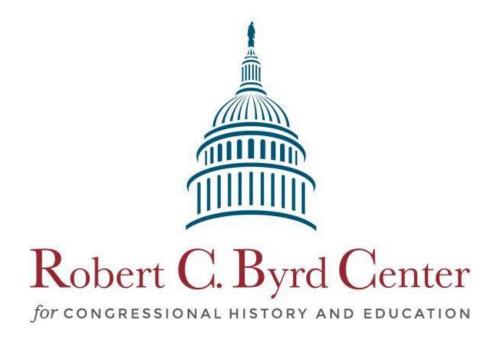
Robert C. Byrd Legacy Project Oral History Interview Senator George J. Mitchell May 22, 2018



Preface

By James J. Wyatt

George J. Mitchell served as Democratic senator from Maine from 1980 until 1995. While in the Senate, he was a member of the Senate Finance, Veterans Affairs, and Environmental and Public Works Committees. As a young senator, Mitchell helped Democrats win back the majority in 1986, served on the Senate committee that investigated the Iran-Contra Scandal in 1987, and was instrumental in the passage of the Clean Air Act Amendments and the Americans with Disabilities Act in 1990. In 1989, Senator Mitchell was elected to succeed Senator Robert C. Byrd as the Senate Majority Leader, a post he held until his retirement from the Senate in 1995. After leaving the Senate, Mitchell served as United States Special Envoy to Northern Ireland under President Bill Clinton, wherein he chaired the all-party peace negotiations and helped secure the Belfast Peace Agreement, also known as the "Good Friday Agreement." For these efforts, Senator Mitchell was awarded the Presidential Medal of Freedom (1999) and the Liberty Medal (1998). In 2007, he co-founded the Bipartisan Policy Center with former Senate Majority Leaders Tom Daschle (D-SD), Howard Baker (R-TN), and Bob Dole (R-KS).

In this interview, Senator Mitchell discusses his professional relationship with Senator Byrd, his rise to Senate Majority Leader, and the challenges specific to the majority leader position. Mitchell considers the key points in his ascent within the Democratic Party in the Senate, from his appointment in 1980 to replace the retiring Edmund Muskie (D-ME) and his surprise appointment to chair the Democratic Senate Campaign Committee in 1984 by Senator Byrd to his work on the Senate's Iran-Contra investigating committee and his election to majority leader in 1989. Throughout, Mitchell highlights the respect and admiration members of the Senate held for Senator Byrd, particularly regarding his knowledge of Senate rules and his longstanding dedication to the institution. Additionally, Mitchell describes the position of majority leader as having two primary, and sometimes conflicting, responsibilities, leader of the party he represents and leading the Senate as an institution, and he explains how the leadership styles of previous majority leaders, including Lyndon Baines Johnson (D-TX), Mike Mansfield (D-MT), Howard Baker (D-TN), and Robert C. Byrd informed his approach to the post. Mitchell also explains how increasing personal partisanship among senators and additional external factors have reshaped the majority leader position in recent years.

About the interviewer: Donald A. Ritchie is Historian Emeritus of the United States Senate Historical Office. Beginning in 1976, he conducted oral history interviews with former senators and members of senate staff as part of the Senate oral history project. He is the author of numerous books including *Electing FDR* and *Press Gallery: Congress and the Washington Correspondents*, for which he won the Organization of American Historians' Richard W. Leopold Prize, and *Doing Oral History: A Practical Guide*. Ritchie has served as president of the Oral History Association and on the council of the American Historical Association.

Robert C. Byrd Center for Congressional History and Education

Senator George J. Mitchell

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Donald A. Ritchie, Interviewer

RITCHIE: I was struck by the fact, looking back over your career, that you actually came to work for the Senate in '62 for Senator Muskie when Mike Mansfield was the Majority Leader, so you've seen just about every Majority Leader operate in the last half century. I wondered if we could start off by you explaining the job of Majority Leader, because some people call it a ringmaster and some people call it a traffic cop, and I wonder what it was from your experience as to be the Leader.

MITCHELL: Well, the first thing I'd say is it's a very difficult job. I don't recall clearly the whole history of how the position of Majority Leader was created, although I know I read it at the time I became Majority Leader, but obviously it's not included in the Constitution, so therefore it doesn't rank up there with the office of the Speaker of the House, and it plainly was an adaptation sometime after the Senate began operations, to fill the need that became obvious for someone to manage the institution. No group of people that size, and certainly not a group of, at that time, men, now men and women, of such achievement could be expected to be part of an institution that had no central leadership, no one to make decisions, large and small, on how the institution should proceed.

So, it developed over time, and until the time of Lyndon Johnson, the powers and limitations of the office became increasingly clear. I think Johnson—again, I'm not an historian, so these are highly personal views, which may not be fully supported by others—by force of his personality and his aggressiveness, was able to centralize in the Office of the Majority Leader more power than had previously been possessed by, at least in what I would call the modern era, any Majority Leader had. And there was a reaction to that when he left office, and the senators seemed determined to find someone who was the opposite of Johnson in temperament and aggressiveness and in seizing and wielding power.

Mike Mansfield was the Majority Leader when I worked as a Senate employee, and I met him, although I did not have a close relationship with him. I'm sure Mike Mansfield had no idea who I was. I was a member of the staff of another senator. But Senator Muskie was very friendly with Mike Mansfield. Senator Muskie had not gotten along very well with Senator Johnson when he was the Majority Leader, and I'm sure some of that has shaped my own views that I've expressed here. I happen to think Lyndon Johnson was a great man in many respects and accomplished a great deal both in the position of Majority Leader and as President, but he

also had large faults, as we all do. And so, Mansfield ran the Senate in a manner completely different from that in which Johnson had run it. It was much less a focus on one person.

I'm told by other senators whose terms spanned Mansfield's and mine that he rejected the use of the word "Leader" in describing him. As you undoubtedly know, traditionally the Majority Leader is referred to by his Senate colleagues as "Mr. Leader," and Mansfield didn't like that title and insisted that people call him "Mike," other senators, which is, I think, a reflection on him in a positive way. He was really, in his own right, I think, a great man, and he understood, I believe, that his own personality and his own method of operation were completely different from those of his predecessor. And so, some of the powers that Senator Johnson had accumulated were effectively given back or not used, and I think that's largely been the case to the present time, which has had good and bad effects.

