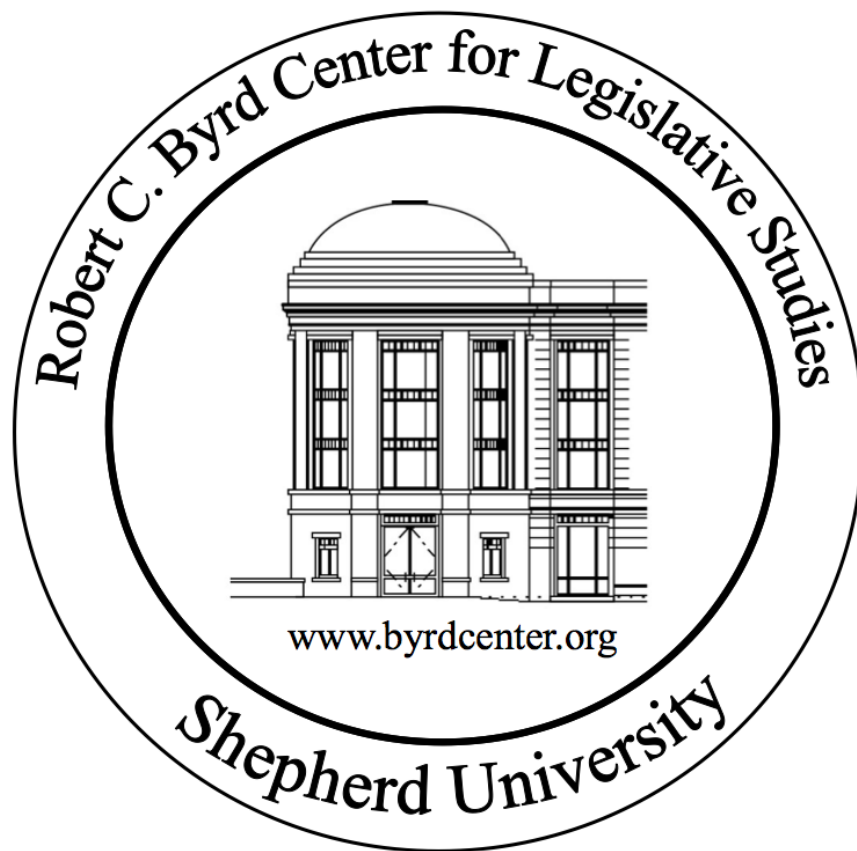


# Robert C. Byrd Legacy Project

Oral History Interview

Senator Carl Levin

April 30, 2013



## Preface

by Ray Smock

Senator Carl Levin (D-MI), of Detroit, is a graduate of Swarthmore College and Harvard Law School. He served as assistant attorney general and general counsel of Michigan's Civil Rights Commission from 1964 to 1967. He was a member of the Detroit City Council from 1970 to 1973. First elected to the U. S. Senate in 1978, he has served five additional terms since then, and recently announced his decision to retire at the end of his term in 2014. He is Chairman of the Senate Armed Services Committee and the Permanent Subcommittee on Investigations of the Homeland Security and Governmental Affairs Committee. He entered the U.S. Senate when Senator Robert C. Byrd was Majority Leader. As Senator Levin states in this interview, Senator Byrd was an important mentor to him and other freshman senators. The interview was conducted in Senator Levin's office in the Russell Senate Office Building, Washington, DC.

**About the interviewer:** Ray Smock is the director of the Robert C. Byrd Center for Legislative Studies in Shepherdstown, West Virginia. He is the former Historian of the U. S. House of Representatives (1983-95). He holds a PhD in history from the University of Maryland at College Park. His latest book, co-edited with Roger Bruns and David Hostetter, is *Congress Investigates: A Critical History with Documents* (2011), a two-volume compilation of scholarly articles and government documents covering the history of Congressional investigations from 1792 to 2006.

