



EDWARD M. KENNEDY ORAL HISTORY PROJECT

INTERVIEW WITH OLATUNDE JOHNSON

March 22, 2007
New York, New York

Interviewer

Stephen F. Knott

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TRANSCRIPT

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Knott: Thank you again for agreeing to do this. I think the best place to start would be if you could just tell us a little bit about yourself, how you came to work for Senator Kennedy.

Johnson: My background is as a civil rights lawyer. I went to Stanford for law school, and then I clerked for David Tatel on the D.C. [District of Columbia] Circuit and I clerked for Justice [John Paul] Stevens on the Supreme Court. Then I worked for four years at the NAACP [National Association for the Advancement of Colored People] Legal Defense Fund. Three of those years were in New York, but the final year was in Washington, D.C., and that's where I started to do a little bit more policy work, and even thought about the possibility of working in government, or mostly in the Senate. I had a friend who was working in Kennedy's office. A position became vacant and he—

Knott: Who was that?

Johnson: It was David Sutphen.

Knott: Oh yes, we're interviewing him next week.

Johnson: David and I are long-time friends, and he said, "We have something coming open." I was a little bit torn personally because I'd always been sort of on the outside, being an advocate, but I went in and met with Melody Barnes and got a sense of what the job was like. It seemed very interesting, in a way, for me to do a broad range of civil rights issues, not just mostly the race issues I'd been working on, but to do other kinds of civil rights issues, to do religion, to work on First Amendment, judicial nominations. There were issues around a bunch of civil rights statutes that needed to be strengthened.

Knott: Did you do any work on immigration itself?

Johnson: I didn't do any work on immigration, because the way the office is structured, there were a few counsels who did nothing on it. I think at the time I was there, only one person did immigration, Esther Olavarria, and Melody would help supervise her sometimes. But Esther did the immigration substantive work, and the rest of us did other issues.

Knott: And I think she still does, right?

Johnson: Yes. It's amazing.

Knott: You clerked for Justice Stevens?

Johnson: Yes, I did.

Knott: What was that experience like?

Johnson: It was an amazing experience. For one thing, he's a wonderful person to clerk for. He's very kind and easy to work for. I enjoyed the year at that level, just getting to know him. But it was also an interesting year because it's just the kind of work you have presented to you, these issues at the highest level, and you're working with a whole bunch of very energized, bright law graduates, trying to figure out these different kinds of legal puzzles and the policy ramifications of what you're doing. Some people think clerks have a lot of power. I definitely felt I was working for a Justice and it wasn't about my ideas, in that sense. I felt that I learned a lot about substantive areas of law also, and how to write and how to approach every different legal issue. We had really exciting cases. We had the *Jones v. Clinton* case; we had the right-to-die case. We had cases about Congressional power, which got me very interested in that issue, which is something I hadn't done that much work on.

Knott: Was he a former law professor?

Johnson: He wasn't, to my knowledge. He was a judge before, but he had actually practiced law. I don't think he taught.

Knott: That was one of the surprises on the Supreme Court in terms of being appointed by President [Gerald] Ford.

Johnson: Yes. And he's very interesting about that. He doesn't put himself in any kind of box, and he thinks the Court has really changed around him.

Knott: Do you still keep in touch with him?

Johnson: Yes, definitely. He's not the kind of person you just call up and chat with; he's kind of reserved, temperamentally. He's just a quiet person. But when I go to D.C. and I have time, I'll try to stop by chambers to say hi. I just saw him a couple months ago.

Knott: Could you tell us about how—so then it's David Sutphen that you end up with in Senator Kennedy's office.

Johnson: Yes. I interviewed with Melody Barnes, and maybe I met the staff after that, but then I interviewed with Senator Kennedy.

Knott: How did that go?

Johnson: I think it went well. I don't remember at all that we had a really substantive conversation. I think we did talk about some of the work I had done around civil rights. I may have mentioned to him at the time, or maybe it was later, that my family has this strange kind of connection to his family in that my family—they're immigrants, my parents come from Sierra

Leone—and the [John F.] Kennedy administration set up scholarships for African students to come to this country. So my mother—I have this picture of my mother meeting Robert Kennedy.

Knott: I imagine he enjoyed that.

Johnson: Yes. He loved that. But yes, we had a nice talk.

Knott: Do you remember some of the early—how does one get up to speed? How did you start with this position, start this job?

