EDWARD M. KENNEDY ORAL HISTORY PROJECT

INTERVIEW WITH JOHN DANFORTH

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Interviewers

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TRANSCRIPT

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Heininger: We've got four or five different areas that we really want to talk about with you. The first one is your initial impressions of Kennedy when you first came to the Senate. With that, what issues did you work on closely with him and on what issues were you opponents?

The second area is the Civil Rights Act of 1991 and Kennedy's role and your role, which says a lot about Kennedy and a lot about you. The third area is health-care reform; in particular, what happened in the summer of 1994. But I also want to ask you about your Patient Self-Determination Act of 1990, and what Kennedy may or may not have had to do with that.

Then we want to ask about Kennedy and Supreme Court nominations, in particular [Robert] Bork and Clarence Thomas. Then, if we get that far, we want your overall assessment of what makes Kennedy distinctive as a Senator; how his staff operates versus how he operates.

Danforth: Good. I can help you with some of it, probably not with part of it. Why don't you just start wherever you want to start?

Heininger: When you came to the Senate, when did you first meet him, and what were your initial impressions of him?

Danforth: I have no clear recollection of when I first met him. It was probably within days of arriving in the Senate, just meeting people. But I have no clear recollection of him. I knew him really by reputation. I think the public image that people had of him, and have of him, is not the Kennedy I know. But I knew him only by reputation and very generally. I really never had the opportunity, never did work with him, to my knowledge, on anything other than the civil rights legislation. We may have brushed here and there, but that lasted quite a long time, the better part of a couple of years. But other than that, I wasn't on the same committees with him and I really didn't have much contact.

Heininger: What was your experience, though, when you were doing finance bills on the floor? I guess Peter [Leibold] said something to me about being very surprised at what Kennedy would do on tax bills, which was unexpected and really altered his impression of Kennedy.

Danforth: I don't have any recollection of Kennedy on tax bills, I'm sorry to say.

Young: Can I go back to something you said earlier? Maybe we don't have to go into this now, but at some time during the interview. You mentioned that the public reputation was not the Kennedy you knew. I'm interested in how you got to know the Kennedy you knew, in which context would be very helpful for the interview, and also what differences you saw between the public image or reputation and the working Senator or the individual that you saw.

Danforth: Well, I had thought of him, and I think the public image of him, is as an ideologue and as a very hard-charging, outspoken representative of a political point of view, which he is. But I think that's all the public sees of him. So among Republicans, those people just can't stand Ted Kennedy. In their minds he's a caricature of the political left and the obstreperous part. The Howard Dean-like political left. That's how people would see him.

When I went to the Senate, of course, I had not known him, and that was my perception. I was not on any committees with him. When he would speak on the floor of the Senate, I had the impression of somebody who was expressing a point of view and was kind of way out there. I had—and I'm not following your sequence. We can go back and try to do it if you want. But at the time of the Bork nomination, he—the famous case of Kennedy going to the floor, I guess the day that Bork was nominated, Robert Bork's America speech, I was very aware of that. I was spurred into action by that speech and by the general attack against Bork, which he led and which made a caricature of Bork.

Bork had been my antitrust professor in law school. While I didn't know Bork all that well, I knew him and he had been my professor; therefore, the characterization of Bork that Kennedy made was to me an unfair characterization. It presented a person as a cartoon. I defended Bork. In fact, on the day of the vote on Bork's confirmation—the Cardinals had played, I guess in the World Series the night before, and then I flew to Washington and rushed to the floor of the Senate, where the last hour of debate was reserved for me. I made this impassioned defense of Bork, which probably lost us votes, but I viewed Kennedy as being unfair and over the top.

Martin: Before the Bork nomination you said that your impression of Kennedy did change once you entered the Senate—

Danforth: It changed as a result of working with him, particularly on the civil rights legislation, which was the one time that I remember being very closely associated with him, spending a lot of time dealing with Kennedy.

Martin: This was starting in 1990.

Danforth: Yes.

Martin: So up until that point your impression of him was consistent with—

Danforth: My impression of him was—first of all, the way the outside world views anybody is generally a little different from the way Senators view anybody. I mean, the outside world would view Kennedy solely as disembodied. There was no person there, there was just an impression people would have of him. Republicans had the impression that he was the champion of the left-

wing of American politics and the bane of all Republicans and the attack dog of all Republicans. That would be the way the public would have viewed him.

In the Senate, people still kind of characterize Senators and slot them. He's such and such or so and so. [Robert] Dole always referred to Don Riegle [Jr.] as Drano. [*Laughter*] Dole said that when Drano spoke, he emptied the floor of the Senate. So people do sort of tag other Senators, but you deal with them, you see them, you're in the elevator and the subway with them. Or you see them on the floor of the Senate, or you're on a committee with them. It's not quite the cartoon figure that's portrayed—

Young: Or that you might see on the floor speeches.

Danforth: Or the floor speeches, especially for a man like Kennedy. They're for an audience and they tend to be more bombastic than the person is in his office. My view of Kennedy, not having been on any committees with him, was here's a representative of a point of view and a very outspoken representative of a point of view. But I didn't particularly know him in any other capacity.

If Pete remembers him on tax bills—I'm sure he did. I'm sure he was making speeches at the drop of a hat and offering amendments and opposing amendments and so forth, but it's not something that sticks in my own mind.

Heininger: What he said was, "Ask him about this." He remembered that he came, too, with the public perception of Kennedy, and was very surprised on these tax bills that Kennedy would come out to the floor, he would have an amendment, he knew he was going to lose. It was really clear that he had done his homework and he had a point to make, but knew he was going to lose. He made his point, made it well, and went gracefully down to defeat. Peter said, "That changed my image of him, I realized he actually worked hard at things that were not his area, because certainly tax is not his area."

Danforth: All right. As I said, I don't have any specific recollections of specific speeches, but that characterization of Kennedy is correct. First of all, he was not personally petty. I never had the view of some sort of seething, embittered, difficult human being in there. Rather, he was earnest, ebullient in a way. Earnest and he *was* well prepared and he did know the issues. He was more than just making speeches. He knew what he was doing. He was well prepared. His manner of speaking—I've known other people like this. I think his mind works faster than his ability to express himself. He talks in this hard-to-understand way, enthusiastic and not so easy to track. But never a sense that he didn't know what he was talking about. Always a sense that he knows exactly what he's thinking and talking about on the points that he's making, but he can't verbalize them as well as he's thinking them. That's my impression.

