maybe there was some tension? If you could talk a little bit about that, that might be helpful.

Barnes: He and Senator [Charles] Schumer and Senator [Richard] Durbin are very close and talk a lot. I think he likes them a lot. They have a similar perspective. They're scrappy. He really likes that. I mean, there are times—I can't remember what we were doing. It may have been around a nomination or something and there was a filibuster threat. The Republicans were really pushing back hard. "We're going to be here all night. We're going to bring in cots." He said, "In the old days, we'd sign up and take turns, and decide who was going to be here all night. Now look, nobody's here." He likes that, people who are scrappy and who are going to work hard.

He and former Senator [John] Edwards. He liked Senator Edwards a lot. They had a very nice relationship. I think that he and Senator [Orrin] Hatch have this fabled relationship.

Knott: Is that hyped?

Barnes: I think they definitely have a great understanding of how they can achieve something in the legislative process as a bipartisan team, and they've done that very successfully over the years. I think Senator Kennedy respects that, respects his staff. A lot of the Hatch staff has been there for a long time, and he knows and works very closely with them. I think that is at the crux of that relationship, and I think that goes to the fact that Senator Kennedy is ultimately a legislator and he wants to get things done, and he recognizes it takes two sides in the U.S. Senate. I think that's the leitmotif that runs through that relationship. If there are other people in particular that you're interested in—

Knott: Particularly any other Republicans that he had a somewhat cooperative or cordial relationship—

Barnes: He and Senator [Gordon] Smith worked on hate crimes legislation together and definitely got along, I think quite well.

Knott: Smith from New Hampshire.

Barnes: No.

Knott: Smith from Oregon?

Barnes: Yes, they got along quite well with one another. As a general rule, if someone wants to work with him to accomplish something that he wants to accomplish, he is interested in collaborating. I have to think about that, because there are others but I just can't think of them right now.

Knott: Was there anybody that he just could not work with?

Barnes: There are people—sometimes I put a name on the table and he would tell me, "Well, they're kind of angry at me for what happened in '86, so that's not going to work." It wasn't articulated to me as, "I don't want to work with that person," as much as there's a history and that history is going to prevent us from collaborating.

Knott: We heard that he and Senator [Jesse] Helms—that Helms was maybe the one Senator where there was really just no—

Barnes: Yes, and it used to drive him crazy. Helms would be on the floor throwing bombs on an issue, and Senator Kennedy would go down to the floor to engage him. Kennedy's perspective would be, "You want a debate about this, let's debate about it," and Helms would zoom off the floor, not even an opportunity for a response. I think you couple that with the vast ideological differences, and yes, that's a good example. I had forgotten about that.

Knott: Could you give us an assessment of his strengths, and if possible, his weaknesses. I know that's tough for people who are loyal to him. We never get any weaknesses.

Barnes: It's like a job interview, what are your weaknesses? I think his strengths—he's really pragmatic, and far more pragmatic than I think the press articulates or the public gives him credit for. I think people don't realize that because of the forcefulness with which he expresses his views—he has a very strong compass. He has a north, and he knows where he wants to go, but along the way he recognizes, just by virtue of the way the institution operates, you aren't going to get your whole loaf and you have to work with people and compromise. So he is constantly looking for ways to legislate. He believes that's why he's in the Senate, and he is very pragmatic about when you have to cut a deal and when you're not going to cut a deal.

He will take the hit and the wrath of some of his best friends and allies to do it. Look at the '91 Civil Rights Act and the final deal that was cut on damages—it drove the women's community nuts. They are long-term friends and allies, and a bill he was driving forward, and they were really, really angry with him but he felt the deal was necessary to pass the bill. Many in his caucus weren't particularly happy with him and his support, for a long time, on the prescription drug bill. He is ultimately quite pragmatic, so I think that's one of his great strengths.

I think he knows the Senate backwards and forwards, and either he knows the rules or he makes sure he's got someone on his staff who knows the rules. He loves to spend time on the floor, whereas a lot of people don't. He likes the debate; he likes to be down there. He feels like you can get a lot of information; you can get a sense of what's going on. As a result of that, he can figure out how to maneuver—when you're going to offer the amendment, when you're going to pull back, who you need to talk to. It's so much fun to sit on the staff bench and watch the Senators come in for a vote. For most people, they come in and they vote, they leave or they chitchat. It's working time for him. He comes in with an agenda. Who do I need to talk to? Who do I need to persuade to vote a certain way? And we would sit there and just watch him spot a colleague. He'd walk up and put his hand on their back and he'd guide them over to the table and they'd chat. Until the person said aye or nay, he'd have his hand on their back—talking to them—the whole time.

He is constantly working, and I think that's an incredible strength. It isn't flashy, it isn't what you're going to see on the evening news, but it's a way to get things done. I think he's particularly good at that, and also using his resources—that vast network of former staff out there, and constantly talking to people during the breaks, during Christmas break, holiday break, summer break.

He wants to be briefed. He'll say, "Let's have a briefing on the big issues that are about to come up. There's just something I'm curious about." Constantly taking home a ton of homework, a great big black bag. We call it "the bag." He'd take it home every night and go through and read and read and read and read. He works extremely hard and I think all those things make him, along with his passion for the work, a really amazing legislator. And now you want weaknesses. I was looking at your list of questions and thought, *weaknesses*—

Knott: Would it help if I threw a few things out at you?

Barnes: Yes, that would be helpful.

Knott: Is there a possibility at times that he's stretched too thin? Did you ever think, *My God, if we could just get a little more focus on this*? You talked about his day, how every 15 minutes is calculated. You talked about the amount of homework. I get this impression as well, just from dealing with his staff and with the interviews that we've had with him. Is it a possibility that he tries to take on too much?

Barnes: That's interesting. That definitely is an issue. I think what happens is around the big things—if there's a bill on the floor, if it's a big nomination, the [John] Ashcroft confirmation, for example, you get a great deal of his time. If it's important but kind of the day-to-day, it is more difficult because there are so many competing demands. There's so much to read. I think I appreciate it even more now in the job I have currently, I realize, *Oh God, this is what he felt like*. He feels it exponentially to what I'm feeling and is constantly being pulled and pulled and pulled by people and by the issues. So that's a lot. I think that's why he counts on having a good staff to go out there and do it, but there are ultimately things that only the principal can do. So sure, I think that that's fair.

