EDWARD M. KENNEDY ORAL HISTORY PROJECT

INTERVIEW WITH SHEILA BURKE

July 27, 2007
Washington, D.C.

Interviewers
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TRANSCRIPT

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Heininger: I've turned the recorder on.

Burke: As I explained, I don't have the greatest memory, so I don't know how much help I can be for you, but I'll be happy to answer questions as I can. It's been a long time.

Young: Well, memory is never perfect anyway. We don't necessarily need a blow by blow of the process.

Burke: I understand.

Young: A lot of that is recorded in people's papers anyway. This is retrospective, this is looking back on it. It's also looking at the people, the chemistry between the people, getting the flavor of real people and the real political world, and how they go about getting things done in the Senate.

Burke: Of course.

Young: This is one of the things Ted [Kennedy] said. People ought to learn from this, how the laws are really made, and how the Senate has changed over time.

Burke: It's true. All right, great.

Heininger: Why don't you tell us about when you first met Kennedy and what your impressions were of him.

Burke: In 1977-'78, I was a newly minted legislative assistant, and I began work on the Monday following Memorial Day—two days, I think, before the first set of Senate Finance Committee hearings on the [Jimmy] Carter Cost Containment bill. I came to the Senate having no experience in Washington, or very little, and no experience, really, of the Senate. I came with an interest in health care and health care policy, but from a provider standpoint, not as a policy practitioner.

I was on Bob Dole's personal staff for about six to nine months before I was hired for the Senate Finance Committee. So I had spent very little time on the personal staff and very quickly moved to the committee staff. The experience of serving on a committee staff is very different than it is from a personal staff standpoint.

I arrived with an impression of Senator Kennedy as larger than life in terms of health care issues. If you thought about health care, Kennedy and—perhaps equally as important in some respects—

Kennedy's staff, were the force to deal with. The impression was that he would always be prepared to engage, he would always be prepared to do battle, he would always be prepared to position himself. His staff was among the best. They were smart, they were extraordinarily broad in their understanding, and they were tough. They were combatants in the finest sense of the word. So they were a formidable force, and one didn't go up against them or take a position in opposition easily.

Dole wasn't deeply involved in health care policy at the time, so he was not as facile on these issues. He couldn't just go to the floor and engage on a health issue with little preparation. My impression was that Kennedy was always prepared to go to the floor, although he sometimes was somewhat inarticulate in his comments as he never quite finished his sentences. He'd start with something and go off in a different direction, and you might not know where he was going, but if you read it in the record the next day, it sounded perfectly coherent.

Young: There's the good staff for you.

Burke: Yes. To this day, I have enormous respect for him, but he is one of the loudest and sometimes least articulate debaters, as compared with people who speak in whole sentences. For example, I mean, Senator Bob Packwood spoke in whole sentences. Senator Dale Bumpers spoke in whole sentences. But Kennedy was a force, and his staff was a force. You knew that if you trod in the least bit into any of the areas in which they were involved, they were going to be there.

I had an early experience with an issue that involved the creation of—I'm now forgetting. David Blumenthal would remember. It was an office of technology, I believe. Senator Kennedy brought it to the floor for consideration, and Dole beat them, and they were stunned. Nobody on their staff had thought about the possibility of losing. They didn't expect to have any problems, and we rallied; we got people wound up. David and I still laugh about it, that they stood there stunned that they'd lost this thing. But Kennedy was a force—substantive and engaged and knowledgeable and passionate. Those are my impressions, and I wasn't in the least bit disappointed in what I thought and what I experienced.

Heininger: What were the principles that you saw in him that undergirded his approach to health care?

Burke: Equity, that there was an inherent unfairness in the system, that he should help people who could not otherwise fight for themselves. I think Kennedy thought that the government should help solve problems that people couldn't otherwise solve and that it should always support those who were least capable of solving their problems. I always had a sense that it was about the unfairness in the system.

The engagements we had were principally over coverage issues, because the Finance Committee was the big financer. We didn't get into the NIH [National Institutes of Health] stuff. We didn't get into the public health stuff. I had far less engagement in those issues. But over the coverage of children, the disabled, the engagements were all about those least capable of caring for themselves. I had a sense that Kennedy as a person of extraordinary wealth and extraordinary gifts felt the obligation to care for those least cared for. That was my impression.

Heininger: Jumping way ahead. Lead us through Kennedy's role on the eve of the [William J.] Clinton health care reform effort.

Burke: I don't know that I can discriminate that specific period other than through the broader context, which is, how do we get national health insurance? How do we get the insurance issues on the floor? There had been a series of attempts and incremental proposals over the years. There had been [Russell] Long-[Abraham] Ribicoff bill. There had been a series of other proposals like the Dole Danforth bill, but under Republican administrations, you were not likely to see any great movement beyond the Great Society programs.

Kennedy was less involved in these efforts. That was an interesting issue, and I suspect—I don't know this—a source of tremendous frustration for him that he was never on the Finance Committee, which was for many years under the control of the southern Democrats. Finance was the committee that had all the money and all the power because of its tax writing authority and jurisdiction over the big entitlement programs like Medicare and Medicaid. So Kennedy was always nipping at their heels trying to get into those issues. All the incremental debates had occurred around the financing issues and the tax issues. Throughout the '80s, we'd have pitched battles around Medicare and around Medicaid.

