

BACK TO THE SENATE
Interview #5
Monday, December 29, 2003

RITCHIE: In 1989 Gold and Liebengood was merged into Burson Marsteller. What brought that all about?

GOLD: Economics and several other considerations. Howard Liebengood and I had a very good and successful company. It was successful in the sense of revenues and in the sense of morale, and happiness in the workplace. We were not looking to sell the company particularly. But at that time, major public relations companies had begun the process of buying lobbying firms so that they could add to the repertoire available to clients lobbying services. Burson Marsteller, one of the two or three largest of those companies, approached us. Although we had not in mind to sell this company, at the same time were not hostile to the idea of a sale, if the circumstances could be arranged.

One of the things that attracted us to Burson Marsteller was the worldwide nature of their business. They had offices in a number of American cities as well as overseas. We were a small lobbying firm located in Washington, with very little ability on our own to reach out to any of those markets. So if business did not come to Washington looking for us, we would be hard pressed to look for it. Consequently, they made a case that we accepted, that integrated into their system a cornucopia of business opportunities might open. For the purpose of expanding the business into new areas, and also to derive some economic value for our shares, we decided to go ahead with the sale. We did not agonize over it very much. They first proposed something that we rejected outright because it simply was not enough money. They came back with a proposal that ultimately was fine, and so the course of those negotiations took place during 1989 and at the end of the year—this may in fact be the anniversary of it—we concluded the sale.

RITCHIE: Burson Marsteller was based where?

GOLD: In New York.

RITCHIE: What problems does that create when you have a company that's outside of Washington trying to direct lobbying that's inside Washington?

GOLD: It isn't so much the geographic location of the parent company, as the mentality of the parent company. Burson Marsteller did not have in my view a very defined plan for how they wanted to expand in government relations. For example, they had their own government relations capability within their Washington office. When they bought us, they did not shut that down. Then, rather than make further investments in us, which was something that they had promised they would do, they went ahead the next year and purchased yet another lobbying firm, adding to their stable.

From one perspective, I could understand that, because it gave them a place to park conflicts of interest. They established Chinese walls between all three of those lobbying entities, and so if the first one was lobbying on behalf of a client that had a conflict with a potential client, they could send the other potential client to yet another of their entities. That guaranteed them the ability to work all sides of an issue, because none of the people who were working under the umbrella of Burson Marsteller were talking to each other. On the other hand, it also meant that the talent and the capacity that was available in their system was hard to draw upon because of the necessity to have a Chinese wall

When Gold and Liebengood was purchased, we had nineteen people, and the promise of access to a lot of business opportunities in the Burson Marsteller system. After five years, we still had nineteen people, and much of that promise had been left unrealized. I think they did not make serious economic investments in our expansion. Also, public relations professionals know their job, but they don't know the job of the lobbyist. If they've got to solve a problem, they're going to solve it by doing what they know to do best and not necessarily to think of legislative angles to solve it.

At best, each side would try to understand the other's line of business and try to figure out ways of working through diverse disciplines in order to serve a client. But that requires time, and it requires effort, as well as an unambiguous sense of the people to whom they should talk. There was some time, and some effort, but lots of ambiguity because of the fact that they kept three entities working at the same time. It sowed confusion in the system. Finally, at the time each of their offices was a separate profit center. That meant that sending business from other offices to Washington meant robbing Peter to pay Paul. It was not a

system that ultimately was conducive for a lot of cooperation.

In summary, we had people who didn't really understand the lobbying world confronted with three different lobbying entities and economic disincentives for the referral of the business. My assessment of that sale was that it did give us an immediate infusion of cash, and the continued transfer of funds for the first five years after the sale date, but that access to broader reaches of the system was a promise that was pretty well unrealized.

So, to answer the question you didn't ask me: If I had to do it all over again, in retrospect we would never have sold the firm. If we had not sold the firm we would have ultimately made just as much money and had more autonomy. From my perspective, it is a very good example of not fixing what is not broken. We had a successful firm and it remained successful, but the firm once sold was no longer truly ours.

