



EDWARD M. KENNEDY ORAL HISTORY PROJECT

INTERVIEW WITH RONALD WEICH

March 30, 2007
Washington, D.C.

Interviewer

University of Virginia

Stephen Knott

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TRANSCRIPT

INTERVIEW WITH RONALD WEICH

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Knott: Basically what will happen is you will get a transcript of this interview about three months from now. If there's something you forget that you want to add, you can write it right in. If there's something that you say that you have second thoughts about saying, you can pull things out. You control the transcript. So whatever is ultimately released—and by the way it would be no sooner than 2011—would be something that was cleared by you. So we hope that you'll feel free to speak.

Weich: Two-thousand and eleven. I can't imagine what I would want to say. Well, I'm sure you're going to ask the questions.

Knott: Yes. Why don't you tell us how you first came to work for Senator Kennedy. That's probably the best place to start.

Weich: OK. I was in law school, at Yale Law School. I was class of 1983. But in the summer of 1982 I decided I wanted to come down to Washington. I loved politics. I'd been involved some in New York State politics, New York City politics, when I grew up. And I thought, *How exciting to work in the Senate!* At the time, Senator [Joseph] Biden was the Chairman of the Judiciary Committee. I tried to get a job with him, just a legal intern job. But I was told, "Oh, you have to be from Delaware." They wouldn't let you in the door unless you were from Delaware. And then I tried Senator [Patrick] Leahy, and they wouldn't let you in the door unless you were from Vermont. But with Senator Kennedy, I somehow got a staffer named Burt Wides on the phone.

Knott: We've interviewed him.

Weich: I'm sure he had great stories to tell. And Burt said, "You're from Yale Law School? You're free? I'll take you." He just grabbed me. So I came down and spent only half the summer, but I had the best experience that a legal intern could have in a Senate office. I came here just as the full Senate was going to be debating the Voting Rights Act extension of 1982. We were going to be on the floor. Burt is a very peripatetic man. He always had to be moving, moving, moving. But the other imperative was that Senator Kennedy needed a staffer next to him on the floor. So we were in the well of the Senate. Burt was off negotiating with the Republicans

and the rest of it, and he planted me in the well of the Senate next to Senator Kennedy during the reauthorization of this historic civil rights legislation. So I had a wonderful, wonderful time. Didn't know what I was doing, but I learned a lot. And that's when I first worked for him, in 1982.

Then I graduated from law school, was a prosecutor in New York, decided about four years into that that I was ready to come back down. I couldn't get a job right away on the Hill, but I worked at the U.S. Sentencing Commission, which was my first job in Washington. And it was an agency that Senator Kennedy had created. He sponsored the Sentencing Reform Act of 1984, which created the Commission and established federal sentencing guidelines. Actually, if you want to get into it, it's a controversial aspect of Senator Kennedy's legacy, because many people regard it as a failure. I think it's not. I think the Act itself was a brilliant idea. But it certainly had serious implementation problems over the years.

Anyway, I worked at that agency for about 14 months, and all the while kept up my ties with the Kennedy office. My first job on the Hill was with Senator [Arlen] Specter, just got an opening there, worked for him for about a year. Senator Specter—who may still be kicking in 2011, I should be careful—is a very difficult man to work for. And one day I got a call from a Kennedy staffer named Jeff Blattner, who I know is on your list and—

Knott: We just left him.

Weich: Left Jeff's office? Well, he and I overlapped a bit. So we probably have similar stories to tell. Anyway, Jeff called me one day and said, "We're looking for a drug czar. We're looking for somebody to work on anti-drug policy. Do you know of anybody who might be interested?" I said, "Meet me in the Senate Chef right now." Little coffee shop downstairs. I said, "I need this job, I want this job." And I got this job.

My first assignment was to staff Senator Kennedy on all aspects of anti-drug policy. This was soon after William Bennett had become the first President [George H. W.] Bush's drug czar. And Senator Kennedy was frustrated that he was staffed on the anti-drug issue by five different people. There was a foreign policy staffer, there was an education staffer looking at drug education, there was a health staffer looking at drug treatment, and there were judiciary people looking at criminal justice issues. He wanted somebody to cover the whole waterfront, and that's the job I did.

Knott: Were you interviewed by Senator Kennedy?

Weich: Yes.

Knott: Any recollections of that meeting? Anything stand out?

Weich: It was pretty much—I felt that it had been decided that I was going to be hired. He seemed—I'd met him in 1982 obviously, but it was the first serious conversation with him. He seemed shy and a little bit awkward and was talking a lot. I think in the years that followed I saw that often, that he fills a conversation, he fills the space in a conversation himself a lot, and had a

lot of information to impart. Talked about his vision for what he wanted to accomplish. Asked me some questions about what I had done previously. And said, “Do you want to do this?” And I said, “Sure.” So that was great.

Knott: Can you give us some sense of some of the early issues that you may have worked on when you first started?

Weich: Well, the drug issue was fairly—

Knott: You started in '89?

Weich: No, I was hired at the end of '89, and started in January of 1990. And the drug issue—these days when you talk about drug policies, people think you're talking about pharmaceuticals. But in those days, drug policy was about illegal drug, and it was very hot. There were hearings all the time. When the drug czar's office, the executive branch office, published the National Drug Control Strategy every year, it was a huge press event. William Bennett, the drug czar, was kind of a rock star of the first Bush administration. And Senator Kennedy wanted to counter him point for point, and make the argument that the strategy was misguided because it undervalued drug treatment. All they wanted to do was lock people up.

There was a lot of talk about the balance in the drug strategy. Kennedy and others argued that there should be an equal amount of money on drug treatment and education as there was on drug interdiction and enforcement. So we always had a budget battle and a rhetorical battle. And then specifically legislatively—there were just a lot of hearings where we were fighting for a vision of a more balanced, humane, medically oriented drug policy. A lot of that played out in hearings and in the press.