As you know, [Ronald] Reagan took us through a series of budget cutting efforts. People tried to move those people issues forward, and there were coverage issues around the edges, and of course there was ERISA [Employee Retirement Income Security Act], but it wasn't seen as the big player in these broader questions of health care coverage. So Kennedy was always on the fringe trying to push this national health issue forward, without the formidable committee structure and authorization and jurisdiction to force it. With the arrival of Clinton, the Democrats had their big shot at getting national health insurance. This was it. You saw it in the run-up to the elections in terms of the positioning. You saw it in the discussion around health care reform, and you saw Kennedy positioning himself to finally engage in this battle.

One of the interesting stories that occurred around that time—and I think, frankly, one of the nails in the coffin of the Clinton bill—was how they would structure the bill and how they failed to get the right jurisdiction for it so that the bill went to the people who were likely to be receptive to it. Of course they blew that. They just completely screwed it up. They had sequential referrals, and they had multiple jurisdictions. They had everybody in play, so they had no ability for him to force the issue without having to combat [Daniel Patrick] Pat Moynihan, the Finance Committee, and Dan Rostenkowski on the House side, chairman of Ways and Means.

I also sensed, at least from the outside, that there was tension between the Democrats on the Hill and the people who were doing the work in a White House that I don't think ever really fully engaged members on the Hill—although they stacked a massive working group and had a tollgate process but did not seem to have much sense of how to navigate the system. So I suspect that there was tremendous frustration on Kennedy's part. Then of course, at the beginning of the administration, Clinton chose to focus on other issues including gays in the military rather than push health care immediately. He came out with a whole series of other priorities. Why would you engage on those things when what you want to hit the ground running with is health care? I think that Kennedy saw the early focus prior to the election as an enormous opportunity, and I think they were gearing up for that.

Heininger: Where was Dole at this point? What was his stance? When Clinton first comes in and you see that this is taking place, what were Dole's sentiments about this?

Burke: They were always complicated in a variety of ways by politics. But Dole had—notwithstanding the Republican view, "There is no good government"—Dole had always been of the view, and I think remained of the view, that there are things that government can do to provide help. As he matured and as he got away from '76 and away from the hard right on some of these issues, Dole increasingly believed that there was a role for government in health care. We had to figure out what that appropriate role is. He had been involved in a series of incremental steps—whether it was the [Peter] Domenici-Dole-[John] Danforth proposal or a series of other incremental stepping stones—and also with Russell Long, who was not a big-government guy in some respects, but in others he was. So Dole, at least going in, thought—as he always did, because he thought like a legislator—that there is a way to make this happen if we can find a balance, if we can find a way to talk and work out a deal that had elements for both sides.

I remember one of the trips to the White House with Dole and [George] Mitchell and Clinton. We went for dinner one night. It was a very small group, and Dole's view was, "If we can sit down at a table and work through this, there is a way to find a resolution." He was not hard-line at that point. He wasn't with Phil Gramm and the others who were absolutely opposed to any deal, which is why he ended up partnering with Packwood and others early on to seek out a middle ground, but then ended up not supporting [John] Chafee and Bob Kerrey when the right wing clearly began to push. I think Dole thought that there was going to be a shot for a compromise. It wasn't going to be Clinton's, and it wasn't going to be this big national health insurance thing, but there were pieces that could have been pulled out and moved forward in order to make some improvements.

The balancing act in these situations is always, "Are we better off with a big loss, or are we better off with an incremental win?" Dole always wanted the incremental win. "When was the last time losing ever worked in your interest?" was his general philosophy. His philosophy was let's make a deal, whether it was sitting down with Moynihan on Social Security or whomever. His instincts were to sit down and talk. Of course the Clinton administration made a decision very early on to not engage with the Republicans, to do their thing, to not have a conversation, to not try to work through it. They made it clear pretty quickly that they didn't want to come to a resolution that would bring us along. While Dole's initial instinct was, "Let's figure out whether we can make a deal here," he ultimately sided with the majority of his caucus and opposed the Clinton effort.

Heininger: Was he willing to buy into employer mandates at that point?

Burke: Not at the time, although he had considered in the past. I don't think any of us understood how to enforce it or how to deal with the small-business issue. Dole was far less worried about the Business Roundtable than he was about the small-business guy, because small business is Kansas in a lot of respects. I think Dole's underlying anxiety was what do you do when you put these guys over the edge? What do you do when you add one more burden that they can't finance? The clean answer is, no, the business mandate was going to be a problem.

The practical reality for him was how do you make this work for small business and not put them under?

Heininger: Even with exclusions?

Burke: If you start excluding, you exclude whole classes. How do you get to a point where people are okay with who is excluded? At that point, large business, big business, 80 or 90 percent of them were already offering health insurance, and the real issue was for these small guys. If you start pulling categories out, how far along do you get? Once you put your toe in the water, how fast do you go underwater? So there was always a suspicion that, yes, now it's an exclusion, but this gets the foot in the door, and then it's on to the next go around. So there was no question that Dole was concerned about that.

Young: You mentioned earlier that Kennedy was always on the fringes because he didn't have the lineup or the opportunity with the Finance Committee.