RITCHIE: When you dealt with the people in New York, did they have any different aspirations, or did they want you to go in different directions, or was it just a matter of another layer of bureaucracy?

GOLD: People in New York had aspirations for the overall Burson Marsteller system. I think they were very talented, imaginative people, who understood their line of business if not necessarily ours. But I don't believe that we got particular guidance from them that was useful in the conduct of the lobbying business. They, for example, tended to work on a billable-hours basis, we worked on a retainer basis.

Shortly after we were purchased, we were subjected to a post-acquisition audit conducted by Burson Marsteller's own parent company, Young and Rubicam, the advertising agency. They looked at some work we had done for the state of Arizona on a project called the Superconducting Super Collider. It was a high energy physics project that was proposed during the Reagan administration and ultimately it was awarded to Texas. The work we did for Arizona was paid out of appropriated funds. We kept track of billable time even though we didn't charge the clients pursuant to the billable hours. When the post-acquisition audit was done, it demonstrated that had we billed them according to the hours necessary to perform the work, we should have really charged them more money. The people conducting the audits said either we didn't charge them enough money, because we didn't realize all those funds, or we did too much work and we should not have put in so much time. I

explained that the money being paid by Arizona was out of appropriated dollars. There wasn't really a way to get more money out of them. And once we were committed to the project, we had to do what was necessary.

For instance, when we started in the lobbying business in 1984, a lot of work was done on a billable-hour basis, but in our firm and in many other firms, retainers became the rule after about the middle '80s. Working under a retainer, there are a lot of things that you can do for clients that are prophylactic in nature—relationship building and preventive care, shall we say, that you would not necessarily be able to charge them for if you were running the meter every time you made one of those phone calls. The retainer gives you the flexibility to do what is necessary on behalf of a client, and in essence it provides budget predictability on both sides of the equation. It also is the foundation in many cases of long-term relationships, which connotes that people who have legislative business in Washington often have continuing interests, not just situational interests.

But that's not the way the public relations field operates. That's a crisis-management business in many respects, and at least is working in particular campaigns that in a lot of cases are not continuing in nature. They also have cost-plus pricing for the advertising work that they place. Consequently, the entire fee structure of the business is different, the way you think about a business is different. The simple fact is that the people who bought Gold and Liebengood did not have a real understanding of the lobbying business in Washington. It wasn't because they were located in New York, just because they came from a different line of work.

RITCHIE: Almost all industries go through phases; there's a lot of competition between small operations and then there are mergers or buy-outs by larger conglomerates, which tend to reduce the number of competitors in the field. Is that the direction that lobbying in Washington is going, do you think? Bigger firms and more parent companies?

GOLD: There are eras like that, and then there is retrenchment. New boutique shops emerge, and then there are further acquisitions. One thing I can say for sure: the amount of competition in the lobbying business in Washington in 2003, as compared to twenty years earlier, is immense. When we opened in 1984, there were competitors, but for the most part nothing like what you have now. So with all the mergers and all the acquisitions there still is robust competition in this field.

RITCHIE: Just down the hall from us is the Office of Public Records, which acquires vast quantities of filings from lobbyists around Washington. Has that complicated the work of the lobbyist in the last twenty years?

GOLD: There are many things that have complicated the work of the lobbyist in the last twenty years. Filing reports is one of them. Lobbying disclosure legislation has been amended, of course, and that meant that there was a requirement for substantially additional detailed reports. It just goes with the territory. It doesn't really stop you from doing anything that you would otherwise be doing.

But there have been other burdens, none of which, by the way, has especially impeded the work of the lobbyist. Back at the beginning of the Clinton administration, for instance, Congress passed a law saying that you could only deduct a portion of lobbying expenses rather than all the lobbying expenses. I thought that was gratuitous and a rather cheap shot by the advocates of those proposals. It seems to me that if you are a businessman and you hire a lawyer in order to protect you from the potential adverse affects of litigation, you can deduct the legal fees as a business expense. If you hire a lobbyist to protect you against the potential adverse affects of legislation, or perhaps to try to pass something that might benefit your business, it seems to me that's also a business expense and I see absolutely *no* distinction between those two situations other than a political distinction. The tax provisions relative to the deduction of lobbying expenses were in my opinion nothing more than rank populism, without any real policy foundation in law.

