



EDWARD M. KENNEDY ORAL HISTORY PROJECT
FINAL EDITED TRANSCRIPT
INTERVIEW WITH MICHAEL ENZI

September 19, 2006
Washington, D.C.

Interviewers

Stephen Knott, chair
Janet Heining

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Knott: Thank you for your time.

Heininger: We know your time is very limited, so thank you so much for making time for us.

Enzi: Glad to do it.

Heininger: You have a Rose Kennedy book.

Enzi: I do, yes.

Knott: That's great.

Heininger: Well, there are a number of things that we'd like to talk with you about today. There are a number of pieces of legislation that you have collaborated with Senator Kennedy on in recent years, and some of them we'd like to talk to you about, like the pension benefits bill; the Mine Improvement and New Emergency Response Act, MINER Act [of 2006], that you wrote; the safety bill that you recently put in; and also about how he conducted himself when he was chair of the Labor Committee when you were ranking; and then the shift over and differences that you will see with him.

Tell us, when did you first meet him?

Enzi: I first met him after I came to the Senate. I met him on the floor. That was very informal and awesome, meeting a person from history. I signed up for the committee that he was on at that time. That's the first committee that I joined. They hadn't even changed the name to Health, Education, Labor, and Pensions yet, but we did during the first couple of months. And I got the subcommittee for the labor issues, which was always considered to be the most contentious subcommittee. He was the ranking subcommittee member. He was also the ranking member of the full committee.

One of the reasons I was excited about being on that committee was because I wanted to see some national changes in OSHA [Occupational Safety and Health Administration]. I thought that the whole process had gotten outdated, and I put together a bill, and I started talking with Senators one-on-one about it. I had a little trouble explaining it to Senator Kennedy. He runs a really full schedule. I understand a lot better now what that means than I did at that time, but I wanted to sit down with him and hadn't had the opportunity. So I called Al [Alan] Simpson, who

used to debate against him on television and radio. Al said, “Sure, I’ll give him a call,” and he did, and it wasn’t 30 minutes until Senator Kennedy called and said, “Yes, let’s get together and talk about your bill.” I went to his office to talk about the bill. And two days before, my mother had been named Mother of the Year for Wyoming, and he had clippings already.

Heininger: He’s very well staffed.

Enzi: Yes, he is, but that comes from direction that the Senator gives.

One of the things that I’ve always tried to do is read whatever there is about a person that the person actually likes. With Senator Kennedy, there have been several books that have been written that I’m pretty sure that he doesn’t like. So I asked him at that meeting, “What would be the best thing that I could read?” and he said, “This book.”

Knott: *Times to Remember.*

Enzi: By the time I got back to my office, there was a signed copy of that there already, and I read it. You can see all the dog-eared pages. It has been helpful.

We went through that bill one section at a time. He took the time to do that, ask some good questions. One of my favorite ones in there—I’m an accountant and I had noticed that one of my clients, before I came back to the Senate, had quite a few expenses with injured employees. So I met with him and said, “You know, you could really save a lot of money if you had a safety program,” and the guy said, “Okay, do it.” I said, “No no, I’m the accountant. I don’t do that.” But he said that I knew more about it than anybody in his company and that he’d pay me—and those are magic words. So I put together a safety program, and part of that was a drug-testing program, and even while I was campaigning, I would stop occasionally at a rig and collect urine specimens and do saliva tests. I mentioned that to Senator Kennedy, who said, “Oh,” and we went on to the next section of the bill. He went through the whole thing.

And then when we got to the markup on the bill—usually there are only two people who get to speak, the chairman of the committee and the ranking member on the committee. When it was his turn to speak, he spent all of his time talking about how that was the first time since he’d been here that anybody sat down and went through a bill a section at a time. I thought that was the standard. That’s what we did in the Wyoming Legislature, but it’s obviously not what we do here, and he was very complimentary on doing that. He voted against it, however, but we got it through committee.

In Wyoming we have some areas—have you ever seen fish fossils? They’re a white sandstone, and then you can see the bones of these ancient fish on them. If you see a white sandstone with dark bones, it probably came from Wyoming. I got to tour that and do a little “fishing” there. I brought back one of the fossils for him. He kept it in his desk over there in the Senate and mentioned it regularly. I think he’s going to come out; I’ve invited him out, and he seems very excited about coming out and doing a little fossil fishing himself. I think we would have done that this fall, but my wife had—we discovered some cancer, and she’s having to take chemo. So our August was interrupted a little bit or we’d have probably gotten it done.