Most human actions are not either 100 percent beneficial or 100 percent negative, but usually fall somewhere in between, depending on your relationship to the decision, and I know that when I became Majority Leader after Senator Byrd, that I could not hope to emulate him, because he really was a person unique in history in the Senate and history of the country. He was really what I would call a larger-than-life figure. He had devoted his entire life to the Senate. He was knowledgeable about the Senate in a way that not only no other Majority Leader, but I think no other senator has ever been. And so, I knew that I had to run the Senate in a manner consistent with my own personal views and not try to emulate or copy in any way what Senator Byrd had done. In part, I had in mind a difference between Johnson and Mansfield, that they were very different, and I think both were regarded as successful Majority Leaders, even though they were entirely different in personality and approach.

So, I have to say that becoming Majority Leader was not even within my scope of imagination until very close to the time that I was chosen. I had not been in the Senate very long—I think only Senator Johnson was in for a shorter period of time before being elected Majority Leader—and didn't really have any ambition for the position. For me, being senator from Maine was position enough and honor enough. So, my view was I had to do the best I could to help establish an agenda for my party and help to manage the Senate for the institution of the Senate.

As you know, having been there and observed the Senate, the Majority Leader has many duties. The two principal ones, which can at times be in conflict, are the leader of the party that he represents, which has chosen him, or her someday, for the position, and at the same time a larger responsibility to the institution of the Senate itself, and those two interests frequently are in conflict, and it makes for always interesting and sometimes very difficult choices to be made.

RITCHIE: Well, when you came to the Senate, Senator Byrd was the Leader, and I wondered what your relationship was like as a senator to Byrd as a Leader at that time.

MITCHELL: Well, I entered the Senate by appointment. My predecessor, Senator Muskie, on whose staff I had served two decades earlier, was appointed Secretary of State by President Carter, and the then-governor of Maine, Joe Brennan, appointed me to complete Senator

Muskie's unexpired term. It was a very difficult period. I had a little over two years. I was given very little chance to be reelected.

In the late spring or early summer of 1981, a little more than a year before my first election, one of Maine's newspapers published on its front page a poll taken and released by one of my prospective opponents—turned out to be my opponent—and the headline quoted from a sentence by the pollster, and it was "He Has No Chance." [laughter] That was the description. It was commissioned and published by Congressman David Emery—he was a member of Congress from the First District in Maine, a Republican—and it showed that in a general election, he would defeat me by 36 percentage points, 61 percent to 25 percent.

The other member of Congress from Maine—we have two House members—also a Republican, was Olympia Snowe, and she announced that was considering running against me, and in response to Congressman Emery's poll, she commissioned and published one which showed that she would defeat me by 33 percentage points—Olympia's a good friend, and we're quite close now. But in what I thought at the time probably wasn't necessary, in her poll, she also asked about me running in a primary against a former governor, Ken Curtis, who had been mentioned for appointment to the Senate, and who announced that he was going to run against me. He formed an exploratory committee. But anyway, Olympia's poll showed that Curtis would defeat me in a primary by 25 percentage points.

So, it was a long, tough couple of years, and during that time, I traveled back to Maine every single weekend and every recess, traveled the state tirelessly in an effort to make myself known and put myself in a position to win. Most of the members of the Senate were polite and cordial, but I think it's fair to say that most of them believed I was not going to be reelected, and therefore I didn't have much of a relationship with any of them, including Senator Byrd. Senator Byrd, obviously, as Majority Leader, was very busy, and I was the most junior of junior senators. And so, he was always unfailingly polite and cordial to me, but we had no extensive interaction that I can recall during that entire period. But that wasn't just with him; that was with all of the members of the Senate.

RITCHIE: From observing the Senate, I've always thought that senators expect their colleagues to have been elected, and appointed senators always come in with a bit of a drawback until they prove themselves in an election, to some degree.

MITCHELL: That's absolutely right, and it's hard to blame them. I do remember [laughs] in the spring of 1982, as we were maybe six months away from the election, at a Democratic Caucus, Senator [Daniel Patrick] Moynihan (NY), who later became a very close friend, in a well-meaning, but it turned out to be a rather awkward way, spoke at a Democratic Caucus luncheon in a positive way about Democratic prospects for that year, and after describing how well various senators who were up for reelection were doing in the polls, he said, "Even George Mitchell's only twenty points behind now." [Ritchie laughs.] And, of course, everybody kind of laughed, and it was a little bit embarrassing.

Afterwards, several senators came up to me and were nice and gentle and said, "You know, he didn't mean anything by it." But they all thought I was going to lose, and I have to tell

you [laughs], I thought I was going to lose for a very long time. And I know Moynihan meant no ill by it. In fact, as I said, we became quite good friends later on. That all changed when I won reelection, and I now became, I think, more accepted, a more active participant, and then, thereafter, had more interaction with most other senators, including, and especially, Senator Byrd.

RITCHIE: How did the Democratic Caucus deal with Senator Byrd? Did they respect him? Did they fear him? What was sort of the general attitude towards him as the Leader at that time?

MITCHELL: I think there always was a high level of respect for Senator Byrd. You know better than I his personal history. No one could help but be moved by it, be inspired by it, to recognize how totally committed he was to the Senate. I recall very clearly, talking now not in a chronological way, when I became Senate Majority Leader, I reestablished what had been a practice years before but which had lapsed, to hold a dinner for the senators and their wives, to ask senators and their wives to come and not get involved in politics, just let's as human beings—so that people could get along much better.

And on that very first one, I asked Senator Byrd to be the speaker. I said to him, "You know more about the Senate than not only any individual senator, but more than all the other senators put together, and I think it would be helpful if you talked about your life in the Senate." And he did, and I don't think it was recorded. I wish it had been. It was one of the most powerful, moving, and sometimes awkward statements I've ever heard. You could have heard a pin drop in this large crowd, and you could tell that everybody really admired him.

At the same time, there were parts of it that were difficult, the extent to which he described these things which he had devoted his entire life to the Senate and how sometimes that had failed in his family relationships, and talked about his practices, how he had reread all the works of Shakespeare several times, how he hadn't been to a movie theater for twenty years. He said the last time he went to a theater, he stayed ten minutes and he walked out. He said it was a waste of time. He was just, as I said, a unique, very powerful, and, to me, an inspiring figure.