Burke: Right, and there was hostility between Long and Kennedy. These weren't two Senators who made each other happy.

Young: Looking ahead, nearer to the present, to the Clinton health care program, you mentioned that they hadn't figured out how to navigate in a way that would produce a positive result. But within the Clinton administration, there was also an internal debate about priorities, where the money, the budget was important.

Burke: Yes, true.

Young: Again, money was a key issue. Who was on the Finance Committee then? Moynihan?

Burke: Moynihan was chairman, yes.

Young: Yes, and that wasn't his thing either.

Burke: No.

Young: Essentially this is a repeat, you would guess, for Kennedy; although there's this big change. The lay of the land in terms of the politics hadn't changed all that. Is that what you're saying, or how had it changed?

Burke: If I understand your question, there was always going to be, in any one of these big discussions, attention on how you would finance whatever you did. Any solution that didn't involve the financing committees was not likely to be a realistic one. There was no great love between many of the Finance Committee Democrats and Kennedy, and certainly not with the Republicans on the Finance Committee at the time. Even with the Democrats, there was tension, and certainly on the House side. There was no love between the Ways and Means guys, other than maybe Charlie Rangel, and I don't know where Congressman Rangel was at the time in terms of what he thought about these issues.

The question was always going to be how do you get at this issue without engaging all the committees of jurisdiction? Because you had the ERISA issues. You had those kinds of questions. But the ultimate financing source, the ultimate taxing issues, had to come through Finance, and of course anything related to Medicare or Medicaid and the members were not going to be comfortable at that point. Other than people like Jay Rockefeller, who would have easily gone with Kennedy, you had John Breaux; you've got Moynihan; you've got George Mitchell. They were not going to quickly go to a new entitlement or major new spending.

Young: So maybe this wasn't Kennedy's big chance after all.

Burke: No. The question is, reality or perception? I think they saw it as a big chance. Just as you think about the Great Society programs and what [Lyndon] Johnson was able to pull off, you had a new President coming in with a huge mandate, and he had clearly articulated this issue as a high priority. It was the first time any administration in recent years had focused on that issue, so Kennedy must have thought that this was the big shot. You also had, I think, the benefit, and risk, of somebody coming in from outside of Washington, as well as the risk of bringing in somebody like Ira Magaziner, who was completely blind to how one navigates. That must have been terribly frustrating for Kennedy.

Heininger: There was a desire on the Clinton people's part to do health care on budget reconciliation. Where was Dole on that?

Burke: I don't remember. Budget reconciliation, in many ways, is a wonderful tool and in other ways is a horrific one. I don't remember this specifically, but my guess is that we viewed that with some skepticism because the rules are such that you're limited in terms of the freedom of what you can do on a reconciliation bill and it is ultimately meant to *reduce* spending.

Having said that, we all know that most of the health policy written in the '80s was written as a result of budget reconciliation. Most of the Medicare and Medicaid changes were done through that process, which I think was a bastardized method of getting at some of these issues. It changed the way we thought about health policy. It was all about driving the process through the numbers rather than as a separate policy conversation. I think that did great damage to us, but it had tremendous influence in terms of forcing people to do certain things.

At least from the administration's standpoint, in terms of budget issues, it was all about if you do it, you pay it. So there was a discipline inherent in the process. But from a policy perspective, it was a challenge to get to the right place. So my guess is Dole would have viewed that with some concern because you'd lose some freedom in terms of movement. But I don't specifically remember having that conversation, so I don't know.

Heininger: What are your perceptions of Kennedy's role with the Task Force process? Did he have a role? Was he viewed as having one?

Burke: Yes, in the sense that they staffed the Task Force. Many people who participated on the Task Force came out of his world and out of the Democratic staff world. I don't know that I thought of him as the driving force as much as I thought that they had all the right people in place and that all of their ideological viewpoints were consistent. They were able to place in the conversation participants who were clearly linked with his point of view. Absolutely.

Heininger: As that first year went on, how did Dole's thinking emerge? You didn't get a bill introduced until the fall.

Burke: It had become increasingly partisan, even over that period of time, and I think the early blush of, "Let's all kumbaya together," by the fall was clearly deteriorating and then, of course, deteriorated further. It became clear pretty quickly that they weren't going to play. We weren't in play, and we were going to have to go it alone.

Dole was increasingly under pressure from the Right. People were suspicious of whether he was going to lead the Republicans off into the great moderate morass. Phil Gramm and others were pushing back very hard. John Chafee and others, who were used to sitting down with Dole and working through deals, were concerned that Dole was moving away from the middle. So it became increasingly difficult for Dole. But Dole always thought, *Never say never until it's done*.

Whether it was backdoor conversations between Lawrence O'Donnell, Moynihan's chief of staff, and me about Dole and Moynihan, and as we got into the following year and into that fateful summer, "Can we do another 'save Social Security,' 24-hour—" But as we went into that fall and that introduction, again a chaotic structure was created, again with all these jurisdictional issues. You also didn't see a big push by Democrats in terms of support. You didn't see the big guys that we played with leaping onto the bandwagon saying—

Young: This is the fall of what year?

Burke: This is the fall of '93. You didn't see wholesale movement of all the Democrats on the Finance Committee in the direction of Clinton either, really. Dole was increasingly isolated from the conversation.