Johnson: Well, I remember that one of the first issues that I was assigned to work on and think about had to do with the whole reparations issues and apologies for slavery. It was interesting. It seems now like, why could that even be on the radar screen? But there had been a conference on race in the summer of 2001, in Durban, South Africa. And so this was really being talked about. I remember doing some research on that issue. I also remember that the issue of—we were trying to deal with the Supreme Court opinion in a case called *Alexander v. Sandoval*. That was on the table right away. We wanted to do some kind of, as they call it, “legislative fix,” of the decision, that it really made it hard for people to privately enforce a portion of Title VI. Title VI forbids racial discrimination in all federally funded programs. Immediately we knew—that was one of the things I had been hired to think about: doing a legislative fix for this case.

So in terms of getting up to speed, I was given books about the Senate and the process and things like that, but it was mostly, let’s dig into some of these substantive legal issues and you’ll figure out the legislative process, which was a mystery to me, as we go along. That was probably—I started, I think, September 4th, 2001. Then the next week, I remember sitting in my cubicle and one of the planes hit, and Melody said, “Look what’s happening in New York.” I remember she said it was—we thought it was a crash, right? And it was like, oh, have you seen the stuff that’s happening in New York? We all had televisions on our desks and it took us a while, I don’t remember how long, to realize this wasn’t just a plane crash. I don’t remember if we heard about the other plane crash, but then we realized, we’re in the Senate. After a few minutes—maybe it was 20 minutes, maybe it was 30 minutes, I don’t know—but we evacuated ourselves.

Knott: You did this yourself, or were there alarms going off?

Johnson: There weren’t alarms going off, no, but—

Knott: It was not particularly well organized.

Johnson: It wasn’t yet, and I think it wasn’t until post 9-11. Maybe I’m not remembering, but my memory is that we left. We realized we had to leave the building. But then they started corralling people, and maybe eventually alarms went off. We all hung out in a certain location for a while, and then we realized that we were just going home; we actually went to Esther’s house. So that’s all to say that whatever I was working on before changed at that moment. The thing that changed for me was that nothing moved on civil rights, on the kind of—there was going to be no Sandoval fix, no civil rights bill. I mean reparations, certainly things like that, were off the table.

Knott: Because of 9-11?

Johnson: Because of 9-11. And that, in the Senate, the time was occupied trying to do various responses on the Patriot Act. So I ended up working on a provision of the Patriot Act that had to do with whether or not you could seize, I think, educational records. I worked on privacy issues. I remember sitting in meetings and fielding concerns about that, and figuring out how you could draft it to make it more protective. We were actually successful in making sure there was some sort of judicial review of the ability to get records from educational institutions about students, because, of course, you wanted people to be able to access that information for national security concerns. At the same time, you didn't want there to be an abuse of that authority. So we struck a system, and that was my first introduction to doing something legislatively, but it was very discrete. I felt for a long time that I wasn't doing that much, because if you were working directly on crime, immigration, terrorism, that was where the Senate's attention was for a few months, really.

Knott: And you're reporting, all this time, to Melody Barnes?

Johnson: Yes, to Melody the whole time. This particular issue about the Patriot Act was something that I was working on in conjunction with the education committee, with the health committee, because we would help staff them on some issues. They were a huge committee. I'm just saying that at margins, we would help with things that had civil rights implications that came out of their committee, and this was something that was an education-related issue. I remember I worked with Michael Dannenberg a little bit on this question, and then I would report back what was happening to Melody, or maybe write it in a memo, although I'm not sure I did at that time. I don't think I wrote memos directly to Kennedy, but Melody and I probably wrote memos together, or Melody wrote a memo saying this is what's happening, all the different provisions. So that's what I remember doing early on.

Knott: Can you compare your experiences in the Supreme Court, working for Justice Stevens, with your experience working for Senator Kennedy, the differences?

Johnson: Over the two years?

Knott: Sure. That may be an unfair question.

Johnson: Yes. It's interesting because it has similarities in that you feel like you are there to help support the work of someone who is working for an incredibly important institution, one of our branches of government, and that your job really isn't about you. It's about trying to collect and gather information that helps support the thinking of this person. The difference in the jobs has to do with the difference in roles. I mean, besides the fact that they were different people, but the world of the Senate is so different from the world of the Supreme Court. I felt like I knew what the parameters were of my job in the Supreme Court. I knew that the body of things that I looked at were statutes and cases, and the arguments that the parties made, and that was really the relevant category of information. Obviously, you bring in other kinds of experiences, but you're engaged in a kind of back and forth that's relatively a random kind of circumscribed set of things.