What Pete said about going to the floor making his point and then leaving gracefully, I would say that's correct. I would say he would not be a person who would burn any political bridges. He was a person who was very capable of working with anybody in the Senate. Orrin Hatch would be a great example. Hatch and Kennedy are really far apart, and yet they have and they have had a very good working relationship. So he is Senatorial in the best sense of that term. He is able to

make his point but he is able to make it understanding that that's his point, and to do so in a collegial sense.

Heininger: Did you see him—you talk about his relationship with Hatch, and he has had other well-known relationships, like with [Nancy] Kassebaum on health care.

Danforth: Right.

Heininger: When you first came to the Senate, did you see him working across the aisle like that or did that come later?

Danforth: Again, I'm not sure that I noticed it particularly until that civil rights legislation. That civil rights legislation was 14 or 15 years after I got to the Senate. But it's interesting. You kind of get your areas in the Senate, at least I did. I had my Finance Committee stuff and Commerce Committee stuff, and then you build. So you start with a thing you're interested in. I got interested in trade fairly soon after getting there. Then you pack on something else you get involved in and you have a little box of things that you know about.

Then there are a lot of things like defense bills and things like that. I didn't know the difference between a B-1 and a B-2 bomber. But Kennedy knew a lot about a lot of things. I mean a lot about a lot of things. I think part of it was that he was there a long time, so he had a long time to build a big box to fill with stuff. Secondly, I think he was looked upon as being the spokesman for the Democratic Party by many people. They expected that of him and they went to him for that. Third, he had a staff that was certainly smart, sometimes overbearing, but certainly smart and able. So he had the fire power to get involved in a lot of things.

He was not a windbag. His rhetoric could be excessive, but he was not just some windbag without anything behind it. He knew a lot.

Heininger: Did you see any changes in him after he ran for the Presidency in 1980?

Danforth: No, not to say that there weren't, but that would not be something that I would have thought about. The real change in perception that I had of him, and deepening—because there was so much time that I dealt with him during the time of that civil rights effort that turned out to be the 1991 Civil Rights Act. That was a long time, and a lot of it was Kennedy and Danforth. A lot of it was the two of us working something out.

Heininger: How did *you* get involved in it? The bill originally was introduced in the House by [Augustus] Hawkins and originally in the Senate by Kennedy. How did you get into the process and when?

Danforth: It happened on a particular day. You know Peter Leibold. I also had just a terrific staff. Sue Schwab, Peter, and people who were smart people and also good people. I mean good values. They were idealistic. Pete was the best. He was, and is, just absolutely terrific, and a star. I think he came to my office probably '88 or '89, something like that. Right out of law school. In any event, one time, it was around the noon hour and we were taking a walk. It was around that Taft Carillon outside the Russell Building, walking around out there. He knew about this civil

rights legislation and he said, "This is a perfect area for you. You could step into this issue and get it done. You could find the center of this issue and get this done, get this passed."

Heininger: So he did this without prompting from Kennedy's staff. Kennedy's staff didn't come to him and say can you get him involved?

Danforth: I have no idea what discussions he had in advance, but it would not be his nature to be prompted by anybody.

Heininger: That was my sense too.

Danforth: It would certainly be his nature to touch base with a lot of people and to know what was going on, but not as though he was operating as an agent of somebody else. I think he understood my perception of myself in the Senate and he saw this civil rights issue as an opportunity to make a real contribution and to get something done that should be done. So he was—that's how I got into it. It was Pete talking to me. I can practically see us walking around that park-like area.

Young: You did not—during that walk, did you make up your mind?

Danforth: Yes. I said, "Okay, let's do it."

Martin: Did he make any argument to you, why you in particular were the right person to take the charge on this issue?

Danforth: He saw me, as I saw myself, as being a centrist, and as being somebody who wanted to have the Republican Party be more positive. He saw this; it was really amazing—what you can do without a whole lot of people if you can occupy the center and if you're willing to use that position of just holding the center to try to be the swing. I mean, he saw that. He saw it in that and he saw it in health care, by the way.

Heininger: But Lowell Weicker couldn't have done that, I don't think. It was something unique about your position in the Senate that I think made it possible for you to occupy that position on that particular issue, knowing you're going to be opposing the President on it.

Danforth: Yes, I'll leave that for other people to characterize me, whether anybody else could have done it. When Pete talked to me, it immediately resonated. You asked if I made up my mind on the spot. Yes. It immediately—because I really didn't want to be a potted plant in the Senate. I really wanted to try to represent something. But I wasn't way out on the left and I wasn't way out on the right, so what's the something? That was really terrific. It was a model. I don't know that it has ever worked other than that. It could have worked. Pete believed it could have worked in health care. I think it could have worked in health care in the first [William] Clinton years when we got involved in that.

People often ask me, do you miss the Senate? The answer is no, I really don't. It was my past life. It's not my present life and I don't want to live in the past. But the few times that I fantasize about being in the Senate, if I were still there, it would be to try to reconstitute, not just—you couldn't do it just using whatever it was, seven Republican Senators, because that number

doesn't exist anymore in the center. But what you'd have to do is you'd have to find, say, four Republicans, five Republicans, four or five Democrats, and then find some specific issue and work it. Then find some other issue. That's what you'd have to do. That's my fantasy. But you didn't come here to talk about my fantasies; you came to talk about Kennedy.

Martin: When you talked about this issue, about being able to hold the center, I was hoping you could explain a little bit more what that meant and how you did that. How do you hold onto the center?

Danforth: Well, Kennedy had tried in 1990 to enact this legislation and I guess he got it passed, didn't he? And then it was vetoed. Is that what happened?

Heininger: And the veto was not overridden.

Danforth: The veto was not overridden. But at the 11th hour, I guess it was, I cosponsored it. I suppose after that discussion with Pete. We got some changes in it. Then I cosponsored it. Some Republicans—and Pete thinks some Democrats too—ended up voting to override the veto. I don't know; I can't remember how many Republicans voted—

Heininger: It was 66 to 34, so a substantial number of Republicans came onto it at that point.

Danforth: I think it encouraged some Republicans because I was involved in it and got whatever the changes were. On that legislation, it was really clear after it was vetoed that the object had to be to develop legislation that the President would know could be passed over a veto. That was the objective. So how can you get something passed over the President's veto? Well, you have to have virtually all of the Democrats and then you have to have a sufficient number of Republicans to provide whatever the votes are needed to reach 67.