There have also been changes, and changes that have come to the gift rules, that have really adjusted the way people do business here. When I started out, there were no such restrictions, and now they do limit what is done here in terms of everything from tickets to sporting events to bottles of wine, or taking people out to lunch, anything of that nature. There certainly are changes in the way business has been done.

Honoraria is also different. When Gold and Liebengood began in 1984, the two main partners were high-profile Republicans who worked for the sitting majority leader. After the 1986 election, that majority leader was gone and the Senate had turned over. Howard Liebengood and I faced a question of how we could demonstrate to clients that this bipartisan firm, with a Republican marquee, could do business in a Senate dominated by Democrats. In the first year, after the 1986 election, twelve of the thirteen new senators came down to

the firm and spoke to our clients. Of those twelve senators, eleven were Democrats. Now, we were able at that time to pay honoraria, and did to the limits permitted by law. Most every one of them accepted the honorarium. In one case somebody asked that it be donated to charity, and that was something that we were able to do. If we had not had the ability to use honoraria for that purpose, we might have had a harder time getting all those members to come down and talk to the clients. Now the ability to use honoraria is obviously eliminated, except for charitable purposes, and most people don't even bother with that any longer.

So there are a lot of changes that have been occurring in the last twenty years as to lobbying, whether it's disclosure, whether it's gifts, or the deductibility of lobbying expenses, or honoraria. But in the final analysis, the reasons that people hire lobbyists are the same now as they were twenty years ago, and lobbying continues.

RITCHIE: I was just thinking about this holiday season. When I first came to work for the Senate, as the holidays came there were all these carts of gift baskets that were being delivered from office to office. You don't see very much of that anymore, because the baskets have to be very small to fall within the dollar limits!

GOLD: When I started—this probably stems from my love of wine—but if somebody helped me, I'd send them a bottle of wine. It was a way to say thanks, nothing more. I never do that anymore. And if I want to send a bottle of wine to the Capitol, I'd have to take it in myself or else that bottle of wine is going to be x-rayed in Ohio, which probably destroys it. It's just a different world.

RITCHIE: So it really hasn't changed your business, it's just refocused some things.

GOLD: The mechanics of the business have not changed. You still have to do the same sort of thing which you did before in terms of trying to represent your clients, maybe with a slightly greater emphasis in terms of substantive issue development. It seems to me that one thing that has changed a bit over time has been that the preparation for Hill meetings is more important than it used to be. In the very beginning, access may have simply been enough. Now, I think, more preparation has to be done. In a way, a greater professionalization has been introduced into this process.

The administrative changes that we just talked about have had little to no impact on the substance of the work. For instance, if somebody has a client interest that they need to represent up here, I don't think they're going to worry about the deductibility. It's not going to cause anybody not to hire a lobbyist if they otherwise need to hire that lobbyist. The honoraria bans haven't affected the business either. You have to go about the business in a somewhat different way, but the overall purpose for your being there has not changed.

RITCHIE: You mentioned earlier fundraising. Do you get involved much in campaigns?

GOLD: For some people, fundraising is their point of entry into the process and they are extremely active in it. It is extremely helpful if you have a client with a big PAC [Political Action Committee], or if you are working for an organization that has a big PAC. Then you can be involved in the distribution of the funds and maybe even the direction of those funds. As it happens over time, I never really had clients with major PACs. Consequently, the fundraising that I was engaged in often involved my having to write personal checks. Thank heavens there's a limit to how much you can write!

The simple fact is: I was never deeply engaged in the fundraising side of this business. My way of developing relationships with members was through educational programs and seminars over many, many years, as opposed to the fundraising point of entry. A lot of people have no other point of entry. I was fortunate. It was in a way a method of compensating for the absence of having clients with big PACs or writing more checks than I could manage.