**Interview #1**  
**April 30, 2013**

**Smock:** My name is Ray Smock, and I'm with Senator Carl Levin. [Also with us is David Lyles, Chief of Staff for Senator Levin]. This is an oral history interview conducted on April 30, 2013, and the subject is Robert C. Byrd. Thank you, Senator, for agreeing to participate.

**Levin:** Well, it's a real pleasure.

**Smock:** To start out, I remember when you made remarks, after Senator Byrd passed, on the floor of the Senate where you described him as a great teacher. Could you elaborate on that, what you meant by that, how maybe he helped teach you when you first came here?

**Levin:** Well, he helped teach me and he helped to teach all the new senators. In fact, he had a lot to teach, a lot of information for not-so-new senators, because his love of the Senate and his knowledge of the Senate was something he really wanted to pass on to others. He felt very keenly that we all were responsible for maintaining the unique nature of the Senate, and he made a great effort to help others try to understand the unique nature of it, and so he talked to newcomers, he talked to senators who'd been around a while, he talked to pages, he talked to people who were interested in this institution.

He taught me a lot about loving this institution. When I first came here, I sat, as new senators do, and presided over the Senate, and when he was giving his history lessons about—I think it was the Roman Senate at that time, and I was just enthralled at his knowledge of history and his passion to pass that knowledge along. There were many, many hours I sat presiding, as many newcomers do, over the Senate just looking out at Senator Byrd in amazement at his – what seemed to be an unlimited storehouse of information.

**Smock:** I understand that one of the things that he used to do with the new members was to actually give you instructions on how to preside.

**Levin:** He did.

**Smock:** How detailed was that?

**Levin:** It was very detailed. [laughs] He gave us instructions on the demeanor, on the voice level, on clarity, on how to sit, how to behave. He didn't want us talking on the phone. This was before cell phones, but this was when there was a phone that was available to the presiding officer underneath the desk there, and he didn't want us to be using that phone when we were presiding. He didn't want us to read. He thought it was disrespectful to be reading

while people were talking. He thought it looked bad on the Senate, looked bad for the Senate, for people up in the galleries to be looking at a presiding officer who would be reading a book or a piece of newspaper or anything else.

He wanted the presiding officer to be on a pedestal of sorts, and that meant he would remind people who came up to talk to the presiding officer that they could not stand with both feet on the top podium, only one foot or no feet, but you could not stand on the top of that podium on the same level as the presiding officer, because *nobody* but the presiding officer could be on that level. So you could put one foot up there, providing you kept your second foot on the level below if you came up to talk to the presiding officer, but two feet was verboten.

**Smock:** I guess the presiding officer being the symbol of the Senate, you had to respect that.

**Levin:** Exactly right. And his respect for the Senate was unlimited, and he wanted nothing to distract or in any way diminish that respect.

**Smock:** Did everybody follow that rule?

**Levin:** Some people forgot, but he'd remind them. I mean, he would send up a note. If you were not doing something right, he would send up a note. I think I got a note once when somebody came up to talk to me, as I remember, and had both their feet on the same level as the chair was that I was sitting in as presiding officer. I think he sent me a note afterwards saying, "You know, Carl, when people come up to talk to you, they've got to keep no more than one foot on that level." I think that's where I got that reminder. But he wasn't shy about reminding people at all. In our caucus, he would talk about respect for the Senate and what the role of the presiding officer was.

**Smock:** Now, he was [Majority] Leader when you came to the Senate. How would you describe him as a leader?

**Levin:** He was very strong. He was very determined. He loved the rules, wanted to follow the rules, he respected the rules. He respected the right of people to talk in the Senate, the minority views that were so important to be heard. What makes the Senate so unique is the willingness to have the minority speak for as long as they want until cloture's invoked.