I saw this as the moment for the moderate Republicans to provide that difference. What we did in 1991 was introduce legislation. We started out with three bills, ended up with one, but we introduced legislation with only Republican cosponsors. For one thing, if there were 50 Democrats as cosponsors and three Republicans, they're going to say, "This is a Democratic bill." So I wanted to hold those Republicans.

Heininger: When the bill was collapsed again, in September, you had [John] Chafee, [David] Durenberger, [James] Jeffords, [William] Cohen, [Mark] Hatfield, and [Arlen] Specter all on it. That's a fairly powerful signal to the White House.

Danforth: Right. And that was it. I mean, the White House didn't like this. The civil rights groups didn't like it. They were the other pole. Like anything in the middle, nobody is that happy with it. But we got it passed and we held that coalition. I think we ended up losing a couple, didn't we?

Heininger: It was pretty overwhelming. It was 93 to 4 at the end; the final passage was 93 to 5. It was clear that you got—

Danforth: I thought we had a hard time keeping a couple of those. But in any event we had enough. There was a lot of going around of the Republican cosponsors and making sure that they were happy with it.

Heininger: How much negotiation went on with Kennedy in this process? Because if I recall, a lot of this had to do with whether or not the relationship of an employment practice had to do with a manifest relationship to an employment practice. Did it have to do with selection? Kennedy wanted the broader definition of more than just selection, but also promotion and other job-related activities.

Danforth: Right. He didn't want the caps on damages.

Heininger: He didn't want the caps on damages, which he ended up with.

Danforth: Yes. This was the lesson I learned about Kennedy. He's pragmatic. I mean, that's the long and the short of it. Kennedy is pragmatic. Kennedy wants to do more than make speeches. I mean, he can do that, as you said. He can offer an amendment to a tax bill, whatever the amendments were that got shot down. He's making his point. And he can do that for his constituents. I think he did it with respect to the Bork speech. So there is, as is true with any politician, there is the playing to his audience, and he did that.

But what makes him effective is that he wants to pass legislation and come up with results. That's what he was able to do with this. I think he had enough trust in me to know that I was doing my best. So he was willing to let this work out. He wanted different things in the bill; he didn't want the caps and so on, and all that definitional stuff about employment practices. It was mind-boggling. This is one reason I'm so impressed with Pete. He was able to sit in there with [John] Sununu and Boyden Gray, with all this wordsmithing going all over the place, and what we were talking about.

But Kennedy, in the end, was willing to take half a loaf, or two-thirds of a loaf, or whatever it was. When it got to the floor, to stand in there for what the deal was. That's what's really great about Kennedy. It wasn't that— I mean, he is a totally honorable politician because you can disagree with him but he wants to get things done. When you make a deal with him, that's the deal. So when the left wants to embellish this and add this and that, nope; he sticks with the deal. That's why you can deal with him.

Martin: Did you approach him or did he approach you to collaborate on this bill?

Danforth: I don't know what discussion was had with whom first because it first came from Pete. Now once he did that, I don't know who talked to who next, but we talked a lot about this, Kennedy and me. One of my mental images in the Senate is standing in the Senate gym with Ted Kennedy, both of us stark naked, earnestly discussing what was in the civil rights legislation. I mean, is that a strange mental picture or what?

Heininger: No. Actually it's not.

Danforth: There are various reasons he's an effective Senator, but in my mind the main one, and what changed my mind about him, was that he was not just presenting a point of view, he was getting something done.

Young: I'm a bit confused. Maybe I'm not, but the record should be clear. Your association with him on civil rights began in the 1990 bill? Is that right?

Danforth: That's right.

Young: Then it evolved into what, a more collaborative effort, or a new effort?

Danforth: I'd say collaborative from the start.

Young: From the start. Could you walk us through the steps in that collaboration?

Danforth: My memory of it was that the bill that he was asking for—it was apparent that it was an attempt to please these civil rights groups. But it was the kind of thing that couldn't get passed. He couldn't get the votes. It would never be enacted into law. If the Congress passed it, it would have been vetoed and the veto would have been sustained. So what we did was to try to change the bill. Pete can tell you in what ways we tried to change it. I think one was probably damages. But in any event, we tried to change that 1990 effort and got some changes in it.

Heininger: The 1990 effort had the punitive and compensatory damages in it, but with no caps.

Danforth: With no caps. We had several ideas for fixing that. I don't know if the definition of the disparate impacts stuff, whether we put anything in that or not. But in any event, when we started out, he had an effort and the effort was not going to succeed, and it was apparent that it was not going to succeed. Therefore, could we modify it and make the bill more, first of all, more sound, in our opinion? Or more sensible? Secondly, could we, by changing it, pick up enough additional votes to get it enacted?

Young: So how did you come together to broaden the bill and make it more acceptable, that 1990 bill?

Danforth: I don't know. You'll have to ask Pete that question.

Young: It wasn't in the gym.

Danforth: Probably staff level. Probably Pete talking to me, and Kennedy's staff talking to Kennedy and the civil rights groups. What could they swallow? It was probably done—

Young: But at some point the two of you came together to discuss this.

Danforth: Probably, yes.

Young: Were you dealing with the Republicans and him with the Democrats?

Danforth: I don't know. I know more about—in 1991 that was clear. But in 1990, it was Kennedy's bill, it wasn't mine. In 1990 it was sort of the civil rights groups' bill. In 1990 it was

clearly opposed by the [George H.W.] Bush the First administration. It was clear it wasn't going anywhere. So we said, "Okay, we will cosponsor it and try to get Republican support for it if you change it." We got Republican support for it, but we fell, as you said, a vote short.

You know something, when you fall—and I don't remember this clearly enough—but when you fall a vote short, you're really shorter than that because some people will vote to override if they know that it's not going to be overridden. So then in '91, the position that I took was, well, you couldn't get it done, let me try it. His position was, fine. I think we did have that conversation. I can't remember who said what or where we were, it could have been on the floor of the Senate. But that was basically what happened.

Young: At that point, he sort of dealt with the Democrats and the civil rights groups and you dealt with the Republicans. That was clearly understood between the two of you, that this would be the way that it would come together.