Heininger: Did the Billy Kristol memo have an effect on Dole? It came out roughly at the same time.

Burke: It certainly was in play. It was something for the Republican conservatives to wave around. Notwithstanding the image, Dole was always a little suspicious of Bob Novak and Kristol and other guys who wrote editorials saying, "There is no crisis. It's all a mess." But Dole was a political animal, and he was clearly moving toward starting his own campaign. He had it in his mind, presumably even then, that he was positioning himself for a campaign, and of course it had some impact.

A block of his constituents, in terms of his caucus, said, "We're going to pay very close attention to that." You began to hear a drumbeat from the right wing. "Here goes Dole again, going off to the middle when the rest of us want to stop this thing. There is no middle ground. There is no compromise here. Fight the fight." That was never Dole's instinct. Dole's instinct was to try to work it out, which is a credit to him. But it was also, from their perspective, a curse that the guy was always prepared to deal.

Heininger: What effect do you think the Harry and Louise ads had?

Burke: I think they got a lot more credit than they were necessarily due, but it was an effective tool, whether or not having people sit at a table made the big difference. But there's no question

that it created a lot of doubt in people's minds. Even today, if you look at [Robert] Blendon's polling on issues around health care reform, people are fine until the issues affect them. They say, "Yes, let's solve everybody's problems. Oh, you mean I have to change what I do? You mean you're going to take something away from me?" Harry and Louise mined that anxiety, perhaps for the first time really effectively. It's like, "What? They're going to do what?" It fed the fears of people who were already suspicious, and it made others start to think, well, maybe this isn't so good for me. It was effective in that respect. There's no question that it caused anxiety.

Then you had the [Arlen] Specter chart, showing the development of the big government overseer. I still have a copy of it at home, this chart with all these things floating around. I mean, there was just enough confusion to raise real questions about national health insurance, which is always the case. It's always easier to stop something than it is to get something passed. All you need to do is create that element of doubt. Harry and Louise clearly played to a group of people who were already concerned and who now had some proof that there was something suspicious about all this.

Young: These are consumers.

Burke: Yes.

Young: What percentage of the population wasn't covered already?

Burke: Probably about 15 percent at the time.

Young: You're not going to be able to do this without getting the government in it, and that's the old socialized medicine fear.

Burke: Right.

Young: And this is also going to hit me in the pocketbook and maybe not be as good. I think it was putting it—

Burke: In terms they understood.

Young: Yes, in terms they understood, and that's difficult to explain.

Burke: It is, and that was one of the challenges, the sheer complexity of it. Even to this day, one of the things, whenever I'm in the middle of something, that I remember Dole saying is, "If you can't say it on a bumper sticker, you're never going to be able to explain it." In this case, they found a way to say it to a population that was already a little concerned. You raised an interesting point that this is big government getting into our business and federalizing these things.

No one stopped to think about the number of people in this country that *are* in a federal health system, between Medicare and Medicaid and the VA [Veterans Administration] and CHAMPUS [Civilian Health and Medical Program of the Uniformed Services]. Facts aside, there was a sense that suddenly government and this new program is going to be in my pocket. Well, we've been

in their pockets so deep for so long, people have lost track. I loved going to town hall meetings in Kansas, "Keep the government out of my health care," from some 75-year-old who was drawing down Medicare. It was like, okay, that works. So you feed this basic misunderstanding, because people really don't understand it. You add to that, no question.

Heininger: In the first year, as the task force was grinding through a big process and then the writing and drafting of the bill, what was your sense as to what Kennedy was doing at the time?

Burke: I don't know that I thought about it or really can think back to that. I don't know. I just assumed all of his people were in the middle of the discussions and negotiations, but I don't have a sense of what I thought about Kennedy, per se.

Heininger: When you get to the second year, after the introduction of the bill, and things heat up that winter and the spring, what was your sense of Kennedy's role then?

Burke: Clearly being a spokesperson for the administration, trying to be a player and trying to get this thing done, coordinating and cooperating with the administration and in their court, trying to move the ball forward, trying to navigate through the Senate. He was a strong proponent. There's always a sense that Kennedy will take advantage of any situation if it will get him where he wants to go. However I don't think I ever sensed a great warmth between the Clinton administration and the Kennedy folks particularly. Although what do I know? It was perception.

Kennedy's attitude was, "This will get me where I want to go. I have an agenda. I've had an agenda for 25 or 30 years. This is the vehicle that I can use to move my agenda forward." I didn't sense any blind love for the Clinton administration. I sensed that Kennedy was taking advantage of a situation that could move an issue forward that he'd cared about for a long time. Not that he thought they had done the smartest thing since sliced bread, but it was the shot to get him to the table and then force a resolution. That's how I always think of Kennedy, just as I think of Dole as, "If you give me the opportunity, I'll take it to the end and get what I need to get out of it. This may be the biggest piece of dog exhaust in history, but it gets us to the table."

Young: As you said, there wasn't any great love or warmth.

Burke: I didn't sense any.

Young: I trust your senses on this. Who was the Clinton administration working through?

Burke: Kennedy was clearly critical.

Young: I think there was a lot of effort to get at Moynihan.

Burke: No question. A huge effort. But at the end of the day, wasn't Kennedy the one who got it out of the committee? Don't I remember that right?

