

## WASHINGTON REP

Interview #6

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**RITCHIE:** You spent eleven years as Secretary for the Majority and four years as Secretary of the Senate, and then in 1980—

**KIMMITT:** The government fell.

**RITCHIE:** —the Democrats lost the majority. What did you think you would do next?

**KIMMITT:** Well, to step back and reconstruct from the 27<sup>th</sup> of June, 1941, until January whatever in 1981, which was between forty and forty-one years, I was employed by the United States government in one form or another without one day's break. I was in the Army for twenty-five years from '41 until '65. So cumulatively that came up to about forty years and then in that interim in November when I knew that the Republicans had taken over and I wouldn't be leaving until January, it was plenty of time for me to consider in a futuristic sense the answer to your question, "What am I going to do?" "How am I going to go about it?" I gave it a lot of thought and there were three basic avenues. One, was to retire and do nothing, which after forty years a lot of people might have opted for. But my income per se balanced against my requirements at that time wouldn't have really permitted that, plus in a natural sense, I still couldn't think of retirement as a goal.

So, if you set retirement aside, then it was a question of are you going to work for yourself or are you going to work for somebody else. I pondered that a number of times. I was being approached by associations and companies, not with specific offers, but expressions of interest in when you leave, if you are interested, come and talk to us, that sort of thing. On the other hand, I had friends who had just struck out on their own and became a single consultant and had made a lot of money and had a lot of flexibility.

Normally, that would appeal to most everyone, particularly me, except that when I thought about that after having been in a structured environment for forty years with administrative support, facilities, telephones and fax machines, I couldn't envision—not knowing enough about it at that

time—going out and setting up an office, getting an assistant, buying equipment, setting up bookkeeping, and all the administrative factors that had been provided for me in the past. That just didn't appeal to me. The idea appealed to me if I could have had everything provided, but there was no way to do that. It did not appeal to me when I had to consider having to locate, collect bills, and put together everything. I was still considerably viable as a Washington representative because I knew everyone in the Senate and many, many, on the House side. The other society in Washington that I was very familiar with, was that of Washington reps. I don't like to use the word lobbyist, I prefer to use the word rep, but all the lobbyists in town.

I finally came down with the idea that I would like to go back into a cocoon, have somebody else worry about the light bulbs, the desks and all that minutia, and get a reasonable income. So I sort of let the word out that I was going to do something. I hadn't signed up with anybody yet, though I had several overtures. One of them was Hughes Helicopters which was the Howard Hughes estate company. There were two Hughes Companies. Hughes Aircraft was a very big company, very profitable at that time, very high-paying jobs. Howard Hughes had directed that all of its profits should go to a medical foundation, the Howard Hughes Foundation.

The other one was Hughes Helicopters, which was totally separate and independent. Then he had all these other interests, primarily properties in Las Vegas, mines, and airplanes. But this was a little niche company that had once been referred to as Howard Hughes's sandbox. In Los Angeles, the Hughes Helicopter company had an airstrip, right just below St. Mary's College, out there where *Wings*, the movie, was made. That's where they built the flying boat, the huge plane that he flew for two or three minutes and put back down. It is now a relic in a museum—it was in California, but they moved it up to Oregon where it is a museum piece. All they were into then was building helicopters. Actually they had built two types of helicopters: civilian and military. The military helicopter during the Vietnam War and the Korean War was a bubble type, single engine helicopter, which was both medivac and combat and very successful.

At the same time they were bidding and competing with Bell Aircraft and a couple of other companies on an attack helicopter which became the Apache which it is today. It is the backbone of the attack helicopter fleet for the United States and it is all over the world now. It is without a doubt the most capable attack helicopter in the world. But this is 1980 and they had just won the contract through competition. There were only two of them built at that time. They were in an

experimental mode, a test mode, and then on a flight one day out over the ocean one of them crashed in the ocean. It was then in a production mode. That was one aspect. But the other practical and political aspect was to sell the helicopter to the United States Army.

Now, today that sounds sort of ridiculous in that it is the backbone of the Army attack helicopter fleet, but at that time it is the same old story—modernization, money, appropriations, competition, test and evaluation, all the usual start-up problems of any system. They needed political help. When I say they needed political help, they didn't have a top man in Washington running the legislative effort. So they offered me this spot. Now as it turned out Hughes had, of course, been very much involved personally in Washington for years. He had appeared before Congress many times. He was irascible, arrogant, and combative, had a lot of money for those days, and he had an office on Connecticut Avenue, on the eleventh floor, I think, at 1040 Connecticut Avenue, which is just diagonally across from the Mayflower Hotel. It was a combined office and a small live-in suite. When he came to town, he would stay there. When he was out of town, the live-in suite portion was unused, but he had his Washington office people, three or four, working there.