Legislatively, we began to focus on the need to take the National Institute on Drug Abuse—there were actually three institutes that at that time were not in the National Institutes of Health, and they were in something called ADAMHA: the Alcohol, Drug Abuse and Mental Health Administration. It was the National Institute on Drug Abuse, the National Institute on Alcoholism and Alcohol Abuse, and the National Institute of Mental Health. Senator Kennedy believed, as did medical professionals in those fields, that this was science. This was medical science. And there was no reason why those three disciplines should be separate from the rest of the National Institutes of Health, diabetes, cancer, stroke. He wanted to move those over, and then at the same time create a real Substance Abuse and Mental Health Services Administration. And that's what we did.

We eventually passed legislation in 1992. It was called the ADAMHA Reorganization Act, Public Law 102-321. To reorganize and strengthen the federal commitment to drug treatment, drug education, and research in each of those areas. So that was a major focus of my work in those early years with Senator Kennedy.

Knott: Did you deal with Bennett at all yourself?

Weich: I worked more with his deputies. His chief of staff is now the current drug czar, John Walters.

Knott: Oh sure, yes.

Weich: He was chief of staff to Bennett at the time. I dealt a lot with him personally. And then who were the deputies? Herb Kleber, who was a Yale Medical School professor and addiction specialist, was the demand side deputy. I dealt a lot with him personally, became friendly with him. Can't remember who the supply side deputy was. And then Reggie Walton, who's now a federal judge here in D.C. and just tried the Scooter [I. Lewis] Libby case—in 2011 they won't remember Scooter Libby, but Reggie Walton was one of Bennett's deputies at that time. I dealt some with Bennett, and Senator Kennedy dealt a lot with him.

Knott: He did? They developed a working—how would you characterize the relationship?

Weich: Bennett was a bully, still is. It's highly ironic. I think it's just wonderfully poetic that it turned out that Bennett had all kinds of addiction problems of his own. First of all, he was a smoker back then, and had to get treatment to give up tobacco. We constantly made the rhetorical point that this is a medical problem. And just as he was seeking medical help for his nicotine addiction, drug addicts needed treatment for their illicit drug addictions. Then it turned out later, years later, that he was a gambler.

But at the same time, Senator Kennedy had addiction issues in his own family. Everyone knows that he struggled with alcohol at various points in his life. I don't know that he ever was an alcoholic, I know that he had alcohol issues. And his family members, one of his nephews, David [Kennedy], died of a drug overdose. These issues affected him personally.

Then I should say that over the early years I came to work on mental health and mental retardation as well as substance abuse issues. So I had a portfolio in the office that was near and dear to the Senator's heart, and he hated the way the Bennett-Bush people were framing this as a law enforcement problem. He was never for the legalization of drugs, but he knew that it was wrongheaded to just lock everybody up. You weren't going to solve the problem that way. And he fought back against it.

Knott: Did he see it as demagoguery on their part?

Weich: Yes. Yes. He understood the political—

Knott: A card they could play?

Weich: That's right, that's right. And it played out in the sentencing area, which I knew well from my work on the Sentencing Commission, and he knew well from his work on the Sentencing Reform Act. Because all you had to do was talk about drugs and there was a bidding war for who could impose the highest sentence. That's where you got these mandatory minimum sentences in the 1986 Act and the '88 Drug Abuse Act. Senator Kennedy had supported mandatory minimum sentencing earlier in his career, because he saw that as a way to ensure that

minorities would not be mistreated, unfairly treated, in the criminal justice system—if there was a mandatory sentence, he thought, and many people thought, then blacks and whites, everybody would be treated the same.

But what people came to realize was that prosecutors still had the discretion about whether to charge somebody with an offense carrying a mandatory minimum. There was discretion which was racially tinged that crept back into the system. Senator Kennedy and others came to realize that a sentencing guideline system was a better way to structure judicial discretion than the flat mandatory minimums. But yes, we saw the demagoguery in the drug war as a real problem, and it had racial overtones.

Knott: Regarding the federal sentencing guidelines, is this the work that he did with Strom Thurmond?

Weich: Yes, exactly.

Knott: He took some heat from some of the folks on the left, if I remember correctly.

Weich: Yes, that's exactly right. Now I wasn't there in '84 when he started. It goes back to the early '70s when he—I've learned this history well over the years. He picked up an idea that really germinated at Yale Law School to create a Sentencing Commission that would write guidelines to channel judicial discretion, but give judges ability to go above or below the guidelines based on individual factors in the case. It was a very sophisticated structure for how you would centralize decision-making. The problem was that judges were all over the place, and without any structure you had racial disparities in sentencing that were well-documented at the time. But Senator Kennedy and others knew that you couldn't tie the judge's hands altogether. So they had a very sophisticated system that evolved through the early '80s.

Eventually, he picked up Senator Thurmond as a partner and they worked on this together. The judges always resented the guidelines because they thought they were losing discretion. And they were. The guidelines, as they were implemented in the early years, were too harsh, too complicated, too rigid, and Senator Kennedy took a lot of heat. He was the principal Democratic sponsor of the concept, and it led to a lot of injustice that wasn't intended in the sentencing guidelines concept that Senator Kennedy originally heralded.

Over the years, and after I became a staffer for him, we worked hard to improve the guidelines, to redress, for example, the disparity between the treatment of crack cocaine and powder cocaine in the guidelines and in the statutes. But it's never gotten right, and in recent years, long after Senator Kennedy moved on to other issues, the courts have rebelled and have now essentially struck down the Sentencing Reform Act as an enforceable guideline system. The guidelines are there but they're advisory. I will argue passionately that Senator Kennedy had the right idea in 1984 and before, for how to structure the thing. But it was never implemented right. It came of age in the [Ronald] Reagan era when appointments were very bad, except for [Stephen] Steve Breyer, who was on that Commission. The whole drug war tilted everything in a bad direction.

