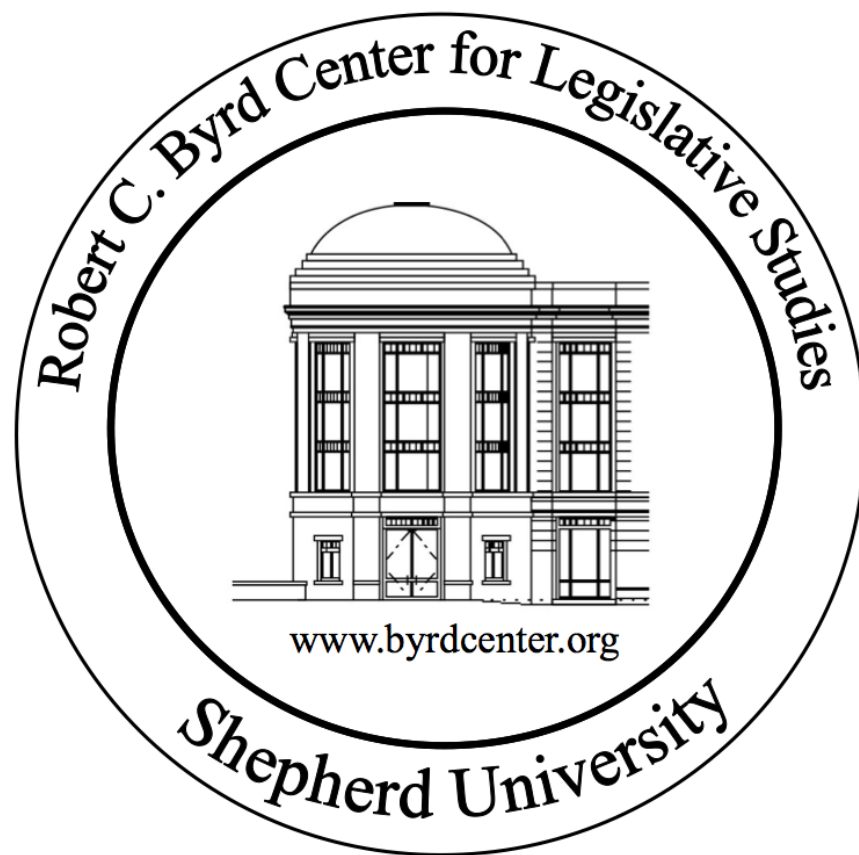


# Robert C. Byrd Legacy Project

Oral History Interview

**Carte Goodwin**

November 8, 2012



## **Preface**

By James J. Wyatt

Carte Goodwin is a partner in the Charleston, WV law firm Goodwin and Goodwin. Following Senator Robert C. Byrd's passing in 2010, Goodwin was selected by Governor Joe Manchin III to fill the vacant seat on an interim basis until a special election could be held to determine who would serve the remainder of the late senator's term. Senator Goodwin served in this capacity from July 16, 2010 to November 15, 2010, stepping aside for Manchin who won the special election and stepped down as West Virginia's governor. Prior to his brief Senate tenure, Goodwin acted as Governor Manchin's General Counsel from 2005 – 2009. A graduate of Marietta College (OH) and Emory University Law School (GA), Goodwin was chairman of the West Virginia School Building Authority and chair of the West Virginia Independent Commission on Judicial Reform. He was also appointed to the U.S. – China Economic and Security Review Commission.

Senator Goodwin begins the interview by discussing the process by which he was asked to fill Senator Byrd's vacated seat and by sharing some personal experiences from his brief tenure in office. Goodwin, who briefly worked as an intern in Senator Byrd's office, reverently characterizes him as a "lion," a "force of nature," and "what the founders intended when they created the body [Senate]." In detailing the overt sense of responsibility he felt while trying to maintain Senator Byrd's high standards the former Senator also explains how he felt while stepping onto the Senate floor and taking the oath of office from Vice President Joe Biden and while casting an important vote to extend unemployment benefits to those in need of aid. Goodwin also discusses the high regard that many Senators still hold for Senator Byrd, and he notes the frequency with which other senators invoked Byrd's name when attempting to give their own arguments weight. In discussing the Senate, Goodwin contrasts popular perceptions of the body and some of his former colleagues with the outpouring of aid and advice he received while serving in Washington D.C.

**About the interviewer:** Alan Sturm is a retired educator, former teacher, principal, and assistant superintendent of Upshur County Schools. He also served for two terms on the Jefferson County Board of Education. He has a BA in history from West Virginia Wesleyan and an MA in Public School Administration from West Virginia University. He has made the study of West Virginia political history his lifelong interest, and he has been working to collect interviews for the Robert C. Byrd Oral History Project since July 2012. He lives with his wife, Libby, in Shepherdstown, West Virginia.

**Interview #1**  
**Thursday, November 8, 2012**

**Sturm:** Today is Thursday, November 8, 2012. I'm Alan Sturm. I'm working with the Robert C. Byrd Center for Legislative Studies on the oral history segment of the Robert C. Byrd Legacy Project. Today we're speaking from the law offices of Goodwin & Goodwin in Charleston, West Virginia. It is my pleasure to be talking with the Honorable Carte Goodwin. Senator Goodwin is a partner in the law firm of Goodwin & Goodwin. He has served as legal counsel to Governor Joe Manchin. He has also served as chair of the West Virginia School Building Authority and chair of the Independent Commission on Judicial Reform. Senator Goodwin is also the individual who was selected by Governor Manchin to fill the Senate seat of the late Senator Byrd until an election could be held to choose a permanent replacement.