They were not a highly conspicuous group at that time. They were only representing Howard Hughes and his many interests, rather than representing a helicopter company. Anyway, the bottom line is, after evaluating several other possibilities, I decided to go with them. One of the factors that caused me to join Hughes Helicopters was that I understood the legislative representative's tools in this town. In addition to campaign contributions, in those days, unlike now. You also had to have other avenues for face time and bringing them on your turf. Rockwell? for example had a place out in Wye Island where they had a nice goose-hunting lodge. That was a very attractive lure and many senators would go out, hunt geese and have a great time. That turned into a political embarrassment for many because the media finally gets on you and you are entertaining members of Congress for senators. They in turn are supporting ethically and honestly Rockwell programs. That was for Rockwell, not us.

Other people had similar inducements. Hughes owned the Desert Inn Hotel, where he lived, in Las Vegas with a big golf course and he also owned many other properties in Las Vegas. This was in the heyday of the Desert Inn with outstanding shows, entertainers and great restaurants. What a great inducement to get members to come out to the plant in California and

then whip over to Las Vegas and spend the weekend and play golf. There was nothing wrong with it because that was the practice at the time. So I signed on with Hughes Helicopters. The day after I stepped out of here and went down and moved into the office on Connecticut Avenue.

Then, of course, came fulfilling the task at hand, which was not easy in that this was the Vietnam era, and after Korea, the anti-military move was somewhat prevalent. Program money was hard to get. Services were being cut back and there was a very skeptical Congress not only regarding the Apache, but on many weapons systems. I'd have to lobby the Armed Services Committee and Appropriations Committee on both sides of the aisle, the members, get their support, and sell the program politically. That was what the hell they were paying me for. It was a rocky road. I didn't realize it at that time, but I do now. You start out with an estimate of what a program is going to cost and then it starts getting out of hand for a number of reasons and everybody starts attacking it. Or you might have a set back on the testing and evaluation and, of course, you always have the competition.

Bell Helicopters in Texas was building the Cobra and the Apache was in direct competition. Well, of course, Bell had the Texas delegation supporting their operation. California always has been a dilemma concerning military support, particularly when you get away from San Diego and the Navy. California always has plenty of Barbara Boxers and Diane Feinstein's. You could never get much real support. In the Los Angeles area they were pacifistic. It was not a big thing for a member of Congress to support military programs. Time went on and we kept the Apache on the resuscitator for several years. One of my greatest supporters, out of friendship more than anything else, was Senator Stennis of Mississippi. Every time we would get in a precarious position, I would go to him and his staff and we would keep it going until the next year.

Then we decided to move the plant from the Los Angeles area to Arizona for a number of reasons. I was not involved in the negotiations, but I think one of the reasons was labor. No labor problems in Arizona, lots of labor problems in California, costs, everything else. So the decision was made and eventually carried out to move it to Mesa, Arizona, which is a suburb of Phoenix. We built a whole new plant there. By this time it was becoming a little more and a little more stable. Whereas we started out building four Apaches a year, then it went to six or eight. Finally we got it up to build a hundred and twenty of them in a year.

It was about this time that Barry Goldwater became chairman of the Armed Services Committee. [Dennis] DeConcini was the other senator there at that time. Goldwater was Air Force oriented and he didn't like the Apache. The Air Force was competing for funds. One time the press asked him, "Senator, why do you oppose the Apache? It is built right in your state." He answered publicly, "I wouldn't give a damn if they built it in my basement. I am opposed to it." Well, that was a tough thing to overcome, but we overcame it with the help of people like Scoop Jackson, Stennis and others. Over on the House side Bob Stump, who is retiring this year and now is Chairman of the Armed Services Committee, was a very junior member then. But he fought for the program and kept it going.

The plant was running, good payroll, things were going along pretty well—then McDonald Douglas bought Hughes Helicopters. McDonald Douglas was the leading defense contractor in the country at that time, based in St. Louis. Of course, I was part of the deal. So I moved out of Connecticut Avenue and over to Arlington and became an executive over there under the aegis of McDonald Douglas Helicopters. Then Boeing comes along and buys McDonald Douglas, so I moved again with them and stayed there.