Knott: Were there other issues related to, I guess, would we call this the administration of justice?

Weich: Yes.

Knott: Could you talk about some of the other issues that you dealt with within that arena?

Weich: I had a funny role. For the first five years of my time with Senator Kennedy I was on what was then called the Labor and Human Resources Committee. But almost from the beginning I played a role on criminal justice policy because I had been a prosecutor and been at the Sentencing Commission. Nobody else understood the damn sentencing guideline system except me. So I was always his staffer on that.

I had a wide range of issues. When I was on the Labor Committee, I was in the Health Office, because I focused on drug treatment and the whole reorganization of the federal agencies. On that side I dealt with substance abuse, mental health, tobacco control. I eventually became General Counsel of the Labor Committee under Nick Littlefield, the Staff Director. I was sort of the “number two” person. I became a parliamentary expert. I came to know the Senate floor, and always advised Senator Kennedy on floor procedure. Then, on the Judiciary Committee side, I worked on sentencing and criminal justice generally. I can’t think of other administration of justice issues that I dealt with in those early years.

After we lost the Senate in the 1994 election, there was a lot of staff movement. We lost a lot of money and we lost slots. I almost lost my job because I straddled the two committees, and neither Nick Littlefield nor Jeff Blattner had me on their “must keep” list. I was useful to both, but not indispensable to either. I tendered my resignation and said, “Look, I’ll find something on the outside if you need me to.” In the end Jeff decided to move on to another job. I moved over and replaced Jeff as Chief Counsel of Judiciary. Having hired me, Jeff then let me succeed him. As Judiciary Counsel from the middle of ’95 to the beginning of ’97, I worked on all judiciary issues: nominations to constitutional amendments. In those years, the House—this was the [Newton] Gingrich Revolution, in 1995—was passing all kinds of crazy things and sending them over. We saw ourselves as hockey goalies. Pucks were flying at us and we stopped this one, we stopped that one. Whoops, one got under us.

For example, I worked on sentencing. The Sentencing Commission at that time recommended an equalization of crack and powder cocaine penalties. We were unable to block a bill that stopped the Sentencing Commission proposal from going forward in 1995. However, we were successful in stopping something called regulatory reform, which was an effort to revamp the Administrative Procedures Act to make it much harder for federal agencies to promulgate health and safety regulations. I did that from the Judiciary Committee, coordinating a multi-staff effort. It also had a lot to do with health and safety, OSHA [Occupational Safety and Health Administration] regulations, EPA [Environmental Protection Agency], FDA [Food and Drug Administration] regulations.

I also worked on the Legal Services Corporation. Senator Kennedy feels deeply about civil legal assistance to indigent people. We worked to reauthorize that program. It was always under fire in

those years. We established a compromise that limited efforts to constrain the work of Legal Services lawyers.

Knott: Did those years in the minority turn out to be a more fruitful time than you might—

Weich: It's funny. I'm sure Nick Littlefield has said this, because he's very proud of it. We really did accomplish a lot in those years working with Republicans. Back then I saw Senator Kennedy at one important time of his life. Now that I've come back to the Senate eight years later with Senator [Harry] Reid, I see Senator Kennedy from a different vantage point. Although he's been in the minority over the last couple of years, he's very energized. He loves the fight. He has excellent instincts in two senses: first of all, he's always worked well with Republicans, for example with Senator [Nancy] Kassebaum on health care legislation, with Senator [Alan] Simpson on immigration, and he always worked with Senator [Orrin] Hatch. You mentioned the relationship with Senator Thurmond in the earlier period. So he knows, even in the minority, how to get legislation through the Senate.

Secondly, he's good at guerrilla warfare. He knows how to attack from the side, and we did some of that in the period I worked for him. During that time we were working a lot on immigration legislation. I never staffed immigration directly. Michael Myers and Jerry Tinker were the two staffers who worked on that. Jerry is now deceased and Michael is the chief of staff on the Labor Committee, which is now called the HELP [Health, Education, Labor and Pensions] Committee. I helped in the effort to limit some of the draconian proposals that were forwarded from the House.

Knott: You mentioned crime policy in an email to us, and maybe you've already touched on some of it.

Weich: I touched on the sentencing aspect of it and want to mention another aspect of it. Senator Kennedy has always cared about the death penalty. For many years there was a vigorous effort to stop the federal government from reinstating a federal death penalty. The Supreme Court had essentially struck down capital punishment in 1972 in the Furman case and then reinstated it a few years later in 1976. From about '76 to '86 there was a battle in the Senate over whether there would be a federal death penalty. Senator Kennedy also championed something called the Racial Justice Act, which would have overturned a Supreme Court case called McCleskey. The Racial Justice Act never became law, but it would have permitted capital defendants to use statistical evidence to argue that the death penalty system was racially unfair.

Another thing we fought over was whether capital punishment would be available in the case of a defendant who was mentally retarded. The Supreme Court has subsequently said that that's unconstitutional, but in '92 it was a legislative issue. Senator Kennedy led the charge against it. His family has always been concerned about mental retardation. He had me talk to all the medical experts to gain an understanding of what constitutes mental retardation. We were successful in beating that on the Senate floor.

We always worked on police issues. Senator Kennedy was a strong supporter and remains a strong supporter of federal aid to state and local law enforcement. In the 1994 period when he

was up for reelection, he spent a lot of time in Massachusetts and I got to know the Boston Police Chief, Paul Evans, very well, along with other local law enforcement officials, like the DAs. Senator Kennedy was a champion of getting federal support to those agencies. He's always cared about the way in which the police carry out their jobs. He understood that you can't just throw money at a police department. He wanted the department to be accountable, but wanted the federal government to support its efforts.