In the Senate, especially as you begin, you're thinking, *What is my job?* It feels so much more amorphous. So it's partly that you can come up with legislative ideas and propose them to the

Senator. You meet with outside groups who have concerns about legislation that's on the table and legislation they might want to propose or judicial nominations, and it feels far more wide-ranging. It draws on a broader set of your skills as a lawyer, because one of the toughest things for me was—I don't remember what it was substantively, but I remember when I had to write the first talk for the Senator. It was probably on judicial nominations, and just the whole background and the importance of judicial nominations, why it was substantively important for Americans to care about this. It was so hard for me to write it in a language that was just accessible to non-lawyers, and I had to work at doing that because I was used to writing legal briefs. It's not that I hadn't—I mean, in my job as a civil rights lawyer, we obviously had to talk to people who weren't lawyers all the time, but it's still a very different thing to translate things into the political domain. I had the precision of a lawyer, too, in the sense of you want to make sure everything that you say is accurate, like a judge would think of it as being absolutely accurate.

When you're in the world of politics, that might get transformed into something that's more pithy, and felt to me at the time, less accurate. And it's not *in*accurate. It's not as if you're telling lies, but at the same time it's very—it's just a more compelling, punchy way of delivering a message, when the lawyer in you is saying, "Technically it's da da da da." So that kind of thing is a challenge. Then of course you're dealing with—I mean the Supreme Court is a collegial institution but the Justices make their decisions, at least at the time I was there, very individually. They come together at conferences but there's not—at the time I was there, there was not a lot of back and forth between the Justices, while the Senate is all about that kind of deliberation that either takes places behind the scenes or it takes place on the Senate floor. And there's, of course, working with the House on things. So you are constantly trying to understand these issues from the perspective of your colleagues and their concerns, and negotiate.

Knott: We've heard some very good things about Senator Kennedy's staff. What were your impressions of his staff in comparison to, let's say, the kinds of people you saw over at the Supreme Court?

Johnson: I think the people who work at the Supreme Court are very good at doing the things we were asked to do. I think very good at reading cases, and you have a vast knowledge of substantive law. Kennedy's staff, the thing that I think makes the staff really good is that people are actually really steeped in substantive knowledge of whatever area they're working on. So if someone's working on health or on labor, they have a deep background in those issues. That may be as a lawyer, but it also may be a broader set of skills that they have on how to do policy work or how to think about legislation or how to work with coalitions and groups. Those are lawyer skills too, but it's not just the skill of reading cases and analyzing things. So it draws on a different set of skills.

It's hard for me to judge who's equally brilliant or something like that, but I found the staff of Kennedy's office, people who got issues really, really quickly, who had a deep knowledge of their area, and who also were able to—For me, you can only learn the legislative process, really, just the whole workings of the Senate, by doing it. So there were certain staff who had been there a long time, and you could go call the Carey Parkers of the world. Mike Myers and Melody and Esther, people who had been there a long time and who had seen different kinds of battles, and who really understood the legislative process. That's not the kind of thing you can learn in a

book. I'm going to teach legislation. I haven't any idea how to teach someone those kinds of things. They're just not written anywhere.

Knott: Did you have a lot of interactions with Senator Kennedy himself?

Johnson: Yes.

Knott: Could you give us some impressions or recollections of those interactions?

Johnson: Yes. More and more, as the time went on, especially after Melody left, but even before that, most of my interactions with Senator Kennedy were working on judicial nominations, which got very heated. I think that in terms of my recollections of working with him, they're very positive. That doesn't mean that, at the time, I always experienced them that way. *[Laughs]* Not to be so self-referential, and I'm not actually easily intimidated, but I definitely felt like I wanted to be super prepared.

I would come in with a set of things or an approach I might want to take to the issue, and Kennedy might be like, no, this isn't right. Not because I wasn't right in terms of how I crossed my Ts and dotted my Is, but because he felt politically that this wasn't the kind of approach he wanted to take. Or he didn't feel comfortable with this sort of line of questioning of a judge or making this kind of statement. So I'd often then, after having done days of work, in ten to fifteen minutes it would be taken apart and I'd have to basically spend the evening rewriting it or doing it over again.