Welcome, Senator. I want to thank you very much for consenting to do this interview.

**Goodwin:** It's my pleasure.

**Sturm:** As you know, this session is being recorded. Is that agreeable with you?

**Goodwin:** Absolutely.

**Sturm:** I'm going to ask you two types of questions today. Some will be about Senator Byrd and some will be about your experiences when you replaced him. So let's begin by let's having you tell a little bit about yourself and your background.

**Goodwin:** Sure. Born and raised in West Virginia, grew up in Jackson County in a little town called Mount Alto, which is right on the Jackson/Mason County line. It's about fifteen minutes west of Ripley. Went to public schools there in Cottageville and then on to Ripley High School. It was just an idyllic small-town West Virginia childhood, and I wouldn't trade it for anything.

Left home after high school to pursue an abbreviated college basketball career at Marietta College just across the river in Marietta, Ohio, where, among other things, I met my wife, also a West Virginia native, on the first day of freshman orientation in the summer of 1992. I graduated from there in 1996, went down to law school at the Emory University School of Law in Atlanta, Georgia, and returned after law school to clerk for a Robert C. Byrd appointee to the U.S. Court of Appeals for the Fourth Circuit, Robert B. King, for a year.

After my clerkship ended, I began the practice of law here at Goodwin & Goodwin, where I was here for three or four years before I started working on then Secretary of State Joe Manchin's campaign for governor. When he was inaugurated in January of '05, I joined his staff as general counsel and stayed there for the first term and then returned to the practice of law.

**Sturm:** Did you know Senator Byrd personally?

**Goodwin:** Did not very well. Certainly I had met him a handful of times. I had the real pleasure as a college student of interning in his office in Washington, D.C., where my primary responsibility was really running the mail back and forth between his suite of offices in the Hart Senate Office Building and over in the Capitol Building itself. But like any West Virginian, I had a deep admiration and respect for him.

**Sturm:** How were you selected to replace him? What process did you go through or did the governor go through?

**Goodwin:** Yes, that's probably really a question for the governor. He approached me about it. Of course, this was after Senator Byrd passed away. I had been talking to Governor Manchin. As his former lawyer, I had left at that point, but was obviously still very close with him and with my successor as general counsel, who I had actually hired as my deputy. At the time, you'll recall, there was much hue and cry as to what the process would be, what did the statute mean, when will the election be held to find a new full-time successor for Senator Byrd. So I had been in close contact with the governor that whole time.

Then one night after I had been over there talking, chatting with him about that, he asked to speak with me privately and broached the subject and asked me what I thought, would I be interested in it. [laughter] Well, of course I'd be interested. And it all happened very, very quickly after that, and that had to have been just a handful of days before the announcement was actually made.

**Sturm:** Well, now, this may sound like sort of a silly question, because, you know, I think it's pretty much knowledge that you were sort of the caretaker for the Senate seat until the election could be held and that person could be chosen. Why did you agree to do this on a temporary basis?

**Goodwin:** I was honored to be asked, I was honored to have been entrusted by Governor Manchin with such an important responsibility, and I thought it was my obligation to try to maintain that trust for the people of West Virginia during however long the tenure was.

The President of the United States actually issued a statement when I was appointed, which I thought captured it well, which is the appointment; however it may be characterized by others, allows West Virginians' voices to be heard in the Senate until their voices could be heard at the ballot box, and that's the way I viewed it. It was an absolute unqualified privilege, and the same would be true whether it was for five days or five months. I will reflect on it only as an honor.

**Sturm:** Prior to that, had you had any political ambitions?

**Goodwin:** I've always been drawn to public service, certainly enjoyed my time working with Governor Manchin in state government, had been approached, actually, after I'd left the Governor's Office in January of '09 about seeking public office and certainly had never ruled it out. I hadn't made the decision to get into electoral politics yet at the time, and still haven't, but it's something I'm always drawn to. I just have a real respect for the folks who make that

sacrifice. Make no mistake, it's a sacrifice to put your name on the ballot and take the barbs and arrows that justifiably come your way, all out of an interest in serving. I think I'll always be drawn to that. In what capacity, at what time, I don't know.

**Sturm:** Well, you're young.

**Goodwin:** That's right. There's still time.

**Sturm:** Did you take over Senator Byrd's office in the Hart Building when you assumed the position?

**Goodwin:** Not immediately. Of course, all this was very new to me and we all learned along the way. When Senator Byrd passed away, his staff, if I'm recalling correctly, immediately were placed upon the payroll of the Senate Secretary or the Senate, the institution itself, and the office space was then being taken so they could document and archive, as you'll certainly appreciate, the mountains of important documents and pictures and mementos that he had in all of his offices. So, initially, the first couple days I was given space, I think it was in the basement of the Russell Building, quite literally in the basement. They were two relatively large rooms, but we had that for had to be a couple weeks, maybe three weeks, and then we went into recess in August, and when we came back from the recess around the end of August, beginning of September, we moved into the suite of offices in the Hart Senate Office Building.