Knott: Was his position on the death penalty, do you think, influenced at all by his faith?

Weich: I do think so. In my time with him we had one moment that was a little bit scary. In the 1994 campaign Mitt Romney ran against him for the Senate. There were a couple of weeks where there was desperation in our office and in the campaign. There was a real chance that Senator Kennedy would be in danger in that race. Somebody, I don't remember who, floated the idea of whether Senator Kennedy should support capital punishment for cop-killers. But he never seriously considered it. He was very staunch. He understood that once you put a chink in the armor, the armor is gone. I do believe that his faith motivated him. He is a man, in my experience, of extreme principle. Once he reaches a conclusion, he's certainly willing to compromise legislative details, but on a moral question like the death penalty I never saw him yield.

Then of course there's the question about his brothers. Many times in both private conversations, and several times in floor debate, he referred to the fact that he never supported the death penalty for the man who killed Robert Kennedy.

Knott: You were there during the period when the Americans with Disabilities Act passed and you mentioned earlier that you'd done some work in the area of mental health. I'm wondering if those two overlapped.

Weich: I wasn't the principal staffer. Did it become law in 1991?

Knott: We've got it as '90, but yes.

Weich: That was early in my time and it was very much cooked by the time I got there. Michael Iskowitz had the office next to me and Michael was the principal staffer on that. Senator [Thomas] Harkin played a great role on it as well. I remember contributing some on mental health and substance abuse but it wasn't my principal area of responsibility.

Knott: What kind of a person was the Senator to work for? Can you give us a sense of the man?

Weich: Sure. I'm proud of the fact that I've had a number of different political bosses in my life. I worked for Senator Specter, Senator Kennedy. Then I left in 1997 and went to a law firm. In 2003 I hooked up with Howard Dean and worked on the Dean campaign.

Knott: You did. Wow.

Weich: So that was another boss. Now I work for Senator Harry Reid. So I've had four different political bosses with very different personalities and each one of them had strengths and weaknesses.

Senator Kennedy was a wonderful boss. He is very committed to the issues. Maybe of all the bosses I've had, he might be the hardest working, although all four were hardworking in different ways. Senator Kennedy was and remains indefatigable. I sometimes felt that he never slowed down in his professional life because he obviously had a lot of tragedy and hardship in his life and I felt work was a balm to him. I don't know if others have observed that. He was constantly, constantly working. He wanted staffers to drive out to the house in McLean, Virginia early in the morning to brief him on the way into the Capitol on whatever the hearing was or the floor debate that day. I did that many times. First thing in the morning he's reading his briefing book in his underwear. Then late at night he was working and on weekends he was working.

He had a lot of nervous energy. In this respect I prefer working for my current boss, Senator Reid, who is eerily calm. He's the most placid politician I've ever met. Senator Kennedy, especially as a bill was moving towards committee markup or floor debate or conference, would get very nervous. Sometimes he'd send you off on a wild goose chase. He had an idea and he wanted you to track down, say, what does Larry Tribe think about the Second Amendment? And even though that wasn't what you needed to do to prepare for the floor debate that day, you had to go satisfy that request, which wasn't always helpful, frankly.

Nineteen ninety-three and '94 were an important period in the office. President [William] Clinton had come into office in January of 1993 and there was a lot of promise. We had a Democratic House, a Democratic Senate, and a Democratic President, and a lot of energy. Obviously a lot of effort went into the health care bill. I played a role on that bill regarding mental health issues, substance abuse issues, and other legal issues, such as what legal remedies patients would have if insurers denied care, and also medical malpractice. While preparing for the committee markup and then the floor debate on health care, Senator Kennedy was a very difficult boss. He was anxious. I think he recognized that this was a unique opportunity to carry forward a vision of health care reform that he's always believed in. In the end it was unsuccessful. As things started to go south, those morning briefing sessions and evening briefing sessions became painful, because he was frustrated. He would bark at us. Later he said, "Oh, I know I was a bear."

Here's a funny experience I once had. I was at the health care bill markup in 1994. At one point someone offered an amendment in my area. We staffers just kept taking the seat directly behind Senator Kennedy. So when my issue came up I sat behind him. He was already frustrated and impatient with what was going on in the markup. The Republicans were not cooperating. Then he turned around and he saw me. It had been some other staffer a minute ago and now it was me. He said, "Oh Christ, I need a legal eagle. Get me a legal eagle." I was right there, thinking, *I'm a legal eagle*. We got the bill out of committee and got it to the floor. I'm sure Senator Kennedy continues to regret that we weren't able to pass that comprehensive bill. He's come back at it in incremental ways, but that was a lost opportunity to pass national health reform.

Knott: Can you talk a little bit about some of the relationships he may have had with other Senators? What you may have seen during the course of your time?

Weich: I saw him a lot with Senator Hatch. In my time in the Labor Committee, first Senator Hatch was his Republican counterpart, and then Senator Kassebaum. He was reputed to be close to both of them, although I think he was a little bit more wary of Hatch. It was a funny relationship. I think Hatch was enamored of the Kennedys and the Kennedy aura, and in particular, enjoyed Senator Kennedy. You could analyze the relationship all day long. Hatch is a teetotaler and a Mormon. So what was it about Kennedy that he was taken by? Maybe Hatch regrets that he didn't have more fun in life. Kennedy I think took advantage—I don't mean this in a bad way, but utilized Hatch's little crush on him, if you will, to legislative advantage. He did a lot with Hatch to bring Hatch along for Democratic proposals on the health and labor and education front.

With Kassebaum, there was a genuine affection. Kassebaum is a lovely woman, and Senator Kennedy genuinely enjoyed working with her. I know that was true. When Senator [James] Jeffords was there, that was after my time.

Knott: Do you know of any Senators where he really just didn't click with them?