In that sense, he just—and he didn't always know exactly what he wanted to do and pursue, but he had a sense of just what was an issue that he wanted to stress and that he could represent very well. What were the kinds of words and language he wanted to use, a broad sense of those things. He could get frustrated if you didn't implement it well, but more to the point, it wasn't really about his frustration, it was more you were trying to work very hard to be faithful to his sense of what was important, and his great political instincts and judgments.

In terms of other things, I had respect for him from the outside, but my respect increased working there because I see that he works so hard. It was impressive to me that someone—I'm not going to say that other Senators don't, but someone of his age, of his stature, he was always willing to work hard on the issues that he cared about, to corral other Senators to come. There were a lot of people who you couldn't get to mobilize on issues that they said they cared about. He would be there on the Senate floor doing it late at night and also doing a million other things. He's tough. I remember at times where—and I think this is obvious to anyone that he is, but for me, the political rough and tumble was not a natural thing.

Knott: For you.

Johnson: For me personally. I couldn't stay in an institution like that. I just couldn't. Like the constant—the political fights. But he had such a great way of approaching it. He rose above it in a lot of ways, and he didn't engage in the pettiest kinds of political back and forths. He knew when to say okay, it is time to let this go. But at the same time he wasn't scared. He didn't back down from a fight. I remember there were times where I'd say, this person said something really awful, and at times he would say, "Oh, yes, that's really awful." He would soothe my feelings,

like this is the Senate, this is what people do. But there were times where he would say, “Yes, well, this is what we have to do as a response; this is ridiculous.” He’s a good Democrat, he cares, he wants to speak up for his party and not back down. And there weren’t that many people who had that kind of presence when I was there. Because of his courage he was definitely a leader on some of the issues that I was working on.

Knott: This is a somewhat awkward question, but you said from the outside, you had a certain respect for him and then your respect grew on the inside. I’m wondering, when you’re back on the outside there, his reputation regarding women, his personal life regarding women, was that ever something of concern to you or did anybody ever say to you, “How can you work for this person who’s got a reputation for—”?

Johnson: Well, sometimes people make jokes about it. I mean, one, I have a kind of political naiveté. I was not one of those people who knew all the gossip about it. Obviously, I knew this sort of broadly about him, but I didn’t know all the stories and things like that, because I was never a Senate-watcher in that kind of way. But people did make jokes about that occasionally, I mean people who didn’t work in the Senate or friends of mine. I have to say that first of all, it never came up when I was there, and then also, I never felt anything like that. It’s not to say that we sometimes didn’t say oh yes, we could imagine that he had days where he wore, whatever, cool outfits. But he was very respectful to his staff and I certainly didn’t sense that. Partly it’s I was hired by all these women. Mary Beth Cahill was working there when I was there. Melody Barnes. It would be different if it were this male-dominated office that it might seep into my consciousness that maybe this was going to be a problem.

Knott: He has taken some criticism by some folks on the liberal side of the political spectrum, for perhaps being a little too quick to compromise or a little too quick to cut a deal with folks on the other side of the aisle.

Johnson: Right.

Knott: Any comments on that?

Johnson: Well, that didn’t come up with any of the issues that I worked on, but I definitely know that criticism around things recently, around health care. I would say that that’s probably what makes him an effective legislator, frankly, but I can’t say that specifically around issues that I worked on. I worked on No Child Left Behind a little bit, but it was the aftermath of his already having cut some of those deals. All the other issues I’ve worked on, he—I mean the judicial nominations were so polarized that he actually was the opposite of cutting the deals, and nothing else really moved legislatively because there was not enough kind of consensus. But I know that came up in other people’s areas, and so I don’t want to speak for that.

[3 pages have been redacted]

Knott: How much of your time was actually spent dealing with outside actors?

Johnson: I'd say a lot of my time. For one, Kennedy really, really values that you communicate with outside actors. For example, on my issues, there were civil rights issues, and it's very important to him that his staff is seen as open to meeting and discussing strategy with civil rights groups, women's groups, race groups, a broad range of groups. I met with Catholic Charities, with whom Kennedy works with a lot, but this was on an issue in which they maybe took a slightly different view than we were taking in legislation. It was definitely not an office where you feel like the groups have to jump through big hoops to meet with you. You met with people and that's how you saw your role.