After ten years of that from the time I left the Senate and went to Hughes Helicopters, then went to McDonald Douglas Helicopters, and then to Boeing Helicopters, I retired from that work. Then the question was, "What are you going to do now?" I was faced with the same situation, although I had by this time more retirement equity than before, so I could have just stacked arms and done nothing.

But a couple of friends of mine, one from Montana and one from Massachusetts, had a little Washington firm called Brown, Coates and McCarthy. Dave Brown was from Montana, George McCarthy was from Montana, Vinnie Coates was from Massachusetts. They wanted me to come in with them. I considered for a while and finally agreed. Later Dave Brown went out on his own and went back to Montana. Then it became Kimmitt, Coates & McCarthy, which it is now. Now as the independent consultant, I was in the mode that I thought I would have liked in the first place. They already had the administrative structure set up.

Since then, which is I guess another ten years, we represent a few defense companies, some non-defense. For example, I represent the Mansfield Foundation in Missoula that you and

Dick are familiar with because you provided photographs to them. Montana Energy & Research Development Institute in Butte which is a high-tech, for Montana, an R&D outfit. I represent Alliant Technologies over here across the river, because they have an interest in Montana on Indian reservation. And, hell, I guess we got one other one, I have forgotten what it is.

We are not large affluent or wealthy. We're not like a big law firm, we're not anything like that. We just represent people and what we really offer, above all, is integrity and honesty, and no embarrassing entanglements of any kind. Also, our fee is very reasonable comparatively and we still have many contacts with the people on the Hill. We don't have to ask them for much. But the biggest personal value is it gets me out of the house. It is an advantage for my wife to get me out of the house. It provides expenses and it gives me an opportunity to do what I like when I walk around this place. Still contacting many of the same people, many new people, but not as aggressively nor as involved as I was with helicopters. So here I am today, talking to the oral historian of the Senate and all I can say it has been sixty-one years without one day's break of being employed somewhere. I hope it stays that way for a little while longer.

**RITCHIE:** Washington is full of reps of one type or another. Did your forty years of experience on Capitol Hill and connections with the government give you an advantage over other reps in Washington when you got started?

**KIMMITT:** Certainly. As you probably know or should know, the Secretary of the Senate has lifetime privileges on the floor, but I have never gone on the floor even once since I have retired. I made that rule for myself when I left here because I observed retired senators come on the floor—Frank Moss of Utah, being a prime example, and Joe Clark and others. Once or twice it was all right and there was a little collegiality with that. But when it became more frequent visits, I could just see the frigidity setting in by the members. They didn't like it. There you are in the front of the whole press gallery and the public and you go up and sit down, which you are entitled to do, not the Secretary, but a member, next to a senator during a piece of legislation that that senator is very active in debating and you as a former senator are representing one side or the other of the issue. Well, you are just leaving the seated member totally exposed to criticism by the press particularly who know the institution and know the personalities and you do him a great injustice. So, I have never stepped on the floor.

I do go into the cloakroom occasionally like I did this morning between the time I had breakfast with Jeri Thomson and coming over with you. I went in the cloakroom, read the paper, used the telephone. In committee hearings, because I know all the policemen and because I wear the Senate officer pin, when there is a long line of people waiting to go in, I am not at all reticent to go up front and they let me into a committee hearing, if I want. I don't go to many of them any more. Parking is another privilege.

Yes, there are significant advantages. You hope they remain inconspicuous, but they are recognized by all of the other representatives in town. They can't do that. They have to stand in line. They can't go in the cloakroom. They have to take a cab up here because of difficulty in parking. It's a significant advantage that one has to constantly be careful not abuse. Once you abuse that privilege, and they are privileges, they have every right to kick your ass off the Hill.

There is an article today in *The Hill* about retiring members being recruited downtown on K Street. Well that is normal and they go out and they are commonly referred to as "rainmakers." They don't do a damn thing, like George Mitchell, who is with Verner Liipfert. Bob Dole is down there too. Other former members are all over town. Some of them set up their own shop. Now what they do there, of course, is they are of sufficient stature and background and recognition, that they will name the company with their name and associates. Then they will get maybe their former AA or somebody else to set things up, handle all the administration, handle all the bookkeeping, recruit or entertain the proposals for employment and run the whole thing, and you are still acting like a member of Congress in the lifestyle. But you are getting more money, because you are getting your retirement plus what you are making down there. So, it is a nice thing—until they wear out their welcome with their colleagues. There again, you know what the turnover in the Senate and House has been in the last ten years. A lot of those new people they don't know, they don't know them at all. So it gets tougher as they shrink and shrink, it gets tougher for a potential client to consider hiring them because the question is "What can they do? Who can they talk to?" "Well, he is a very good friend of Bob Stump, the chairman of the House Armed Services Committee." Yeah, but Stump is leaving. It just wears out. But that is the nature of the beast.