So, going back to now 1982 when I was elected to a full term, I then began interacting more with really all of the senators, including, in particular, Senator Byrd, who was friendly. He was not the Majority Leader then; Howard Baker (R-TN) was the Majority Leader. Senator Byrd was the Minority Leader. I had a very good relationship with Senator Baker. He and I became good friends. He was older than I, so I looked up to him a lot, and he treated me very fairly. Later in life, much later, not long before Senator Baker passed away, he called me and asked me if I would come to Knoxville, to the University of Tennessee, where they were dedicating a facility to him, and he wanted me to give the keynote address at it. And I did, and we reminisced for a long time about our relationship. So, I had a very good relationship with Senator Baker and a good relationship with Senator Byrd, who was then the Minority Leader.

Then he must have seen something in me, because in 1984, Senator Byrd called and asked me to come and see him, and I did, and he said he wanted to appoint me as Chairman of the Democratic Senate Campaign Committee for the following two-year period. I confessed that I was quite surprised at it. I was not, I didn't think, a very effective or prodigious fundraiser. I

had struggled to raise money in my own campaign, and I came from a small state with very few wealthy people or large corporations. But he said he had confidence in me and wanted me to do it, and that, in and of itself, gave me some confidence of the fact that I was chosen for this by the Senate Majority Leader, a position which, frankly, I'd had nothing to do with before, and I really didn't know much about the position. But that led to a more intense, closer, and more frequent relationship with Senator Byrd.

RITCHIE: I was going to say that's a very critical position, and it's obviously something that he had to really feel that you were going to be able to handle—especially because there was hope that the Democrats could take the majority back in that election.

MITCHELL: And we were very lucky, and we gained eleven seats.

RITCHIE: Did he coach you in that job?

MITCHELL: No.

RITCHIE: Did he tell you what he wanted you to do?

MITCHELL: No. "Go and get the job done." That's what he said to me. [laughter] And it's one of those occasions where things turned out well. I don't want to sound falsely modest, but we had a lot of good luck. We had good candidates. It's hard to think back. President Reagan was at the peak of his popularity when the election was held (1986). The Iran-Contra scandal broke just days after the election, so it had no effect whatsoever on the election. And typically, in these races—or not typically, but frequently, the undecideds sort of break down the middle. In this case, they all broke our way and we won all the close elections and were very fortunate to gain eleven seats and gain the majority, and Senator Byrd was very grateful. In fact, he then told me [chuckles] that he was going to appoint me to something called the Deputy President Pro Tempore of the Senate. I'd never heard of it. [laughs] It was really sort of a made-up title. You know, the Senate has a President Pro Tempore who is the senior-most member of the majority party, but I think there'd only been one deputy president.

RITCHIE: Yeah, I think Hubert Humphrey (D-MN) was.

MITCHELL: Yeah, I think it was Humphrey. Anyway, nothing to do, but I became a part of the leadership. I think that although the position itself didn't require anything of me and didn't add anything, by making me a part of the leadership, I think it did help me later on.

RITCHIE: Fascinating. As you say, right after the election, Iran-Contra broke, and that was a big boost to your career as well in terms of—

MITCHELL: It was, yes. That's right. Senator Byrd called me and discussed it with me, and I'll be frank, I had hoped he was going to appoint me to be the chairman. I'd served as a federal judge previously and I'd had some experience. I was U.S. Attorney before that, so I personally tried many, many cases and had some experience in conducting a legal proceeding and thought I could do this. Senator Byrd explained to me that he felt that Senator [Daniel] Inouye (D-HI)

would be the best choice for chairman, but he wanted me to serve on the committee and to be, I guess, the second-ranking Democrat on the committee (Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition). And, of course, I agreed to do so, and that did result, in my case, in a considerable amount of public exposure.

RITCHIE: So, it obviously was a sign that his confidence in you—

MITCHELL: That's right, yes.

RITCHIE: —had grown considerably in that period.

MITCHELL: Yes.

RITCHIE: Senator Byrd was such a stickler for the rules, and he was known as a parliamentarian in his own right. Did that make him a bit more difficult to work with? Did he set a standard that was hard for other senators to deal with in some respects?

MITCHELL: I don't think that fact alone. I think everybody respected his knowledge. I certainly did. He really did know the rules of the Senate to an extraordinary degree. And it was not just that. It was a general knowledge of history, historical perspective. I can remember, to this day, when I was the Majority Leader and we had a debate on the line-item veto, and Senator Byrd gave a series of one-hour speeches, I think about a dozen of them. It was riveting. I think he later had them published. He had them published and bound. I remember sitting there in the Senate listening to him. As you know, in the Senate are the stenographers who follow the speaking senator around making a transcript of his remarks, and Senator Byrd would spell the name of the Roman leader at the time he was referring to, and he knew the names and dates without notes. It was really extraordinary, and you couldn't help but admire the extent to which he had really self-learned so much about history, not just the history of the Senate, but he drew a link going back thousands of years to the Roman Senate. I think the proposition was at least questionable that the line-item veto had some relation to the Roman Senate, but he made the argument and it was very effective. So, he could be tough on people, and I think in the course of his time as Leader, he probably did anger, antagonize some senators, but I don't think it detracted from their respect.

RITCHIE: The interesting thing also is that the Democratic Caucus in his days and in your days was very different from the one today. I mean, you had southern Democrats and conservatives, as well as northerners and liberals. There was a lot of internal dissention—

MITCHELL: There was.

RITCHIE: —in the party, and it seems to me the Leader had to, in a sense, balance all these different factions in the party.

MITCHELL: That's right. In many respects, it was more difficult than today, in other respects, less so. We did not have the intense personal hostile partisanship that exists in the Senate today. When I was elected Majority Leader by my colleagues, on the very first day, among my earliest

calls was to Bob Dole, who was the Republican Leader, and I went to see him. I told him that he had been in the Senate for twenty or more years and I'd only been there a short time, and he knew much more about the Senate than I did, and certainly I was not Senator Byrd's equal in knowledge of the Senate, but I said, "I've been here long enough to know that if the Leaders don't get along, these jobs, which are tough enough, become really impossible."

And I described to Senator Dole what I thought—just orally; there was nothing in writing—basic standards of decency and fairness, openness, and honesty. He was delighted, we shook hands, and to this moment, we never had a harsh word pass between us in public or private. We disagreed almost every day on most bills, but we didn't make it personal. That was possible then. It doesn't seem possible now the way the things are going.

But you're quite right. The caucuses internally reflected American society more accurately than do the caucuses today. This is a very big country. We now have, what, close to 330 million people, very diverse, and it's unusual in democratic societies to have only two political parties, and it's extraordinary in a country this large with so many diverse interests. The result of that is that, inevitably, the two major parties are themselves loose coalitions of a wide variety of interests who tend to come together once every four years to nominate a presidential candidate who then both was shaped by and, in turn, shaped the agenda of the party.