**Sturm:** So you then did actually occupy the suite that he had had, I guess, since probably the Hart Building was opened.

**Goodwin:** Absolutely, and, in fact, whether it's simply apocryphal and Senate legend or not, we certainly took note of how large the offices were. Of course, what we were always told was that Senator Byrd picked that particular suite because it had one more square foot than any other office suite in that building. [laughter]

**Sturm:** Well, I'd been in it several times, but I didn't know that it had one more square foot. I knew it was a beautiful office, though.

When you went, were you able to take any of your own people with you, or did you simply maintain the existing staff that he had?

**Goodwin:** I took two of my dearest, closest friends with me and two folks that I trust implicitly that I had the privilege of working with in state government. One is a woman named Mary Jo Thompson, and when I was in Governor Manchin's office, she ran his Office of Constituent Services, which obviously is an integral part of a United States Senator's office, and I knew that she would be able to step into that job on day one, hit the ground running, and she's just an absolute people person. I can't imagine going through what was a really whirlwind process without her.

Also, as my chief of staff, I took my good friend Rob Alsop, who now is actually serving as chief of staff to Governor Earl Ray Tomblin. He worked for me as deputy counsel to the

governor when Governor Manchin was first inaugurated, subsequently served as Secretary of Tax and Revenue, and is just a brilliant guy, great friend. The day after the announcement, we loaded up in his Toyota and drove to Washington. [laughter]

Then with regard to the second part of the question, we kept a lot of Senator Byrd's people. We could not keep them all, simply by virtue of the fact that, as you won't be surprised to hear, the budget of the 100<sup>th</sup> senator in seniority is significantly different from the ranking member on the Appropriations Committee, and someone of Senator Byrd's stature. We didn't have the office space or the budget to keep all the people, but anybody who wanted to stay, we certainly tried to keep.

**Sturm:** How about the mobile offices, the one in Charleston, Martinsburg? And did he have one in Beckley?

**Goodwin:** Martinsburg and Charleston. Maybe one in Beckley.

**Sturm:** Did you maintain those offices at the time also?

**Goodwin:** Yes, yes.

**Sturm:** How did the staff react to you when you first arrived as the new senator?

**Goodwin:** Well, again, maybe that's a question for the staff. I found them to be nothing but extremely helpful, absolutely professional, folks that were still very emotional over the passing of Senator Byrd, a man who not only was a political giant for them, but also he's someone that they worked with on a daily basis and were close to on a personal level. But they could not have been better, and I can give you a couple of examples.

**Sturm:** Yes, please do.

**Goodwin:** There's a fellow named Chris Gould, who's a Huntington native, who had worked almost exclusively for Senator Byrd on healthcare issues, which, of course, in the months and years preceding my appointment and Senator Byrd's passing, had been a topic that the United States Congress had spent a great deal of time on, passing the Healthcare Reform Bill. So Chris had focused on that almost exclusively, as there's a division of labor among the policy and legislative folks in the Senate Office, and that was his bailiwick.

When I came in, I was immediately given Senator Byrd's spot on the Armed Services Committee, and within forty-eight hours of being sworn in, I was expected to attend a hearing on ratification of the Strategic Arms Reduction Treaty with Russia, obviously not something I'd spent a lot of time on here in my Charleston legal practice, right? [laughter]

**Sturm:** Right.

**Goodwin:** In fairness, as sharp as Chris was, it wasn't something that he had spent a lot of time on, but he obviously worked around the clock that night and prepared a succinct yet detailed—it was as long as I could have wanted it, but also summarized neatly—summary on

what the treaty was, what the sticking points were, what sort of questions West Virginians would be interested in hearing about the bill. It's the perfect example to me of how he just rolled up his sleeves and did the work, and I can't imagine going through that particular committee hearing or any other process without that sort of help from people just like him.

**Sturm:** Which illustrates the importance of the staffs—

**Goodwin:** Absolutely.

**Sturm:** —that these gentlemen and ladies have.

What other committees were you on? You said you were on the Armed Services.

**Goodwin:** Armed Services; the Rules; Health; Education; Labor and Pensions, and did not get the Appropriations slot. [laughs]

**Sturm:** That would have been an interesting one to be on also.

**Goodwin:** It would have. It would have, yes.

**Sturm:** You mentioned the division of labor. Can you expand a little bit about the organization of the office as you found it when you arrived?

**Goodwin:** In what way?

**Sturm:** What people were assigned to do what, what areas of responsibilities did they have. How was the office divided up so that the work got done?

**Goodwin:** Probably in the way that most of those offices are organized. You had a senior leadership team, folks that had been with the senator for years. Then among topic areas, you had folks who were dedicated to constituent services outreach, so when a West Virginian called asking questions about veterans benefits or Social Security disability or any sort of interaction with the federal government, it went through that section of the office.

Then with regard to the legislative and policy team, they tended to divide it up by topic, so Armed Services, Foreign Relations. There were a couple people who spent the majority of their time working on those issues. Domestic, with regard to healthcare, Chris worked on, and then more what I would refer to as kind of judiciary-related issues, judicial appointments, legal system.