Lobbying, of course, is so greatly misunderstood in the minds of the American people. Lobbying is always portrayed by cartoonists in the most unfavorable light. The facts are that I don't care what issue you want to bring up, smoking, abortion, taxes, automobile safety, farm bill,

anything you want to bring up, there are opposing sides and opposing views and opposing facts. There is never a clear cut, everybody votes for this because it is so clear cut who could vote against it. There is always on any issue reasons not to vote for a bill or an amendment or an issue, and reasons to vote. That is what democracy is all about.

A member will get from the hearings, the committee hearings and from their staff and from everything that is usually available to them, they will get lots of information usually on one side of the issue. If you are a Kennedy and its health or education or welfare, you will be saturated with interests groups who are providing him with information to sustain his position. That's normal. Even they are lobbyists. But without lobbyists for the other side of an issue, being permitted to have a meeting with him and his staff to present the other side, he won't have available to him in the time frame all the sides of the issue and the reasons for and the reasons against to make a judgment. That is where the Washington reps come in. They provide a service to the member. In providing that member with information, very carefully thought out, very carefully documented, very carefully, absolutely to be successful, has to be absolutely correct, and to have access to be able to get that side of the issue explained to the member before the actual vote comes.

As I say, popular imagery is they are in there twisting his arm and saying, "By God, you vote for this or else!" In the old days there was a lot of that. But we are far more sophisticated on that now. Without lobbyists, without Washington reps to present an issue that has not been provided to that member and/or his staff before, or her staff, there is a void there. Then you get distorted legislation. So Washington reps perform a valuable democratic function.

Now they need tools to do it. That brings us to another phase of imagery and controversy, campaign contributions. Why should a member, and you know because you are here every day, how compressed their time is, how full their schedule is from morning 'til night, it is like being in a pressure cooker, why should a member see a rep on an issue if one, that rep is only vaguely known to him, the company or institution or association he represents is known by name, and they have never attended a fund-raiser for him, they have never made a contribution for him or her, they have never shown any interest in him or her, except on this issue, why would you even see him? Who would? I don't think he would.

Therefore, the tools that I am talking about that a good Washington rep needs are not many



but few. First of all, the individual, him or herself, has to be totally credible. They have to be believable. They have to be trustworthy. They have to be knowledgeable. They have to be respectable. There have been violations on all those attributes, but people haven't lasted unless they have them, particularly honesty, integrity and reliability. You've got to have that to start with.

Then, for example, another added inducement might be the Desert Inn and the golf course. But you also need face time out of the office, face time away from the Hill with his people and equally important, their key staff people. Those opportunities are developed through fund-raising events, not just here in Washington, but usually out in the state. All of these members have a fund-raising event like Conrad Burns has two a year that I am aware of. One is a golf classic in August near Glacier Park and the other is an early spring ski affair at Big Sky in Montana where people from Washington and all around the country, come there. They have a great weekend and they contribute a thousand dollars a head or something like that. You get that face time. You get that recognition. Then after you establish all these entrees, then it is a question of how much of a bother are you to him.

First of all let me interject an absolute. You can't buy a vote. Public opinion will say that is wrong, that goes on all the time. I can tell you from forty some years, you cannot buy a vote. Now you could maybe in the '40s, in the '30s, and certainly way back, you could pass a member privately ten thousand dollars or twenty thousand dollars and get an absolute commitment to vote with you. That I would call buying a vote. But today, in today's world, in my opinion, you can't even make an overture to a member about quid pro quo, money for this, that and the other. And yet popular opinion would say that I am misstating, that it goes on all the time. Well, it doesn't.