Danforth: Yes. I even—one time, I think it was back in 1990 when we were trying to get changes, Bill Coleman came into my office and I was saying, "Here's how it should be changed." And he said "No!" Then at one point, he stood up—I can see him, he stood up and said, "Well, that's the end of this conversation." Then I said something like, "Well, okay. We tried." Then he sat down again [*laughter*] and we talked more about that. But it was my memory—the main dealings I had with these civil rights groups were in '90, when we were trying to change Kennedy's bill. Then we introduced our own bill and it was my dealing with Republicans. First of all, trying to keep happy the six Republican co-sponsors, talking to them a lot, explaining, asking this, doing that. But all of these meetings with Boyden Gray and John Sununu.

Young: Could you talk a little bit about that? Was that just *only* Republican meetings, with Boyden and John?

Heininger: Back up one second. Is it accurate to say that the discussions in 1990 were not with the administration so much as they were within the Senate, but the discussions in 1991 also involved negotiations with the administration?

Danforth: My recollection would be that in 1990 it was Kennedy. In particular, I can remember that meeting, I think it was in '90, with Bill Coleman. I guess Kennedy must have sicced Coleman on me. This would be typical of Kennedy. He would say, you talk to the civil rights—he had to take care of his constituency—would I deal with them, and I did.

But '91 was the Republican effort. Who was in the meetings? I was in a lot of them. Pete was in all of them, and Boyden Gray and John Sununu. I don't remember anybody else. I don't know if any of our Republican group or our staffers—they may have been in those meetings, but they were fairly small meetings.

Young: This was hammering out the Republican part of the—

Danforth: It was trying to have a bill that the President would sign and not force a veto on it.

Young: Not trying to block a second bill? I'm talking about Boyden and John.

Danforth: It was trying to start with the 1990 effort and have a bill that we thought was good and that would be sufficiently acceptable so that the President would swallow it.

Heininger: Which was more difficult? Negotiating with the President's people?

Danforth: Yes, because the other was mostly just short little meetings, but these were long, and all the wordsmithing and all that went into that. But the trick was holding together the veto-proof majority, otherwise it would have been vetoed. As it was, the President signed it in the Rose Garden.

Young: And one heard no more of a quota bill at that point. That's what you arranged. This was the result of that.

Danforth: Now, people like Phil Gramm, he hated this. And I'm sure he kept calling it the quota bill. It was a great accomplishment. I hope it did some good. I don't know, maybe we produced a monster, but we thought we were doing good.

Martin: When you first thought about going down this road of collaborating with Kennedy, did you have any sense that there were risks involved with collaborating with him?

Danforth: No.

Martin: Prior to this you didn't have much experience with him, that's correct?

Danforth: Right.

Martin: And you had an impression of him that was probably more based on his floor speeches and Senate actions—

Danforth: The Bork thing.

Martin: I'm just curious how you are able to trust, to move from your impression that had no involvement with him. That seemed to be a significant leap of faith.

Danforth: I didn't think so. I thought that he wanted to pass a bill and I thought that I had a chance of being able to pass a bill. But I knew that without me, they couldn't pass a bill. So it didn't make me nervous. I just knew that I was kind of in the driver's seat.

Heininger: Do you recall—Peter said, "Ask him this specifically." Do you recall, when you were negotiating with Boyden Gray and Nelson Lund, people in Dole's office—

Danforth: Nelson Lund. Oh, my gosh.

Heininger: Where was Kennedy at the time?

Danforth: He wasn't around, I don't think.

Heininger: Pete said he was right outside the door.

Danforth: Kennedy was? Pete said that?

Heininger: He said you would go out and you'd show him the language—

Danforth: Maybe so, that could have been. I bet you that was right. That could be. I don't think he would be lurking when you opened the door.

Heininger: Pete actually said the word: he was lurking right outside the door.

Danforth: You didn't want the other side to jump too. Is this okay, is that okay?

Heininger: So there was a consultative process with Kennedy on language?

Danforth: Sure. Yes.

Heininger: Well, it's an interesting process, in many ways very typical of how legislation actually gets enacted. It doesn't make it into the textbooks. Let's talk about health care.

Danforth: Although, you know something, I don't know that it's typical. I think that's one of the problems now, because it's so polarized and partisan. What it showed was that if your idea of government is to play offense, not defense, it's hard to do. It's *easy* to play defense. It really is easy. It's easy to block stuff.

Heininger: I think there was a time in there, the years when I was there with [Robert] Byrd, where that was more of the way that things were getting done. The South Africa sanctions bill, the Omnibus Trade [and Competitiveness] Act [of 1988]. It was very clearly the necessity to work across the aisle.

Danforth: Yes, when you think about it, putting holds on legislation and threatening filibuster and not giving unanimous consent—all of the deck is stacked for people who want to block stuff. There are a lot of Senators—that was the game they played. An example would be [Howard] Metzenbaum. I don't remember anything Metzenbaum passed, but Dole called him "the commissioner." He would set up shop on the floor of the Senate toward the end of a session and nothing got passed without his saying okay. But to get something passed, if you really wanted to change the law, that was hard. That was also a lot of fun. The lesson was how to do it. The way to do it is to occupy the center.

Young: Did you both attend the signing ceremony?

Danforth: Did we both? I think we did. I know I did.

Young: Did you celebrate afterwards, or some place, some time?

Danforth: I don't remember that, but I do remember it was a cloudy day, it was cool. The President signed the bill with one pen and then afterwards he walked around the table, I was in the front row, and he gave me the pen. I remember that.

Martin: Do you have recollection, during these two years—you said it's hard to do this kind of legislation, to broker these deals. Do you have a sense of how much of your legislative time this particular bill took up over those two years?

Danforth: It took a lot. Here is an interesting thing. I know you wanted to get to health care. But in the fall of 1991 two things were happening at once and they were the two biggest things in the Senate, and I was right in the middle of them. One was civil rights and one was Clarence Thomas. The people more or less allied with me on one issue would be against me on the other. It was really intense. That period of three months or so was, let's say, interesting, and extremely nerve-racking with the Thomas thing. Very time-consuming.

But, on the other hand, if you're in politics, you want to be in the middle of things, right? So I was in the middle of things.

Young: So there was the Kennedy of Bork vintage, with Clarence Thomas coming up, and there was the Kennedy of civil rights vintage of you working with him. That was quite a situation. Quite a situation.

Danforth: He was very understated during Thomas.

Young: Why do you suppose that was?