Knott: You mentioned the forcefulness of his views, the fact that he's extremely pragmatic and this is often not recognized by the media, by the public. Some of the criticism that we've heard of him from other Senators focuses on his rhetoric.

Barnes: How hot it can be sometimes?

Knott: Yes. Does that hurt his efforts sometimes?

Barnes: To get things done? Perhaps in some quarters, but I find that hard to put in the weakness column, and this is why. Often when it's difficult and when it's controversial, people want to sit on the fence or they want to stick their toe in the water. Sometimes you've got to get out there and you've got to get out there hard, and you've got to get out there early, and that's the only way that you're going to win. Sometimes that's the only way you're going to capture national attention or that you are going to move your coalition forward.

I'm not going to say there aren't times when he'd say something and later wonder, "Well, maybe I shouldn't have said it quite that way." But I have seen him be very effective by getting out there and pushing hard. I've seen others hold back for too long, temper their remarks too much, equivocate too much, and that's cost us. I think a prime example—and some people see this as the downturn—is the [Robert] Bork confirmation. If he hadn't gotten out there forcefully, I think Bork would be on the court today, and I think if that nomination came up today and if he weren't around, you'd see something very different.

Knott: So this argument that the judicial nomination process has been politicized—some people look at the Bork nomination as a turning point, and not a good turning point.

Barnes: Right, they do.

Knott: Could you just talk about that from your own perspective?

Barnes: I think that people have bought into a lot of the conservative rhetoric. I think people often need to study history a little bit more—Abe Fortas and what the Republicans did to him, which was not pretty, and years before Bork was ever heard of.

I think that Bork's record and his post-rejection comments support the concerns that were raised during that time. I also believe—and I may be one of the few who does—in many ways, the Bork hearings exemplify one of the most honest confirmation exchanges. You look at what we have now, and we have this dance. We know what the nominee is going to say and they know what we're going to ask. You look at the last two confirmation hearings and they were big yawns because no one really said—or the nominee didn't really say, neither Justice said—what they really believed, I think. They weren't completely forthcoming because they were dancing the confirmation dance.

Everyone has taken Bork to mean "hide the ball." But, with Bork, you had straightforward questions and you had straightforward answers, and the fact that he lost because his nomination fell on the weight of his answers means that we did not confirm a Justice whose views were

inconsistent with the views of the majority of the Senate. It doesn't mean that that was a problematic confirmation process, in my view.

Knott: Did he ever lose his cool with you?

Barnes: Senator Kennedy? A couple of times, but not very often, and we joked about it later on. The first time we had the hate crimes bill on the floor, we knew we were about to win in the Senate. As the floor manager of the bill, he had three minutes to dole out to 15 Senators who wanted to talk for ten seconds each, and so it's a very high-pressure environment. We were trying to take care of it and he wasn't happy with the way that we took care of it, and he expressed his unhappiness, his displeasure with that. But I don't need all the fingers on one hand—I don't even need half of them—for the number of times that he and I had that kind of exchange. In fact, later on, I was teasing him about that. He said, "Huh? I don't remember that."

I know there were times he may have wished that something had been done a different way, and he would just hand me his papers and walk away. And countless times when he would say, "Thanks, that was great, and I really appreciate that."

Knott: You were able, on certain occasions if you had to, to bring bad news to him. He's somebody who can absorb bad news?

Barnes: Yes. My feeling is you're not going to change it by not telling it. In fact, it probably will end up being worse. The thing with him, and I remember it to this day and I think about it sometimes with the staff that I work with—he would always say, "Don't just bring me the problem, bring me a solution." So yes, I would go and say, "This is what's going on. This is my recommendation for what I think should happen next." I think if you do that, he's fine. He may not be happy, but you can move forward.

Knott: Let's talk about certain issues that you dealt with. You mentioned the Defense of Marriage Act before. I believe President Clinton went on to sign that.

Barnes: Right.

Knott: Could you talk a little bit about that and the Senator's reaction to that?

Barnes: We felt it was so obvious what was going on. It was right before an election and we felt the bill was constitutionally suspect and unnecessary. Even for those who were concerned about gay marriage and regardless of the impending ruling of the Hawaiian Supreme Court, it wasn't as though we were going to wake up the next day and half the states in the union were going to be legalizing gay marriage. We just felt it was clearly election-year politics, but we also recognized clearly where the votes were.

Our perspective on it was: How do we turn something bad into an opportunity? And that's why we really were pushing and working with other staff to offer the hate crimes legislation and the Employment Non-Discrimination Act. We were not going to sit around and debate what was going to happen with the Defense of Marriage Act. We knew. So let's focus on what we can do

with it and how we can create an opportunity out of it. So, Senator Kennedy went on the floor and gave his speeches on DOMA, but his focus was on the other two bills.

Knott: I was just wondering if that might have been an instance where he felt President Clinton had not stepped up to the plate.

Barnes: I mean the votes. I think there were 14 "no" votes on that one.

Knott: OK, enough said. There was a spate of burning of black churches, I think it was 1996 or '97. Could you talk a little bit about that? I think Senator Kennedy was certainly very outspoken on that.

Barnes: He was great on that. The colleague I mentioned before, Tom Perez, who I think had prosecuted some of those cases, and certainly as a supervisor at Justice was aware of what some of the issues were around prosecuting those cases, worked with the Senator to craft legislation to make it easier to address those cases—easier to help the communities that had been affected, rebuild, to strengthen the legislation that had been passed in the House. It was a perfect example of Senator Kennedy working with an interesting bedfellow, working with Senator Lauch Faircloth to get that bill passed.

When it's about civil rights, he is outspoken. That's such a natural place for him to be, and he comes to it with so much history. In fact, I remember once we were at something. It was kind of informal, but he was speaking to a large group of people, and there was a Q and A. Someone asked him a question, "Do you remember in 1971, blah blah blah?" I remember standing there thinking, *Oh my God, I have no idea how he's going to answer the question. I can't pull this answer out of my head.* He opens his mouth and out comes this amazing walk through civil rights history.