RITCHIE: I was wondering, because members of Congress spend a large part of their time raising funds for their next campaigns, since campaigns have gotten so expensive. Do they expect in some cases that if you are asking something from them that you should be providing something in return?

GOLD: Well, they probably appreciate it. [Laughs] There are people who I probably shouldn't name, who were very obvious about that. If you went into their office, they never asked you for anything before the meeting, but shortly thereafter you'd probably be hearing from them. That would be the case even if you went to see a staff person, not the senator. There are plenty of other cases where there is no evident quid pro quo at all. The vast

majority of cases are that way, not the other. The vast majority of cases are such that you might have better access to a member if the member understands that you've been a supporter and a friend, but they don't make it a condition. In a few cases, I felt as though it was a condition, but that's the small minority.

RITCHIE: Well, in terms of elections, a big election occurred in '92. The Republicans had held the White House for twelve years, and now you had a Democratic president coming in and Democratic majorities in both houses of Congress. How does a change in party of an administration affect the whole lobbying structure in Washington?

GOLD: If you have established clients, you're probably not going to lose them, particularly if you have made an effort to work on both sides of the aisle. I suppose if you have been a serious partisan, and have put your eggs strictly in one basket, where you cannot work the other side of the aisle or don't have a partner who can, then the change in control might necessitate a change in client relationships. What I know is that the relationships that I had over a period of many, many years did not change because the control of the Senate or the White House had changed.

The great unknown is how much business never comes through the door because of that change. Where people don't have an established relationship with you, they don't know what you can do, so they assume things that might not be correct, as in: this person is a high-profile Republican lobbyist or so-and-so is a high-profile Democratic lobbyist. His people are out of office and we need to find somebody who is well connected with the people who are in. If we're talking about disturbing existing relationships, not much of that happens. But as to new relationships, you don't know in many cases about the opportunities that were missed because they're never presented you in the first place.

RITCHIE: And because you know that you have different firms that are advertising their connections to the new incumbents.

GOLD: Oh, and there's always a flavor of the month, the person who is freshly out, who has just worked with somebody that a client needs to get to. If you're not the flavor of the month, and the people don't have a more sophisticated approach to who they might want to hire, then they'll find the flavor of the month. There's always somebody who's going to be fresher than you are.

My feeling about it is that when a person comes straight off the Hill without any private sector experience, they have certain strengths that they bring, the leading one of which is access. But not everybody who was good on the Hill is good in the private sector. It's a bit of a different mentality, trying to organize a lobbying campaign, or trying to present a case, and people don't have to listen to you when you're in the private sector if they don't want to. You're working on the Hill representing a member, who's got a voting interest, people have to pay attention to you no matter what they think of you because you're representing somebody who's important. When you are representing a private client, important as that client may be, not many people have to pay attention. Consequently, you are on your own. It's not enough just to be your resumé, you have to be able to stand up and have some credibility, and show some talent in that field. A number of people who were formidable on the Hill were not so formidable once they left.

RITCHIE: During the Clinton administration, in the early years in particular, did the type of issues and the type of clients you were dealing with change in any way?

GOLD: Well, business will tend to gravitate to the area of immediate stress and tension. In the Clinton years, at least early in the Clinton years, that was health care. The Clinton proposal for health care reform was so profound and so sweeping that any client that had health care interests could not fail to be engaged in it. Consequently, that became a great source of business in the early to middle 1990s. But I can remember going back to Gold and Liebengood years, with the 1986 tax bill and that being a great source of business. Some clients who are annual, and have long-term concerns, will just be with you no matter who's in office and no matter what the issue of the day seems to be in Congress. But then you do also have these situational clients who come to you at least in the first place because of something that's very active. If you are fortunate, after those issues are disposed of they will also see that they have lasting interests and they will stick around.

RITCHIE: You went back and mentioned the 1986 bill, and that seems to be an interesting contrast to the Clinton health plan in 1993. In '86 everybody had an exemption they wanted in the tax bill, and the solution was that Senator Packwood basically said no exemptions. It was actually a vast simplifying of the tax codes, and in a sense ruled out everybody's special interest. The '93 plan was just a mess of special interests. Nobody ever found a simple answer to the whole problem. I wondered if you could comment on those two bills and the story behind them from your perspective.