Danforth: I'm not sure. You can only speculate what's in somebody's mind. All this innuendo about Kennedy's own life could have been part of it, but it also could have been—I was Clarence's champion in the Senate and Kennedy had worked with me and was working with me and knew me. I think that entered into it, but I don't know. Also I have to say this, in the Thomas travail, my problem wasn't with Senators; my problem was with these awful groups, these just dreadful people, outside the Senate.

Heininger: Given that you were working with Kennedy on the civil rights bill—I read your book—what was the reaction when you stood up on the floor and threatened to hold up the civil rights bill?

Danforth: Did I do that?

Heininger: Yes, you got mad.

Danforth: That would be an excess of passion. I don't remember doing that. Was that in my book?

Heininger: Yes. You wrote about it.

Danforth: I'm slipping.

Heininger: You also wrote about your chagrin that you had done that.

Danforth: Did I? That would not have been a great thing to do. That would just be a temper tantrum to do that. I wasn't going to hold up the civil rights bill.

Heininger: That's why I raised it. I wondered if there was any reaction at the time. Whether you got a reaction from Kennedy, whose effort might have been derailed.

Danforth: I don't remember.

Heininger: But it sounds like, if you're not even remembering that you had done it, that you might not have.

Danforth: You really did your homework if you've read that book.

Heininger: I read your book. I read the whole thing.

Danforth: So you're the person who read it.

Heininger: I'm the person who read it. [*Laughter*]

Danforth: Nobody else did.

Young: I have opened the covers and read parts of it.

Martin: That speech wasn't strategic; that was, in your mind, a slip in some sort of way?

Danforth: I was *extremely* emotional. I don't know. What day was that? The day that they delayed the vote?

Heininger: Yes.

Danforth: I was out of control. I was really emotional.

Heininger: Well, let's talk about the Thomas nomination then. You had reacted strongly about how Kennedy had handled the Bork nomination. Did that affect your view of how the Thomas nomination was being handled?

Danforth: I don't think it particularly did. The Thomas nomination was—right off the bat those groups started attacking him. But it wasn't all that hard until the end. It wasn't—he was going to get confirmed. Then the weekend before the scheduled vote—I think the vote was scheduled on a Tuesday, and Saturday night Orrin Hatch called me at home and said, "This is going to be on NPR [National Public Radio]." I said, "Oh, nobody will pay any attention to that." He said, "Oh yes, they will." Then, the next morning, Sunday morning, this thing hit the fan. Then it was just like a total horror show.

I tried my best to get the Democrats to agree to hold the vote on that Tuesday, but they wouldn't. Then the next week and a half or whatever, it's all in the book, but that was the worst. I've never lived through anything like that. It wasn't so much the Senators, they were kind of like, what do we do with this? But it was those awful people. Ralph Neas. Terrible. I have strong views on the subject.

Young: Were you involved in the selection of Clarence Thomas when Boyden was considering people for nominees to the Supreme Court?

Danforth: No. Right before the nomination, I don't know how long—this too would be in the book—Dan Quayle called me at our house in Washington and said that they wanted to know if Clarence were nominated, if I would do the same for him as Warren Rudman had done for [David] Souter, and I said yes, I would. I said I would give him that kind of support, but nobody consulted me about anything else.

Heininger: Can you compare what Kennedy's role was in the Bork nomination to his role in the Thomas nomination?

Danforth: His role in the Bork nomination was that he was the point person. He was the one who took the floor and said Robert Bork's America and so on. He did that, I think, on the day of the nomination or shortly thereafter.

Heininger: An hour afterwards.

Danforth: An hour afterwards? So he was very outspoken, very colorful. He was on the Judiciary Committee, but at the Thomas nomination, he was not outspoken. He voted against him of course, but he was not unfair.

Heininger: You said in the book that it was your impression that Kennedy had been designated by [Joseph] Biden to be the representative of Anita Hill's team. Did you have any dealings with him on that?

Danforth: There was this question of the hearings and how many witnesses. There were all these women who wanted to testify for Clarence, and that was one big issue, would they be permitted to testify? So we had meetings. I think we met in Kennedy's office about all that. So he could well have been the person working it out, but he was not the firebrand that he was with Bork. I don't know what other specific issues there were. Talking to Biden, and how long are these hearings going to last? Who's going to testify when, and particularly, will those women be allowed to testify, and back and forth. I do have recollections that there were meetings in Kennedy's office on that. He may have been the point of contact on that, but it was just a different role than the out-front vilifier of the nominee.

Heininger: Do you have any recollections about whether he was a proponent of admitting Anita Hill's lie detector test?

Danforth: I don't remember.

Heininger: When Clarence made his statement, you say in the book, he read it to you ahead of time but he had completely written it himself. He concluded by saying that he believed that this was a high-tech lynching of an uppity black.

Danforth: He said that later, didn't he?

Heininger: He said that in his statement.

Danforth: In his initial statement?

Heininger: No, the subsequent statement.

Danforth: Right.

Heininger: The last statement that he made to the committee.

Danforth: Right. What happened then is, he made a statement in the morning. Then Anita Hill testified. Clarence went home.

Heininger: Right.

Danforth: Then he showed up in our office. I guess I called him and said that we want you to testify at night. So he showed up in my office, I guess late in the afternoon. I guess she was still testifying because there was a time when he was in my office and we had almost all the lights out, maybe just one or two, it was very soft light. He was, as he was throughout this thing, just terribly upset and he said to me, "You know what this is, Jack? This is a lynching. This is a high-tech lynching." I said, "Well, Clarence, if you feel that way about it, when you go up to the committee, you say that." That's what happened.

Heininger: What effect do you think that had on the committee?

Danforth: [*Long pause*] I don't think any of them had ever seen anything like that before. Senators in hearings and so on generally spend their time bullying, or they can, berating witnesses, pushing them around, holding their ground. I don't remember there ever being a case—It's like this, whatever that Howard Hughes' movie was [*The Aviator*] that came out, if you saw that, it's like when Howard Hughes appeared and started yelling at the Senators—[*laughs*]

Heininger: In front of Alan Alda.

Danforth: I don't think they'd seen such a thing. My basic role was to encourage Clarence to speak from the heart. But when I suggested things for him to say, I suggested things that were tougher than he said. Fortunately, he didn't go as far as I went. I don't think he said, as I said, you should say—and I was thinking of the Kennedy thing—"Judge not that you be not judged."