So, I sat in Democratic meetings between Louisiana and Maryland, what for a time were very conservative Democrats and what for a time were liberal Democrats. John Stennis of Mississippi had been there a long time, kind of treated me like a son. I learned a lot from him. We became very friendly, but his views were very different from those of younger, more liberal Democratic senators. So, there was a lot more internal compromise in the caucus, which made it possible to have compromise between Democrats and Republicans, and I think both are lacking now. I can't tell you which way cause and effect goes, but it clearly does have an effect.

RITCHIE: It's quite startling. I tell young people that when I came to work for the Senate, the most conservative senator was a Democrat and one of the most liberal was a Republican. It was [James] Eastland (D-MS) and [Jacob] Javits (R-NY). Those categories don't exist anymore.

MITCHELL: No, they don't. I think that's, at least in part, a consequence of the decision by President Johnson, in my judgment, to his eternal credit, to embrace the Civil Rights Act and the Voting Rights Act, and he said, reportedly, to Bill Moyers, when he signed it, "We're turning the South over to the Republicans for a generation." I think he was mistaken only in saying for a generation. It's gone on much longer than that.

So, I think you've seen a reshuffling of the parties based on a continuation of the racial divisions that so much shaped the parties in the early years. I tell Democrats all the time, I believe we're right on the issue, but we should never forget that for the first seventy-five years of our country, the Democrats were the party of slavery, and after the Civil War, the Democrats were the party that perpetuated it in a different form, legally sanctioned racial discrimination. So, we have no right or basis for condescension toward anybody else, but it's clear that the Republicans have shifted completely the other way on it. That now, I think, reinforces the divisions in the Senate.

RITCHIE: We talked about Iran-Contra, and after that, your national profile certainly had increased.

MITCHELL: Yes.

RITCHIE: Did that have a lot to do with your decision to enter the leadership position, the race in the next year?

MITCHELL: Well, Senator Byrd came to see me and asked if I would support him for Majority Leader, and I said, yes, I would—this would have been 1987—because I felt that he had been very kind toward me and been helpful toward me.

I want to go back in time and describe the first time I ever had a really long conversation with him, and it wasn't a private conversation. I can't remember the year, but I think it was 1986, and it was shortly after [Mikhail] Gorbachev came to power in the Soviet Union. Senator Byrd chaired a delegation to Moscow to meet with Gorbachev on the issue of nuclear arms reduction. There was much discussion of that at the time between President Reagan and then whatever we called the head of the Soviet Union, the President of the Soviet Union, Mikhail Gorbachev. And on the way over, we stopped—I have in my mind it was in Edinburgh, Scotland, but it must have been Shannon, Ireland, and we stopped on the way back, and I recall very clearly a long, long dinner.

Not all the senators were there, a few senators and a few staffers, and Senator Byrd was in a reflective mode. He essentially told his life story to us in very deeply personal terms, in a way that I'd never heard him speak either before or after that, and it was very powerful. He led such an extraordinary life. Even in a country of immigrants and people rising from rags to riches, I mean, all the components of his story were so moving. So that was the first time I was exposed to it, and I never forgot it, really. I've got to someday sort out my memory as to why I have the feeling it was in Edinburgh, Scotland, as opposed to Shannon, Ireland, but anyway, that was one of my recollections.

As I said, he'd been very kind and generous to me, and I had very positive feelings toward him. Later in that cycle, he let it be known that he was not going to seek reelection as Majority Leader. I think there was some dissent and disagreement in the caucus, and Senator Inouye announced that he was going to seek the position, then Senator Johnston (D-LA) announced that he was going to seek the position, and I was very friendly with both of them. Inouye had been the Chairman of the Iran-Contra Committee, and I'd, of course, played a role in that, and we'd spent a lot of time together, become very close during that. And Bennett Johnston became a very good friend outside the Senate. Bennett was a great athlete and a good tennis player, and I played tennis, although I wasn't nearly as good as Bennett. Bennett and John Breaux, Louisiana, and myself and a couple of other senators played tennis on a regular basis, so I got to know Bennett really well, more through that than through the Senate, but I knew him there as well.

As I described in my book [*The Negotiator: A Memoir* (2015)], one day Max Baucus (D), then the senator from Montana, asked to speak to me in the Senate, and we sat down in the Senate, and he asked me if I'd given any thought to being Senate Majority Leader, entering the race for Senate Majority Leader, and I said I hadn't really thought about it. He encouraged me to think about it.

Then, I think about two days later, Bill Bradley (D) from New Jersey made the same point, although much more emphatically, and Bradley said to me, "Look, if you run, I'll strongly support you," he said, "but you've got to decide." That kind of focused my mind. At first, I thought it was not realistic. I'm from a small state. I hadn't been in the Senate very long. Both Johnston and Inouye had been there for decades, both were very much admired for good reason. But I then did decide to seek the position, and I can't remember when that was, but that would have been sometime in 1988.

RITCHIE: I can remember rumors went through that building constantly as to what Senator Byrd was going to do, why he was going to do it, and whether or not he was doing this voluntarily to become Chairman of the Appropriations Committee or because he felt that there was internal dissention and that he couldn't sustain his position, but nobody ever quite knew what was motivating him at that stage, or at least everybody had a different theory as to what was motivating him.

MITCHELL: Yeah. He never confided in me in any way in that respect.

RITCHIE: But in your memoir, you have an astonishing story that he called you into his office after you had announced that you were going to run.

RITCHIE: Yeah, really one of the most difficult meetings of my Senate career, perhaps of my life. I don't think it's an exaggeration to say I love Senator Byrd. I really had great admiration for him, and he had been extremely helpful to me. He asked me to come see him, and he sat me down in his Appropriations [Committee] office and asked if I would leave the race, Senate Majority Leader, that he felt that if I did, he could be reelected over Johnston and Inouye. And he reminded me that I had made a commitment to him to vote for him. But I said to him, "But, you know, you said you weren't going to run, so that's when I decided to run, and now it isn't possible for me to withdraw." And I have to say, honestly, I felt at the time—I did not say this to him—that it was unlikely that he could be reelected, particularly given his circumstances of withdrawing and then coming back in. So that was a very difficult moment for me, but over time, our relationship improved.