Another thing that I do is hold coffees in here and in the other room regularly, and we invite two Democrat offices and two Republican offices, and we try and get everybody to meet their counterpart so that, hopefully, there can be more bipartisan activity. Well, he came to the coffee that included his staff—and I think everybody from his office showed up—he brought this, which of course has the football helmet for Wyoming and Harvard, and he made a presentation. I'd been doing these coffees for eight years and nobody ever did a presentation at it, but he did. "To Mike, the Cowboys and the Crimson make a great team. With respect and affection, Ted Kennedy."

We've had just a great working relationship. As I mentioned, this has been one of the most contentious committees. For the last year and a half, it's been one of the most productive committees. Now, that's because he and I adopted my 80-percent rule. I noticed early on that everybody agrees on about 80 percent of the stuff around here, and if we concentrate on the 80 percent and save the 20 percent for some time when we have a lot of time, which is never, you can get the stuff done. He had been very good to work with on that. When he says that he can go along with something, you can count on it, and he is very good at giving warning about when he can't go along with something. What you see on television usually is the 20 percent that Senators don't agree on, and you'll notice that when the debate is through on the floor, we still haven't agreed on it. Occasionally a little piece of it gets in but usually not. So we short-circuited the process with our 80-percent rule, and he's been phenomenal to work with on that.

You may have noticed on the Pension bill, which is one of the biggest changes in pensions in 30 years, that the debate on the floor was an hour, equally divided, with two amendments that were pre-approved. So we had a total of three votes, and it took a total of two hours to do one of the major pieces of legislation. That's a record but much longer than it usually takes him and me to get a bill passed. We had some opposition from the White House on the [Carl] Perkins Vocational and Technical Education bill. That one took us 30 minutes, equally divided, to get near-unanimous approval. We do about a bill a month that way and yes, there are some bills that we have not been able to do because one or the other of us has a fairly major portion of it that we haven't had the time to work out yet, but he's very good at working things out.

On the floor, he yells and screams a lot. If he's going to yell and scream about a bill that we're working on, he tells me in advance. I tell him if I've got to oppose it, and it's worked out pretty well. Probably the major issue that we've had as a floor debate has been minimum wage, and that debate was raging long before I got here. I really thought we were going to resolve that in March because he had the \$2.15 increase, and I put in an alternate bill that was an increase in minimum wage for \$1.10, and then it had some benefits for the small businesses to compensate for the increase in the minimum wage.

Just as we started debating, he changed his down to \$1.10 also. So I thought, probably since we were both at \$1.10, both of them would pass, but people get locked into this partisanship, and primarily the Democrats voted for his bill and primarily the Republicans voted for my bill; some voted for both bills, but it wasn't enough to meet the threshold that was needed to pass the bill. That one we'll probably keep debating and discussing, although I've brought people along further with the \$1.10 than usually happens in the Republican Party. I have a presentation that I'll be making to him the next opportunity.

You're looking at a *Life* magazine that has the pictures from when he was sworn in to the United States Senate.

Knott: January of '63.

Enzi: Yes. Doing a little digging too.

Knott: Has it surprised you that he's somebody that you can work with? You said you didn't know him until you came to the Senate, and his media image, perhaps, is a little different from the man that you've come to know. Is that a fair statement? Were you surprised somewhat about the extent that you could work with this person?

Enzi: Actually, Al Simpson had talked to me about Kennedy before I ever came back here, and he said, "He's somebody you can work with. You just need to get to know him." Yes, a person always has preconceived ideas.

One of the things that I've noticed is that that there isn't a busier Senator than Senator Kennedy. Because of his family history and his history and his prominence in his party and in the Senate and his seniority, he's probably called on for more things than anybody else, and it means more to people when he shows up for them. He's very gracious and shows up for them. Occasionally we'll have a meeting scheduled, and he'll wind up having his staff get a hold of me. I'm not sure how he gets the word to his staff, but you know that he's at a funeral or something and it's running three hours instead of how long it was supposed to. He always sets up an alternate time then to go ahead and meet on what we were going to meet on. But the number of things that he has to go to like that take a lot of time, and really amazes me. For those of us who are hardly known, we don't have to worry about those things.

Heininger: How much do you work out with him individually, and how much do your staffs work out when you've got bills that are pending in front of the committee?