Heininger: Do you recall watching him when he made that statement and what the reactions were on the part of committee members? You were present during the—

Danforth: Oh, sure, I was sitting right behind him. No, I don't have any—I think they were very attentive. I don't think they were whispering to their staff or doodling, I think they were very attentive.

Heininger: All you said in the book was that the room got so quiet you could hear a pin drop. I just wondered whether you remembered the reactions on anybody's faces, because I've never heard anything like that in a Senate hearing.

Danforth: I think it was very attentive. God, that was awful. I really feel sorry for this period in my years. This is really an aside, but it's just too mean. Nothing was meaner than the Thomas thing, but this is—it's not worth making somebody go through that.

Martin: Can you talk a little bit about, both in the Bork case and in Clarence Thomas' nomination, how does Senate life go on right after such a contentious nomination? Is there a period of resettling with relationships among Senators, or do you just go back to work the next day as if nothing happened?

Danforth: I think Senators are very used to combat. Used to getting on with it. They don't harbor a lot of grudges. That was my impression. Sometimes there's something cathartic about big blowups in the Senate. There can be a big blowup, like if some legislation is blocked or there's a long filibuster or something, and then somebody blows his stack. Sometimes things sort of—it's like the storm, and then things clear up.

Martin: Any good anecdotes about such a blowup?

Danforth: I can't think of anything. That was my general impression. I don't think this Thomas thing had lasting—maybe you got a different view of it.

Heininger: Has it had a lasting effect in terms of how these subsequent nominations have been handled? [John] Roberts and now [Harriet] Miers?

Danforth: I don't like the way they're—I mean it's too much. I think that this is all over the top. The Thomas thing was *sui generis* and it was just a totally out of the blue, grotesque thing. It was really bad. And to know somebody as well as I know Clarence, and know what it did to him and to see it. Somebody told me yesterday on this Harriet Miers thing—you know she's a single woman—and this man said, "She didn't even have anybody to go home to and talk to about this." Sad.

[BREAK]

Danforth: This happened, certainly before I went to the UN [United Nations]. It was probably just before I went, but it was probably toward the end of the Supreme Court's session a year ago, last summer. In any event, I was still in St. Louis. I hadn't gone to the UN. Kennedy called me one time and he said, "I just wanted to talk to you about this. I think there's going to be a Supreme Court vacancy, and I'm concerned that there will be a big blowup, and I just wanted to know if you had any ideas how we could avoid that." I didn't. I said, "I don't know, I'll certainly think about that." That was interesting, wasn't it? Just a little vignette.

Heininger: It had been a pretty searing experience for everyone, the Thomas nomination. I don't think anybody really wanted to repeat that again.

Danforth: But I see that as Kennedy. On the one hand there's the Bork kind of a speech and the flamboyance, and on the other hand there's the, how can we work through this, and calling about that, asking what ideas do I have.

Martin: Did he convey any of his ideas to you?

Danforth: No, he just didn't know. He was just sort of groping around. I didn't know either. But he raised the question. And I hadn't been around for ten years. I'd left the Senate, now 11 years ago, I guess. Yes, it was 11 years. But at the time it was ten years.

Heininger: Should we turn to health care?

Danforth: Sure. Such as my knowledge of it. This is not an in-depth thing, but go ahead.

Heininger: Let's start with your bill.

Young: Excuse me just a minute. In the background here, I just want to remind you of what you said earlier, that the health care might have been—you were speaking about the Civil Rights Act of '91 as a model of how you get something done—and you referred to "might have been a model on health care," implying that it wasn't.

Danforth: Yes.

Young: Okay. So with that background, we can then go into the details.

Danforth: What happened was that Clinton was elected and his first two years were my last two years in the Senate. So they had this health-care proposal. The response of a lot of people in the Senate was, "Okay, let's respond to it. Let's try to do something about it." John Chafee was to that what I was to civil rights. He tried to—he had all of these meetings in his hideaway office in the Capitol. As I remember, he had Democrats and Republicans there and all these staffers, and everybody was busily trying to do something.

When I talked to Pete about it, it was also in the middle of this, he thought that we really had a proposal. My memory of it was that it was just so complicated that it all sort of collapsed under its own weight. But he thought we came up with, under Chafee's leadership, a proposal, and that Dole was encouraging this and that the proposal would have provided coverage for about 95% or

more of the public. We had some tort reform ideas in this and some things that we thought were good. That that [civil rights legislation] would have been the model. That we had enough of a head of steam to pull something off.

Pete's memory was that Kennedy was encouraging Chafee in this. The Clinton administration and [George] Mitchell, who was the leader of it, was not. But Kennedy was the one who was the most encouraging. But the Democrats and the right-wing of the Republican Party were opposed to what Chafee was trying to do.

Heininger: Kennedy introduced, in essence, the Clinton plan. But by the time you get to the summer in this process, Chafee is trying to find a middle ground, the mainstream coalition, and he too introduces a bill.

Danforth: Did he introduce a bill, Chafee?

Heininger: Yes, he did introduce a bill. But by the time you get to summer, Mitchell has his bill and Dole is deeply involved in this. The question is, where was Kennedy at that point?

Danforth: This is just my conversation with Pete, and I did talk to him yesterday. He thinks Kennedy was encouraging Chafee, but that Kennedy was not the central player. That the Clinton administration plus Mitchell were the keys in that and they weren't interested in what Chafee was doing.

Heininger: Do you think it might have been because at that point Kennedy, who had always been associated with health care, was too associated and therefore couldn't be the person to cut the deal that could garner the support, and that they went to Mitchell? Or did Mitchell, on his own accord, step into this as leader and take it over?

Danforth: I'm not sure. I would guess the latter. I think there's a difference in role. I mean, you consider the civil rights, when the Republicans had the White House, versus health care when Clinton had been elected and Hillary Clinton was the great advocate of all of this and it was something where there was a different captain of the team. That's what I would guess. But I know Pete thinks, and it may well be true—and they ended up with that Kennedy-Kassebaum, so they did something—but that a lot could have been done in '94, I guess it was, right? A lot could have been done in '94. A lot could have been accomplished had it been Kennedy who was working it out with Chafee. That's Pete's view, and I think that's probably right. There was an awful lot of earnestness in '94. Many, many meetings. Every day there was a meeting somewhere with somebody on what to do about health care. Great concern about it. Nobody really understanding it, fear of the unknown. If we do this, what the result will be. Gee, this could be; we could create something awful here. But a lot of earnestness.