So the whole panorama of Washington representation or lobbying has to fit, in my opinion, all those factors; starting with the individual, starting with his organization, starting with his tools, starting with the financial backing and probably ending with the ability of the individual to use all those things and get a return to the enterprise for what they came for. At the same time, in my case, I feel very proud of being able to fight the apache battle for fifteen years. Every year they tried to kill it and kill it. Just like this year they killed the Crusader, which I have nothing to do with, but it is an example of putting millions of dollars into a system and then the Congress kills it. Well, I was always threatened with that. As it turned out, they were never able to kill it. It did stay alive and now it is a great success. So I get personal satisfaction out of that one.

**RITCHIE:** You mentioned Senator Goldwater, when he was chairman. The first six years that you were representing Hughes you had a Republican majority in the Senate. You had John Tower and Barry Goldwater as chairman of the Armed Services Committee. Was that a disadvantage for you given that you had come out of the Democratic ranks?

**KIMMITT:** Yeah, I was always viewed, correctly, as a Democrat. But you see that is the flip side of this thing. Popular opinion might say because you are a Democrat, those Republican chairmen aren't going to give you a damn thing. They are going to close the door and you're out. Well, that's not true either because of all the other factors I mentioned to you. They knew I was a Democrat, but they also knew that I obviously had something to have been Secretary of the Senate while they were there and observed. They also knew, I think, that I was fair which is very important in this institution. They also knew that I had a right to present the case for the apache and the company. Now, they also had the right to adjust the numbers, the dollars and everything else. But it never became and should never become a vindictive, personal campaign one way or the other on a system.

Now on a broad issue, very broad issue, no one individual is going to impact it anyway—like health care which is a big one this year. No matter what a member thinks of you as an individual or as a partisan. He or she is not going to vote for or against health care because of a Washington rep. Now, if you get down to a very narrow issue, I can't think of one right off hand, but say it's a, I wouldn't even put gun control in that category. That's a broad issue. On a rare, rare, rare circumstance you might find somebody who will vote against an issue because of the person who is presenting one side or the other.

But was I at a disadvantage with the Republican majority? The answer is yes. I could always go to Stennis, who was a good friend of mine and in a position of power, and feel comfortable coming away with presenting a legitimate case and knowing that he would follow through. I never had the privilege of being comfortable going to Goldwater particularly. Tower and I got along pretty well, but Goldwater was a pretty irascible guy. When I would leave him, I was never comfortable with how it was going to turn out. But, he was a senator, a fair senator, reasonable-minded. To answer your question, was I at a disadvantage with the Republican Senate having been Secretary, the answer is yes, but not a compelling disadvantage.

**RITCHIE:** I was going to ask you about Senator Tower, who was here for twenty years, served as chairman of the Armed Services Committee, and then was rejected by the Senate when he was nominated for Secretary of Defense. Did he get a bum rap or was that a fair assessment of him when they turned him down?

**KIMMITT:** Well, Senator Tower had a little bit of Symington in him in that he, as you remember, was a little powder pigeon guy, acerbic, irritating at times with his comments, like [John] McCain is. Even though he was chairman of the committee and had been ranking minority member, I don't think he developed a Sam Nunn-like image where people believed him. Not that they disbelieved Tower, but they were less likely to listen to and believe Tower than they were Sam Nunn. Also, Tower was known to have a drink or two once in a while, nothing terribly outrageous, but known. And he was known to be a ladies' man. There was always fringe nervousness about Tower on his own side of the aisle. On the other side of the aisle his arrogant attitude as a chairman irritated people, so just as Symington never got to be a full committee chairman for reasons I gave you before, Tower was—I'm trying to think what it was during the hearings and why he wasn't confirmed as Secretary of Defense.

**RITCHIE:** It was mostly allegations about his personal behavior.

**KIMMITT:** Yeah, I guess they just were not willing to entrust John Tower based on his previous personal activities with the tremendous responsibility of being Secretary of Defense. That gave many of them an opportunity, just by voting, to demonstrate their displeasure, no matter how they wanted to rationalize it. "Well, he's just not qualified to be Secretary of Defense." The second tier, rather than the first tier, was: "I just don't like the son of a bitch. This gives me a good reason not to vote for him."

But I always got along well with him. He never bothered me. We could joke a lot back and forth. We both knew where we stood on various issues. He was much easier to get along with than Goldwater. Goldwater was always a snarly bastard. I could see that mushroom crowd like in his presidential campaign behind him all the time. He was that type of guy. But, there was a place for Goldwater and a time for Goldwater. He filled a mold.

**RITCHIE:** You mentioned just in passing Sam Nunn and I wondered what you thought

about Nunn. You haven't talked too much about him.