Enzi: Our staffs work together really well. They're able to get the issues down to the ones that need to be decided on by the members, and then he and I meet. Actually, most of the year, we meet at least once a day. A lot of times it's over on the floor when we're having a vote, and the two of us will just sit down over there and hash through some of the list of things that we have from our staff that need to be worked out. It works pretty well.

Our main interruption is people saying, "I don't know if it's good for the two of you to be seen together." [*laughs*] I had one, after we passed that Perkins bill as our very first bill—no, actually it was after the second bill, which is a non-discrimination on genetics that we passed; again, that went through unanimously—one of the reporters came up and said, "So how's it possible that the third-most liberal person in the Senate is able to work with the fourth-most conservative person in the Senate?" I said, "Well, we try to be reasonable." And I passed that on to Senator Kennedy, and he said, "So who's ahead of me?" [*laughs*] But it is possible to work across party lines, and he's very good at it. One of the tricks, though, is to keep it out of the media, because the media can polarize and dig around and try and find sore points that they can lock in that, even though you find an alternative way for it later, you can't avoid. I've appreciated him taking a pretty low profile on anything that we've been working on.

The MINERS Act, that's something that—some changes in the Mine Safety Law were needed for a long time. Mining was decreasing in importance in the United States. The price of coal went so low that people couldn't, at a lot of the mines, profitably mine it any more. And then the price of oil came up, and that brought the price of BTUs [British Thermal Units] on virtually everything up, and it brought coal mining back to where it could be profitable again, particularly in a lot of the small mines. Well, when the number of mines is decreasing, the people inventing things for safety in those mines is also decreasing. I mean, if there's no market, there's nobody going to work on it. And so the industry got quite a bit behind on the kinds of things that could be done in a technology environment like we have today, and it caught up with us.

When a lot of those small mines opened up again, we had the accidents. And when those accidents happened, Senator Kennedy and Senator [Jay] Rockefeller and Senator [Johnny] Isakson and I went down and took a look at them. Senator Isakson and I and Senator Kennedy are all on the committee. It happened in Senator Rockefeller's backyard. We got a plane and went down there and took a look at what the problems were, met with the families, met with the miners, checked to see what could be done. And because there were three accidents in a row there, it held the interest of the country long enough that we could reach some conclusions on how to solve it.

I've got to say that the unions and the companies were very cooperative on it. There were a lot of issues that we had to work with both sides of the fence and then found out they were both on the same side of the fence. Generally companies want their employees to be safe, and of course employees want to be safe, and both have to participate. Personal equipment can't be put on by the company. Personal equipment has to be put on by the person. So the two groups worked together well, and of course we went through lots of different iterations and proposals and things, and finally came up with some things—it's the first major change in mining law in 28 years, and it went through unanimously, no debate.

Heininger: The bill went through, from start to finish, in only a month too, which is—

Enzi: Yes. On the House side, there was no debate. It's pretty unusual for a bill.

Knott: Has it ever been difficult for you politically, either with your voters back home or perhaps with some fellow Republicans, the fact that you have this cooperative relationship with Senator Kennedy?

Enzi: Yes, it is. It is. And again, that's because people form their opinions based on what they see on C-SPAN [Cable-Satellite Public Affairs Network]. They don't think that I yell and scream enough and that I ought to be countering him more often. And I think that showed itself in the Connecticut primary election here recently. What the people of Connecticut wanted was somebody who would go to the floor and yell and scream, pound the desk, and get the point across on what may well be their misconceptions on what ought to be happening. And so the quiet guy, [Joseph] Lieberman, lost.

People have this idea that because of the way they see the performance happen on the floor that that's what a Senator does, and in my opinion—and I know the opinion of Senator Kennedy—our purpose here is to get some things done, that there are problems that need to be solved. There

are also some things that are always going to be issues instead of having solutions, and those are the ones you go to the floor and rant and rave about, but the really critical ones you go ahead and get done. I've always appreciated that philosophy on his part.

Heininger: Do you get more flak at home, or do you get more flak here from other Senators?

Enzi: I get more flak at home. There are a lot of people in Wyoming who just cannot understand how I can even talk to him.

Heininger: It sounds like you need to get him out there.

Knott: Well, politically that's a little bit risky, isn't it, for you to bring him out there with you?

Enzi: It probably is. I invited the Governor, when he was back here, who is a Democrat—our Governor is a Democrat—and I invited him to come to the State of the Union speech. I said that he might be uncomfortable sitting with me but I could probably arrange for him to sit with Senator Kennedy or somebody. He said, "Oh, the worst thing that could happen to me would be to have a picture with Ted Kennedy." *[laughs]* So that gives you a little idea of the atmosphere out there.