Weich: Jesse Helms is an obvious choice. In those years Helms made a habit of tormenting Senator Kennedy with floor amendments. He would really go at us in ways that were directed at Senator Kennedy. There's another great story that we Kennedy staffers tell. One day Senator Helms and Senator Kennedy were going at it on the Senate floor over an amendment. Senator Kennedy, as is his practice, was loud, and was bellowing, "I can't believe the Senator from North Carolina wants to do this or that." Helms was a vicious man substantively, and had terrible policy views, but was very courteous and soft-spoken. And when it came Helms's time to speak he said, "I can't compete with the Senator from Massachusetts. I can't compete with him in decibels, and I can't compete with him in Jezebels." That was a real dig at Kennedy's history. But it was said in a way that you couldn't be too angry about. Still, he never liked Helms and resented what Helms was doing on policy issues.

It's well documented, and others I'm sure have spoken about it, he loved [Alan] Al Simpson. They worked together in immigration. He had I think a healthy mutual regard with Bob Dole. They worked a lot on the ADA [Americans with Disabilities Act] and other issues, including the Voting Rights Act. He was very close to John Warner. He managed to work with everybody. In my later years—again, this is the period when I was in Judiciary—there was a wave of church arsons in the South. We decided there needed to be more federal enforcement and it needed legislation, so we worked on a bill with Senator Lauch Faircloth of North Carolina. And there was a Kennedy-Faircloth bill. People thought it couldn't be done, to get Kennedy and Faircloth together. But it was arsons in North Carolina, and Faircloth was concerned. Kennedy knew you had to get a Republican, to get a bipartisan consensus going on anything.

Knott: How well did he get along with his colleague from Massachusetts, John Kerry?

Weich: I think there was some tension in the years in which I was here. My impression is that they became close during Kerry's Presidential campaign. I've now seen in other offices across the Hill that there's a natural tension between home state Senators, and especially home state Senators of the same party, because they're competing for the same press and the same constituency groups. Senator Kennedy occupies such a wide swath of policy in the Senate. I think Kerry has had a hard time finding openings for his shots. Kerry has worked more on the environment and foreign policy. But even there Senator Kennedy has had an important role. I never saw open tension between the two of them, but there was a competition between the offices.

Knott: Between the staffs?

Weich: Some between the staffs and maybe even some between the members.

Knott: You happened to be there during the time when that Palm Beach [William] Willie Smith thing broke. Did you see any signs of this having any wear and tear on the Senator?

Weich: It was a very difficult time in the office. I think the Senator was deeply embarrassed. He's had other more serious embarrassments in his life. I guess it's an understatement to call Chappaquiddick an embarrassment. With the Palm Beach incident, I think he was just mortified that he had allowed himself and his family members to be involved in such a massive distraction from his legislative work. He was divorced at that time and then married Vicki Reggie subsequently. I also think it was a time in his life when he was drinking more. Obviously, as he testified in that trial, he went out drinking with his son and cousin. The incident just made it more difficult to work on some of the issues that I handled.

There was a snicker factor when we would talk about alcoholism or drug abuse or criminal justice legislation because of what had happened. The staffers who worked on women's rights issues will tell you that that was a difficult time. But Senator Kennedy persevered and he's always been very good in my experience at compartmentalizing between his legislative life and whatever troubles he was having in his personal life. When he began to date Vicki and then became engaged to her, it was a great change in the office. You could see it. He was much happier. I was with them at times in Massachusetts. They were very much in love. His personal happiness freed him up to be even more fully committed to a legislative agenda. Palm Beach was a distraction.

Knott: I'm asking you in a way to engage in some pop psychology, but we've had some folks say to us that they think he was a very lonely man until he met Vicki. Does that ring true to you?

Weich: He dated a lot. Nothing specifically comes to mind, but I don't think he was ever sitting home alone on a Saturday night. Still, that's not the same as having a life companion. He was definitely searching for something. Let me say I've never had the illusion of being a friend of Senator Kennedy's. I never socialized with him and I have had very few personal conversations with him. I wouldn't presume to talk about his personal life. But as it reflected itself in the office, I perceived him to be happier, and even more effective as a Senator, once he found Vicki and had that part of his life more settled.

Knott: You didn't play any role when he gave that speech up at the Kennedy School I think, where he admitted some sort personal problems in his past.

Weich: No. That's right. I remember the speech. I played no role in that.

Knott: Did you say you went up to Massachusetts in '94 when he was in trouble from Romney?

Weich: Every Senate office shifts more to home state matters in an election cycle. That's permissible. We were always very careful about never using government resources for political activities. We were doing more legislative work and constituent activities up there, so I traveled up there. We did a crime summit in Worcester I remember, with Janet Reno and the police chiefs and the district attorneys in the area. That required a lot of planning, like for a press conference with the police chief in Boston, a ride-around with police officers, and things like that.

Knott: And there was this perception that he was in trouble.

Weich: Oh yes, yes. Before the first debate with Romney the polls were almost even. I don't know. Someone can go back and look at the press clips. I think they may have been even. And the first debate was significant because Senator Kennedy came out swinging and really showed the people of Massachusetts that he wanted to keep his job, that he wasn't taking it for granted. But Romney was and is an articulate man, attractive, and Senator Kennedy of course has never been the most articulate public official. He just sometimes mangles a sentence. In contrast Romney was smooth as silk. And it was a bad comparison. But look, Massachusetts is a Democratic state, it's a liberal state, they support Senator Kennedy's values, he's worked hard on behalf of them for so many years. And in the end they came home.

Knott: I'm wondering if you'll be willing to compare Senator Kennedy—or talk about the relationship between Senator Kennedy and your new boss, Senator Reid.

Weich: Sure. Well, as I say, Senator Reid is so much calmer. And—

Knott: I guess is there any—Senator Kennedy is such a towering figure and yet he's not the leader of the party. Does that cause any problems ever?