We had another difficult moment after I became Senate Majority Leader. I had been Chairman of the Environmental Pollution Subcommittee in the Senate, and with Senator Baucus and several Democratic and Republican senators, Senator [John] Chafee (RI) and Senator [David] Durenberger (MN), both Republicans, we developed a strong Clean Air Bill. And I told senators when I was seeking the position of Majority Leader that I intended to move on the bill, so I didn't want any misunderstanding or feeling that I hadn't made clear my intentions.

Senator Byrd, always devoted to the welfare of the people of West Virginia, and particularly coal miners, offered an amendment to the Clean Air Bill that would have provided quite substantial benefits to coal miners who lost their jobs under conditions described in the bill. President Bush made clear that if the amendment passed, he would veto the bill. That put everyone in a very difficult position. Senator Byrd felt very strongly about it, campaigned aggressively with Democratic senators, some, but less successfully, with Republican senators. And as Majority Leader and a principal sponsor of the bill, I was the only senator who spoke publicly against his amendment. Fifty voted against it, but I was the only one who spoke publicly against it, and I know that disturbed him greatly, especially since the amendment was not accepted, by a one-vote margin.

So, our relationship suffered as a result of that, but I then spent four more years as Senate Majority Leader, and gradually, over time, I continued to seek advice from him, and our relationship really was the best it ever had been about the last year, year and a half of my position as Senate Majority Leader. We became very friendly. He was very complimentary. When I left the Senate, he said very kind words to me privately and some in public. So, we had a period of difficulty in our relationship between the time of our meeting on Senate Majority Leader and the vote on the amendment to the Clean Air Act, but both before and after that, our relationship was very good, and I was very pleased that it was the best it had ever been during my last year in the Senate.

RITCHIE: That moment when he asked you to pull out of the race, do you think he just couldn't give up the reins of power? Was that just not in his nature somehow?

MITCHELL: I honestly don't know. As I describe in my book, it was very uncomfortable for me. I did feel immense gratitude toward him. I felt immense admiration for him. I still do. But I knew that I could not accede to his request, and he made no pretense of hiding his disappointment. In fact, we had sort of the same conversation four or five times in succession. He kept raising the issue, and I'd give him my answer, and then we'd go over it again. So, it was very painful, and not wanting to prolong conversation, I didn't ask any questions. I just sat there feeling that I hoped the conversation would end as soon as possible, and it didn't. It was a long conversation.

RITCHIE: You also tell the story about raising the votes to become Leader and getting senators to tell you that they were going to vote for you, so that you walked into the room thinking that you had twenty-eight people who had agreed with you. I've heard this kind of story from both Republican and Democratic Caucuses, that senators have gotten face-to-face agreement from their colleagues, but when the secret vote is taken, they haven't gotten all the votes that people promised them. In your case, you got twenty-seven votes rather than twenty-eight. I mean, the Senate is a very collegial body. To have somebody tell you, "I'm going to support you," and then clearly not support you has got to be a somewhat dispiriting event.

MITCHELL: Well, I look at it differently. Mo Udall (D-NM) is credited with a famous statement. When he ran for Majority—I think it was [House] Majority Leader that he ran for twice and was defeated, he created the impression with his comment about the difference between the caucus and a cactus, that there was wide-scale reneging. I viewed it really as quite

the opposite. Of the then fifty-five senators in the Democratic Caucus, fifty-four voted the way I thought they were going to vote and one didn't, so I don't think that's a bad record. That's my only experience with it. So, from my standpoint, I think it was pretty admirable.

I told a story in my book which I'll repeat now. I was sitting in the front row because they had reserved right in the front center three seats for myself, Danny Inouye was next to me, and Bennett Johnston was on the other side of Danny. And you know the old Senate Chamber. It's a very small space. Senator Byrd was presiding at the podium literally ten feet away, just a very, very short distance, and he had himself up at the podium and there were three senators, one representing each of us, all of whom participated in the counting of the votes.

When it was announced, instantly in my mind I knew who had cast the vote, and I cannot describe to you the circumstances or factors that led me to reach that conclusion. I just knew, and I had a very powerful temptation to turn around and look, find him in the audience, but I had to focus on what was happening because I thought there was going to be a second ballot. And I was quite confident that I would win on the second ballot because I'd had several senators, when asked to vote, say to me, "I'm already committed to either Senator Johnston or Inouye, but if it goes to more than one ballot, I'll vote for you," because I didn't know how many of my supporters might do the same thing in reverse.

But before anybody could say anything after Senator Byrd announced the figures, Bennett Johnston jumped up and didn't say anything to me or Inouye, he just jumped up and said, "I move that Senator Mitchell be elected Majority Leader by acclamation," and, of course, everybody stood, and that was it.

And then, of course, in my book I describe the phone call I received that night from the senator. Do you want me to do that?

RITCHIE: Sure. Would you tell me about that?

MITCHELL: Sure, yeah. It was, of course, a very busy and exhausting day, so I got back to my—I was living in a small townhouse on Capitol Hill at the time. I got back to my townhouse, I went to sleep, and I usually have trouble sleeping, but I was so tired that night, I fell right asleep probably about midnight. I don't know what time it was, maybe an hour later, the phone rang, woke me up, and the senator said my name. And I recognized his voice, and before he could say anything, I said, "I know why you're calling."

There was a really long pause, and he said, "How do you know?"

I said, "I can't explain it," I said, "but I just know." He then explained what had happened, why he did it, and I said to him, "Look, it's over, and I got elected. And so, both of us have got to get past it, and I'll do whatever I can to help you, and I expect you to do what you can to help me when you can as Senate Majority Leader."

We became quite close friends, and he had a terrific career in the Senate, terrific, really, really a fine guy. The explanation was such that there were mitigating circumstances, but they didn't justify what he did, so we left it at that.

RITCHIE: Well, one of the big jobs of a Leader in the Senate is counting heads and figuring out who's going to vote with you. They always say your word is your bond in the Senate, and that when senators go back on their word, it's always sort of held against them in the long run.

MITCHELL: That's right, that's right.

RITCHIE: Did you have much trouble as Leader figuring out where people were going to come out on issues?

MITCHELL: No. No, after a while, it's sort of like anything else in life, you acquire the ability to discern what people want. It's as varied as the senators themselves are varied. By far, the majority were candid, forthright. There were some who always asked for something else. Every senator carries around these little cards in their pocket, you know, and there were a few of them, every I time I'd ask, pull out this, "Here's my list," of things they wanted. Very, very rarely would anyone dissemble. I mean, frequently people say, "I don't know. I'll work on it. I'll let you know."