So he was a very strong Leader for a number of reasons. Number one, he obviously felt keenly about issues, but he also had very keen respect for the rules, and he knew them better than anybody else. So that gave him an advantage. Not only was he smarter than probably everybody else, just about—I can't think of anyone offhand who may have been smarter, but he also knew the history of the Senate, which gave him a very distinct advantage, but he knew the rules, and if you know the rules around this place, and respect the rules, you'll do two things. Number one, you'll be able to run circles around people, if you want to. But, number two, since

the rules respect the right of the minority, you will protect the right of the minority, and that means you're not going to have to run circles around people very often.

**Smock:** So part of his skill as a Leader was the mastery of the rules. But then besides that, how does a Senate Leader really work? He doesn't really have power as much as he has persuasive instincts and tools.

**Levin:** His major power is because he obviously is the one who appoints, for all intents and purposes, people to committees now. You know, we have a committee that appoints people to committees, but he's the one who will tell the committee what he needs. So your appointment is directly dependent upon him. Rarely does it become an issue, because most Leaders will try to see if they can't share the wealth in terms of desirability of people's desires to be on committees. He'll try to accommodate as many wishes as he can, which is part of his power.

The real power, he has to kind of know the rules to understand it—and, of course, he knew the rules—is the power of recognition. First recognition goes to the Majority Leader, and that means you control the agenda of the Senate. You control it anyway by what you call up to be debated. That's a huge power, as to what bill or measure you call up.

But because the Senate's kind of a freewheeling place where you can offer amendments that aren't relevant or germane to whatever bill is called up, you have to know the rules in order to kind of reign that in a little bit in a way which is fair. You can do it by fiat. You can fill the tree, as we say around here, and not let anybody offer amendments, which creates all kinds of animosity and distrust, or you can know the rules and work within the rules to protect the minority, but do it in a way where the minority feels that they've been given a fair shot. Because he's such a master of the rules, he was able to do both things, control the flow of the Senate, get things done, but also respect the minority.

**Smock:** What other kind of things, for example, did you ever ask him for a favor, any kind of a favor, other than recognition or a bill that he wanted to get on the floor?

**Levin:** I'm sure I did, but I don't remember any one that stands out. Everybody around here has to work with the Majority Leader to get amendments in order, to get amendments called up, to get amendments pending, to get bills up, to get judges called up. I mean, you need the Majority Leader for a whole host of things that you need. So I have no doubt that I asked him for many, many things, and that he was always as gentlemanly, because he was always that, and civil and responsive as he could be. He wanted to help new members to learn the Senate, but also to help them advance.

**Smock:** So moving along from him as Majority Leader, a little bit later he leaves the leadership and becomes chairman of Appropriations. Now, he still has considerable authority, power in that position, but he's functioning completely differently in that capacity. How did you, for example, relate to him in that capacity as Appropriations chairman?

**Levin:** Well, again, I can't remember specific items, but I know there would be where something would be important to me, and he would try to see if there'd be a way to accommodate it. For him, fighting for back-home projects or things that are important to your state comes as of part of the job of being a senator. It's not in any way considered pork by him to fight for his coal miners or for me to fight for my auto workers. He would expect that from me, just the way he would proudly fight for whatever would advance the cause of average folks in West Virginia. I mean, it was part of representing people.

I never talked to him about the way in which some of the newcomers and some of the folks connected to the Tea Party and some of the folks that thought it was wrong to earmark projects. I never asked him about what he thought about earmarks, except I didn't have to ask him. I mean, it's obvious that you fight for what you believe in and let the legislative process manage what it can and if it can't do it or shouldn't do it, fine. In other words, you have to use your judgment as to what other people's projects are really important and useful and what are just being done as a favor for some special interest or other. He could distinguish between them, and that's our job to distinguish between them.

I remember once I voted the wrong way on one of his bills, and he let me know about it, that he didn't appreciate my vote. But that never stopped him from appreciating me and, in fact, over-appreciating me. He was always very flattering and said some wonderful things about me on the floor, which I'll always treasure. He may be unhappy with me for a vote on something that I cast different from what he would have wanted, but that wasn't anything but doing my job just the way he was doing his job.