Heininger: It came out of Finance too eventually, but not until after Labor had reported something else.

Burke: Yes, exactly.

Heininger: It was like, "Me too. If you're going to do it, then we will too."

Young: Kennedy wouldn't have been very effective, for a number of reasons, with Moynihan.

Burke: Mitchell has to be the player there, not Kennedy.

Young: Kennedy is only one of the three.

Burke: You bet.

Young: And probably not the topmost.

Burke: I don't know if you've talked to Lawrence [O'Donnell]. Have you talked to Lawrence?

Heininger: Not yet.

Burke: This will be an interesting conversation to have with Lawrence, because Lawrence was there at the time. Lawrence was not a longtime Hill player, and he was viewed suspiciously by a lot of people. He was a different kind of character. I liked him a lot, and he was very close to Moynihan. Moynihan listened to him carefully, but he wasn't a health guy. He was a political operative. It was clear that the White House was trying to get Moynihan, and they were trying to get Lawrence in the middle of this. Lawrence, on the other hand, was sensitive to the relationships between Dole and Moynihan and between the other folks on the Senate Finance Committee, and there was history between Moynihan and Dole.

Lawrence and I had many conversations offline, in a dark room, about, "Can we bring these two guys together? Was there any opportunity?" I had an interest in that conversation. "Can these two guys pull it back and make it something the Finance Committee can live with?" The White House was clearly looking to Moynihan to try to pull this off, but Moynihan was not as easy a sell as Kennedy. Moynihan wasn't as instinctively drawn to the process. He didn't have the background in health policy. I think Marina Weiss was the staff director at the time. I think she was doing Moynihan's health work at the time and was very effective and very knowledgeable.

Heininger: Had she left and gone with [Lloyd] Bentsen to Treasury at that point?

Burke: Good question. I don't remember when she left.

Heininger: I think she may have left and gone with him.

Burke: She may have by then. But you had Finance Committee folks. Let me think about this. Who would have been doing his stuff once Marina left? I'll have to think about that. I remember the woman who did welfare. Anyway, Lawrence was trying to broker a deal. Moynihan was clearly a target but was not as easily gettable as Kennedy and frankly wasn't as skilled in these areas. It wasn't his area of expertise.

Young: Wasn't welfare a higher priority for him?

Burke: Yes, absolutely.

Heininger: Was there a degree of personal pique on his part?

Burke: I don't know the answer to that question. It was a challenging and interesting time for Moynihan. There was a time in the day after which you didn't deal with Moynihan, but up until then, he was the smartest person walking around the Senate floor. Around 4:30 or 5:00 in the afternoon, he wasn't as engaged, so it was harder to get him in play on this, because it wasn't his natural interest or instinct. I don't know whether there was pique involved. It wasn't his style to become angry when they didn't talk to him, but I'm sure there was some frustration. I think he was frustrated by people who did things badly or stupidly. He didn't have much patience for that. But I never sensed that he was easily offended. I'm sure he found it unhelpful.

Heininger: When did Dole finally say, "This isn't going to go through"?

Burke: Spring probably.

Heininger: Why? Was it mounting political pressure?

Burke: I think that was it, and our caucus was split. Every week in the mornings, we had morning meetings—if you haven't talked to Christy Ferguson yet, I'd talk to Christy—where Chafee would try to broker an agreement with the breakfast bunch. I continued to attend for Dole in the hopes that we could do something, but I think Dole was increasingly of the view that the caucus was badly fractured and that it was not likely to go in our direction—between the White House, between the Democrats, and our own internal politics.

Heininger: Do you think his Presidential ambitions were a factor at this point?

Burke: I'm not sure they were a major force, certainly not in our conversations, but in the back of his mind they must have been. He had a better sense of what he was gearing up for than the rest of us did, so that would have been a caucus factor. "Is this going to put the right wing at odds with me?" No question, but I don't know that it was a compelling force. It was still pretty early, if you can think of these things as early. Nowadays you start running four years in advance.

Heininger: Late by this year's standards.

Burke: Exactly. I don't know that that was the compelling issue at that point. It was more that the caucus was fracturing.

Heininger: What was your sense of what Mitchell was doing at this point, and how successful were Mitchell's efforts?

Burke: I don't know that I can judge the second question. In the case of the first, Mitchell was always a good soldier. He would always try to achieve the right outcome. This was his administration. He was a leader, and he was called upon, just as Dole was in prior years, to move forward the agenda. It was clearly in Mitchell's interest to try to broker these situations. Mitchell

had an interest in these issues as well, but he was also, at that point, as Dole was, a leader and not the committee guy.

He was faced with getting warring committees to stop fighting. He had a huge caucus issue and procedural problem to try to navigate between Moynihan and Kennedy. He also had to deal with his caucus and with his White House. He had the responsibility to try to move this issue forward. I have every reason to think that he was approaching that task seriously, trying to navigate it, whether he thought he was successful or not. By results, I guess you would judge that he was not successful. I never saw a final action. I don't know whether he viewed what he was able to achieve, forcing things through both committees—don't know. That's a good question.

Heininger: When did you have the sense that none of this was going to work out?

Burke: Probably the summer. I was the eternal optimist, so probably a little later than my boss, probably in the summer, when I saw it crash and burn.