But he's a genuinely likable person, and he's willing to get things done. He has this incredible appetite for knowledge, and the fossils are one of those areas of knowledge. He's never mined fossils before, and so he's excited about doing that. When I'm meeting with him, occasionally some of my stories, some of his stories, come up about things that we've done, and it's just a fascinating background he's had of exploring different kinds of things. Of course, he's been in a position as a Senator for so long that he's really been able to make a lot of these opportunities happen. I think he concentrates on that, and consequently, he has more adventures than most people would.

Heininger: I'm interested that you would take flak at home, because given the long-standing history between Simpson, the relationship between Simpson and Kennedy, that that might not have carried over a little bit. Is it your sense that he got a lot of flak at home too because of his relationship with Kennedy?

Enzi: Well, the public appearance of Kennedy and Simpson was that they were on a program, presenting alternate, opposite views.

Heininger: So it wasn't the fact that they also had a very close personal relationship as well?

Enzi: Right. It's what you see that you believe.

Heininger: Well, and they weren't on the same committee either in the way that you have been with him.

Enzi: But I'm willing to defend any piece of legislation, and I never have any problem in Wyoming with what I've done on the legislation. They're all very impressed that I'm getting things through, so I don't think they care that I work with Kennedy. I'm sure they don't feel that I sell out to Kennedy, but a lot of times we find a third way of doing things because there's

already something that's polarized, Republican versus Democrat, and so we have to find a little different way to do it.

I worked on several OSHA bills and he let—these were small changes in OSHA that he approved of, and we did about six changes to OSHA that nobody ever heard about except the people who had to do OSHA stuff, and they always appreciated them. After doing about six of those by unanimous consent, he brought me a bill that he'd been working on for about 12 years, which was the Needlestick bill [Needlestick Safety and Prevention Act of 2000]. You know, there are people who work in hospitals who have to dump the garbage, and if the syringes aren't disposed of properly, the janitor can get stuck with a needle, and it will be six months to a year before they know whether there's been any adverse effect. Not to mention, of course, nurses, who can have the same thing happen to them, or even doctors. He had a solution for solving that, and he wanted me to take a look at the bill, and I did.

One of the things I always try to put into bills are incentives, not just penalties but incentives as well. There are some people who have to be penalized to pay attention, but for the most part, if people know about something they can do and have a little bit of incentive for doing it, they'll probably do it. So we built that into the bill, and that passed unanimously. And that one surprised me. I didn't know that it was quite as big a deal as it was. The Service Employees International Union asked to give me an award, and I said, "Well, if you give it to me in Wyoming." So I think I'm one of the few Republicans to get an award from a union in southern Wyoming.

The Nurses Union also called me and said, "We'd like to put your picture on the cover of our magazine. Would that be okay?" I said, "Well, it's public property. You can do anything with it you want to," and he said, "I don't think you understand. We've never had a Republican inside our magazine, let alone on the cover." *[laughs]* From instances like that you say, "You know, it does pay to work together." I mean, when I go to hospitals now—and I get to go there quite a bit—I say, "See that machine? I got that there."

Heininger: Tell us about the upcoming Drug Safety and Innovation Act.

Enzi: That's a bill that Senator Kennedy and I have been working on for about a year and a half. You'll recall that just after I got the chairmanship we had the Vioxx debacle. That drew a lot of attention, and we had the Finance Committee holding a bunch of hearings on it. It's not their jurisdiction at all, but the chairman can hold hearings on anything they want to, and Senator [Charles] Grassley held hearings on that, came up with his own bill, and we held hearings on it as well.

One of the things that is difficult around here is sometimes, at the peak of the problem, people are more interested in the issue than they are the solution. A rule that I've noticed on legislating is, if it's worth reacting to, it's worth overreacting to, and both Kennedy and I recognized that that was already in that situation. So we tried to calm things down and wait a little bit while we collected ideas on it, and I think we collected about 200 things that people thought would solve the problem, and we kept working through them. Now it's calmed down to a point where something can actually be done on it. The irrationality of it may be gone out of it. I was surprised, though, in the mine bill that we didn't run into that same thing, but people realized that

a solution was needed so badly and so desperately and so quickly there that we didn't get the same kind of pressure on it as we did with the Vioxx.

Heininger: Was that a case where media tension was in fact beneficial to get it through legislation, whereas this is a case where moving away from the heavy media attention may be beneficial to enhancing the chances of the bill going through now?