**KIMMITT:** Sam Nunn was very close to the stature of Dick Russell of Georgia. Russell was his mentor. Nunn was always a gentleman under any circumstance, not just on the Senate floor, even now. Nunn had humility and ability. Sam Nunn was a student of government, a student of human events.

Let me give you an example, when I went with Hughes Helicopters their board of directors had a meeting here in Washington, the first time they ever had a board meeting here. The chairman of the board of directors was a cousin or nephew of Howard Hughes who was administrator of the estate. It was important, because it was the first time—he had been to Washington many times for other purposes—but first time as a chairman of the board of Hughes Helicopters. He came here while I was a Washington rep. We would get around to see certain members, just courtesy calls, not long, just courtesy calls, meet, greet, etc. I called up Nunn's office. I had been away from the Senate for a long time, and because of my relationship and everything else I was able to get an appointment almost immediately because the window of their being here was only a couple of days. But it wasn't going to be in his office. There was a hearing going on over in the space the committee used to be, Commerce is there now. When the morning came, they said "Take your chairman over to the side room of the hearing and Senator Nunn will come out." It was a very active hearing, not one of these droning events. So I took him over there and we went into the side room. Nunn came in and gave us five to eight minutes, most gracious. He had no reason to do that type of affair. Then back into the hearing.

His wife is a lovely lady. He just projected, portrayed and acted what he was, which was a very knowledgeable, professional, competent, United States Senator. Wonderful person. That was demonstrated by how he got along with everybody. There was the Nunn/Lugar bill. Later on there was a Nunn/Warner bill. See, [Ted] Kennedy has taken up that technique very nicely. You notice when Kennedy has a bill now, unlike the early days, before he ever gets it elevated up to a point of hearings, he will get a Republican co-sponsor, and it will be Kennedy and so and so. That brings a whole new group in. Nunn was very good at that. He brought [John] Warner along from a kind of youthful, Middleburg riding type guy into the senator he is now, which is very responsible. John Warner has epitomized that saying that I told you that Carl Hayden said to Stennis "some swell and some grow." Well, Warner has never swelled, but he has grown. But

Nunn is very good.

**RITCHIE:** Well, you have a fifty-year view of Capitol Hill. I wonder if you could compare the Senate that you see today when you come up to the Senate that you first encountered back in the 1950s.

**KIMMITT:** Well, I could, but I am afraid I would be so—I am always looking for the right adjective—derisive of today’s Senate by comparison that I just get myself in trouble. But I can tell you, and it is not only my opinion, it is the opinion of hundreds, if not more, of people who have been around here for we will say hypothetically thirty years. I would doubt if there is one of them, male, female, anything else, that won’t subscribe to the fact, not the impression, but the fact that the Senate of today is more partisan, more personal in a negative, more divisive, more fractured than they can remember.

When I first started up here there was an institutional discipline. There was a committee discipline. There was an individual discipline. And by “discipline” I am suggesting orderliness, procedures, courtesies, formalities, customs, precedents, all the things that go along with an orderly, functioning prestigious institution. If you apply all of those standards to today’s Senate, there is less institutional discipline. There is certainly less committee discipline. In many cases there are individuals who lack discipline in a senatorial sense. The whole foundation of the Senate seems to be developing termites. I hope it doesn’t go on in future generations. I won’t name names but you know who they are, but there are senators on that floor today, some of them recently arrived, who have already decided they want to be President of the United States and nothing is going to get in their way in that. I don’t give a damn what the hell the procedures are here. I am not going to follow those. I don’t care about the committee position. I am going to do this. And as far as the chairman, the hell with him. He is a has-been. It is just demonstrated there.

In the *Post* this morning there is a little vignette about yesterday. Strom Thurmond had a low-level judge in South Carolina. Here is a man ninety-nine years old, forty some years here in the Senate, he just wanted that one little thing and he was denied by the Democrats and by [Patrick] Leahy. So he will leave the Senate without having achieved that. He demonstrated yesterday that he was offended, deeply offended, as I think he should have been. Forty years ago that never would have happened, never would have happened with a Senator of that stature. They

would at least have given him a hearing.