Heininger: By June, or not until August?

Burke: I don't know. Some time that summer, somewhere between June and August.

Heininger: If his natural instincts were to go with the Chafee moderate group, why did Dole end up breaking with them and not siding with them?

Burke: The caucus was much too deeply divided, and Dole felt, I think, that Chafee—and Bob Kerrey was involved in that, as I recall—was going to go too far, farther than he could have gone intellectually given where his caucus was. He was in somewhat the same situation as Mitchell in that he had to deal with the caucus, not just himself. Arguably he was also thinking about his long-term strategies. I think it was that his own caucus was too divided, and Chafee was prepared to go too far, farther than he was prepared to go. At that point, there was also the question, do you want to give Clinton the win? At what point do you give the administration a win, and what good does it do you? That's always a calculation that the leadership has to make: do we gain from this, or do we lose with our base? Going into that fall, were you winning or losing with your base in terms of the run-up, and what was going to position you best for November?

Young: Then the [Newton] Gingrich phenomenon was moving up.

Burke: Exactly.

Young: When was the midterm election?

Burke: This was '94. Midterms were coming up, and that's why I ask, going into November, what would he have been better off doing: giving Clinton a win or positioning himself for the base?

Heininger: But the issue of giving the President a win was less of an issue in '93 than it became in '94.

Burke: Oh yes, sure, because we were running into a midterm.

Heininger: Did you see Clinton as more weakened at that point, in ’93, than Dole was?

Burke: Yes, absolutely.

Heininger: Jumping ahead but making an analogy to a similar case of not wanting to give the President a win and dealing with a base at that point, when you get to Kennedy-[Nancy] Kassebaum, how had things changed? How was that different? At that point, there was momentum from both sides to get a win, to get something.

Burke: Was that ’95 or ’96?

Heininger: Ultimately ’96. It takes two years, though.

Burke: This is an interesting commentary about Kennedy. Kennedy, for all of the wins and losses during his career, ultimately is the eternal optimist. Kennedy is always willing to take an issue and move it forward. I think he saw the bill as not where he wanted ultimately to get, but as a move in the right direction.

Dole and Nancy had a terrific relationship. They still have a great relationship. But Nancy holds her views strongly, and she and Dole disagreed about the bill. Nancy felt that it was the right thing to do. She and Kennedy had partnered, and she felt comfortable about it. Dole wasn’t excited about it. From Dole’s perspective, that bill and welfare reform, going into the ’96 elections, certainly did not fit his view of how to save the world. But Nancy was principled on this bill. She felt that it was a step forward, that it would begin to deal with some of these issues. She had enough of the caucus along with her, but Dole wasn’t terribly comfortable with it.

Heininger: Was it the affordability issue that he had the most trouble with, the implications for business?

Burke: I don’t know if it was any one thing. Certainly that was an issue where there was a lot of discussion. Now we were running into the ’96 time frame, which becomes much more fraught politically. The chamber and others felt strongly about it. There’s no question that that was an issue and a concern.

Heininger: Did he hold up the bill?

Burke: I don’t know that he held up the bill, per se. I’d have to go back and look at what we did on the floor, the process by which we went through it. There were certainly enough Republicans, Gramm and others, who were wound up. As you know, there’s a star chamber up there, where if anybody says no, things don’t happen. So I don’t know that Dole, per se, would have held it up, probably not, but the question is whether the caucus did in a variety of ways. When he was in that position, Dole would rarely do something that he wasn’t being asked or pushed to do by the caucus, particularly for a colleague, Nancy, who cared so deeply about it.

Young: The star chamber up there was what?

Burke: The star chamber is this process where any Republican can call into the cloak room and put on an anonymous hold.

Heininger: Or any Democrat.

Burke: Or any Democrat, but in our world, anybody can call and say, "Don't clear it to come up." It's interesting.

Young: I wanted to make it clear, because historians could think it means something else.

Burke: Yes, sorry. It's the anonymous hold process in the cloak room, probably a poor reference. But Dole had enormous respect for Nancy and would never oppose her if he could avoid it. I was often sent over to try to negotiate with Nancy, because Dole never wanted to disappoint her or not be on her side. She held strong views. I've forgotten the woman's name, Susan Hattan and somebody else, who were on Nancy's staff, and they were tough. They were going to make this happen, and they built their coalition, and they got it done.

Heininger: You saw both Kennedy and Dole, during your time in the Senate, have Presidential aspirations and run, neither of whom got elected. What effect did you see Presidential aspirations have on these two men?

Burke: Kennedy ran in '80. I wasn't close enough or observant enough at the time. I was still a peon on the Finance Committee at that point. I can't make a judgment—this, 25 years later—on how Kennedy behaved. His staff would be the best judge of that. I was with Dole for 20 years, and there were a variety of Presidential efforts during that time. The only time I sensed a big difference was in the last go around. A combination of that and the Gingrich juggernaut and the increasing politicization of the conversations—I saw him much more attuned to where the caucus was and where the right wing was. We went through a period of time in '95 where the right wing was after me in that long, interesting period of time.

Heininger: They were indeed.

Burke: Dole, God bless him, always stood behind me, was always there, but I know it took a toll on him, ultimately not on the relationship. But he was much more attuned.