GOLD: The 1986 tax reform process ended very differently than it began. I can remember Packwood having a mark-up in the Finance Committee where more and more exemptions were loaded into the Code. Packwood, who had begun the process from the perspective that he liked the Code sort of the way it was, and who very much believed in tax exemptions as a way of steering public policy, was dismayed. I think he understood that if that process were left unleashed they would never have a bill at all, because ultimately the weight of all of the exemptions would destroy the bill. So he reversed course. The fellow who said he liked the Tax Code the way it was and who believed in tax exemptions as an incentive for public policy changes went in exactly the opposite direction, and in the course of doing that saved the bill. He actually gained substantial credit for being a tax reformer.

It interested me immensely because he was a very talented senator. He was able to rise above the special interest concerns that were beginning to overwhelm the process and propose something that was extremely innovative, that was not really on anybody's drawing board at first.

The '93 health care reform was exactly the opposite. It was a process that was fundamentally done in secret until the plan was revealed. The plan had tremendous complexity, because of the need to cover everything. The Clinton task force was not content simply to make a dent in the uninsured problem but rather had to solve it completely. They made very little effort to reach across the aisle and secure Republican support for anything. They wanted to own the issue, and in the course of owning the issue, and getting complete credit for it, they had to do it their way and only their way. So they came out with a plan that was so complicated that nobody could truly understand it. The single most devastating thing that was said about that plan was Arlen Specter's diagram of how the health care system was supposed to work. There may have been great logic to that diagram, there may have been great logic to the plan, but the public recoiled from it.

If you look at the dynamics at the beginning of that Congress, and you see a freshly elected president, who campaigned heavily on that issue, and was deeply, personally invested in the success of the reform, the engagement of his wife in that process as a further personalization of the issue, and the commitment of the Senate majority leader, George Mitchell, and the House majority leader, Dick Gephardt, to passing something. If you take all those dynamics—there are not a lot of people at the beginning of the process who would have told you no bill would pass. I for one thought it was reasonably inevitable. But then the

complexity really began to weigh it down. It was late in coming out. And the tardiness in producing the plan and the complexity of the plan gave people a reason not to support it.

So it is exactly the opposite example from 1986. Not only as to the question of complexity versus simplicity but also as to the notion of bipartisanship. The bill that came out in '86 out of the Finance Committee, to my recollection, was reported unanimously. And the effort on tax reform was done on a bipartisan fashion, between Senator Packwood over here and Congressman [Dan] Rostenkowski on the other side. So not only for reasons of simplicity but also for reasons of bipartisanship, '86 was a piece of landmark legislation that passed. In health care reform you had no bipartisanship, extreme complexity, and it didn't pass.

RITCHIE: The health care plan was essentially forged by task forces that operated out of the White House behind closed doors, and was then presented to Congress. Does that add to the problem? In other words, is it easier to pass things that come up through committees than are submitted from the administration as its bill?

GOLD: I think that it's useful for the administration to have a well thought through plan that they can present to Congress. I don't have any quarrel with the use of task forces to accomplish that. It's just that in that case the task force produced too complicated a plan, took too long to produce it, and had too little consultation with Congress along the way. What they gave Congress instead was an extremely complex fait accompli. It's easy to quarterback this after the fact, but it is plain that the absence of congressional consultation was a fatal mistake, because if it had happened, then a more realistic plan would have been presented. I think they might have been told that the plan that was under development could not pass. But because they in essence offered very little consultation with Congress and almost nothing with the minority, you had the appearance of a demand as oppose to a request. That is always poorly received here

RITCHIE: The Finance Committee played a role in both of those bills. In one case you had Bob Packwood as chairman, and by '93 you had Daniel Patrick Moynihan as chairman. Moynihan actually advised the administration that they shouldn't go with health care first, that they should take something like welfare reform where there was more bipartisan support, but the administration seemed to pretty much ignore Senator Moynihan's recommendations.