What's happening in the Judiciary Committee today I think is scandalous, scandalous. I am a Democrat of course, but what they are doing to these nominees is scandalous. I wouldn't want my good friend Pat Leahy to hear that—I knew him when he came here as a young kid as a senator, a young thirty-five. There is just no excuse except one, fear, and that is the only thing behind the whole damn affair and that is if they pass and put on the Court of Appeals judges who are in the Bush philosophical mode, they greatly widen the chances of the next one or two Supreme Court Justices being that mode. So whatever they say about qualifications or motivations, whatever else they say it is a stranglehold on the President of the United States limiting his ability to nominate a Supreme Court judge. If there is any more "politics" than that, I don't know what it could be. And now they are going to have any more hearings until the next Congress and you start all over again. Do I see a change in the Senate then and the Senate now? Yes, significantly.

**RITCHIE:** To what do you account for all this, the increased partisanship and the frictions that have developed in the institution?

**KIMMITT:** Oh well, I would have my own ideas. One, interests groups and causes. Forty years there was no National Organization of Women. Forty years ago there was no outcry pro or con on abortions. Forty years there was never an outright statement of a woman's right to choose. Forty years ago smoking was the norm. The environment. Labor unions vis-a-vis the longshoreman strike in California at the present time. Trial lawyers. Jury awards.

Ten days ago, a woman who had been smoking since she was seventeen years old (my wife has been smoking since she was fourteen), when her children tried to get this woman to stop smoking she said, "I am adult. I am going to do it. Get off my tail. I am going to smoke." Fine, I don't think anything could quite demonstrate willingness like that. Then she gets older and then she gets lung cancer, which she had been warned about and warned about. Then she sues the tobacco company for giving her cancer and the jury awards her \$28 *billion*. She will never see a cent of that because of all the appeals and everything else. She was instrumental in running Phillip Morris stock down and all its stock holders significantly in the last week or ten days. She was instrumental in fattening the wallets of the trial lawyers who are just even more encouraged now.

Everybody on the floor out there will either not say anything about it or will, if they say anything, it will be in defense of the trial lawyers when their issues come up. Because the trial lawyers contribute so much. Now, I may violate my own prediction. You can buy a vote. The trial lawyers contribute so much. I don't know, but would that have happened forty years ago? Not a prayer. They have been talking about tort reform for years. It is even worse now.

But your question was why do I account for the diminishment of the Senate. I think all of those interests groups, money supporting those interests groups and then without question the media. Forty years ago you had the *Washington Post* and the *Washington Star* and you had the *Atlantic Constitution* and you had radio and some basic television. A member would read the papers, and *Time* magazine, and *Newsweek*, and the hometown newspapers and he or she would be influenced pretty much by the ebbs and flows, but no volcanic reactions.

Today they are coming at them from all directions on momentary notice demanding answers to this, demanding that, portraying this, portraying that, building up the issues, slanting the issues, banning the issues, hammering, hammering to where they all run for cover and do their own thing to protect their own ass. That's my impression of what's going on. How do you bring that one hundred bodies over there back to a semblance of civility, comity, sagacity, humor, seriousness, concern for the general welfare for the country as contrasted with concern for narrow segment of the Congress? I don't know.

I think of one other thing in all of this miasma, that Vietnam and its aftermath changed the culture of this country. What I am seeing on the Senate floor today is the Vietnam demonstrators, still fairly cohesive on their post-Vietnam issues, war and peace and military. Then I am seeing the post-Vietnam people, the Evan Bayhs are demonstrating a more responsible, open-minded, fair-minded view than that element of Vietnam. On the House side, for example, in Nam we had Hanoi Jane—Jane Fonda. There was a big, Goddamn national uproar over what she did. Yet [James] McDermott and [David] Bonior went over there to Iraq and in my opinion did worse because she was just talking to the soldiers. These people were talking to the world and as much as telling the world that Bush was a liar, that he was a manipulator, that he is a danger. Now the young people, younger than McDermott, it seems to be are disowning him and criticizing him as they should.

Then you go back to the old-timers, they represented their constituency. I have always felt that when you look at a senator and study him for an hour you could look right through him and see his constituents. If he came from Montana—[Max] Baucus may be an exception—agriculture was important, mining was important, roads were important, gun control was tantamount, abortion, generally speaking they are more pro-life out there. Then you go look at another person from we'll say Connecticut or New Jersey. Take New Jersey, for example, and you look through a [Robert] Torricelli in the Democratic party in New Jersey and you see the makeup of the Democratic party in New Jersey. There is human corruption; there is party corruption. So he is a figurehead for the people he represents.