Later on, we walked away and he looked at me and he said, "You didn't think I could answer that question, did you?" And I said, "I'm going to be honest, no." I was really impressed, and he was clearly quite impressed with himself. We had a good laugh about it. He is very comfortable in that space.

Knott: When we met with you a few months ago, you mentioned a piece of legislation. I think you were talking about how sometimes there are pieces of legislation that on the surface, you might not think have civil rights implications. One of those I think was a federal transportation bill, which had a certain affirmative action amendment. Could you tell us a little bit about that?

Barnes: There was that period in the mid-'90s when affirmative action was so, so hot. California was considering a proposition. I think conservatives saw it as a real opportunity to push back on affirmative action, and to see if they could get some wins and flip federal programs around. ISTEA [Intermodal Surface Transportation Efficiency Act] was a huge federal highway bill. You're talking about hundreds and hundreds and hundreds of millions of dollars, and there was a provision in federal law that encouraged minority and women subcontractors to enter the field.

We had seen, as a result of a previous Supreme Court case, what happened in the states when the Supreme Court said that states didn't have to allow for such provisions. You'd just see the numbers plummet.

Adarand, a Supreme Court case that had just been handed down, raised questions about the affirmative action provision in the federal highway bill. We were trying to protect it; the conservatives wanted to strip it out. Because it wasn't in the Judiciary or Labor Committee jurisdiction, Senator Kennedy wasn't the lead person, but we effectively worked very closely with Senator [Max] Baucus' staff to try and craft an argument and a strategy to protect that provision because we also felt very strongly that if we went down, conservatives were going to come after other provisions, and it would just open the floodgates to bad, anti-affirmative action policy.

We pulled together an incredible coalition of women subcontractors, worked very closely with the NAACP [National Association for the Advancement of Colored People] and a range of other organizations, and were able to get Senator [John] Warner and other Republican Senators to support our position and to vote with us. I think Senator Baucus and his staff were quite publicly appreciative of Senator Kennedy's work in trying to maintain that provision.

Knott: How much of his time and your time was spent dealing with abortion-related issues? I think you referred earlier to the so-called partial-birth abortion. Was that frequently coming up during these Republican-dominated years?

Barnes: Yes, it did. It took a fair amount of my time and his at key moments, going back to what I said initially. When I needed him, he was there. So between the federal abortion ban, the partial-birth abortion bill, the Child Custody Protection Act. Gosh, there were so many. There were probably three or so big ones, and then there were just amendments that would come up on appropriations bills.

He would sometimes speak on the floor. Sometimes we'd put a statement in the record for him, but on the staff level, I spent a lot of time working with the pro-choice community in negotiations, often from his Labor Committee perch. Some kind of health bill would be on the floor or in committee, and up would pop an anti-abortion amendment. I'd have to go in to try and help deal with that.

Knott: And usually you were successful, is that correct?

Barnes: Yes, actually we were. I mean, partial-birth abortion, they didn't have the votes to override the veto. Some of the other bills wouldn't get out of committee or would get stalled on the floor. A lot of the *really* bad stuff, the big, new, bad stuff, didn't get passed into law until actually fairly recently.

Knott: Right. Did you ever have a discussion with him that was even slightly philosophical about his position on abortion, being a Catholic Senator? Did that ever come up, or did you ever see any of this tension, for lack of a better word?

Barnes: We didn't really talk about it, and I think that's because—I mean, I understood the history, having read through some of the old documents. You go back to the '70s, when he was anti-abortion, and there was what I would call growth in his viewpoint. I understood that. There are differences of opinion in his own family.

Knott: His sister, Eunice [Kennedy Shriver], is very pro-life, correct?

Barnes: Yes. I think his position there, which is what I think he tells others, is that everyone has to come to their own conclusion on this issue. That's the way he approaches it. It isn't as though he thinks, *Oh great, I get to deal with abortion today,* but he is committed to his position. He attended some tough meetings, whether they were Senator-only meetings or not, to try and hammer out a position on these issues. He was great in terms of maintaining his position and open to the facts and the recommendations that were made to him.

I think he was good on it. I think it's a difficult issue for him, a complex issue for him, but I think based on the Constitution, his observations, and a lot of the information that he was given, he was confident in his position. He would have me do a lot of research, and I talked to neonatal docs and ob-gyns and all kinds of people to get the information to bring back to him so he had the facts.

Knott: You mentioned his growth on this issue. Why do you think that happened? Any idea why he made the change from pro-life to pro-choice?

Barnes: Well, from the reading that I've done, I think a lot of it was being out and about in the country and talking to more people. I was a little girl when *Roe* came down, but over time, something that was underground was much more widely discussed, and more and more women articulated what they had been through, what they were going through. I think that he was affected by that as he talked to more people, and more and more people were open and honest about their circumstances.

Knott: You never had to deal with Eunice or anybody else on this issue? They never tried to work his staff, did they?

Barnes: No, they didn't. There were some tough meetings sometimes, not with anyone from the family. Though he may not have relished them, his position was clear.

Knott: Were you there either during the [Stephen G.] Breyer or [Ruth Bader] Ginsburg nominations?

Barnes: No. I missed both of those.

Knott: But there must have been a few district judges and appellate court judges where there were some serious battles. I think the Republicans were essentially filibustering, weren't they, for quite some time, with Clinton's nominees?

Barnes: Right. Ronnie White, which I'll never forget, and his defeat, but then Marsha Berzon, Richard Paez, were some of the big ones.

Knott: Could you talk about the Ronnie White nomination?

Barnes: He was a district court nominee from, I think, the eastern district of Missouri. The story is so clear. He in fact had been supported by [Christopher] Kit Bond when Bond was up for reelection, and Ashcroft. Then Bond was reelected, and Ashcroft was then up for reelection. Ashcroft was in a rough reelection fight, and he then decided to make "law and order" an issue and to paint the picture of Ronnie White being soft on crime. Ronnie White, an African-American nominee, had been on the Missouri State Supreme Court. Comparing his record to other justices on the court—nothing unusual about his record, but there was a case involving, if I'm remembering this correctly, the wife of a police officer. Ashcroft fanned the flames with some in the law enforcement community, but not all.