Weich: There are issues. I do see it from where I sit now in a couple different things. First of all, Senator Kennedy, he's a good loyal Democrat, but sometimes he gets ahead of the Caucus on certain issues. In recent years there have been concerns about, for example, the No Child Left Behind Act, the Medicare Benefit where Senator Kennedy was instrumental in the Senate passing a bill that subsequently became a bill the Democrats couldn't support. And so sometimes now in my current role in the leadership we feel the need to kind of pull Kennedy back. Also it's a fact that Kennedy has—the Kennedy brand is liberalism. And we don't always want Senator Kennedy to be the face of Democrats on a particular issue. But because of his chairmanship of the HELP Committee he's often the Democratic force on health care, on education, on labor policy, and then on immigration, on civil rights. And so there is often an effort to balance Kennedy with other Democrats who might not have such a liberal image.

I should say, though, Kennedy is not the most liberal Senator by any measurement. Those criminal justice issues I worked on show you that he's quite mainstream in lots of ways. But in any event, Kennedy and leadership, he's never—he ran for leadership, ran to be the Democratic leader years ago and didn't make it. Since then he's contented himself to be Chairman of the Labor Committee and of the HELP Committee. He's a towering figure as you say. Senator Reid values his strategic advice greatly.

When we had the fight over the nuclear option last Congress—this was the Republican effort to change the rules on judges—there were maybe two or three Senators who Senator Reid turned to for deep, deep counsel. They were Kennedy, Carl Levin of Michigan, and Paul Sarbanes of Maryland, three of the old bulls. Comparing them, you see very different styles. It's probably true that Senator Kennedy is the loudest of all 100 Senators and Senator Reid is the softest. Literally, it's reflected in their vocal style. But they both love a good story. Senator Kennedy loves to tell stories of old Boston Irish politicians, and Senator Reid loves to tell stories of the early days in Vegas before it became the Las Vegas that we know now. Both have a deep, deep, deep respect for the institution of the Senate. I think they are both extremely effective Senators in their own way. They have very different styles, but share common goals and values.

Knott: Do you have any sense of whether there was any relationship between Senator Kennedy and Howard Dean?

Weich: The relationship was not great. Dean came to prominence as a Presidential candidate back in 2003 when he was bashing the No Child Left Behind Act. It was one of his signature items on the stump. He thought it was an example of extreme federal overreaching. From Dean's point of view, Vermont had a great school system with strong standards. But No Child Left Behind wiped it out and made them do all sorts of other things. Dean was going around the country bashing No Child Left Behind and I was getting calls from my former Kennedy colleagues saying, "Can't you make him stop?" I acted as a diplomat between Dean and Kennedy. I arranged several phone calls between them where they tried to find a common understanding. It's my impression that they've come together more recently since Dean has been Chair of the DNC [Democratic National Committee]. But in those early days when Dean was campaigning, he was a thorn in Senator Kennedy's side and Kennedy was a threat to Dean in lots of ways. Obviously Kennedy was supporting Kerry early on. So there was no love lost in those early days of Dean's prominence.

Knott: You mentioned Arlen Specter before, for whom you worked for a time. Do you have a sense of the relationship between Kennedy and Specter?

Weich: Specter is not well liked by his colleagues. He is a very difficult man to his staff and to his colleagues. Kennedy and Specter have worked together on many things, such as the Fair Housing Act, hate crimes legislation, other civil rights bills, and voting rights. But I don't think they have ever been personally close. When I left Specter's office I had been there for not quite a year. I was happy to leave. I respect Senator Specter's intellect, and he's also very hardworking. I think he's been a much better Chair of the Judiciary Committee than many people would have anticipated. He has been patient, and as a result he's accomplished a lot.

But as a staffer it was difficult. He was abusive to staff. When I resigned, the chief of staff told Specter, and then Specter called me into the office and he said, “Ron, why would you want to work for Ted Kennedy when you could work for me?” I didn’t know what to say. But the answer was, “Senator, do you have a day?” It was just like night and day to be able to work for Senator Kennedy. I was more ideologically compatible with Kennedy. Specter, in those days especially, was really just trying to hang on to his seat, whereas Kennedy always had a vision for the country, a real passion for justice, and of a better America. I wanted to be part of it. I was very proud to be a part of it.

Knott: I believe you left Senator Kennedy—we’ve got it in ’97. Is that correct?

Weich: That’s right.

Knott: Were there any points after that where he might have called you back for some type of special assignment or special work?

Weich: Yes. I was always called back on criminal justice and especially sentencing issues. I remained sort of his counsel on that long after I left and advised whichever staffer was handling crime issues. A couple of years ago he put me forward for a Democratic seat on the Sentencing Commission. It’s a bipartisan commission and he was in a position to recommend me. But, it was during the current [George W.] Bush administration. I was supported by Senator Kennedy, Senator Leahy, Senator [Thomas] Daschle. I got my former boss, Senator Specter, to write a letter for me. Senator Hatch also supported me. But the White House refused to nominate me because they said I was too partisan. They dug up reports I had written for the Leadership Conference on Civil Rights and other organizations that were clients of mine. The groups were critical of the Bush administration and the White House thought that it was unacceptable to nominate someone who had written critically of President Bush. So they wouldn’t nominate me, and that hurt a lot. I would love to have been on that commission. I still appreciate Senator Kennedy putting me forward for that.

I also got called back for odds and ends over the years. There was an investigation early in the Bush administration of Linda Chavez, who had been nominated to be Secretary of Labor. The question was whether she had employed illegal aliens in her house, and I advised the Labor Committee on how to structure the investigation. It’s a cliché, “Once a Kennedy staffer, always a Kennedy staffer, always part of the family.” It’s funny, though, that since I’ve been with Senator Reid, I sense Senator Kennedy respects the fact that I’m no longer his staffer. There have been meetings where all of us are in the room: Senator Reid, Senator Kennedy. Senator Kennedy feels comfortable talking to me and calling on me, but he doesn’t in any way abuse the fact that I was his staffer before I was Reid’s staffer. He recognizes that my professional obligation now is to serve Senator Reid.