Heininger: Do you remember the "Harry and Louise" commercials?

Danforth: No. I remember the name, but I don't remember the substance of them.

Martin: In those meetings you're talking about, where people are trying to figure out what to do on health care, do you remember who was present at the meetings? Were there different camps that were staking out different positions?

Danforth: This was always in Chafee's hideaway. So it was always in a room that was not much bigger than this room, if this big. Big table in the middle of it; Senators seated at the table, and staff just packing the room to the gills. Chafee of course was always there, Durenberger was always there. I remember Dianne Feinstein being there. Who else, I don't know. But a bunch of Senators. There were so many meetings that it would vary. Different people would come in. That was one thing I remember, that Chafee thought, all right, now we've got this—then somebody else would breeze into the room and raise the same point again and try to undo it. He worked very hard on that.

Young: Kennedy was not attending this.

Danforth: I don't think he did.

Young: Encouraging it from afar?

Danforth: This is what Peter Leibold says was his impression. But I think, with the civil rights thing really a model, and I think had Kennedy been really engaged in this and been the point person, the lead, and not had the Clintons in the act, I think he may well have pulled something off.

Heininger: Do you think that the repeal of the catastrophic health provisions for Medicare had any effect on this?

Danforth: I don't know. I'm not close enough to it or fresh enough on it.

Martin: This is more of a general question, but after your success with the Civil Rights Act, did you have anything in mind to repeat that kind of success, what kinds of bills you were going to push over the next couple of years of your term?

Danforth: I saw health care as being the obvious successor to that.

Heininger: You got enacted the Patients Self-Determination Act of 1990.

Danforth: That was not controversial. I don't remember any controversy on that.

Heininger: Was Kennedy at all involved in that?

Danforth: [Daniel Patrick] Moynihan. That was Finance Committee. It was Medicare, I guess Medicare, Medicaid. That was Moynihan, and it was not controversial. We had the press conference to announce that. By the way, Pete's wife was the leader in that, did you know that?

Heininger: Yes, you told me.

Danforth: Yes, Liz [Elizabeth Leibold McCloskey]. She arranged for these three medical ethicists—Catholic, Protestant, and Jewish—to appear in the Commerce Committee hearing room for the press conference and to say there's nothing in our religion that forces people to be kept alive artificially. It was so uncontroversial and so right, and worked, as far as I know, so

well until the Terri Schiavo thing came along. I didn't think this had political juice, but it did in that case.

Heininger: Well, if you look over all of Kennedy's effect on health care, and this being an issue that he has staked out, to what extent do you think that he has shaped Democratic Party's agenda on health?

Danforth: He's been the person who has kept health care before government as a government issue. He is the person most recognized as having expertise in this and caring most about it.

Martin: I have a follow-up question on your observations as being a fairly centrist member of the Senate and in making decisions about policies to pursue, and having the idea that if you cast the policy towards the center you're going to get most of the Democrats, and that you could be ultimately a very powerful force within the Senate. Are there other people, other than Kennedy, with whom you would consider partnering? Other people who could swing the Democrats the same way?

Danforth: Sure. The cast of characters has changed a lot. I bet you half the people who were in the Senate when I was there aren't there anymore, but that was always the case. In fact, that was the way the Finance Committee worked. In the Finance Committee, to get anything done, you'd have to have Democratic cosponsors. The partners were obvious. David Boren used to say to me, "We should form our own party" because he was out of the main part of his, as I was with mine. Our office always had stuff going with Boren. And Moynihan. I did a lot with Moynihan. These were people who—they were not negative people and they wanted to do things. Lloyd Bentsen. My word, Bentsen and I were like two peas in a pod. That was really a terrific committee for working things out. It was less ideological and more collegial.

Martin: Do you have a sense that, since you've left, that strategy has become less usable?

Danforth: Well it hasn't been used, to my knowledge. I don't see it. It's much more partisan, embattled, and embittered than it was then. But that civil rights thing was a real eye-opener for me. I'd seen it in the Finance Committee, but the Finance Committee was almost ad hoc. You'd have an idea, you wanted to do something, let's get some trade thing; okay, what's Bentsen doing? All right, let's put it together. Or some tax thing. Get somebody over there. The two of you, or you'd have even numbers of cosponsors. You'd have two and two, or three and three, four and four, whatever. And do it.

Martin: Did you have any sense that when you had the success in '90 and '91, were there other members of the Senate that would come and talk to you and say, "Okay, how did you do this? This seemed to have worked." Did they learn from you in any sort of way?

Danforth: No, I don't think people in the Senate ask advice on stuff. [*Laughter*] They all have the answers. I doubt that that conversation took place.

Martin: Even younger folks? No one?

Danforth: I doubt it. But it was obvious. It would have taken working on it. When I said earlier, do I fantasize about what I would have done in the Senate? Yes. I would have found more issues

and do that on a—it doesn't take a lot. You just have an issue and then another one and you develop a little block of people and you try to hold them together.

Heininger: Who did you see as Kennedy's friends in the Senate?

Danforth: Who were his friends? Chris [Christopher] Dodd was clearly a friend of his. Senate friends and social friends are different things.

Heininger: Right.

Danforth: Al [Alan] Simpson was clearly a friend of his; they did a lot of stuff together. A very good relationship. I think Gaylord Nelson probably was a friend of his. I don't know what [Thomas] Eagleton said, if you asked him that question. They're probably pretty close.

Heininger: He too said Hatch.

Danforth: Hatch. Well, they're on the same committees.

Heininger: Makes a difference. What do you think Kennedy's role has been when the Democrats have been in the minority? Has he been more effective when the Democrats have been in the minority or when the Democrats have been in the majority?

Danforth: [*Long pause*] I'm not sure. I was just thinking about civil rights and health care, whether you can extrapolate broad principles from that. I don't know, but I was thinking that maybe he was more effective when the Democrats didn't have the White House and he'd be eclipsed by some Democratic President. He would have more of a leadership role and more of a sense that he had a leadership role when they didn't have the White House. But, in the Senate, having a majority or not, I don't know. I don't have a view of that.

Young: Do you have any recollection, apropos of the relations when the Democrats are in the White House, of the [Jimmy] Carter years? Kennedy and Carter?