**Smock:** Is there any aspect of his leadership, either as Majority Leader or in the Appropriations chair, was he in any way dictatorial? You've described him as a gentleman, and I know that, and I knew him for thirty years myself, but did he have a tough side that maybe showed up in caucuses and private meetings that was not on display when he was on the floor?

**Levin:** He had a very strong, tough side indeed. He was a fighter for his people. Make no bones about it. He never forgot where he came from. He never forgot his struggle, wrote about it. He was proud of it. He wanted to help average people. He'd fight like hell. He could be a ferocious fighter. But it's something which you respect, people fighting for what they believe in, and he respected fighting on the other side of a cause as well.

We were together in a number of things that we fought together on, and one of them that I remember very vividly, of course, was the line-item veto where we went to court together. He led the way, of course, but we had meetings strategizing about what our amicus brief would say. He felt very keenly about the Senate and not abdicating our power of the purse, and he taught a lot of us about what the Constitution meant.

I'll never forget one newcomer lecturing him, a new senator lecturing him on the Constitution, and he didn't know what he was up against. You know, he was up against someone who probably from memory not only knew the Constitution, but probably knew the rules of the Roman Senate, not just the U.S. Senate. I mean, his memory was the most incredible mental capability I think I've seen actually in my lifetime. His memory, his poetry—from memory he could just give stanzas of poems.

I swear, my memory may be totally wrong on this, but I would swear that when I was sitting up there presiding, when I was a new senator and he was coming up, and when he was giving, I guess, his book, in effect, writing his book on the Senate floor on Roman history, I'd swear he did it from memory. I don't remember him reading.

**Lyles:** He did Senator. I think his first speech on the Roman Senate he gave from memory. He went out without any notes and did it all from memory.

**Levin:** Yes, you wonder is it possible? Is it conceivable? I mean, it's not just dates. It's what they did and what they stood for and the origin of the U.S. Senate in some way. It was names, names of people. I mean, to remember Roman names of generals and of senators, my kids would tell you I forget their names sometimes and their birthdays.

Senator Byrd was amazing, his mastery of history, and not just the Senate history. People would try to argue with him on anything other than maybe a policy ground. I mean, you can argue the benefits of a policy, but once you got into history or rules or anything similar to that, just forget it. Don't even try. Stick to policy arguments, generalities, because he had a capability second to none.

In fact, I've known no one close to him. I'm sure there are such people in the world that know and can master chapters of English history. My father used to tell me that he was raised in Canada and he had to remember every king, and he resented it because he was an anti-Royalist, my dad was. But he had to memorize every king, and he resented that. It was a major problem for him to have to remember that. I'll bet you Robert Byrd could go right through every king of England.

**Smock:** In fact, I know he did that, because once he was with someone from Great Britain who said, in effect, "The trouble with you Americans is you don't know enough about British history," and he started with Athelstan somewhere in the ninth century, and I don't think he got any wrong. So, yes, he did have that. He loved to display it, and I know he displayed it on the floor.

**Levin:** He loved his poetry too.

**Smock:** Yes, he was always reciting it.

**Levin:** He loved his violin. We heard him play a few times. He dropped that later on in his life, but I was here early enough that we heard him play the violin a few times.

**Smock:** Did he play it in his office, or where did he play?

**Levin:** Maybe my memory's playing tricks on me, but I think he played it at dinner, a senators' dinner or something like that. It was just a short, brief thing. And it may be my imagination. I sure remember the picture of him with a violin on a book. But I'm pretty sure back in '78 or '79 or '80, he was still playing it. He didn't do it often, and I don't think he liked to do it particularly. I don't know why. That wasn't something he thought maybe was part of his Senate duties. He loved the violin, and I think I heard him play it once. I think it was some Appalachian song or some—I can't remember what, folk song, maybe, folk tune.