**Sturm:** Were you able to make any appointments while you were there?

**Goodwin:** Well, several went through when I was there. A lot of them had been made by the president with the senator's consent before I got there, including Bill Ihlenfeld as United States Attorney for the Northern District of West Virginia. It was actually a treat. Also as is expected of the senator who is 100<sup>th</sup> in seniority, you get to preside over the Senate a lot,

especially late on Thursday nights when everyone else has already gotten their planes home. I was actually presiding over the Senate when Bill Ihlenfeld was confirmed as U.S. Attorney.

**Sturm:** Oh, that's neat.

**Goodwin:** Yes. So it was nice. I sent him a note, and I copied the record from that night. Just as a matter of coincidence, I happened to be there.

**Sturm:** Was Judge Groh from the Eastern Panhandle confirmed while you were there?

**Goodwin:** She was not. She was confirmed after I was back.

**Sturm:** I know she was just sworn in, what, two weeks ago?

**Goodwin:** She was, and I actually had the pleasure of—she asked me to come speak at her investiture, which was great. I got to know Gina when she was appointed to the state court bench several years ago. I was in the Governor's Office and tasked with interviewing all the candidates who were applying for that position. So I'm a big fan of Judge Groh's.

**Sturm:** What kind of place did you find the Senate to be when you first arrived? Did you have any surprises? Did you really have any anticipation of what it would be like when you got there?

**Goodwin:** Well, I followed public affairs as much as anybody, I suppose, and you certainly get some preconceived notions about individual senators, just based upon what you see on the news, and about the Senate as an institution. I would say that personally I was, if not surprised, certainly very pleased as to how welcoming and gracious every single member of the Senate was from both sides of the aisle.

Upon my swearing-in, members from both parties could not have been more helpful, more open, more willing to come up, introduce themselves, and offer private contact information. If I had *any* questions about *any* topic, to feel free to call at any time. And, you know, it's interesting, obviously, as a relatively young man at the time, some of these folks who had been in the Senate for decades; I'd been watching them on my television screen and nightly newscasts since I was my son's age. The one thing that was not unsettling but it was a little different was how exceedingly normal it was to them and how knowledgeable they already were about me, just because they followed the news and wanted to know who was being appointed to the seat. So they were asking about my son, my wife, who was nine months pregnant at the time, and when we were expecting the baby. So it was great.

The institution itself, I think you have a lot of folks who—well, most of the members—well, all of the members have a real passion for this country and want to do what they feel is right. Most are willing to talk and reach a principal compromise in the furtherance of that end. But any rational observer who has watched the process of the past few years has seen how, whether systematically or just on how things have broken down individually with regard to certain pieces of legislation, things are getting slowed, and the process has, yes, slowed to a



crawl in many instances, and it takes a long time to get a vote on things. That's frustrating not only for the American public, certainly, but I know for the members as well. When I was there, they were looking, and I know they're continuing to look, at the Senate's own rules and whether an examination of some of those processes might be in order to try to enable the institution to deal with the people's business in a more efficient fashion.

**Sturm:** While you're on that subject and brought that up, talk a little, if you would, about the sixty votes that are necessary really for anything to happen now. Most people say, well, the Democrats at this point have a majority. Why can't they have fifty-two people vote for it and have it come to pass and fall into place? Why do they need to go to the sixty?

**Goodwin:** [laughs] Of course, Senator Byrd quite literally wrote the book on the rules.

**Sturm:** Absolutely.

**Goodwin:** So there are a host of folks who are a lot more knowledgeable about the intricacies of Senate rules than I am, but it goes to the filibuster and the ability of the minority party really to protect its interest in the United States Senate, and that is a mechanism that's been in place for a long, long time in the body. That precisely is what I was alluding to earlier when I said there's been examination of whether the rules need to be revisited or reworked or modified in an effort to allow more bills to pass and get looked at and get on dealing with other business.

Quite candidly, I think there's a lot of hesitation, rightfully so, at changing rules of a body that has served our country. Not the rule itself, but the body has certainly served our country very well in our history, and I think there's some reluctance to tinker with something out of the pressure of today's political climate without knowing what it might do and what the unintended consequences might be down the line. Specifically, so a lot of older Democratic members, in particular, are saying, "We need to be careful what we wish for here."

**Sturm:** You may get it.

**Goodwin:** You may end up getting it. That's right.

**Sturm:** You mentioned your swearing-in. You know, it's been a long time since West Virginia's had an opportunity to have a senator describe the initial swearing-in, because Senator Rockefeller has been there for thirty years, and before him, Senator Randolph, and, of course, Senator Byrd was there forever. So can you talk with us just a little bit about your swearing-in, where did it happen, who swore you in, who was able to be there with you when it happened? Just tell us a little bit about what that day was like.

**Goodwin:** Well, sure. It was on the floor of the Senate chamber, which I'd never stepped foot on before. I had asked my mom to give me the family Bible for the occasion. From the looks of this thing that she gave me, I think this was one of the original manuscripts. [laughter] Vice President Biden was there, as is custom and tradition whenever a new senator is sworn in, for the vice president to come in his capacity as presiding officer of the Senate. It was

certainly very, very special for me, and there were so many folks from West Virginia, my friends and family, and a bunch of people from Jackson County, which was especially important for me.