He sees himself as a Senator from Massachusetts, but he also has this national presence. So I think he likes being the go-to guy for a lot of the civil rights and women's groups. But I think that whatever group it was, I tried to figure out a way to meet and hear people's concerns. He's very respectful, so he has transmitted that to me. So yes, there are totally maddening sides of all that because you're stuck sometimes in endless meetings with groups trying to figure out strategy. There's a sense in which they can get on you if they don't agree with the kinds of strategies that you're taking, and you sometimes have to say, "This is the most we can do."

Knott: That must be the toughest part, perhaps, trying to convince these outside groups.

Johnson: It was hard, but it wasn't as hard as I thought it would be, in part because you know you're doing the best you can to represent an issue in a political environment where you also wanted to say to the groups, "You need to build a broader set of people who care about your concerns." I know that sounds very harsh, but it made me think a lot about, for example, on civil rights issues or judicial nominations, how you get a broader set of people to care. And the groups realized this. They realized that they needed to do that. But you can't just say, "Kennedy, you have to go to the Senate floor for the eleventh time and talk about this." You need to make the swing Senators care about this; you need to make the grassroots and the base care about this. You need to figure out how to get this issue out to the public and the media; you don't need to be talking to me.

I got a little bit more aware of that, just the limitations of the strategy of asking your friends to say the same thing on whatever issue over and over again. We needed to think a lot more strategically, and Kennedy was good about engaging in those issues too. He has a broader vision for what needed to happen and he encouraged us to work with the groups to engage in that broader vision. That it didn't just involve him.

Knott: We've had some people tell us they think he is an incredible strategist. We've had some people tell us he's good at mobilizing the outside groups. Can you talk a little bit about his strengths as a Senator?

Johnson: I thought his strengths were both. I'm trying to think about issues that I worked on, his bills. He's great at mobilizing outside groups, in the sense of what I was just referring to. When the groups come to him, he encourages them to think about how to influence a broader set of political and policy actors to get what they want done. I think sometimes when groups meet with Senators, Senators are like, "Okay, well this is what I can meet and this is what I can't meet."

He's thinking, *Okay, I agree with you on these issues but no one else does, and how are we going to get other people to?* I think that was what it was. He was also good at helping think through how to move legislation: who to form allegiances with and how to structure particular items of legislation so that they could actually advance.

Now, I say that with the issues that I worked on, there were so few political allies on the other side of the aisle, and that was one of the hardest things. If I'd been there maybe a year before, that might have been the case. For example, I worked on religion issues and there was definitely—on some issues, you could get a good bipartisan coalition. Working on race and gender and—I didn't work so much on sexual orientation—but the civil rights issues that we were working on, we got very few Republicans to come with us. After a point we didn't really even know what to do.

He was very good at thinking about possibilities and ways of casting things. He also had a good sense for how people might conceive of the negatives of something that we were doing. We had this civil rights fix bill that ended up being a whole bunch of different statutes, and he was very concerned about, will people understand this? Can people rally around this bill? It's very technical, it's complicated, and it could seem like a lawyer's bill, like a bill where you need to get a whole bunch of attorneys' fees and create private rights of action. That's what the bill was about, but it's actually about vindicating some core kinds of justice issues. So it was figuring out how to translate it into those terms.

He was very good at, especially for those of us who were lawyers, forcing us to articulate why this mattered to the broader populace and how you get people who care to rally around it. Just what resonated publicly on an issue.

I think his other strength is that he's very committed to the issues, so he's tireless. He gets tired and he gets frustrated like everyone else, but he just was willing—it's the courage thing that I said before, where some people feel either like it's the end of the day, I'm tired, I'm going to go home, or I don't want to put myself politically out there. He's not going to put himself politically out there on everything, but he stands up for his ideas and tries to articulate them and persuade other people—he knows he's talking to a broader populace.

Knott: You mentioned his commitment to these issues. Where do you think that comes from?

Johnson: I don't know. It could be personal things about his own upbringing or experiences he had, and then it could be, in some sense, also a role definition. For some people, it's also that that becomes what you do, and that's how you define yourself. You might have been brought to it initially, then you care about it. Then people keep coming to you and telling you, "You did a great job in the 1988 Fair Housing Amendment, strengthening the Fair Housing Act" or strengthening the Civil Rights Act of '91, and that begins to be how you see yourself. You're the civil rights person; you want to be the go-to person who someone comes to on civil rights.