**Smock:** Once he started to get that shake later in his hands, he quit playing the violin.

**Levin:** Oh, of course, yes.

**Smock:** We have letters where he parts with some of his violins and sold them. He hated to do it, but he couldn't play them and he didn't want those good instruments to stay unplayed. He wanted them to be in the hands of those who played.

And we have all of his notes on when he did the history of the Roman Senate, volumes of his underlinings in those books, and he would write in the margin sometimes, "Memorize this." I asked him one time if he had a photographic memory, and he said, "No, I don't think so, but when I decide I want to commit something to memory, I work hard and do it."

**Levin:** Well, he may not have had something called a photographic memory, whatever that is, which means, I guess, that you can look at something and remember it. But I can't believe that his memory—it was so unique, I just can't believe there wasn't something in his mind that gave him a capability that is more than just hard work. I know there's hard work that went into it, but it had to be more than that, because you talk about chapters of Roman history. I'll bet he could come up with the Bible. I'll bet he could come up with books of the Bible, probably, from memory, or close to it.

**Smock:** No, he could do that, I know. [laughs]

**Levin:** Work will take you so far, and I'm sure he worked. That's all he did was work, but I promise you—and I'm pretty smart guy—I could sit down with the Bible and I could decide I'm going to memorize that Bible. There's no way I could memorize that Bible. No way. I could read a chapter of Roman history, I'd vow, "I'm going to memorize that. I'm going to sit here until I remember it." I could not do it. I could sit there a week. I could read it fifty times and not capture that. Now, some people could, the Bible, because they've been raised on it, they read it every week or every day or whatever for twenty years, maybe. Maybe you could do it



with the Bible because the words are so famous, they're so much a part of people's culture and background—but the Roman Senate? Sorry. Robert Byrd was unique.

**Smock:** The line-item veto, that whole thing, of course, he wrote the Roman Senate study without really talking about the line-item veto that much. That was the whole point, was don't give up the power of the purse.

**Levin:** Power in general, yes.

**Smock:** So I guess in the Senate you deal with the Constitution every day in so many different ways, but I suppose that that was one of his missions, as a protector of the Constitution, mostly to protect the Senate from giving up its own power.

**Levin:** Absolutely. Absolutely.

**Smock:** Is that fair?

**Levin:** Absolutely fair. That was what the line-item veto was all about. He would be so unhappy if he saw what this Senate is willing to give up. He would be so unhappy. I was thinking a lot about that when earlier this year we had a battle over what's called a nuclear option and whether or not we were going to basically violate our rules in order to amend the rules. I fought along with a few of my colleagues not to do that, and I was thinking about Robert Byrd a lot, what would he do. He'd be leading the fight against breaking the rules to change the rules. He would blow up this place in order to get his way. He would fight for the integrity of the Senate.

But what the Senate is doing now on power of the purse, to go back to that, there are people around here who will give to the executive branch the power to move money from one program to another at their will. I'm not talking about reprogramming, where the Congress keeps a hand in the process. That's the reprogramming which is pretty informal and fluid. Nonetheless, there's got to be some congressional signoff on those funds when they're shifted from one place to another.

But we just passed this bill on the air traffic controllers, just told the FAA, "We don't want you to furlough these air traffic controllers, and we want you to take the money from the airport improvement program to fund for the air traffic controllers so they won't be laid off or put on furlough." That part's okay because we passed the law. I didn't like it, but at least it was Congress saying spend money here, not there.

But then another part of that bill was, but you can take it from any other place you want in that budget, not just from the airport improvement program, but take it from there or any other place in the FAA budget. Well, I mean, once you start walking down that line, down that road, you're going to tell every agency, "We don't want you to stop Head Start cuts, end the Head Start

cuts. You can take the money from any part of the education budget you want.” Well, let them write the budget. What are we here for?

I wish Robert Byrd were here for a hundred reasons, but, boy, this issue of the power of the purse is something he fought for tooth and nail, and we’re gradually, I think, seeing it slip away for political reasons, because these are unpopular decisions. When you exercise the power of the purse, and you’re going to have to take money from someplace and put it somewhere else, you’re going to make somebody unhappy, so why not just let the executive branch, give them the flexibility. That’s the key word, “flexibility.”