**Sturm:** Were your children able to be right there with you when it happened?

**Goodwin:** Absolutely. Well, they were in the gallery for the actual swearing-in, but my mom, my very pregnant wife, and my then it must have been four-, almost five-year-old son. My dad had just passed away.

**Sturm:** I didn't know that. I knew that he had died, but I didn't realize it was that close to when you were sworn in.

**Goodwin:** It was in late April, early May. So it was still a pretty tough time for me and my siblings and my family and certainly my mom, so suffice it to say when I look up in the gallery of the United States Senate and see her, my thoughts immediately went to him, because I'll tell you what, he would have gotten a kick out of it. There's no doubt about that.

**Sturm:** I've met your dad, and he would have been extremely proud of you at that moment, extremely proud. It's really a shame that it happened that way.

**Goodwin:** It is. I miss him every day.

**Sturm:** I'm sure you do.

**Goodwin:** Yes.

**Sturm:** Now, you mentioned something there just a minute ago. You'd never set foot on the floor of the Senate before.

**Goodwin:** Yes.

**Sturm:** Describe your feelings, if you can, when you first entered the Senate as a United States Senator.

**Goodwin:** [laughs] Well, you know, over the course of the next four or five months, I had to make sure that the folks working the doors would recognize me, because otherwise they thought I was just a staffer or a tourist trying to invade the floor. Yes, it was overwhelming. It certainly never got old. It never got ordinary. Now, there were times when its work and you're there to do a job and you're focused on that, and you're there for a series of long votes at night, but, no, it certainly never got ordinary for me.

And, you know, right after I was sworn in, within five minutes there was a vote scheduled, and that wasn't a coincidence. It's because they were waiting for that sixtieth vote to get there to pass a bill, an extension of unemployment benefits that had been held up really unnecessarily for weeks while a lot of folks needed this help. So, yes, there wasn't a lot of time

for Carte Goodwin to reflect on how great it was for me. I mean, there was work to be done, and I was happy to play a small role in help getting that work done.

**Sturm:** That sounds great. I just can't imagine what that feeling must have been like and I'm sure that most people can't.

**Goodwin:** Like I say, the whole experience really flew by. I've told this story before. It wasn't really until near the end, in late October of that year, so several months later, we had our last day in session before the election and a series of votes that lasted until, I don't know, seven o'clock at night or something. I lived on Capitol Hill and was walking home right past the Supreme Court. The sun was setting. I mean, it was just this spectacular autumn day in Washington. And it hit me like a ton of bricks that I had just spent four months in the United States Senate, and it was overwhelming.

**Sturm:** I can imagine, as I said. I've been a student of politics for fifty years, and just the experience you had is something that nobody, I don't really think, can describe unless they've been through it.

**Goodwin:** Yes. I mean, what was strange about it is how quickly it happened. Everyone else whose there has spent at a minimum a year or two trying to get there, in some cases a lifetime, professionally.

**Sturm:** That's true.

**Goodwin:** And that's how it should be, of course, and that's how our system is set up. So the people have to trust you to put you in a position of that level of importance. But I didn't have—I don't want to say the benefit. Don't get me wrong. Getting appointed is the way to do it, right? [laughter]

**Sturm:** Given a choice, I would think so.

**Goodwin:** But my point is there was no real mental preparation for me. I had to, within the span of two or three days, wrap up a legal practice, get everything done here, try to figure out where I was going to live in D.C., and try to get prepared to go be a United States Senator. As [unclear] would say, it all happened very quickly for me, and it really wasn't until it was over and Senator Manchin was sworn in that I had much of a chance to sit back and reflect as to what an extraordinary experience it was for me personally, which is kind of a self-centered viewpoint on this, but from a personal standpoint, it was just absolutely extraordinary.

**Sturm:** Was there anybody available from either your staff or from the Senate itself to assist you with the transition from private citizen to, as you said, United States Senator who had to vote within five minutes after he was sworn in?

**Goodwin:** Those folks up there were extremely helpful, from Senator Reid's office to the Senate Secretary's office in terms of all the kind of mechanical, logistical things that had to be taking place to set up the office of the United States Senator.

To actually get up to speed on issues that were being voted on immediately that week, including that unemployment compensation extension, I really have such a great deal of gratitude to Senator Rockefeller and his staff. And, of course, my wife is Senator Rockefeller's state director, so it was helpful to have her put in a call, "Can we get some office space to sit in for a couple days before our office opens up?"

And, sure enough, I get to D.C. that Sunday night, I was being sworn in, I believe, Monday or Tuesday, Tuesday morning, but there was a lot of work to be done, press calls and preparation for the vote. The Unemployment Compensation Bill certainly wasn't the only legislative initiative pending in the Senate at the time, and Senator Rockefeller's staff could not have been more gracious or helpful, offering their briefing materials, whatever research they had compiled, sharing with us, and, as much as anything, giving us a conference room to sit in for a day before our office space was ready.

**Sturm:** You've touched on this a little bit, but what assistance or counsel did you receive from the Senate leadership and from other members of the Senate specifically? Did they call you, did they collar you in the cloakroom, put their arm around you to try to give you some insights into what was going on, or how did this all work?