So how it started, I'm not sure, but it definitely was clear to me that that was his issue. He wanted to own it and not share with anyone, because no one else was trying to get it, and he would have been happy for more people to join on. But he was going to be the lead on those kinds of questions. How he saw this as a Kennedy issue, or sometimes he would say this is the

way Ted Kennedy is going to articulate. He was very clear about what weren't his issues and what weren't his strengths. Like, sometimes on questionings of judicial nominees, this isn't something—I can ask about this, this is a concern, but this is not one of my issues, which have to do with civil rights, with labor, with education, health care, immigration.

Knott: Did you ever get the sense from other Senate staffers that there was any resentment towards you or towards Senator Kennedy for perhaps stealing the spotlight?

Johnson: Yes, definitely. I think that we definitely got a sense from other offices, not that anyone ever said anything to me directly. It would be more that I would hear, “Oh, we have to be careful about how we work on this issue because we don't want the Chair of the Judiciary Committee to think that we are stealing his spotlight on judicial nominations,” that kind of thing. It definitely came up on judicial nominees. At a certain point, I think that Kennedy and [Richard] Durbin and [Charles] Schumer were very aggressive, especially Kennedy and Schumer, and I think there might have been some sense that the Chairman's staff or Leahy's staff, but I don't know. They never said anything directly to me, it was more of a sense that you got of caution. And we worked so well with their staff that it certainly didn't come across on the level of... On other people's issues it might be different, but I would say on judicial nominations—

Knott: I asked you about his strengths as a Senator, and I'll ask you a tougher question. Did you think that there were any weaknesses?

Johnson: In terms of issues that I worked on, probably—I mean his biggest weakness was that I think it was sometimes difficult for him to grasp all the complex legal issues in play.

Knott: Is that from being spread a little too thin maybe? Trying to do too much?

Johnson: Yes. I think partly it's that he might have been spread a little too thin, and that his frustration would mount. I think he sometimes had too much on his plate. He's a lawyer, but he hasn't been forced to do all of those kinds of things. Sometimes it was hard because you're trying to really—in questioning a judicial nominee, they can run circles around all of these Senators on the legal questions, because that's what they've been doing. It's like if they worked on a case and you're talking about elevating them to the Appellate Court. I don't think it's a weakness that he has alone, but given his other strengths, it might be something that you'd want him to spend a little bit more time with the details or something. I do think that most of it came from being spread too thin. When questioning didn't go well, it would usually be because he always seemed to be running from the floor on another issue and then suddenly having to question a nominee about some very complicated issues. I'm not sure that I could have done that, and I knew the issue very well substantively.

Knott: And we're talking about a man in his seventies.

Johnson: So it's definitely—I felt it as a weakness, but I understand it.

Knott: He did have energy. We hear people tell us that he runs them into the ground, even at this somewhat advanced age.

Johnson: I find it amazing, I really do. I think it's the juggling all the issues and the meetings and things all day long, and always having to be "on." Sometimes he would be eating lunch in front of you or getting his hair cut. [Laughs] He multitasks well, but still, it's a schedule that has no breaks and no "off" moments.

Knott: Did he ever lose his temper with you?

Johnson: Oh, yes. He doesn't direct it at you, or at least not in my case. It's not like you did something wrong. It was just that he would get frustrated into the air, but it was at something that you failed to do properly. But then he'd always find a way to tell you that you did a really, really good job on the thing. He'd say, "We're not doing this right, we need to call this professor," or we need to call this person. His frustration was always around—well, it seemed to me that there were times where he wanted to make sure that we had an airtight case for whatever we were saying. If we were going to oppose a judicial nominee, that we had checked with all the people who we needed to check with, and that we were going to be on the strongest ground. Sometimes he would get frustrated if he felt like we hadn't done everything that needed to be done. He'd tell us, "This is what we need to do; we need to call these professors and we need to make sure that they're—"

I said definitely I've seen him lose his temper, because I remember when he did. We were working; it was really stressful. But in the two years that I was working there, it probably happened three times, maybe four times. I think for some people it happens more. And that's not to say he isn't sometimes just short with people, or uninterested in small talk and stuff like that. But to really lose his temper, maybe it was three or four times. And each time, he really did find some way of saying, "I'm sorry about that."

But he also was really good at saying when he thought you did a good job, and sending thank you notes. He's very, as the French would say, *bien élevé*. He's very well brought-up like that, to tell you when you've done a good job.

Knott: Were there maybe one or two judicial nominations that we haven't talked about that stand out for you particularly?