**Smock:** Well, the other end of that stick is impoundment, which was a huge fight back in the Nixon administration.

**Levin:** Oh, yes. That went to court, too, didn’t it?

**Smock:** Yes, it did.

When you first got into the Senate, the Panama Canal was a huge issue with the Carter administration, with the Senate. Was it the third Panama Canal Treaty that you were the floor Leader for? Did you go down to the Panama Canal with Senator Byrd?

**Levin:** I don’t think I did. I’m not sure. I went to the Panama Canal, but I don’t think I was with Senator Byrd when I went, because I just don’t remember even a delegation going. You see, I think he probably went before the vote on the treaty.

**Smock:** Yes, I know he was down there earlier.

**Levin:** And I wasn’t here to vote on the treaty. I was here after the treaty was ratified for the debate on the so-called implementation legislation. Everybody on the Armed Services Committee, I think, had voted against the treaty pretty much. I was new on the Armed Services Committee, so I hadn’t voted against the treaty, so they looked at me like, “Hey, you’re the right guy to take on this little chore of implementing the Panama Canal treaty.” There were some real close amendments to that implementation legislation.

**Smock:** But that was Senator Byrd that asked you to do that?

**Levin:** It was either Senator Byrd or Senator Stennis.

**Lyles:** I think it was Senator Stennis. He was chairman of the Armed Services Committee, and the legislation had to come out of the committee, so you got the [assignment].

**Levin:** Yes. Stennis, I think it was. Right. I was given the dubious honor—even though I was very much for the treaty, so I shouldn’t say it was a dubious honor. I was more than

willing to do it, except I was new and didn't know what I was doing. So when Stennis came to me and said, "You're a pretty smart young fellow. We'd like to give you some training, on-the-job training here, to get this implementation legislation through. We think it would be good training for you."

Of course, I didn't know that they had all voted against it on the Armed Services Committee. I found out later that it wasn't that he thought I was so smart as that they didn't want to do it because they voted against the treaty.

Of course, Senator Byrd was very helpful on the floor. There was one amendment which we barely defeated. I mean, it was like they got fifty-one votes or something, and it was what we called killer amendment for the treaty. I remember him sitting behind me there. I was managing. He was sitting behind me. And Stennis was sitting, I think, behind him or in front of him, maybe. Anyway, they were kind of right up and down, I think.

**Lyles:** Yes, it would have been the floor manager, then Senator Byrd right behind you and Senator Stennis was right behind him.

**Levin:** Stennis, even though he opposed the treaty, he was always trying to be helpful too. But, anyway, Senator Byrd was helpful in that effort, and it was a gutsy vote for him, I guess, in West Virginia. It wasn't an easy vote.

**Smock:** No, it wasn't too popular there, but he pushed it. There's, of course, a lot of cartoons that we have, unfavorably showing Senator Byrd regarding the treaty. Basically, that was the only time he was ever called a traitor in West Virginia, as he was somehow giving away American territory.

**Levin:** Yes.

**Smock:** I think that worked out pretty well in the end.

**Levin:** It did. It was the right thing to do, and it's worked out very well. I am going to have to leave you in a couple of minutes.

**Smock:** Sure.

**Levin:** I hope you have enough.

**Smock:** You are welcome to expand this. Perhaps some other time as we develop our oral histories and talk to other people I can get back to you for some additional remarks.

**Levin:** If I have time perhaps we could do it on the phone and you could tell me some subjects that I remember and we can add them.

**Smock:** We can do it that way. This is an ongoing thing and we are going to be doing this for a long time. The idea is to get as much on the record in these interviews so we can supplement the official records.