Knott: Gregg, do you have any?

Lindskog: Well, I was going to go back to when you were talking about the tension between the Democratic leadership and Senator Kennedy regarding getting ahead sometimes, and being too

willing to compromise with his Republican counterparts. I was wondering if you could take it down to the committee level where you worked and saw some of the interactions with Senator Biden or others. What were those tensions as you were in both the majority and the minority on committees, and how he interacts with both his fellow Democrats and Republicans.

Weich: Well, he always saw the Democratic members of the Labor Committee, when he was Chair and then ranking member, as his team. He would have dinners at his house for the other Democrats to make sure that he was listening to them. I already spoke about the natural tension between Senators of the same state and party. There's also a natural tension between a chairman and the other members of the chairman's party on a committee, because the chairman tries to control the work of subcommittees and each of those members wants to move out front on an issue and take credit. There's a push-and-pull over staff and office resources. Senator Kennedy worked hard to gain the loyalty of his fellow Democrats.

In my time the key Democrats were Senator [Christopher] Dodd. It goes without saying that they're great friends. Also on the committee were Senator Harkin, Senator [Barbara] Mikulski, and Senator [Howard] Metzenbaum. In my early years Senator Metzenbaum was something of an irritant to Senator Kennedy because Metzenbaum had a different style and was more pure and more abrasive and wasn't afraid to criticize Senator Kennedy.

Senator [Paul] Wellstone was on the committee prior to his death. Wellstone also I think was a little bit of an irritant to Kennedy. In his early years Wellstone was a bit of a grandstander. I became very fond of him. It was an awful awful tragedy when he was killed in a plane crash. Wellstone would give flowery speeches on the floor that sometimes went beyond what Senator Kennedy was prepared to do on an issue, and so Senator Kennedy felt he was being upstaged in some ways. But later they worked closely together on mental health parity legislation.

The Senator is a good reader of men and women. It's often said of Lyndon Johnson that he knew exactly how to reach any particular member, and I think Kennedy has a good sense of that. On the Republican side, he made a point to reach out to each of the counterparts. He understands the importance of a good relationship between a chairman and a ranking member. With Hatch, Kassebaum, Jeffords, and now [Michael] Enzi, he would find ways to collaborate with each of them.

During the health care bill it was very difficult. We had a couple members, Judd Gregg from New Hampshire and Dan Coats from Indiana, on the committee, who were both making life miserable for Kennedy. Kennedy did what he could to win them over, but they were less susceptible to his charms than Hatch and Kassebaum. I think they're a new generation of Republican, which isn't particularly impressed with the Kennedy history and the Kennedy mystique, and in many ways is repelled by his history. I think he had a hard time forging common grounds. I guess Gregg was the ranking Republican on that committee for a while in the period when I was out. I don't know how their relationship was at that time, but during the '94 health care markup it was very tense between those Republicans and Kennedy.

He did his best always to respect people. He's always good at breaking tension. If there was a tough legislative debate, he'd find a way, maybe not immediately, but the next day, to walk up to

somebody and break the ice, tell a joke, and get back into a good personal framework with somebody so that he could accomplish what he wanted to legislatively.

Lindskog: Have you seen a change in—it's often been remarked, sort of a decreasing collegiality—

Weich: Oh, it's awful, yes.

Lindskog: Has that affected Senator Kennedy? You talked about him as kind of a dynamo. But this trajectory—

Weich: Well, it's very hard. The Senate has changed for the worse. It is less collegial. It's more partisan, and it's more bitter. The debate is more personal. Senator Kennedy is of the old school—he's a good Democrat and always up for a good ideological fight, but wants to have good relations with people and not make it personal. I think he's found his own way in the new Senate, but it's certainly not the Senate that he grew up in, as I've read the history of that Senate. I see it as different even from my earlier period with him, the early '90s, to now. There is deterioration in comity and respect and collegiality.

Knott: Do you know what's fueling that? What do you think is fueling that?

Weich: Lots of things. Media and blogs on both sides. Our national dialogue is coarser and it has filtered into the Senate. I'm not the first person to observe this. A lot of House members are coming to the Senate without respect for the Senate body, like the Rick Santorum crowd. There seems to be a general decline in the significance of seniority. It used to be that freshmen were seen and not heard, but that's not true anymore. That reminds me of Wellstone. Got out very early as a freshman and was giving all kinds of statements about this and that. Kennedy thought that was just poor form. When Kennedy was a freshman in 1962 he didn't do that. Eventually he came to respect Wellstone for what he was. Kennedy's done fine in the old Senate and in the new Senate. But it's a different Senate today.

Lindskog: Can you talk to us a little bit—there's always a tension as a Senator between being an advocate for various interest groups, whether it be a civil rights advocate for example, and then being sort of a political reality check on those interest groups that might want more than the Senator's ready to give. Can you talk a little bit about when you saw Senator Kennedy working very hard for various pieces of legislation how he interacted with—

Weich: Yes, that's a good question. He was always mindful of the power of advocacy groups, especially membership groups, and he wanted to harness that power. He respected the expertise that, for example, the voting rights experts would bring to an issue like the voting rights reauthorization, or the legal services lawyers when we were working on legal services issues. Or the substance abuse treatment providers to drug issues. He's always been good at maximizing his influence by letting groups work for him in his legislative causes, and letting staff negotiate on his behalf so that he can be in ten places at once, really. In the name of Ted Kennedy I was doing work that eventually bore fruit as Kennedy legislation.