Johnson: Miguel Estrada's nomination really stands out because it went on forever and ever. We had to generate so many speeches from different angles because his nomination was being filibustered. In terms of the research from that period, it was fight after fight on very controversial nominees, and there was the whole filibuster right. I wasn't there to the bitter end of that, but there were several nominations where it was incredibly, incredibly contentious. Priscilla Owen really stands out to me because we somehow became the focal point for that. We started receiving calls from people about concerns about Priscilla Owen in Texas. Not just the things that people would write, but other things they would say that were just awful, that we couldn't get on the record, that were really disturbing and raised concerns about her nomination, from trial lawyers in Texas.

The [Charles] Pickering nomination stands out because that was the first controversial nomination that we dealt with.

Knott: Charles Pickering, Chip?

Johnson: Yes, that's his name. There's a son Chip, and Charles is the father.

Knott: Sorry.

Johnson: No, you're right. I remember because basically we had one hearing and then all these concerns were raised about him, so we had another hearing. It was really contentious because the Republicans felt like we were just raising a lot of political ballyhoo, and there's nothing wrong with this person. We were the ones who received a lot of the concerns from civil rights groups, and articulated them and asked about them. Not everyone asks about the kind of race-based civil rights questions, and he asked those questions. So those really stood out to me.

Knott: Do you have one particular accomplishment during your brief period in the Senate that you're proudest of? *[Laughter]*

Johnson: I'm proud of the work that I did for Senator Kennedy there. What, for me, is sobering is that—and I'm proud of little things, like I was just talking about the Patriot Act, that we were able to get some sort of judicial review provisions in an education part of it. In terms of what we wanted to accomplish, we wanted to do a big civil rights bill, and that's something that takes years to accomplish sometimes, or in this political climate is very hard. I feel sad that we couldn't get further on that. I'm proud of how we stood up and articulated the concerns around judicial nominations, but that's not something you could hold onto in the same way, and it feels very much like we were blocking things instead of putting forward an affirmative agenda. I think that on the things that we really wanted to do more affirmatively, around civil rights mostly, I'd say that we weren't able to get that done during the time I was there. So I'd say I feel proud of the work I did, but it's not as if I can point to one thing and be like, yes!

Knott: Was there a reason why you left? I'm sure there was a reason. What was the reason why you left?

Johnson: Well, one is my husband. He's a lawyer but he decided he wanted to do a PhD program at Columbia. So I wouldn't have left if it weren't for that. That's not to say that I wouldn't have left at some point. The office had changed a lot for me when Melody Barnes left. I thought she was the best manager I've ever had in my life, she really was. Nobody could compare to her and I felt like the office was not as smoothly run after she left. So at some point I was going to leave. Also, when she left, it did create a lot of opportunities for me personally in that I took on—we shared a lot of issues and I ended up being the person who was doing them, so I learned a lot. There were Supreme Court nominations to look forward to and things like that, but I knew that I would leave in the next year or two. But the exact moment that I left was because of just—

Knott: Personal reasons. Do you still get the occasional phone call from them?

Johnson: I talk to them once a week. *[Laughs]*

Knott: We hear that you never quite leave.

Johnson: Yes. Partly it's because I'm good friends with the person who replaced me, so it's hard to sort out.

Knott: Who was that?

Johnson: Charlotte Burrows. So it's hard for me to sort out how much. Sometimes I'm calling or she's calling to talk. She wouldn't otherwise, if we weren't friends. She might not even bother to call to ask a question. I think talking is just the way to maintain continuity. For me, I like receiving those calls and I remember how vital it was for me to be able to call Jeff Blattner and Carolyn Osolinik and Tom Perez, and ask them about different things. Things like, did you ever work on this, and how did you approach this?

Knott: But you don't miss it. You don't yearn for—

Johnson: No, I don't. I miss the Senator. I have not seen him in a long time.

Knott: Really?

Johnson: Yes. I miss having my work be so potentially relevant, I mean in the way of the law professor. They write articles about how even judges don't cite law reviews any more. I would wake up grinding my teeth, and I stopped grinding my teeth when I left the job. I think that it's just you have to have a kind of—it's more contentious than litigation.

Knott: Really?