All of a sudden there was this flip-flop, including Kit Bond, on Ronnie White. They just trashed his record. It was just factually not correct. They went into a Republican caucus meeting to discuss it. Ronnie White's nomination was up for a 2:30 vote. They came out of the caucus and we were all sitting there like lambs being led to something, and all of a sudden we saw Republicans voting, no, no, no, and all of a sudden we realized, this isn't a few people voting "no" on Ronnie White. The caucus has made a decision, and they essentially made a decision because Ashcroft was "no."

Ashcroft obviously didn't say it, but it was clear this was going to be an election year issue for him. So Ronnie White goes down. The civil rights community was furious, and even some in the Missouri law enforcement community said it was an incorrect reflection of this man's record. It came back to life when Ashcroft was nominated to be Attorney General—what he did to Ronnie White's record and reputation and the limits—or the lack of limits—when his back was against an election-year wall.

So there was that one, and then Paez and Berzon and Helene White. There are other nominees who languished not just for months but for a couple years or more. Some of them never confirmed, never got a vote in committee, not to mention on the floor. I think it was very clear, if you look at the history and what conservatives have articulated from the '80s, from the [Ronald] Reagan administration about their plan. It was to reshape the courts, and to reshape the courts, you've got to maintain vacant seats so when you get a Republican President you can fill those seats. That was clearly the plan, and they've implemented that plan.

Knott: Did the system break down in a sense? You hear people say that.

Barnes: Well, it started to, yes. I think it just got so much worse. I remember one of the things that Senator Kennedy said that I won't forget. He was talking to one of his colleagues and he was recounting when President [John F.] Kennedy nominated Justice [Byron] White. It was just a different era. It was a completely different approach to the confirmation process. It was about intelligence, it was about temperament, it was about a whole range of other issues and not this hard-core ideological filter.

Now we're at a point where it's dramatically different. Senator Kennedy's attitude was, "If they were going to play it straight, then we could play it straight, but they're not playing it straight with us. They are gaming the system." He believes we have to be tough—too much is at stake. You could see, I think, over the years it did just get worse and worse and worse, and the temperature would get turned up higher and higher and higher, and that is where we sit today.

Knott: I noticed the Senator wrote an op-ed piece a few weeks ago in the *Washington Post* about [John] Roberts and [Samuel] Alito, basically saying that they had not told the truth.

Barnes: Had not been completely forthcoming, yes, in the confirmation. And I think that goes to this dance around the confirmation hearing, and why some people are asking, "How can we reform the system so that we are harkening back to what we think the founders intended by Senate advice and consent?"

Knott: Do you think there's any hope?

Barnes: Not right now. It's so high stakes, and I think part of what has changed over time is that the issues are so contentious and you've got conservative anger about the Warren Court. You've got abortion, you've got the religion issues, you've got criminal justice issues, and people recognize that the Court is the place where many of the big ones are going to be resolved. So I'm not terribly hopeful right now.

Knott: Attorney General Janet Reno was there, I think, for the entire eight years of the Clinton administration. What kind of a relationship did Senator Kennedy have with her? Did he have one, or is that not something that would—

Barnes: I think it was fine. It wasn't anything in particular. It wasn't bad. They didn't talk often.

Knott: Was he satisfied with her civil rights division, for instance?

Barnes: I don't remember anything in particular coming up, probably things here and there, but not a thematic set of problems or concerns.

Knott: You talked about John Ashcroft. I know that the Ashcroft nomination hearings were something that you and Senator Kennedy were very involved in. In fact, I think the term you used when we met with you last is that you and the Senator were stapled together during that confirmation process. Do you want to tell us about that?

Barnes: Yes. The stapling. The nomination was made during the Christmas holidays. It was December 21 or something like that. I was driving home on 95 south.

Knott: And you almost drove off the road?

Barnes: Well luckily, traffic was ground to a halt and it was snowing, so when I put my head on my steering wheel, I was at a complete stop. But I did start making calls from the car and the big

concern was "the Senate club." When you nominate a Senator, you might as well plan for their confirmation. So there were some conversations pre-holiday, and then we got back and started talking. Senator Kennedy—and this is one of the things I so admire about him—had the attitude, "OK, where do we find the window of opportunity to climb through?"

I think because of his work with Ashcroft and because of the debates they had been engaged in, he just felt that it was a bad nomination. And he felt there was concern from many quarters that Ashcroft could be a potential Supreme Court nominee, and what a disaster that would be. So we needed to galvanize. We needed to mount a strategy and mount a battle, based on a record that Senator Kennedy knew. It wasn't just reflexive.

It was also in this weird period that we still technically had control over the Senate. We had just lost control because of an election, but new members hadn't come to town; the committee composition hadn't changed. Technically, we still had the chairmanship. So Senator Kennedy was really adamant. This is an example of his strategic thinking. He felt that we've got this period, we've got to use this period. We can't wait until they have the gavel. We need to start moving confirmation hearings forward now, and that was a position that he shared with his colleagues on the committee, and others either felt that way or agreed with him, and so that's how we proceeded.

We just spent an enormous amount of time as a staff gathering information. We wrote white papers with background information, and he put an incredible amount of time into it, too. By that I mean we would sit down and look at where Senators were in terms of what they had said about Ashcroft, determine how they may vote, and he'd say, "We've got to go visit—" pick your Senator. We'd call and make an appointment and he would personally walk over to that Senator's office and I would either sit with their staff or sit in the waiting area, and he would spend 45 minutes to an hour talking to them about Ashcroft's record and the problems with it. I think he really personally helped moved votes.

People—first they didn't think we'd get into double digits. Then they thought it would be low double digits, and ultimately it was about 42 votes against Ashcroft, which people thought was amazing. I think many people, and rightly so, credit Senator Kennedy with much of that. He put a lot of work into it, studied hard. We spent a lot of time briefing him at the house. We were working all the time, seven days a week at his house, and that's what I mean by stapled together. Sitting in that library, going through the material, bringing in outside briefers so that he was ready to go into the hearings. I think we were successful in putting the record out there for people to see and helping to get the number of votes that we did against the nomination.