We had a tremendous *long* effort on President Clinton's economic program in summer of 1993. We had a tie vote in the Senate, and the Vice President broke the tie, and I knew exactly how everybody was going to vote before the vote was cast—I wouldn't have called it for a vote at that time if I hadn't known—and everybody did what they said and what I thought they were going to do.

So, you just develop, over time, an ability to understand each person, and you can't treat everybody the same, because people are different. So, I felt pretty comfortable with that. I also learned to listen more. I mention in my book that I did a lot of talking before I became Majority Leader and probably somewhat less after I became, because I listened more and more to other senators, which enabled me to focus on their concerns as opposed to my own.

RITCHIE: During the campaign for the Leadership, quality of life was one of those issues that were repeated. Everybody was going to try to improve it. How is it possible for the Leader actually to improve quality of life for senators, given all the pressure that senators are under?

MITCHELL: Well, of course, I used to joke and say, "The only way you can really improve your quality of life is leave the Senate." [*laughter*] It's a tough place, and if you don't enjoy working, you're not going to enjoy being in the Senate. So, you have to understand it's within a narrow band of activity that you have the ability to influence it.

Senator Byrd loved the Senate with his heart, with his soul, with his mind, and that was reflected in his actions. And I think one of the reasons that some senators didn't support the idea of his staying as Majority Leader is they felt, while in their minds, they liked the Senate and enjoyed it, they didn't have the same degree of passion and commitment to it, and they had

external family, other considerations that they gave higher priority to. So, what you can or can't do lies within a relatively modest band of flexibility.

I, myself, was accused by many senators—when I was Majority Leader, I was divorced. I had gotten a divorce in 1987, remarried at the end of my tenure in the Senate, so all the six years I was Majority Leader, I was divorced, with an adult child, and many senators said to me, "Well, you don't have the same issues we do. I've got small kids," or, "I've got—," this or that.

And the answer is, "Yes. Right. You do. And you do the best you can, but I can't stop the business of the Senate."

So, you try very hard within a narrow band of flexibility that you have to accommodate people, but it was very difficult, and, of course, most of the time, their interests were in conflict. Senator [Joseph] Lieberman (CT) is very observant in his religion, and so he could not use a motor vehicle on Saturdays, and on the occasions when we had Saturday votes, he asked me to schedule it at a time when he could walk from his home in Georgetown across to the Capitol, and I tried *very* hard to accommodate him. Meantime, I'd have six or eight guys call me up and say, "Well, what are we waiting around for? I want to get back home. It's a Saturday." And so, this is kind of the eternal conflict, that I try to accommodate you, and in the process, it disaccommodates someone else. So, it's not easy to do, and I know that I was subjected to some of the same criticism as Senator Byrd had been subjected to, not making it compact enough in terms of the Senate workweek to accommodate people's outside interests.

And then you had the *truly* difficult issue of fundraising. I once took a block calendar, large white sheet of paper with the dates on it, and had it blown up, and I blocked out most of it. And I showed it to senators, and I said every day I'd come to work, and I come to work early, 7:00, 7:30 in the morning, and I'd have six, eight, ten phone calls already received asking me, "Please don't have a vote at noon today. I've got a fundraising lunch." "Please don't have a vote at 5:00. I've got a fundraising session." "Please don't have a vote at 7:00. I've got a fundraising dinner."

And I said, "If I accede to every respect, if I grant every request not to have a vote, the only time we can vote is between 2:00 a.m. and 4:00 a.m. on Thursday mornings." [laughter] Of course, I was exaggerating to make a point.

It's a hundred times worse than that now in terms of fundraising. The fundraising has gone through the roof. And every night as Senate Majority Leader—Senator Byrd didn't do much of this; I did a lot of it—I used to go to fundraising receptions, one, two, three, four, five, get a good fifteen minutes, you say a few words on behalf of one of your colleagues, and you leave.

Frank Lautenberg (D-NJ) was a dear man and a wonderful guy, and we became very good friends, and when Frank retired from the Senate, I said at one of his many retirement parties, "I'm going to miss him more than anything because every night when he was in the Senate, I went to one of his fundraisers. So, I'm going to have a hole in my schedule, not going to Frank's fundraisers." [laughter] He was a tremendous fundraiser.

So, it's very difficult, and how do you accommodate it all when you know that the paramount consideration must be the nation's business? You've got to get the job done, you've got to do it in a way that creates the least friction among your colleagues, but it's impossible to do it in a way that avoids any friction.

RITCHIE: Well, in the history of the Leadership, almost every Leader who has stepped down as being Leader has left the Senate. You're the one Leader who had his predecessor stay. Did you have the sense of him looking over your shoulder, in a sense, as you were taking over as leader?

MITCHELL: No.

RITCHIE: Did you have any sense of being compared against him?

MITCHELL: No, no, just the opposite. We had the difficulty over the Clean Air Act. I think that came in 1990, so it would have been about a year after I became Majority Leader. But, in fact, I sought out Senator Byrd often for advice because he knew the rules far better than I ever would. We didn't always agree. In fact, we frequently disagreed on what the best approach was. Nonetheless, I still felt that it would be helpful to me and useful to enacting our agenda to get, "What do you think about this? What do you think about that?" And I never had any sense—except on the Clean Air Bill when he did very aggressively, as Chairman of the Appropriations Committee, talk to other senators, try to persuade them to support his amendment. Well, that's part of the process. I did the same thing when I had a bill up. I'd go around and try to persuade people to support it. So, I never felt that he was in any way creating a problem for me or anything like that.

RITCHIE: He seemed to have all the parliamentary rules in his head, and I don't think there's any other senator who came anywhere close to that.

MITCHELL: That's right.

RITCHIE: So, as Leader, how useful was the Senate Parliamentarian to you? What kind of relationship did you have with the Parliamentarian's Office?

MITCHELL: Well, I had a good relationship, but I never once ever attempted to influence the Parliamentarian in a decision. We had a good Parliamentarian, [Alan Frumin] someone we appointed. I thought he was fair and right, and I did not want to have pressure on him. I think Senator Byrd felt differently about that, and he spoke frequently to the Parliamentarian. But, in the first place, I didn't feel I should be urging a course of action on the Parliamentarian because I didn't know nearly as much as the Parliamentarian did. Senator Byrd, by contrast, knew a lot more than the Parliamentarian did. [laughter] So, the Parliamentarian would be likely to listen to his views and not so much to mine. But I don't think I ever once spoke to the Parliamentarian in an effort to influence a decision he made.