Enzi: Well, on the mining one, no matter who was interviewed, we talked about solutions. And as the media tried to pick fights, everybody successfully avoided that. With the FDA [Food and Drug Administration] reform, people didn't even try to avoid it. They were willing to polarize and comment on other people's crazy ideas, so it just got too difficult to handle at that point. But we went ahead and worked the issue and had our staffs collecting ideas, and we were able to put together this bipartisan bill that we have right now.

Heininger: What do you think the prospects are for it?

Enzi: I don't think you can work around here without being the ultimate optimist. We have a few steps that we have to go through to get there. One of them is to have an FDA commissioner. In the last five years, I don't think we've had an actual confirmed FDA commissioner for even one year of the time, and that one was a veterinarian—not that there's anything against veterinarians, but it's a little different from a medical doctor working on human medicines. So we're trying to get Dr. [Andrew] von Eschenbach through the committee, but there are several catch-22s there between the liberals and the conservatives that have made that pretty difficult.

It's supposed to be a safety position, and if we get away from a situation where we're looking at it from the safety standpoint, we'll never have a commissioner approved. It becomes a political position. There's a lot of money involved, and politics would really exacerbate the problem. So our first step is to get him approved. We mark him up tomorrow, and then we can actually work through this bill.

Heininger: Are you expecting it to be voted out?

Enzi: Yes, I am. And there's a medical committee that's been doing some research on reforms that are needed in the FDA. It's my understanding that report comes out next week, and so I think Senator Kennedy and I will get a little preview of it on Monday before it comes out, and we'll be able to see how that conforms to our bill and make whatever changes are necessary to make sure we're catching any valid suggestions that they have or any agreeable solutions that they have. We'll work that in there, and then we'll try and push it through.

Heininger: What other big issues do you have looming that you see ahead of you in the future?

Enzi: Oh, he and I have been working on a health information technology bill for a long time, and we got that through the Senate. The House, I think, recognized what a news mine that was and have been dragging out the approval process over there, and they finally passed it about three weeks ago. So now we're conferencing that, pre-conferencing it. We've got to be sure that nothing really sticky gets in the political machine, which right now if you try and hold a conference committee, those can be just political debates sometimes, but we're trying to avoid that.

The Health IT [Information Technology] bill is critical. It allows each person to own their own medical record. When you go to the doctor's office, you'll just put a credit card through their machine or a fob off your keychain and that will provide whatever—you'll put code in for how much you want to release. Maybe it's a dentist, so you just want to release the dental stuff. Maybe it's an internist and you want him to know everything about you he possibly can, so you release it all. Right now it can take you less time to get an operation than it does to get your medical record from one hospital to another.

Also, when people fill out the little clipboards, they probably can't remember everything about themselves. So if you could carry a record that had everything about it, including if you go to another country and you rinse your toothbrush under that local water, you probably ought to put that in your own record just in case you're not able to talk by the time you see a doctor. Elimination of duplicative tests and errors on medications and things like that, just with Medicaid and Medicare and the Veterans, should save \$160 billion a year. There is no downside to this bill, and so we'd like to get that finished up.

I have the Ryan White CARE [Comprehensive AIDS Resources Emergency] Act for AIDS [Acquired Immune Deficiency Syndrome] that we have one state holding up, the formula, and it's been revised so that the money follows the patients. There's one state that would lose money on that, and they don't want to lose money. It's because they don't have the patients to back up the money. We want to get that one wrapped up. Actually I've got a dozen bills under health alone. And then under education we have everything from birth to retirement, which is the Higher Education Act, and Head Start, Workforce Investment Act. So we have a lot of bills in that category too. Labor and pensions we've pretty well got wrapped up. Again, I'm the ultimate optimist, but I'm very hopeful that Senator Kennedy and I can wrap up about at least eight bills yet this year.

Heininger: Wow, that's a lot.

Enzi: The average committee passes three bills every two years. We're going to do eight in the next two weeks, I hope.

Heininger: It seems like your bipartisan approach works.

Enzi: It does. But it takes somebody special like Senator Kennedy to be able to do that. You know, if they're just looking at the party politics on the thing, he's had enough years around here that he can feel comfortable providing some leadership, and that helps.

Knott: Well thanks, Senator. We appreciate it.

Enzi: Sure.

Heininger: Thank you very much. You've given us a lot in a brief time that's very valuable.

Enzi: Happy to do it.