**Goodwin:** I got a call from Chuck Schumer, I believe that Friday night, the day I was appointed, just welcoming me to the Senate and reminding me what enormous shoes I had to fill, and he was just very gracious and offered his help at any moment if I needed it.

That Monday before I was sworn in that first day, I did meet with the Majority Leader Senator Reid and his chief of staff, and he did offer a little bit of advice, actually. He made a reference to another senator who had been recently elected with some fanfare, who was a relatively younger guy, and suggested to me that he might have made some mistakes in kind of talking too much and believing his own press clippings a little too much. What I took it to mean is, and what I had no problem with because it was my inclination anyway, which was I wasn't there to be a media darling. I had, in fact, by the time I'd showed up in the Majority Leader's Office, turned down requests to be on the morning shows and *Rachel Maddow* and *CNN with John King* and all these shows. But I wasn't there to be a media star of the Senate; I was there to play a small role until the people of West Virginia could elect a successor. I personally was very mindful of that, and I think he, rightfully so, was just suggesting that that was the right approach to take.

**Sturm:** Very tactfully. [laughs]

**Goodwin:** Very tactfully, yes.

**Sturm:** You said Senator Rockefeller was extremely helpful, and, of course, you got a call from Senator Schumer and met with Senator Reid. Were other senators helpful? Did others come forth to help you in the transition?

**Goodwin:** Like I said, everybody was so gracious.

**Sturm:** From both sides of the aisle?

**Goodwin:** Absolutely. Tom Carper, who is a West Virginia native, senator from Delaware, who I still stay in touch with, was extremely nice, gave me a nice tour, took me into the Republican cloakroom and introduced me to some folks. Senator Ensign from Nevada, who has since retired and had some issues of his own during his latter years in the Senate, but could not have been more genuine in offering help or assistance if I needed anything. Al Franken. I mean, the list just goes on and on. There were so, so many folks.

Then there were a couple people who were in similar positions to me, where the pressures that any United States Senator are under in terms of being responsive to their constituents' needs and balancing the demands of the office are significant, but there were a couple who had been appointed and as such could kind of appreciate the circumstances that I was in. One was Senator George LeMieux from Florida, who's actually a Republican, but a young guy, young lawyer, had been, I think, chief counsel or chief of staff to then Republican Governor Charlie Christ of Florida and had been appointed to the seat for a brief period of time also because then Governor Christ was running for the seat. So, needless to say, we shared a lot in common with respect to how we got there. He's a really, really, really good guy, urged me to take advantage of the opportunity to serve and drink it all in and, again, just enjoy the opportunity to be a public servant. I mean, the list of the folks—Senator Warner, who opened up his house to me for the first couple weeks, which was extremely gracious.

**Sturm:** You're talking about Mark Warner?

**Goodwin:** Absolutely, from Virginia.

**Sturm:** You mentioned some people that you became sort of close to. It's said, and I'm sure you're aware of this, that it's the most exclusive club in the world.

**Goodwin:** Yes. [laughs]

**Sturm:** In your tenure there, did you make any lasting friendships; do you feel, with other senators?

**Goodwin:** Oh, I think so. I think, as you suggest, it's a relatively small group. There's only a hundred members, and at any time there's not very many former members running around either. I still stay in touch with Senator Carper. I've tried to follow George LeMieux's career. He actually tried to run this year for the Senate, unsuccessfully. A lot of folks that worked with me in our office I certainly stay in touch with. Got a call from Robert Diznoff, who's a young lawyer from here in Charleston originally, who worked for Senator Byrd and then stayed on. Yes, I treasure those relationships.

**Sturm:** A fantastic experience.

**Goodwin:** Yes.

**Sturm:** Let's talk about Senator Byrd for a little bit.

**Goodwin:** Sure.

**Sturm:** Did any of the other senators discuss him or his career with you while you were there?

**Goodwin:** Sure.

**Sturm:** Can you share any of their opinions or what they said, or was it confidential?

**Goodwin:** Oh, I can share some of them. Chuck Schumer actually asked me if I ever found out how many hideaways Senator Byrd had actually collected over the years, let him know, because he quit counting at about six. [laughter]

**Sturm:** I think he had offices everywhere.

**Goodwin:** He did. He did. He was something else.

Senator Byrd was a figure who was so revered here in West Virginia, and if we don't know it, I think most of us suspected it, but if we don't know, we should, is how respected and revered he was in the halls of Congress. He was, by any objective measure, a giant in American history. He's a man who served at the highest levels of our government for nearly a quarter of the Republic's history and especially in the United States Senate he's a man whose name is spoken in hushed tones.

I can tell you during my tenure when we were having Rules Committee hearings about modifications to the filibuster rule, everyone invoked Senator Byrd's name when they wanted to make a forceful point supporting whatever position they were taking with regard to this. "Senator Byrd noted in this," or, "Senator Byrd said this."

**Sturm:** Either side.

**Goodwin:** That's right. It was interesting. I'm a political fan, too, and an amateur student of history, so it's fun to hear those old stories, like Christopher, or Senator Dodd, would tell stories about Jennings Randolph and Senator Byrd, and it was just really insightful to hear personally how these folks viewed Senator Byrd and interacted with him.