As he used the groups, he became close to many of them. I know he has many friends among the civil rights leaders for example. You would often hear that, “We trust the Senator. If he said this is too much, we won’t ask for it.” If he thinks this is the time to compromise or this is the time to not compromise, the groups would respect that. Those instincts of how he would interact with the groups grew over the years. There were very productive relationships with all those advocacy groups in each of the areas that I worked on.

Lindskog: You’ve touched upon it already. We hear so much about the Kennedy staff, the reputation of the Kennedy staff beyond this. And you talked about him being a demanding kind of a boss. Going back to when you first started, how did you learn what was expected of you as a Kennedy staffer? Was he on top of you or did you just kind of pick it up?

Weich: Well, obviously I was learning from staffers who were already in the office. Kennedy always wanted detailed briefing books. He is a voracious reader. We would prepare voluminous books before a floor debate or markup. So when I came to Senator Reid’s office, I assumed he wanted the same. I prepared a big briefing book on John Roberts when he was up for confirmation as Chief Justice. Reid sort of took the book and turned it sideways and turned it the other way. I think he read through it eventually. He was not accustomed to staff doing that kind of work. He prefers to receive information orally and is not as detail-oriented as Senator Kennedy.

How did I learn? There were just traditions in the office, and other staffers would teach me. I am proud to have mentored a number of staffers after I moved over to the Judiciary Committee in 1995. I hired Melody Barnes, who then became a longtime staffer. I am proud to say that I convinced Senator Kennedy and Carey Parker that Michael Myers should replace me as Judiciary Counsel. Even though Michael isn’t a lawyer, he replaced me briefly as Judiciary Counsel before moving over to the Labor Committee. He’s now become an extremely important part of Senator Kennedy’s world. He had just been an Immigration and Refugee guy and I insisted that he could do more. It took a little bit of persuasion because they assumed that the Chief Counsel on Judiciary had to be a lawyer. I don’t know if Michael took the actual title, but he was basically Staff Director.

I also hired a guy named Tom Perez. Tom was a detailee from the Justice Department, and was with Senator Kennedy for a number of years. He was a very effective staffer. He went on to run for elective office in Maryland and has been successful there. He’s now in Governor [Martin] O’Malley’s cabinet.

As Chief Counsel, I tried to pass on what I learned about being an effective Kennedy staffer, and I think Melody in particular would tell you that there’s an art to it. We all learned from Carey Parker. In some ways, I’m the old man in the Reid office, because I’m 47 years old now. The world is run by 32-year-olds. Most of the people, even the chief of staff is younger than me. I find myself in meetings with Senator Reid behaving as Carey Parker behaved in Kennedy’s meetings. Carey would hold back and let the debate among staffers and with the Senator develop some, and then he would voice an opinion in the voice of the Senator, and say or phrase something, in a way that Senator Kennedy could grasp it and then use it. It’s an ability to come

up with an approach to a question or an issue, or way of framing the argument. I do that now for Senator Reid and I'm conscious of the fact that I'm using a Carey Parker technique.

Knott: Well, great. I think we've—

Weich: Did I do it?

Knott: You did it. Unless you have another question, Gregg.

Lindskog: Well, we always try to understand where Senator Kennedy gets his values. I know this is a large question. But we often remark how a lifestyle of privilege growing up as a Kennedy leads one to have this real attachment to issues of the poor or civil right issues, and things of that nature. In your experience with him, or personal conversations, where do you see him getting his energy or his passion on some of these issues from?

Weich: Here you again ask me to be pop psychologist a little bit, but I'm happy to do it. I came to believe that Senator Kennedy's energy flowed from his belief that he was carrying out his brothers' work. It's interesting how it manifested itself on all the human issues: human needs, poverty, education, health. I think that's Robert Kennedy in the middle '60s and in the 1968 campaign when Robert Kennedy had evolved. And then of course on criminal justice, where Senator Kennedy was more conservative, he surprised a lot of people in his support for that Sentencing Reform Act for example. Remember, his brothers were pretty tough on crime during the [John] Kennedy administration. Robert Kennedy was a zealous prosecutor as Attorney General, and I think Senator Kennedy carries that legacy.

I think there's a tremendous sense of duty in that family. You see it in the next generation. Not all of them I think have the ability, but they all strive to serve their fellow man. I became friendly with Kathleen Townsend because she worked in the Justice Department during the years I was working on those issues. She's a wonderful person and always wanted to enhance justice both in that role and then when she became an elected official. John Kennedy, Jr. came to see me. Senator Kennedy had asked him to see me. He was trying to figure out what he should do. He had been in the Manhattan DA's office after I had been there, but I never worked with him. He was trying to figure out what to do next basically, and he was thinking maybe he'd come down and work in the drug czar's office in the Clinton administration. We talked about that. I could tell he was just searching for a way to be of service.

I think it was something in the family tradition that they had this obligation to be of service. His brothers were unable to carry out everything that they wanted to carry out and he's the last one in his generation with the opportunity to do it. It was always fun to see him with his sisters. I watched him a lot with Eunice Shriver on the mental health and mental retardation issues. All his sisters were proud of him. They called him Teddy. A lot of people call him Teddy, but when his sisters called him Teddy it was that he was the youngest brother, and they were just proud of him. He was always proud to show his sisters what he was doing, and I believe he was showing them that he was carrying out the work of John and Robert.

I don't really know about his faith. I never got deep enough with him on that question. But I know that he loved his family. When he would talk about his brothers it was always moving. It was obviously something that touched a deep nerve.

Lindskog: Thank you very much.

Knott: Thanks. This was great, Ron.

Weich: I'll say again, that I'm so proud of my opportunity to have been with him and I'm proud to be part of this oral history project. If I can do anything else as you go on, if it's useful to come back, feel free to.

Knott: Thanks. Thank you very much.

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