Johnson: Yes, and again, it was partly the issues I was working on. If I were working on, I don't know what, banking committee or something like that, there would be issues that would be contentious, but they wouldn't come up all the time. Judicial nominations is like—at that time, I'd wake up and it was in the paper every day. I would be scared about what was in the paper or the *New York Times* editorials. There were constant nasty, nasty fights. A sense of anyone who dared to speak against a nominee would be attacked personally. So people would raise concerns at great risk to themselves. I was always generating talking points and talking to media. It wasn't just that it was stressful all the time, because all my jobs are like that, but it was stressful, contentious. There are huge rewards from being in that kind of battle. And then there are also downsides that personally wouldn't make it a good fit over the long haul for me.

Knott: Do you have students come to you and ask you, say they're interested in working—

Johnson: Absolutely, and I tell them all to go do it. I think it's the most amazing experience to have had, and I feel like it brought me to a different level of political awareness and sophistication. I learned so much substantively, and I don't regret for a second that I worked there.

Knott: It made you—?

Johnson: I think it made me a better lawyer. I think it made me a better person. I think it made me a better policy thinker, and it's one of those things where you don't know what you don't know until you work in some place like the Senate. You just see how things work. And I felt very proud to be associated with that institution, I really did. Even though I didn't like a lot of the political back and forth, and it's kind of a mean place, I felt like I did understand how vital the Senate role is in our American democracy, and the potential of the institution as a

deliberative institution. I buy that kind of Robert Caro, *Master of the Senate*, sort of stuff. So I thought it was amazing to see. I was very conscious of just where I was sitting and its potential impact. One of the things that I really love about Senator Kennedy is that he takes his role as a Senator really seriously, and he takes that institution's role really seriously.

Knott: Did you ever have any encounters with Sunny and Splash?

Johnson: [*Laughter*] Oh gosh. I mostly stayed away from them.

Knott: We have. We've done a number of interviews with him, and they're probably on the record more than he is.

Johnson: They were just, you know.

Knott: They were there.

Johnson: We have lots of funny stories about them, like knocking into painters or people who were repairing things, or barking at.... I think one of them bit someone, like one of the Senate workers. And then somehow—it was always the car. If you have to take a car from the Capitol to the Senate, even though sometimes they were right across the street, or you're going to an event with Senator Kennedy, and Sunny and/or Splash would be there, taking up most of the seat—like you're in a corner like this, and they're spread out like that. I like dogs, but I'm probably not the most dog person, so I was always a little bit trying to keep my distance from Sunny and Splash.

Knott: Any other favorite anecdotes, personal anecdotes, something that stands out in your mind from your time there?

Johnson: I'd have to think about it. If I was sitting here with Melody or David, we could probably tell some funny stories. There are probably stories about him botching my name, but I know it's not easy.

Knott: He had trouble with your name?

Johnson: I can't remember what he would call me at the beginning. He'd call me something totally crazy, but now you see that I can't even remember what it is, for months. My name is Olati, and it's hard to pronounce. He had his own kind of takes on it at different points. I remember that Melody said, "Oh, well, don't feel bad, because he once introduced—" I don't know if this is an apocryphal story or if it really happened. She said he once introduced Yo-Yo Ma at something as Yo Mamma.

Knott: That's true.

Johnson: So I said, "Then I don't feel so bad."

Knott: You should have said that that was an Irish name; you know, just the O. He would love that.

Johnson: I was just going to say one of the things I really do remember. It's not like a funny anecdote, but I remember going to an event with him that was—I can't remember what organization it was, but it was some organization that was primarily an African American organization. It seemed to me it was an African American women's organization. Maybe it was an NAACP dinner or something like that, where he was going to speak, and I think I had written his talk. Or maybe it was the anniversary for the NAACP Legal Defense Fund. Now I can't remember, but I just remember him literally being surrounded by all these black women in their sixties, who were like, he meant so much to them. It's about him, it's about his family, and just seeing that there are people for whom he is a rock star. For whom he has represented issues that are really, really important to them. He has a really powerful impact for a lot of communities, and he was so good with them. Just talking to people and enjoying that. It was really nice to see.

Knott: It makes it all seem worthwhile.

Johnson: Yes.

Knott: Well, thank you very much.

Johnson: Thank you.

Knott: We appreciate it.

Johnson: Good luck with the project.

Knott: Thanks, yes. We'll be at this for a few more years.

Johnson: Everything you wanted to know about Ted Kennedy.

Knott: That's right. He's been just incredible in terms of the time he's given us. He's given us 15 interviews so far, 15 three-hour interviews.

Johnson: That's amazing.