**Sturm:** Were there any surprises? Did anybody say anything about him that you hadn't heard or hadn't expected?

**Goodwin:** No, I don't think so.

**Sturm:** As you said earlier, you didn't really know him, but you followed him in the Senate, you knew his staff, and I'm sure you have a very thorough understanding of him as a man. What personal qualities do you think he had with such a limited background as he had as a

child and as a young man when he was first starting out that enabled him to assume the positions of power that he later assumed in his life?

**Goodwin:** What personal attributes?

**Sturm:** Personal qualities.

**Goodwin:** Well, he had a voracious appetite for knowledge and learning, and you see in him an example of really how we should all strive to be students all of our lives. He's a man who never quit learning, never quit evolving, never quit examining his own views but also the views of others in history and science. What an example he is, what an example he is to hold up to my kids, my seven-year-old son, about this is a life well spent, a man who grew up from such humble origins in a coal camp in West Virginia. To write just as an author, wouldn't it be a remarkable story? A man grew up in a coal camp in West Virginia, baptized in the creek next to the Crab Orchard Baptist Church, to write these unbelievably learned books about the history of the United States Senate and the Roman Empire. But on top of that, he dedicated himself to public service, and I think it was just that constant thirst for knowledge and learning, coupled with his desire to give back to the state he loved so much that made him the public servant that he was.

**Sturm:** He evolved, or seemed to evolve, over the years as a politician and as a man. There are those who contend that he was two different individuals because of his change of attitude, for example, on civil rights and on the war in Vietnam and how he later became a peacenik, a real peacenik, and an idol of the liberal establishment when the war in Iraq began. Do you think that he changed as an individual or do you think he grew and learned?

**Goodwin:** Maybe one and the same. I don't think there's any doubt that he grew and learned, and as a result, I think his viewpoint, his opinions, his positions on those things fundamentally and significantly changed.

**Sturm:** You don't think it was political expediency that did this? It was a man changing, a man learning?

**Goodwin:** I wouldn't deny that a lot of those things in Senator Byrd's history weren't politically expedient and didn't help him politically, from his membership in the Klan to his votes on the most significant pieces of domestic legislation in our country's history, certainly in the twentieth century. But does that mean that he changed out of political expediency? I don't think so. I think his evolution on those issues reflect the evolution of our state and our country, and in some respects that's what those bills were about. That's what the Civil Rights Movement was about, was change and progress and evolution, and that a man who belonged to an organization like that [the Ku Klux Klan] could subsequently be getting "A" ratings from the NAACP for his voting record shouldn't make him a subject of ridicule, but instead it should be held up as an example of the triumph of American democracy and progress in civil rights. That's how I tend to view it.

**Sturm:** How do you think the man was elected to the U.S. Senate nine times in West Virginia?

**Goodwin:** Well, he worked. Nobody outworked him. My old boss, Governor Manchin, has a saying, “There’s only two ways to run for office: unopposed and scared.” I think Senator Byrd certainly subscribed to that notion too.

**Sturm:** Is this another example of the man working hard? Because obviously the West Virginia that he was elected to represent six years ago was not the same state that he was elected to represent first in 1958.

**Goodwin:** No.

**Sturm:** So is this part of his evolution as a man and a politician that enabled him to do that, do you think?

**Goodwin:** Absolutely. Absolutely. But it’s also he had such an unwavering commitment to West Virginia and to West Virginians, so those sorts of developments and evolutions were probably easy for him to make, because he knew that if he stood up for the people of West Virginia and did what was right by West Virginian people, that the politics would take care of themselves. I think those were his guiding lights throughout his entire tenure in the Senate, and that’s why he was there forever, for five decades.

**Sturm:** We’re winding down here. Got a couple more things for you, though.

**Goodwin:** Sure.

**Sturm:** One, in your tenure, what do you feel you accomplished in the five or six months that you were in the Senate?

**Goodwin:** Well, there are a couple things that stand out for me. I mean, obviously, it’s a pretty brief tenure so you don’t quite have the track record that Senator Byrd might have after fifty years. Although, as an aside, when people ask, I normally correct them and say that I don’t characterize it by saying that I served four or five months in the Senate; instead, I say that Senator Byrd and I combined to serve over fifty-two years. [laughing]

**Sturm:** That sounds good. [laughs]

**Goodwin:** I just think that sounds better.

**Sturm:** In your portion of it, what did you accomplish?

**Goodwin:** In my portion of the fifty-two years, what jumps out was first the first vote. Within five minutes of being sworn in, I was asked to cast what amounts to the deciding vote on the extension of the unemployment benefits, which provided much needed relief to millions of Americans and about 20,000 West Virginians who were still looking for work and needed this



emergency money to put food on their table and protect their families while we waited for the economy to turn around. And anytime you can go in to work, get up in the morning, and go do something that helps 20,000 of your neighbors and a couple million Americans, that's a good day and that's a keeper.

It was startling four or five months later when I returned to my legal practice, my email accounts had immediately been shut down the day I was appointed, and all the mail had gathered up. I had a bunch of letters and emails from folks from that day when I voted, thanking me. "I'm a student needing help with student loans. Thank you for casting the vote." From all over the country, not from West Virginia, either, and that's moving.