Knott: Was one of the biggest obstacles the simple fact that this man was a Senator, and there is a kind of courtesy that's extended?

Barnes: Yes, and camaraderie. That was huge.

Knott: Was there ever a time where you thought, *We might actually be able to stop this*?

Barnes: Maybe at 3 o'clock in the morning, when I was really tired and kind of delusional. Ultimately, when we were thinking clearly and strategically, people would ask, "Well, why don't you try and filibuster him?" We didn't have the votes for that. Yes, we had 42 votes against. We didn't have 42 votes for a filibuster. So we recognized the reality, but we also knew that there was a number we wanted to reach to send a very clear message, that even a former Senator, with this record, was not acceptable to a significant number of his colleagues.

Knott: I apologize for taking you out of the chronology here. We skipped over the whole Clinton impeachment, which I know you were very actively involved in. If you could walk us through that, your role, and also what you observed of Senator Kennedy's role during the Clinton near-impeachment.

Barnes: It was kind of this surreal experience of watching the House vote to impeach. There was a point at which all of a sudden I realized, *Oh, coming to a theater near you.* This was really going to be on our doorstep, and the Senate was going to have to deal with it and the House wasn't going to stop itself. I don't remember that Senator Kennedy and I were talking about it that much initially, as the House started to move, and then the holidays came up, but after a while it was quite clear that we were going to have to deal with it.

The big question for the Senate, and I think for virtually all of them, was: How does the Senate get out of this not looking like the House? I think the institution itself was really important to the vast majority, if not all of them. The question was: How do we proceed? People were looking at history and reading the history, but there were no clear guideposts there.

There was a meeting that was to take place in the old Senate Chamber in the Capitol, which is tiny and could just hold the 100 Senators and the leadership staff, Senate Legal Counsel, and without cameras. So they went into that meeting and our chief of staff said to me, "Oh, can you just go down and meet him afterward and see if he needs anything? There might be press outside or whatever." I said sure.

I ran down there and I remember the door opened and Senators started to come out, and I could just hear little snippets of conversation, and I'd heard them—Teddy waxing on about Daniel Webster. *What in the world happened in there?* Just these pieces of conversation, and then he comes out and he's walking really, really fast. We'd always laugh about how much faster he could walk than I could. He kind of grabbed my elbow and we were going somewhere. I had no idea where we were going, and I felt like my feet weren't even touching the ground, and he's whispering to me. I wondered, *What happened?*

I heard bits and pieces and bits and pieces, and we ended up, I think, in Senator [Phil] Gramm's office. We were in one of the Republican leader's offices, not very large, and there we are around this big, round table. It's Senator Kennedy, Senator Gramm, I think Senator [Trent] Lott, and a few staffers, Senate Legal Counsel, who I knew.

We're sitting there and I'm still trying to figure out what's going on, and as the conversation unfolds, it was becoming clear that Senator Kennedy and Senator Gramm, in that meeting in the Old Senate Chamber, had started articulating the framework for an agreement that would allow

the Senate to proceed, and we were there to try and hammer it out and to try and figure out how to get it done. So he talked to me a little bit more after that meeting was over, and he asked me if I knew what we needed to do.

We spent the day going back and forth, in and out of these meetings and then up in the Senator's hideaway office in the Capitol. We brought in a few of my Judiciary colleagues and his legislative director, Carey Parker, and we talked through what was going on, went back into negotiations, and came out. And then ultimately—I don't think I'm making this up. I think I remember Senator Kennedy and Senator Lott maybe shaking hands, as if to say, "We've got it." It was all put together and we all read it, and they wanted to vote that evening.

We left his hideaway and walked back downstairs so he could go to the floor and we could go sit in the staff area. I'll never forget; I have never seen that much press in my life. They were just lined up and they kept asking him questions. I think he was really proud of working with Gramm—not your likely alliance—to hammer out something that would allow them to move forward because they had to, but to do it in a way that would protect the institution.

Knott: So the concern was, in part, the kind of testimony that would have to take place on the Senate floor? Was that—that it would be so—

Barnes: One of the big issues: Was Monica Lewinsky going to testify, and were others going to have to testify? I think that was the big pink elephant in the room. With all the concern about that and all the bomb throwing that had happened in the House, how do we start this process? They knew they had to do it, but everyone was really concerned about the outcome. They developed an agreement that would allow the process to get started and to move forward, and a way for the Senate to try and figure out how to deal with that.

I know for a fact, because I heard it from some of my staff colleagues, not everyone was thrilled with the agreement—some thought things could have been done better—but I think in reality, the clock was ticking, it had to be done, and we weren't going to end up with a perfect agreement because it was a matter of compromise.

Knott: Do you know if the Clinton White House was pleased? We've heard—well, go ahead.

Barnes: It would be interesting to hear what you heard, because I don't remember hearing that, and it may be that I've blanked it out, but I honestly just don't remember.

Knott: I think initially they were not pleased.

Barnes: That very well could be true.

Knott: Do you know if the Senator was in contact with the President? Do you have any sense of that at all?

Barnes: I don't think he was. I think I remember that he was talking to some other really smart lawyers, former Kennedy staff, and not a plethora, maybe a couple of people. I think that was happening, but my memory is a little hazy on that.

Knott: Was Vicki [Reggie Kennedy] involved at all in any of this? Excuse me, Vicki Kennedy, Mrs. Kennedy.

Barnes: Yes. Vicki was there at the end of that day when we were in the hideaway. During the trial, she would come to parts of the trial, and we were based in his hideaway office in the Capitol. It was just easier to meet with him, because he'd just come up from the floor. So she was there, and if we were having a conversation about it—during every break, the press was right there, so he'd come up, we'd talk to him about what had just happened, he'd go out and talk to the press, some national, all Massachusetts. We were in conversation then and she was, I think, a part of those conversations. And in other instances, particularly when we were briefing him at the house, she would often participate in the briefings, and it was very helpful. She's a good lawyer. She understands him, obviously, and the way he thinks. So there was a lot that she could bring to the table as well.

Knott: Were there ever any other issues where Mrs. Kennedy was involved or where you dealt with her, unrelated to the impeachment?