RITCHIE: But did you count on his advice on—was he able to give you parliamentary advice?

MITCHELL: The Parliamentarian?

RITCHIE: Yeah.

MITCHELL: Oh, yes. Oh, yes. Not so much directly, but through Marty Paone and people on the staff who would talk to the Parliamentarian and then come back and give me an impression of, "Well, here's where we stand. Here's what we think we can do, what we can't do."

RITCHIE: One of the places where parliamentary procedure came into a big play was when President Clinton wanted to bring his health bill up through reconciliation. Senator Byrd took a very strong stand against that. If it hadn't been for Senator Byrd, do you think reconciliation might have been attempted at that stage?

MITCHELL: You know, we all view the past through the prism of subsequent events. The reconciliation process has now been so seriously abused so often by both sides that it's hard to recall a time when it was respected. And so, I don't know the answer to the question, and I don't think anyone ever will know the answer, but my guess is that most of our guys, our senators, agreed with Senator Byrd that we had a process, we understood the reason for it, and that we should respect the process. Who made the first damaging breach in the process? It's sort of like the filibustering of Supreme Court nominees. Everybody has their own historical memory about who started it, who threw the first rock in the series of rocks that ultimately brought down the building, but I don't know the answer to that question. But I do know this. Everybody understood, it was called the Byrd Rule, and Senator Byrd, naturally and understandably, believed in it and would defend it. I'm not even sure that you or anybody else could say what Senator Byrd's position would be today after the repeated assaults on the Byrd Rule and the breaking of the Byrd Rule.

RITCHIE: I think he'd be outraged, probably. [laughs]

MITCHELL: Oh, he'd be outraged, but would he be willing to use it if he were Majority Leader and justify and rationalize it on grounds that, "Well, the others have done it repeatedly, and it is unilateral disarmament for me to say I'm going to abide by a rule when the opposition is not abiding by the rule at all"?

RITCHIE: Another issue that both you and Senator Byrd had to face as Leader was the growing use of filibusters in the Senate, and you were particularly outspoken as Leader about the fact that this was going too far. What was happening at that stage, basically, that the minority party felt that they should filibuster as much as they did?

MITCHELL: Well, it's a long, slow decline. I heard Harry Reid say once that in Lyndon Johnson's tenure as Majority Leader, Johnson faced four filibusters, and in Harry Reid's tenure, he faced more than four hundred. In my last two years—would have been '93 and '94—we filed cloture motions—that's the motion to end filibusters—about seventy-five times. That doesn't mean we had seventy-five filibusters. Sometimes you file multiple clotures. So there clearly was a dramatic increase over time.

I think one of the decisions that Senator Byrd made he probably would have come to regret, had he known what would happen in the future, and that was establishing the two-track system, that when you had a pending filibuster, you could set that aside and do other business. And it's a logical and obvious thing to do. When you face an obstacle in the road, you take the other lane and proceed as much as you can. But what it did was, of course, it encouraged the use of—so what is now called the filibuster in recent years is actually more precisely the threat of a filibuster that is taken as a filibuster in fact, and therefore creates an advantage for those who want to block the legislation because they don't have to go through the painful part of an actual filibuster and can achieve the same result merely by issuing the threat.

You can go back over time and people can draw their own conclusions, but I think it's indisputable that the Republicans have been much more aggressive in the use of the filibuster, at least in the early stages, to block legislation or any other actions. It's hugely ironic now to hear the President [Donald J. Trump (R-NY)], our current President, complain about Democrats being obstructionists. I confronted filibusters on the most routine of items, like approving a promotion in rank by an Air Force general. For fifty years, that was just an automatic item. There are hundreds of automatic items like that, and we faced filibusters. I personally had to deal with filibusters on things like that. So, it's a very difficult and complicated situation. The parties have changed sides on filibusters, depending on which one controls the Senate and which one controls the Executive Branch, and they just shifted, so it's what you'd call a classic example of situational ethics.

RITCHIE: Usually in speeches I've said that there is no Republican position or Democratic position; there's a majority-party position and a minority-party position—

MITCHELL: That's right.

RITCHIE: —and it just depends on where your party is at that time. Well, your successors detonated the nuclear option. Did you ever consider anything like that as Leader?

MITCHELL: No, no. No, I never did. That was outside our scope of thinking at the time. I don't remember anybody ever mentioning that to me.

RITCHIE: Do you have any opinions about the impact of the nuclear option since then?

MITCHELL: Well, in retrospect, like most controversial actions, it achieved the short-term objective of getting the approval of a number of lower, non-Supreme Court federal judicial nominees. On the other hand, it led ultimately to the Republicans' retaliation by proposing a nuclear option on the Supreme Court nominee, and I think, arguably, those are huge steps backward. But there are other effects that are still being felt, and you can make a rational argument either way. The blue-slip process is dead. That's the process by which senators from a state have basically a veto power over federal district court nominees in their states. You can argue both ways on that one, that it was helpful and was not helpful.

When I speak at law schools, I tell a story. This is my version of history. Others will disagree. The process of filibustering Supreme Court nominees in the modern era really began when Lyndon Johnson was President and nominated Abe Fortas, then an Associate Justice on the Supreme Court, to be Chief Justice, and the Republicans announced that they would filibuster it. That was unprecedented. Ultimately, Fortas withdrew because of disclosure of embarrassing information, but that started the downward descent, and it continued for a long time.

When I was Senate Majority Leader, President George H.W. Bush proposed Clarence Thomas to be nominated to the Supreme Court. It was a very controversial nomination, a very controversial hearing process, as you will recall. In the end, when we voted, forty-eight senators voted against his confirmation, fifty-two voted for it. Since we only needed forty-one to block the nomination, we plainly and obviously had the votes to prevent now Justice Thomas from ascending to the Court. Different points of view were expressed by different Democratic senators, members of our caucus. Some wanted a filibuster, some opposed a filibuster on the practical grounds that there was no assurance of getting anybody better if he were not approved, and still others opposed the filibuster on principled grounds. "We shouldn't be doing this. The President ought to have a right to have a vote on a nominee to the court. We're caught in a downward spiral, and perhaps if we do the right thing and permit a vote, we can turn this around and get the Senate moving in the right direction, and others will follow our lead." Well, that's the course that we chose, but it had no beneficial effect. And so, what I tell law students is always do the right thing, but never forget doing the right thing, by itself, is not a guarantee that it will turn out well, that there are lots of people in life who do the right thing and suffer as a consequence of it, and so you have to be realistic in understanding the limitations of even pursuing a moral and rightful course of action.