**Levin:** I prize my U.S. Constitution, which he autographed for me and wrote a note in.

**Lyles:** Your little pocket version.

**Levin:** Yes, my little pocket version. I've got it on my desk. I keep it there handy. I always, whenever I look at it, I think about him, because some of these new folks that come here thinking they know about the Constitution, they start quoting the Constitution, you know, "You can't do this. You can't do that."

**Smock:** Well, he had a historical context with the Constitution, which I think some people lack.

**Levin:** Not only an historic context; he also read the whole Constitution and he knew that the Constitution was a document which was a living document and that we've come a long way since it was written, and that it's got to apply to modern times. But you can't just start quoting the Constitution about what the Congress can't do, because he felt that the executive branch basically had broadened its power far too much, including war issues, you know, taking us to war. That was a very big issue.

The Iraq War Resolution I worked on, that I had an alternative resolution for the Iraq War he was very, very much into this issue about ceding power to the executive branch, whether it was budget power or war power. He really was a Senate man.

**Smock:** Well, you were in the minority on that vote. I think there were just twenty-three senators who voted against that resolution.

**Levin:** Yes. I felt very comfortable then and I feel very comfortable now, proud to have been in his company.

**Smock:** Great. So let me ask you one final question, if I can.

**Levin:** Sure.

**Smock:** There's some people say that—in fact, there's a couple books recently. Ira Shapiro has one called *The Last Great Senate*, and, of course, one of Senator Byrd's staffers wrote a book that's out now called *The Last Great Senator*. I had trouble with Tom Brokaw when he called [those who fought in World War II] the greatest generation. I believe it was a great generation, but it suggests that our greatness is in the past and that we can't continue to be

great in the next generation. So that's my problem with calling something "the greatest." But looking at the Senate that you came into in 1979 and some of the people that were here, including Senator Byrd, is it a completely different place now than it was then?

**Levin:** I think it is different. I think there's more kind of an ideological rigidity on the part of some people who have come here on the Republican side, tend to dominate, which means there's less room for compromise. You know, you come here to fight like hell for what you believe in, but at the end of the day, if we're going to govern, you've got to compromise. But some of the folks who have come here recently who are Tea Party advocates, particularly, who say, "I didn't come here to compromise," well, none of us come here to compromise. We come here to legislate. But legislation requires that you understand the arguments on both sides and that at times you're going to settle for half a loaf. There's going to be times when you're going to get three-quarters of a loaf. There'll be times you're going to get one quarter of a loaf. But the odds are you're not very often going to get the full loaf, because you're not a dictator.

There's checks and balances which are written into the Constitution intentionally, both inside the Congress, inside each house of the Congress, and, of course, between us and the executive branch. By the time you throw the judicial branch in there, you've got plenty of checks and balances.

You know, it's a different place because, I think, more than anything else, if I had to name one thing, it would be the very few moderate Republicans that we have. The Republicans that we have for the most part now are more and more becoming very rigid ideologically and unwilling to compromise. But it's those moderate Republicans that we had, the Packwoods and

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**Lyles:** Mathias.

**Smock:** Hatfield, all of them.

**Levin:** There's so many moderate Republicans that we had. You think of a guy like Jacob Javits, I mean, they call him a liberal Republican. Forget liberal anything, just moderate Republicans, they're few and far between and they're intimidated, I'm afraid. They're like Olympia Snowe. You can't run because you get knocked off at a primary. Richard Lugar's a moderate Republican, got knocked off at the primary.

Now, as a Democrat, and I'm a proud Democrat, that's kind of good for my party in a sense because we can win these elections in Maine and Indiana, but in terms of overall, a generic sense, it's not good for the country that we have people who are uncompromising, and I say more than anything else, it's that that's changed the nature. Now, I hope that's not permanent, and I hope the Byrd spirit of really respecting the institution prevails, because that's what we're talking about.

**Smock:** Thank you very much, Senator. I appreciate it.

**Levin:** Good to see you. I'm sure you enjoy working with history.

**Smock:** Oh, yes.

[End of interview]