Barnes: During Ashcroft. She is very passionate about and a leader in the gun-control movement, so that set of issues we'd often talk to her about. Sometimes—but not often—some of the women's health issues. So, it's varied, and I think he would count on her good legal mind as another good legal mind to put into the mix of the conversation or—and I imagine this, but I'm pretty sure I'm right—they'd have a conversation over dinner and she'd say something and he'd say, "Melody, can you talk to Vicki about that?" Or she'd call me and say, "I was talking to Teddy—" So we'd have a conversation. It was a mixture of issues.

Knott: We've heard reports—you're not in a position to comment on this, so I don't even know why I'm saying this—but pre-Vicki, post-Vicki, that this was a different person. Do you hear this kind of talk yourself, that she's had an incredible influence on his life personally and professionally, across the board?

Barnes: Yes. I've certainly heard that. You're right, I met him after they were together, and all I can say is, I recognize how much he respects her opinion and respects her intellect. So I could see that effect.

Knott: Anything else from the impeachment, the actual trial itself, or—

Barnes: No. I remember it was kind of on autopilot after that. It proceeded. We all knew what the outcome was going to be, and we just kind of went forward with it.

Knott: There was never any doubt about the outcome?

Barnes: No. I never remember having that feeling at all.

Knott: Moving ahead, into the [George W.] Bush Presidency, the Patriot Act. Were you involved in this?

Barnes: A little. Mostly it was our Immigration Counsel, Esther Olavarria, who was the main negotiator on the Patriot Act. There were a couple of times I'd come in on a political negotiating point, but she was really the main substance person.

Knott: Were there any other Bush administration issues? You were there for about two years of the Bush Presidency, right, '01 to '03?

Barnes: Yes.

Knott: Are there any big battles that you recall, other than Ashcroft?

Barnes: Judicial nominations.

Knott: When [James] Jeffords flipped, how did that affect what happened?

Barnes: It was a good day. They did a great job of keeping that very quiet, and it was a big rumor. Within a few hours it was, I think, confirmed. I think it happened that quickly in the public eye. It was an incredible gift, from our perspective, and I think about it a lot through the filter of the nominations process because it meant that we had control over the schedule there. But they, the Senators, were giddy, practically. They were just thrilled at the opportunity to be able to control the agenda.

In the Senate, in particular, the ability to control the nature and the flow of legislation, what was going to the floor, what was moving through committee, how nominations were moving—it meant everything. So that was an 18-month period that we were able to at least stop some bad things and probably shape some legislation we were still dealing with, with the House and the White House. It was a pretty exciting opportunity.

Knott: Any particularly strong memories from either the William Pryor nomination or Janice Rogers Brown?

Barnes: We were stopping nominees in committee and then the rest of the Democratic caucus relied heavily on the recommendation of their Democratic colleagues on the committee. People, I think, believed that it was so reflexive. Bush nominees—let's filibuster them. It was far more deliberative and thoughtful.

The first big one was [Charles W.] Pickering, and that's Trent Lott's buddy. No one gets up in the morning and decides that they want to go after the Republican leader's buddy. We got his record and started reviewing it. We didn't think it would be great, but we thought it would be OK, and then we started finding all these problems. Cases either not having opinions because he wasn't publishing them or cases where he had been overturned. Then we found this cross-burning case that really raised some significant red flags for us.

His first confirmation hearing took place during the middle of the anthrax scare, so everything was kind of topsy-turvy, and we were meeting in some room in the Capitol. But in spite of the odd circumstances given his record, the Senators were asking him lots of questions. I think his responses also put them back on their heels—they weren't getting the answers that they thought they would get, fulsome answers. So they told him they felt they would need to invite him back, and it just went from there. It really was a reaction to his record and not, "Let's go after some Republican judges today."

Out of that evolved a process: the rest of the Democratic caucus looking to the Judiciary Committee Democrats for direction regarding the nominees to be supported or opposed. Pickering and Priscilla Owen, Janice Rogers Brown, Carolyn Kuhl, Miguel Estrada—in the broad scheme of things, less than two handfuls, but I think a significant number for conservatives, and I think they were just surprised that we would push back and surprised that we would push back on Lott's nominee.

It was during that period, at some of the meetings that the Senators were having, that Senator Kennedy made the comment that I mentioned earlier. This isn't all on the level, the way they're approaching us, and we have a responsibility to push back when we think it's appropriate. I think this goes to his understanding and belief in the institution, and the role the Senate plays. I think that would be surprising to people. He would look at me and say, "There are a number of nominees that I supported—Reagan nominees, [George H.W.] Bush I nominees—and now all of a sudden they're nominees that I have to vote against." It wasn't something that he relished; it was something that he felt he had to do. So there we were.

Knott: So if he chooses to pick a fight, so to speak, it's because there's something in this person's record that is disturbing him and bothering him?

Barnes: Oh, yes. We read the cases, we did the analysis, we talked to him about the analysis. Quite frankly there were times when some of his friends outside the Senate would have wanted him to have responded in the negative much more quickly, and his feeling was, I deserve the opportunity to review this record carefully and make a decision about how I'm going to vote. He took that very seriously, obviously at the Supreme Court level but also at the appellate level. So these were not reflexive, off-the-cuff decisions.

Knott: He voted against John Roberts for the D.C. Circuit Court of Appeals. Any recollections from that nomination?

Barnes: Yes, yes.

Knott: The vote was 16 to 3 in the committee.

Barnes: Right. I think he had concerns about his record, his time in government service, some of his statements. I would need to go back and take a look at it again. It goes back to what I said before; Kennedy's opposition was based on a hard look at his record. I know that he looked at the record really carefully. That's one of the things that stands out for me regarding his vote on

Roberts. It was thoughtful and deliberate, finally coming down to the day of the vote, when he made the decision that he would oppose him.

Knott: The Senator has a reputation for being a liberal. I think he may even say that he is. He may describe himself that way. When we met with you a few months ago, you talked about his role in certain criminal sentencing guidelines and things of that sort, and his work with Strom Thurmond, I believe, in this area. Could you talk a little bit about that, since that does not fit the image that he has?