Danforth: When Carter said, "I'm going to whip your ass," he said, "Mr. President, I always knew you were standing behind me." That was so funny. No, other than that I guess he was disappointed in Carter. But other than that—

Young: Ran against him, of course. Challenged him for the renomination.

Danforth: Yes.

Heininger: What do you think makes him most distinctive as a Senator? How is he different from other Senators?

Danforth: A number of ways. One, his name and his family, and his almost symbolic role as a result of that. Two, he is and is viewed, and is the leader of a point of view in the Senate, which is the liberal Democratic point of view. He's the leader in that. Three, he has obviously strong staff support. As I say, it can be overbearing, but it's strong. Four, he is pragmatic in that he wants to really accomplish things. And five, he is good to work with in that you can count on his

word. So I think all of that. And, he's personable, which helps in the Senate. He's enjoyable. He's fun to be around. He's very funny. He's got a great laugh. Earnest. He's a good person.

Young: It's hard to imagine him not in the Senate, it seems to me. That's his life. He seems to be perfectly suited to the institution and that's why he's— That's just an impression of mine. Is it out of line or is that—

Danforth: No, that's right. How long has he been there, 40 years?

Young: Forty-three.

Danforth: Forty-three years? Good gosh.

Young: And he's already said he's running for reelection.

Danforth: Who had the record, [James] Strom [Thurmond]?

Young: Strom had the record and—

Heininger: Byrd now does.

Young: Byrd now does.

Danforth: Does he? How long has Byrd been there?

Heininger: Forever.

Martin: Fifty-eight, was he elected?

Young: I think it was.

Heininger: Fifty-eight I think. He's running again too.

Danforth: He doesn't have that much—'58.

Heininger: Not that much more than Kennedy.

Young: Kennedy came in '63.

Heininger: And Kennedy's younger.

Danforth: Yes. How old is Kennedy? About 70?

Young: Seventy-three.

Heininger: And Byrd's 87.

Danforth: Well, I hope he's there forever. I think he's terrific.

Martin: Can I ask you a question—in terms of listing what you think are his key strengths, the question of staff frequently comes up.

Danforth: Yes.

Martin: So far, one of the hard things is that people recognize, yes, he has a great staff, but I think to an outsider, people wouldn't understand what that would mean, how that would work, and to differentiate between someone who has a good staff and a bad staff. Is that part of them, or how does that—

Danforth: No. It's the Senator's choice and the Senator's responsibility. And it's the most important thing you can do. It is *crucially* important and that's a lot of the difference. I've thought about this a lot. It's just a funny thing that happened. [Stephen] Breyer was a Kennedy staffer. I don't know what I dealt with Breyer on, some issue, I can't remember what. Could have been health care, it could have been civil rights, I don't know, but I've dealt with Breyer on something.

Breyer was nominated for the First Circuit Court of Appeals. I almost never voted against Presidential nominees, maybe a half a dozen times when I was in the Senate, and I don't remember any other judicial nominee. Maybe I voted against one or two, but I don't remember them. But I voted against Breyer for the First Circuit. I voted against him because he was so overbearing and difficult that I thought he did not have judicial temperament. I must have told him that, that I was going to vote against him for that reason, because when he was nominated for the Supreme Court, I was in that—whatever that tile room is outside the Senate chamber, the big thing where everybody is milling around—and I was out there talking to somebody. Breyer had been making the rounds for the Supreme Court and he came up to me and he said, "I remember what you told me." So I voted for him for the Supreme Court. But he was, to me, the Senate staffer run amok. I thought Kennedy staffers were smart. This is my impression of them: very smart, very ideological, very hard-driving, very sure of themselves, and difficult. But Kennedy himself was easier to deal with, easy to deal with even.

Heininger: Is that a good cop, bad cop?

Danforth: Could have been.

Young: Did you have any contact with or know Carey Parker on his staff? Is that a name that is known to you?

Danforth: I don't remember the name.

Martin: There are a couple of points where Kennedy is able to hire onto his staff people who are national experts in their fields, and that struck me as unusual. Do you have that sense, or whether that's more common than I'm giving it credit for being?

Danforth: I would think it's not common. Most people you hire on your staff are young so they haven't reached the national-expert level. Some people you hire have specific expertise; Sue in trade, for example. Tax staffers, you have to hire people who know the tax law. Most of them are young people; they're just out of maybe law school or sometimes out of college, but mainly

they've got more than just a college degree. So they've got a lot of knowledge, but whether I'd call them experts, no. Or leaders—

Young: He does have an extensive network of people he calls upon, some of whom come on the staff, some of whom have been on the staff, and he maintains contact with them.

Danforth: Sure, when you think about it, he's been around so long, he's got people who are retirement age or beyond who were with him 30 years ago, and then they've made careers in some specialized area. He can always call on them.

Young: And does.

Danforth: Yes. Plus Harvard. I'm sure he leans on its people a lot.

Heininger: Well, this has been very enlightening.

Danforth: I don't know if it's been enlightening, I've had fun talking about the old days.

Heininger: It has been.

Young: It's been fun for us too. Not all interviews are, speaking as a veteran. I do appreciate this.

Danforth: Good. I bet Eagleton was fun, wasn't he?

Young: Yes.

Danforth: If he could hear you.

Young: We made ourselves heard most of the time.

Heininger: I hear he came to Washington when you were nominated for the UN, to introduce you.

Danforth: Yes, I asked him to do it.

Heininger: Which was really nice.

Danforth: How did you hear that?

Heininger: Allen Moore told me.

Danforth: Allen told you.

Heininger: He said you made your wife call Eagleton's wife to ask her whether it would be okay, because you didn't want to impose.

Danforth: I didn't want to embarrass him, that's right. I didn't want him to—he has such a hard time hearing.

Heininger: Barbara [Eagleton] apparently said, "Oh yes, he'd be upset if you didn't ask him."

Danforth: Well, it was a great blessing for me to be a colleague of Tom Eagleton in the Senate. That was a terrific relationship. There was no undercutting, none of the games. When one of us would run for reelection, the other would formally endorse the nominee of his party and then just make for the hills. [*Laughter*] My tough race, my first race for reelection, I barely won it. In any event, the morning after the election—we were staying in a hotel in St. Louis—the morning after the election, the phone rang and it was Eagleton congratulating me on my win. He was in Turkey. He decided to get out of the state.

Heininger: Really run from the House. That's pretty far to run.