RITCHIE: There's a question I've wondered about for a while, and that is Senator Byrd, when he was the Leader, held all of the cards. He was head of the Policy Committee. He used the Policy Committee as an extension of his Leadership. When you became Leader, you were willing to share, and you had Senator [Tom] Daschle [D-SD] coming in. I wondered about why you made that choice to, in a sense, share power in the Leadership.

MITCHELL: Honestly, I felt I could be more effective if there was a sharing of power, and it didn't appear that I was trying to usurp all of the power within myself. The job is very hard, and you need every vote you can get on every issue, and so I broadened the Leadership, tried to get more people involved. And I also—I don't think it was a form of insecurity; maybe it was—I felt the more advice I get, the better off I am, can get different people involved, and there are lots of different points of view. I'd been in the Senate long enough to know that these are obviously men and women of accomplishment, substance. Each of them has an ego, each of them was at least intelligent enough to get to the Senate, and so probably had something to offer, points of view. So, it's just merely a way, I felt, of being more effective and getting different points of view and different people's input.

RITCHIE: And did it work for you?

MITCHELL: You know, history will be the judge of that. I think reasonably well. I retired from the Senate at a time when I had little or no opposition in Maine. I think I was—I want to be

modest, but reasonably assured of being reelected, probably repeatedly, and I didn't, at least to my knowledge, face any opposition within the Democratic Caucus. Senator Muskie once said to me, "Better to go while they're begging you to stay than wait until they're insisting that you leave." So, for a whole variety of personal reasons, it seemed the right time to go.

But we got a lot of legislation enacted, a lot of it on a bipartisan basis. The Clinton economic program, the last [George H.W.] Bush budget was a very, very important step toward a more productive economy. The combination of those two produced not only a balanced budget but budget surpluses for a few years until George W. Bush got elected and Mr. [Alan] Greenspan came up and told the Congress that it's very dangerous for the country to have a surplus. [laughter] Might cause deflation, so you'd better cut taxes. I didn't think that was right then, and I don't think it's right now.

RITCHIE: One other thing I wanted to ask you is you were Majority Leader at the time of the Year of the Woman [1992] when women really came into politics in a remarkable way. How much has that changed the Senate and the Constitution, the fact that there's now twenty-three, I think, women senators? But you were there at the beginnings of all of this.

MITCHELL: Well, I think history will see it as beneficial not just in terms of the details of legislation in the Senate, but as a broader reflection on the social attitudes generally. One of the things I learned in the Senate is that many members of the public take their cue from their political leaders. I never really appreciated until I became Senate Majority Leader the extent to which having access to the public through television and other media made clear to me the extent to which political leaders can influence those who support them, because I would be there in the well of the Senate debating a bill as though everybody in the world had nothing on their mind other than this bill that we're debating. Then, I recall very clearly my first year after I retired from the Senate [laughter], nobody out there was listening to what was happening in the Senate, and the self-centeredness that comes from it is maybe not so healthy. But I do think that, for better or for worse—and I think we're seeing it now for worse in our country—a national leader—and, of course, the President has the biggest megaphone of all—can shape public attitudes in a way that's truly extraordinary.

RITCHIE: Do you think that's affected the Majority Leadership as well in the sense that just being a Parliamentarian who can run things inside the Senate isn't enough anymore, that the Majority Leader has to be a spokesperson for the party and nationally?

MITCHELL: That was a factor in my election. I had several senators say that to me, that "We've got to have a more public presence. We've got to get out on TV. We've got to convey our message." And I think it's more so than ever now. I'm not certain what the swift and dramatic rise of social media does in that respect. Will Majority Leaders have to Tweet in the future or will they have to use social media more effectively or more frequently, more effectively than has been the case? I think it's impossible to know that now. That'll unfold down the road, but I think, yes, certainly in the age of television, in particular the rise of cable news, which has really had a dramatic effect on our political system, I think the accelerated tendency toward polarization is really powerful. The fact that they've got twenty-four hours to fill every day means an incredible amount of repetition, so a mistake in judgment, a mistake in what you say,

in my time, you chalk it up to, "Well, I'm a human being and I make a lot of mistakes, and let's move on." Today, the repetition is so immense, so intense, that it becomes deeply embedded, and almost every mistake sort of now demands some sort of retaliatory or response or punishment or something, and there's very little tolerance or leeway for the reality of human frailty and human judgment, human misjudgment.

RITCHIE: Well, I've sort of covered the areas that I was interested in, but whenever I finish an interview, I'd like to know if you think there's something we've left unsaid.

MITCHELL: No, I think you've covered the waterfront pretty well. As I said, I've done several of these, and I wanted to do this in part because I did have such strong feelings of admiration and respect for Senator Byrd right until the very end. I can recall literally almost every word spoken at his funeral at the Capitol in West Virginia on that very, very hot day that that ceremony was held, and I thought it was properly respectful that both the Vice President, the President, and a lot of other people were there to pay their respects to him.

RITCHIE: One story about Senator Byrd is that once I rode in his car with him, and we were in the backseat and I noticed that on the seat between us was *The Count of Monte Cristo*, and I said, "Senator, are you reading this?"

And he said, "Yes." He said, "You know, when I was young, I never had much of an education. I never got a chance to read these things. Now I'm catching up."

I thought, I can't imagine there's another United States senator reading *The Count of Monte Cristo* on his way to work in the morning. [laughs]

MITCHELL: No. Well, I'm sure there's no other senator who's read Shakespeare seven times or who could recite the poem of builder and the—I can't remember what the title is, but those who build and those who destroy that he used to recite so often. Or the Romans. He loved the Romans. [laughter] It was really fascinating. I tell people a lot to go back and read those [speeches]. There's about, if I'm not mistaken, twelve or thirteen hours of discussion. They're just fascinating to read.

RITCHIE: As he said, basically, that the Roman Senate lost its power when it gave up the power of the purse. And he envisioned the same for the line-item veto, and the Supreme Court agreed with him, actually. *[laughter]*

MITCHELL: Yeah, they did.

RITCHIE: All right. Well, thank you. This has been a real pleasure, Senator.

MITCHELL: My pleasure. Thank you. I'm glad to have the chance—

[End of interview]