Barnes: I remember when I was there, at some point the staff person who was doing criminal justice issues put together an historical timeline, and even I was surprised looking at it—the moderate positions, right down the middle positions, that he had taken, I think very contradictory to his image. Dealing with the issue of parole on the federal level, definitely his work with Thurmond on the sentencing guidelines, and trying to straighten some of that out and trying to achieve greater fairness. But I think ultimately for him it was a combination of punishment and prevention that had to work together.

I think the public thinks about him in the context of gun control and his very strong views there, his position on the death penalty and his strong views there, and from that they extrapolate that he is so, so liberal, and the fact that he does believe in prevention. I think in other contexts there are several Thurmond/Kennedy, Kennedy/Thurmond crime bills and criminal justice bills out there that are centrist pieces of legislation.

Knott: Were there ever occasions where your views differed from his and you had to swallow hard and do your job, or were you always in sync?

Barnes: We were 99.999 percent of the time. There was one vote he took on a judicial nominee. It was the day of Ronnie White's vote, and there was a judicial nominee that I thought had a really—it was kind of a deal that had been cut, it was a Hatch nominee, et cetera, and I thought he should have voted against him, and he voted for him and walked out. I don't know what came over me. I jumped up and ran after him. I think luckily he outran me. [*laughs*] That's the one thing that stands out for me, that I just disagreed with his vote.

Knott: You never caught up with him?

Barnes: I never caught up with him. I mean he can move. [*laughs*] Vote after vote, we were in sync with one another. That part made it fun to work for him, but it also made it easy—his compass was so clear. You really could make decisions, take positions, have discussions with people before you got to the point of talking to him, because his positions were clear.

Knott: Was part of your job ever to have to speak or to convince groups from the outside that this is why the Senator is going this way, and this is what we believe? How much interaction did you have with interest groups?

Barnes: A lot. I'd meet with them, talk to them, and there were times when they would want us to do something or not want us to do something, and I'd have to talk to them about that. I think a

lot of them, particularly the leaders, are people he's worked with for a long time, and they trust him. He has a great relationship—and I think this is something—we were talking about strengths and weaknesses before. Surprisingly to me, there are a fair number of Senators who don't really want to talk to advocacy organizations or there's a strained relationship with them, and that's not him at all. He sees them as resources, as friends, as allies. He may disagree with them and he may ultimately cut a deal that they don't like, but he'd tell them what he was doing and then tell them why.

Knott: And you would be doing this as well? You would be in constant contact.

Barnes: Yes. He counted on us to have that kind of relationship because we were eyes and ears for him.

Knott: To what extent were you supposed to be taking the pulse of these organizations? Was that part of it?

Barnes: Yes. He'd want to know what so and so is thinking, what are they saying. Yes.

Knott: What do you think makes him—he's been there now 44 years, which is up there with the best of them. What makes him tick? He certainly could be doing a lot of other things, living an extremely comfortable life with a lot less stress and so forth. Why does he do this?

Barnes: I think that he really—and it sounds so hokey but is true—he really, really respects the Republic and he respects the Constitution and the Senate and Congress, and the tripartite system of government. It sounds like a history book in fifth grade, but he really believes in those things and he believes in the way they work and that they provide an opportunity for debate and for fairness and justice. At the starting line, he believes in the beauty of the system.

I also think that you're right, he could have an amazing, easy, comfortable, stress-free life. He could even be a Senator and have a much easier life than he has, but I think he is on a mission. As much as he loves his family and is committed to achieving the best for them, he, in a way that a lot of people don't, understands that everybody else wants the same thing for their family. He knows that people don't have access to the levers of power in the government, and he does. He can be a voice for them, he can push for them, and so he does. He is a conduit for justice for people who don't have access to the levers of power to make change in the way that he does, and he sees that as, I think, a responsibility.

It's in his blood; it's part of what makes him tick. It's what gets him up in the morning and drives him to do what he wants to do. When I saw him really, really, really angry, it was because something was just not fair. It was just that basic. It's not fair, it's wrong, and we can't let that happen. We can't let that stand. We have to do something about it. He's energized by that, and he's energized by the opportunity to try and make change and make people's lives better.

Knott: So it's particularly those issues that deal with some question of simple justice or simple fairness that motivate him more than anything?

Barnes: Yes. He views things through that lens. I mentioned before the bankruptcy bill—the concept puts most people to sleep—bankruptcy regulation. But we started talking about it in terms of what effect it has on the middle class and the fact that like other safety nets, this is a safety net for people who get into trouble because they've lost their job or their marriage has fallen apart or they've had some awful healthcare incident in their life. That's predominantly the group of people we're talking about, and now you're going to rip that safety net out from under them? That's not fair.

So then he plows into an issue that he otherwise may not have cared about or would have left to someone else because he thinks, *I've got to care about this because I care about healthcare, because I care about education, because I care about jobs for working families, so I've got to care about this, too. This is another component of what I care about.* That's what drives him, that's what motivates him, and he's a great champion for those causes.

Knott: To what extent do you think his brothers—does he see himself as carrying on his brothers' legacy? Is that part of what's going on here, or is that overstated?

Barnes: I don't know if it's overstated, but I also don't think he wakes up in the morning and thinks, *Oh, I've got to carry on Jack and Bobby's [Robert F. Kennedy] legacy today*. I think in some ways—in watching him with his family, which is quite wonderful to see—it's the way I would imagine you interact with your family, as I interact with mine. It's the same warmth and joking, and he's the younger brother who can push his older sister's buttons. I say all that to say that it's just a part of who he is. It's what he's grown up with and what he's grown up hearing—their approach to public service. So it isn't so conscious, I guess, as much as it is his contribution to public service, and this is the way he does it.

Knott: Is he a religious person?

Barnes: Yes.

Knott: That's something I think most people don't realize.

Barnes: Or they think about Catholicism as the Kennedy family. The Kennedys are Catholic. We've talked about that. A former colleague went to divinity school while she was also working for him. It was kind of a miracle how she got that degree and worked for Kennedy at the same time. She was an incredible woman. He'd enjoy talking about that with both of us. He actually spoke at my church.

Knott: Tell us about that.