I will never forget, I think it was the year we shut the government down. Was that '95, during the budget discussions of '95, when we let the government shut down because of the budget, the impasse over the appropriations process? I think that was '95. I will never forget a day on the floor. The government had been shut down then for a number of days, and there was another attempt to try to do a CR [Continuing Resolution]. I had gotten a call from the House guys saying, "Nothing's going to happen. I'm not sending you anything. We're not moving until these guys back down."

Anyway, I remember going out to tell Dole on the floor that I had just heard from Dick Armey's office, and they said, "Not going to happen." Dole turned to me and said, in so many words, "You go back and tell those people that these are people who depend on their paychecks. They live paycheck to paycheck. These guys may never have had to worry about that, but I'm not doing one more thing to stop these people from being paid. I'm not going to participate in that." He found that whole push, I think, so difficult and unbelievably painful. He was positioned where he couldn't let any light exist between him and Gingrich in that period of time. It was not him.

With rare exception, at least in my 20 years with him, he was not a hard-line ideologue, except on a few issues where they all have their issue. He was, at the end of the day, the consummate legislator. If you give him a problem, he seeks a solution. I think he found a philosophy that said, "No, government doesn't do these things," or just unilaterally took positions to be a difficult one. I think he had altered the way he behaved in that last ramp-up for an election, but before that, I didn't see it. There is always posturing on the floor leading up to any Presidential election or any midterm election. They're protecting people for votes, and they're letting people do stupid things on the floor. But at the end of the day, it didn't fundamentally change the way he behaved.

The relationship, for example, between him and Bob Byrd and the relationship between him and George Mitchell were extraordinary. They never surprised one another. They disagreed on occasion, but they were consummate gentlemen in their dealings with each other, absolutely trusted each other, no surprises. That's how he would behave. I can only reflect on how he approached the Presidential stuff. I don't know enough about how Kennedy behaved, but from Dole's perspective, it didn't have a big impact on him until this last go around, and then I think it had an impact.

Young: I can imagine what it was like for Dole to have this crowd come in and change the fundamentals practically overnight.

Burke: Yes. It was terribly difficult during that 100 days or whatever it was.

Young: Contract.

Burke: The Contract with America. The blessing is that there's a lower body and an upper body, and one has a brain, and most of that stuff died between the bottom of the body and the top of the body. It stopped somewhere around the intestines. Thank God for that.

Heininger: What was Dole's reaction when Rick Santorum stood up on the floor and castigated Mark Hatfield for voting his conscience?

Burke: I don't know that I remember that specifically, but Dole had to deal with an extraordinary number of personalities in the Senate. Mark Hatfield was one of them, and there were others who, on the issues of the death penalty or the debt limit or whatever, would raise objections. He had some funny nicknames for many of his colleagues.

Dole was never troubled when people voted their conscience. He could understand that. He could disagree with it. He could say, "Here we go again. I'm going to lose this damn thing." What are you going to do? He'd go talk to this guy and that guy. "You've got to go talk to these three people." At the end of the day, Dole understood that. I think he found people who questioned other people's allegiance, or their belief in America, or who spoke this rhetoric you get around these questions, to not be in keeping with how one ought to behave. It just wasn't his style.

Heininger: How would you describe Dole and Kennedy's relationship over the years?

Burke: Complicated. Respectful of one another's experience and one another's skill, so very respectful—ideologically different in so many ways. But they had enormous respect for each other as disciplined and principled politicians.

Heininger: What was it like when they would work together?

Burke: Amusing. They were so different in style. Kennedy is the classic, stereotypical Irish Catholic. Lots of arm waving, lots of loud talk. Dole is midwestern, very steady on, never raised his voice, could get very stern. It was really like dealing with night and day, but it was funny to watch. It was like watching two really skilled combatants, and when they come together, it works, and it's fascinating to watch how they got things done. When they were at odds, there were lots of histrionics, but it was quite instructive.

I can't think of a time when I would have preferred to be in the Senate. When I started, it was Dole; it was Long, it was Ribicoff, it was [Herman] Talmadge, it was a sea of remarkable people: John Chafee, Jack Danforth, John Heinz—just an amazing group of people, all of whom were so committed to the institution and to one another in their relationships. There was the very complicated relationship between Dole and [Daniel] Inouye, the very complicated relationship between people like Dole and Hatfield or Dole and [Theodore] Stevens. It was a remarkable period of time to be there, with extraordinary people. You were always suspicious when Long would put his arm around your neck. You knew you were in for something. It was never obvious, but it was always effective. I don't know that it's like that anymore. It was wonderful to watch those relationships. I've been gone for a long time, so I don't know, but it was remarkable.

Young: Kennedy and Dole had uncommon respect for the institution and Byrd and all of those people.

Burke: Yes. Hatfield, Stevens, no question. They were people who were committed to it for life.

Young: It's different now.

Burke: It is different. Dole came out of the House. Some of them came out of the House, but a lot of them were former Governors. I think it took Dole a year to do his freshman speech, and he did it on disabled Americans.

Heininger: Which is the way you were supposed to do it then. You were supposed to wait.