**Sturm:** It's got to make you feel good.

**Goodwin:** It sure does. The second thing that jumps out is as a practicing attorney, it was very, very special to me to be able to stand on the floor of the United States Senate and casting a vote in favor of confirming a Supreme Court justice. That was something that I will certainly always cherish.

Then on a personal level, my baby daughter, Anna Vail Goodwin, was born while I was in the Senate.

**Sturm:** Which is extremely important.

**Goodwin:** It is extremely important, and as stressful as it seemed at the time that we were having a baby in the midst of this whirlwind, it ended up working out because my wife, as you would expect, was on maternity leave, my son had not started school yet, so I was able to bring my family with me, and we found this great little place on Capitol Hill and just really, really enjoyed our time in the city. My son keeps asking me when we're going to back to a Washington Wizards game. It might be a while. [laughter]

**Sturm:** Let's talk a little bit about West Virginia politics for just a minute.

**Goodwin:** Sure.

**Sturm:** Because, as I said, this is going to be for the historical record, and while you and I both remember quite well what was going on while your tenure in the Senate was working out, can you describe the political landscape back in West Virginia? What was going on with regard to permanent replacement for the Senate seat?

**Goodwin:** At the time?

**Sturm:** Yes, two years ago.

**Goodwin:** Well, Governor Manchin had very quickly expressed his intention to run, and I supported his candidacy unequivocally. He's a dear friend of mine and the consummate public servant, I think, and so I was happy to do that, and, obviously, again, honored that he asked me to serve in this position.

The landscape for Democrats across the country in 2010 was not positive, and I think it came especially so in West Virginia where the popularity of the president was exceedingly low and I think you saw that in Governor Manchin's approval numbers. He's a man who, the last time he had polled, was polled at above 75 percent approval, job approval as governor. Upon announcing his running for Senate against his Republican opponent, the numbers immediately came down about 50 to 38. So he lost 25 points immediately because he was running for an office in the United States Congress in the Senate and West Virginians had, for better or for worse, reservations about Democrats at the time. We see this natural ebb and flow from cycle to cycle, and at that time it was a rough cycle for Democrats. So that's the landscape as I was appointed within the few short days right after my appointment was announced, and we knew, as folks did all over the country, that it was going to be a tight, very contested, and very contentious election.

**Sturm:** Finally, almost everybody who knew or knew of Senator Byrd has a favorite story about him. Do you have one?

**Goodwin:** A favorite story. I have one that's personal. It's not really a story. I'll say I have his *Mountain Fiddler* album, which Anne Barth, who was his state director here for years, was kind enough to have him autograph for me about ten years ago. I have a separate copy so that I can actually listen to the record, but I have a signed copy framed, hanging in my office here, which I had for years, took with me to the Governor's Office and took with me to D.C. too. So it's really one of my fondest possessions.

The story I like, again, as I said, I'm kind of an amateur student of history, and this is a nice demonstration of the sheer force of nature that Robert C. Byrd was. There are, at the University of Virginia, the presidential tape collection, archive of presidential tapes. Why these guys decided to record every conversation they had, I'm not sure. [laughter] There's a tape recording of President Johnson, LBJ, called Senator Byrd to lobby him for a bill, may have actually been the Civil Rights Bill, and Senator Byrd, in turn, was pushing the president to advance the nomination of Sidney L. Christie as United States District Judge for the Southern District [and Northern District] of West Virginia.

President Johnson's expressing reservations to the senator about the appointment and indicated that the American Bar Association had not given him a favorable evaluation and wasn't sure that he could make the appointment. Senator Byrd pushed on him and suggested that maybe the evaluation must have been purely political, there's not a better champion of LBJ in all of West Virginia than him, and he really ought to consider it. The conversation ends up breaking up after that.

Of course, as you know, the Federal Building in Huntington is now named the Sidney L. Christie's Federal Building. [laughter] It's a small anecdote, certainly, but it's emblematic of his commitment to West Virginia and West Virginians and how even with the persuasiveness of an arm-twister like LBJ, he wasn't going to be swayed from advancing the interests of his constituencies. He's a lion, and he was what a lot of folks more qualified to speak about his

historical significance than I can describe it in better terms, but he was, I believe, what the founders intended when they created the body.

**Sturm:** Is there anything you'd like to add about Senator Byrd or about your career?

**Goodwin:** No, just, obviously, express my appreciation for allowing me to participate in this project. I have to say that it was and will always remain my enduring privilege to have served, and, as I suggested earlier, the same would be true whether it was for four days or four months. But it wasn't without its challenges, not the least of which was, of course, being appointed to the seat held by a man like Robert C. Byrd. As I said at the time, in hopefully some small measure I was successful in doing, what I wanted to do was emulate his work ethic, his commitment to the law, his commitment to the Senate, and his commitment to the state of West Virginia, and that was my motivation during my brief time there, and I hope, again, in some small way I was successful in doing that.

**Sturm:** I consider it a privilege to have the opportunity to speak with you today about this.

**Goodwin:** Thank you.

**Sturm:** I want to thank you for it.

**Goodwin:** Thank you. I appreciate it.

[End of interview]