Barnes: It was great. It was our Martin Luther King Day Sunday Celebration, and he spoke. He put a lot of time and effort into that, in thinking about the scripture and what he was going to talk about, and he loved it and they loved him. It was packed. It was standing room only in a pretty large church. It's a part of who he is and a part of the way that he approaches the world.

I also remember that when Angela, this former colleague, delivered her first sermon, he and I went to her church together to hear her deliver the sermon. He loved doing that. He didn't have to do that, he didn't have to be there, but he wanted to be there.

I remember—going back to the time he went to my church—it was during the Ashcroft stuff. I was at his house later that evening with other colleagues for a briefing, and he was talking about how much he enjoyed it and he thought it was great. He was talking about the program and the fact that it's all written down. I think about this when I go to Mass with my friends who are Catholic; you kind of have to know what to do. There's no program. As opposed to in Protestant churches, they tell you what's coming next. I think he really enjoyed the reception he got and being there, and it's something that I think is quite meaningful to him.

Knott: He is somebody who has gone through tragedies that most human beings do not have to endure, thankfully, in their lifetimes. You mentioned earlier that if you bring him bad news, you also have to bring him some positive news. You also have to say, "This is where I think we should go." Is this a positive person? Did you ever get the sense that this was somebody weighed down by any of the tragedies of his past? Did you ever see a glimpse of that?

Barnes: I was working for him when John Kennedy, Jr. died, and for obvious reasons, I think any of us—you could see the great sadness with that. But he is a positive person, I think. He has an incredible sense of humor, and I think that's something else that people don't know about. He likes to joke around and to tease. I almost missed my flight to France once because he was teasing me and pretending that he didn't know about it. "Tomorrow, Melody, we're going to spend hours working our way through this difficult problem," and it finally got to the point that he couldn't go on because he said my eyes had gotten so big, because I was thinking, *How am I going to tell this man I've got to get to Dulles to catch a flight to Paris?*

He just started laughing and shifted into, "I'm going to call the Embassy and you can meet with so and so, and I'm going to give you my restaurant guide and I'm going to do this and that and the other." He enjoys life. He enjoys traveling. He tells incredible stories about his travel all over the world. In Chile and being in South Africa as apartheid was going down. It isn't just that he was there and viewing it as a political person, but when he described it, I think I hear his appreciation for these were great transformative moments in history, and the people.

He'd talk about the music and he'd talk about—I remember he told me he was in South Africa and he had to speak, and it was a huge stadium, many, many people, and one of the speakers, another person there, said to him, "Is everything OK? Because there's some tension here." And he said, "I'll be fine, I'll be fine." He goes up to speak and things were not so good. Then, someone started a chant that went through the stadium, and he described it to me, and how it built and moved the crowd and you could tell—he really brought that to life and how meaningful that experience was for him.

I think he is a person who enjoys the fullness and richness of life and being a part of it. He's seen and participated in the movement to freedom in so many different places—whether it's in Ireland or Chile or South Africa—and the relationships that he's built with leaders there, or seeing that

same thing happen in America, reflecting on his own immigrant experience, which he's very proud of, and his role in the civil rights movement. Yes, he's a positive person.

Knott: Did you ever travel with him, or was most of your interaction just on the Hill and in D.C.?

Barnes: To Boston. It was always really funny being with him. Sometimes we were sitting together on the plane, sometimes we were in different parts of the plane. He'd get up from his seat and walk ten aisles back to hand me something and the whole plane would go silent to hear him say, "Here you go. Do you have some more for me to sign?" Or to see him sit down next to someone and say, "Hi, I'm Ted." And after they got over the shock, they would respond, "Hi, I know." So it was that kind of travel.

Knott: Were these hearings that were being held in Boston or what were the occasions?

Barnes: Meetings. Sometimes we would coincidentally be traveling there at the same time and he'd say, "I'm doing this, or having this meeting. Come and join me at that meeting." I'd tag along with him after I had finished meetings that I'd have up there.

Knott: You told us a story when we were here last time about being with Coretta Scott King and Senator Kennedy. Would you mind sharing that with us?

Barnes: They were both receiving awards from the Human Rights Campaign. We were at a hotel—I can't remember which one right now—and we were in the green room, in the hold. I think it was just the three of us and maybe her staff person at some point. They were just sitting there talking, and it was amazing. It was these two icons and two people who had so much attachment to the civil rights movement. They were talking about their families and I think that there was a point at which one of Mrs. King's younger relatives had made a comment not supportive of gay rights, and she was lamenting that.

They were just talking like two people you see sitting at the kitchen table. "Oh, yes, what are you going to do?" And he was kind of comforting her. It was just this very natural conversation that any two people could have been having about their family, but then you recognize the context and you recognize who the speakers were and it made this conversation so much more interesting and so much richer.

She was also very sweet to me in a moment that I won't forget, and I relayed to him after her death. He spoke at her funeral and I looked over his remarks and made some suggestions. He wrote me a note thanking me, and I sent him a note and told him that she pulled me aside just before they went out to receive their awards and speak. I think this was her reflecting her respect for him, but also her sense of history and what she had fought for. She told me how proud she was to see me in the position I was in, working for him, and that was really meaningful to me. [*voice cracks*]

Knott: Do you think there are other aspects of his life—I mean the image that exists of Ted Kennedy out there on talk radio and in the tabloids, that's not the person that we're getting to

know through this oral history. Is there anything else about him that you'd want somebody reading this transcript 50 years from now to know, or 100 years from now? If there's not, don't worry about it. You've covered a lot of ground today.

Barnes: No, because I think I've talked about the connection between his sense of history, how his family came to this country, their dedication to public service, and how that is connected to his belief in public service and commitment to what he does, the fact that he's much more pragmatic than I think people understand him to be. So for all the heat around some of his comments, there is a lot of strategy. It isn't just that he pops off or that he's reflexive about it. Also his commitment to the institution.

Knott: You still have a long way to go in your life, but was this the highlight? [*laughter*] Your professional life, to make that qualification really quickly.

Barnes: This is it! [*laughter*] I do think that no matter what else I do, this will be something that I will always treasure. Yes, I think that's true.

Knott: OK. I want to thank you very much.

Barnes: Thank you.

Knott: This has been great.

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