Burke: Yes. There was an inherent respect. We would get so frustrated with Byrd. It would be three o'clock in the morning, and Byrd would have just gone into his lair. He was playing his fiddle when the Senate was in session and in recess. We couldn't get him to come out and give us a consent agreement. Dole never lost his patience He would sit there. We were all dying, and we'd all be whining and moaning, and Dole has a point of view. He respects the institution. "It's what he needs to do, and we'll wait him out, and we'll get where we need to get." Dole could be the most patient human being in the world at times, and at other times you stood back.

I think Kennedy is the same way. I never saw him unwilling to deal with anybody. He was always prepared to cross the aisle. He had a vision in mind, and he was going to do what he had to do to realize the vision. He formed unique relationships and partnerships, whether it was with Kassebaum or with [Orrin] Hatch when they did orphan drugs or any of those issues. Kennedy had a vision in mind, and he was going to do what he had to do to get there.

Young: The idea was to find what people could agree on.

Burke: Yes, find the coalition.

Young: And move on that.

Burke: That's right.

Young: I get the impression that Dole was much the same way.

Burke: Yes.

Young: Let's make a deal.

Burke: Rare was it a brinksmanship—vote with me on this, up or down—and I'd lose even though I win. My impression of Kennedy is very much like it is of Dole, which is, "I want to get to a solution. Now give me the tools to get there."

Heininger: What were their dealings on ADA [Americans with Disabilities Act]?

Burke: They were deep, they were involved, there were 97 million meetings in the leader's office. But other than overseeing everything, I wasn't involved in it, so I'm not the best person to ask the question. It's something, obviously, Dole felt strongly about, between him and [Thomas] Harkin and Kennedy and others.

It's interesting. Dole, given his own challenges, does not have much sympathy for people who don't do everything they can to help themselves. He approaches the issue from a practical standpoint, but he also has a sense of when people are in need. His instinct was to give people the tools they want because they want to be able to achieve and function in society. There is a section of the Medicaid Act that essentially keeps Medicaid coverage going while people are going back to work so that you don't lose the incentive to go back to work because you lose your coverage and therefore you can't get your health benefits—the vicious circle, which the right wing always thought to be a horrible thing. Dole's view is you have to give people the right tools, and you have to give them an environment in which they can function. Most people want to become productive human beings. I think that's how he approached that question. His was perhaps a little more skeptical view of these issues, but at the end of the day, he wanted to do the right thing. So it was a combination of Kennedy instinctively wanting to help the population and Dole's somewhat more jaded view of some of these issues that combined to find a middle ground.

Heininger: Even though there was huge business reaction against it.

Burke: Huge.

Heininger: And huge business costs too.

Burke: Of course, yes.

Young: I had the feeling that this was an issue for which Dole had a good deal of passion.

Burke: Yes, there's no question that he felt strongly about it. That's been true since he joined the Senate in '68.

Young: And the veterans had something to do with it, went far beyond that.

Burke: Way beyond it.

Young: He had a disability that was incurred during his military service, but I believe he pointed out to us, maybe in the interview, that almost everybody had somebody who was disabled. Ted Kennedy had Rosemary [Kennedy].

Burke: Right.

Young: Lowell Weicker had somebody. Harkin had somebody else.

Burke: Right. Harkin had a brother, I think.

Young: [Richard] Thornburgh had somebody.

Burke: Right. Tony Coelho. They all had somebody.

Young: Yes, either themselves or somebody in the family.

Burke: Danny Inouye. There is a long list of them.

Heininger: Do you recall when Dole left the Senate and gave his farewell speech?

Burke: Yes.

Heininger: His comments to Kennedy in there?

Burke: I remember his comments about Moynihan. I don't remember off the top of my head comments about Kennedy.

Heininger: They were specific about working with him on ADA.

Burke: You're right. He was very proud of that.

Heininger: What other issues did you see where they worked closely together?

Burke: Oh, gosh.

Heininger: Maybe an easier one is, where did you see that they were opponents?

Burke: Minimum wage was always an issue. They clearly disagreed on some of the health care reform issues. There were always the corporate tax questions and those kinds of issues, the classic Finance Committee issues. Probably a lot of the budget cuts, a lot of the Medicare changes in terms of the restraints on Medicare and Medicaid, although Kennedy, again, wasn't a big player, except on the floor, but he would get wound up about it. I think Kennedy wasn't as

critical a principal on the welfare stuff as Moynihan and others were. But there are some issues where they naturally would be divided. The Family and Medical Leave Act might have been one. I suspect they may have been opponents on some of the pension issues. They both were active in the Judiciary Committee. I don't remember off the top of my head, but that's where I'd look for areas of tension. Then there are the usual Cabinet nominations and all that kind of stuff, military, and those kinds of issues.

Young: They probably started out on opposite sides of the minimum wage issue. That was an important one for Kennedy.

Burke: Absolutely.

Heininger: His labor constituency.

Burke: His constituency issues. That was a business issue, so that would be an issue where they naturally would have been divided for a long time.

Heininger: But they worked together on civil rights.

Burke: Yes, civil rights. On the food stamp agreement Dole and [George] McGovern collaborated. My guess is that Dole and Kennedy were probably pitted against each other on agricultural subsidies—the natural, your constituency versus mine, black lung versus corn subsidies would be my guess.

Young: Thank you.

Burke: You're very welcome.