You go down to, I don't care, take any state you want and look at an individual elected by the people of the state or that district and you can pretty well get an instinctive viewpoint of what those people are, who they are, what they're like, what they want. Because that's what they sent. They elected who they wanted to represent them. Therefore, whatever he or she is doing here and whatever he or she is demonstrating, he or she is reflecting what the people who voted for them wanted them to do or they wouldn't be here or they wouldn't stay here. I haven't given you any good answers. If you want me, I have to ramble.

**RITCHIE:** No, no, they are very pertinent answers about the political system. Because you have been so interested in the military issues both inside and outside the Senate, back in the 1950s there was a very large percentage of the members of Congress who had served in the military. Today, it's a small percentage.

**KIMMITT:** And getting smaller.

**RITCHIE:** Does that affect policy, do you think, in the two chambers?

**KIMMITT:** I think you could go either way, Don. One, you could take the view that people who have not served in the military and have come since the '50s, they can be somewhat intimidated by the military because they inherently have a right to have a little guilt feeling that they didn't serve, even though it was beyond their control. Now, if it is people who deliberately stayed out of the military and fought to stay out of the military like for example, Phil Gramm, or people who went to Canada, or even Bill Clinton, a good example, then I think the military has a right to



be intimidated to a degree by them. They can dislike them, in many cases hate them. But there isn't anything they can do about them. They are there.

So, we always come back, Don, to the middle on any issue. There are the leftists, the rightists and the centrists. Nearly all decisions are ultimately made by the centrists. The leftists, they probably were at one time, but are never going to be in a position of influencing the final decisions. Nor are the ultra-conservatives. You've got to get some of them and some of them and a lot of these and they are all shades of gray. Out of that comes a consensus of what to send to the President of the United States. Then, of course, you have that final act of signature or no signature. But this causes a great ebb and flow of history and attitudes.

I am astounded today at the support, projected to get, on this Iraq resolution. To my mind, that resolution is projected to pass overwhelmingly by the Congress is almost an open-ended authority for a president to order our forces into a combat situation. I don't think that was ever intended by the framers of the Constitution. I think that's what Senator Byrd is raising so much hell about. You take on the Constitution in a way, the separation of powers. At a minimum, equal power, between the administration and the legislators. Now, of course, with the other branch of government that just comes to play when there is a legal situation.

I believe that Byrd today is absolutely right, but I don't agree with the way he is going about it, but I think he's right. I am astounded that they are going to give Bush this authority. Then it's going to be very interesting to watch what he does with it. I don't think he's going to do a damn thing with it before the fourth of November. And yet, by March it's going to be too hot over there to effect anything. So, the temperature zone of emotion, not natural heat or cold, the emotional temperature zone is going to take place between 15 November and 15 April. Or even before the 1<sup>st</sup> of March. If he stays controlled enough, if he can get the cooperation out of the United Nations, and if he can avoid under any circumstances going to war, he is going to be a big, big winner. If on the other hand, in my opinion, he takes this authority and puts into play and things start going bad and the body bags start coming home and the setbacks come along, then I think we are right back to the demonstrations on campuses and in the streets in America during Vietnam. I hope neither of those comes about.

But right now I think the military is relatively comfortable with their position. They certainly

have been given a lot in the last few years under Republicans and the Congress to satisfy their basic needs and desires. Their respect, God knows, since 9/11 has been just a drumbeat of patriotism for our boys in uniform, and our firemen, and our police. They are finished with the trauma of coming home from Nam to a populace that cries "How many babies did you kill today?" That's out of the way. They are being equipped with the best weaponry available and even better to come. I think the military can be excused for being pro-Bush, pro-Republican, starting with Reagan and on through. They can be excused for being anti-Clinton for a variety of reasons. But I don't know where we're going, Don. Neither do you. I think that's about all the bullshit I can give you unless you have a question.

**RITCHIE:** Well, thank you. You know it was twenty years ago that I asked you to come do an oral history and I want to thank you for coming 'round today.

**KIMMITT:** I wish I had done it then, except I wouldn't have been able to comment on recent history.

**RITCHIE:** Having a retrospective view has a value; it puts things in perspective.

**KIMMITT:** I am very confident that in all these words that you and I have passed back and forth there are going to be misstatements, there's going to be faulty memory, convoluted reasoning, but what the hell. That's what it's all about.

**RITCHIE:** Well, the difference between you and most researchers is you were there. They are looking to you because they want to know what this institution was like from your perspective.

### **End of the Sixth Interview**