GOLD: They ignored his recommendations, and he was never a supporter of their proposal. As I recall in that year, one of the more controversial features of this was the employer mandate, where every employer would be mandated to provide health insurance coverage for his employees. I remember that on the Republican side there were about twenty-five members who were prepared to sign up for an individual mandate, that is, a requirement as a matter of law that individuals have health insurance. That actually could have resulted in the same sort of universal coverage, it seems to me, that the administration was attempting to get through the employer mandate. What it indicates is that if they had made an effort to do any bridge building, they might have actually found enough partners on the other side that they could get something done. But they didn't make any effort at bridge building. Consequently, they violated two precepts of Moynihan's. One is that they started with the wrong issue, but the second was bipartisanship. Moynihan had a pretty good bipartisan relationship on that committee and the administration approached this problem without any particular regard for that bipartisan relationship.

RITCHIE: Even Senator Dole, as a former chairman of that committee, initially talked about supporting some kind of a health care plan, and he was the Republican leader.

GOLD: Senator Dole was one of the senators who supported the individual mandate. He had appointed Senator [John] Chafee to chair a Republican task force. I believe that Chafee had endorsed the idea of the individual mandate and then Dole had signed up for it. Now, when Dole went to campaign for president, somehow that fact was completely submerged, but if you look at the dynamics that were present in 1993, if you had had a relatively prompt plan, with congressional input, and bipartisan input, even if it did not solve the problem completely it might have made a serious dent in it, and the administration would have gotten credit for a signal domestic achievement and that credit would also have redounded to the credit of Senate and House Democrats, both of whom got blamed because nothing happened.

RITCHIE: Yes, in fact the failure of that bill caused a political change of enormous magnitude in the '94 election, the first time in forty years the Republicans took control of the House of Representatives, and they took back control of the Senate. It was remarkable how quickly the political landscape changed. The failure of the health care plan seems to have been the central factor in all of that.

GOLD: That's what I think.

RITCHIE: How did the "Contract with America" election affect your operations?

GOLD: Well, I think that the advent of Republican control after 1994 opened again business opportunities that probably eluded us during the first two years of the Clinton administration. Again, existing client relationships remained stable. The relationships that were long-term remained stable through good times and bad. But the '94 election would provide opportunities for Republican organizations to gain access to new business opportunities. And Democratic dominated firms needed to find a way to shore up their Republican connections, which was what happened to me.

In 1994, I completed five years of service under the Burson Marsteller umbrella and then left Gold and Liebengood. Howard Liebengood also left at the same time. The paradox was that the name Gold and Liebengood continued for about a year and a half after that but neither Gold nor Liebengood were there, and in fact had not left the business but were elsewhere in town. I decided by the end of 1994, when my contract was up, that it did not make sense to try to renew that contract, and I would look for an independent firm that seemed similar on its face to what Gold and Liebengood had been prior to the Burson Marsteller purchase. Thus I joined Johnson Smith Dover Kitzmiller & Stewart. That firm previously had been known as Griffin Johnson. The Griffin was Pat Griffin, who had worked for Robert C. Byrd here and later was at the Clinton White House—in fact in 1995 was at the Clinton White House. The Johnson was David Johnson, who had worked for George Mitchell, when Mitchell was the head of the Democratic Campaign Committee. So the firm, although it did have Republican representation, was dominated by Democrats.

They were interested in trying to get some more strength on the Republican side, perhaps to bring them new business but also to offset any possible loss of business from clients that might not have been completely anchored there. So I looked at several opportunities in the fall of 1994 for future employment, and settled on Johnson Smith. When I began there in 1995, I actually got a fair number of new clients. Would they have come my way but for the '94 election? Perhaps not. I brought over clients from the old firm and got a number of additional clients, so I think helped the bottom line of Johnson Smith in 1995.

RITCHIE: When you moved from company to company did you take clients like the NFL with you?

GOLD: I had a non-compete agreement with Burson Marsteller that theoretically would have prevented me from taking anybody for two years, but we negotiated something else that permitted me to take certain clients outright, permitted me to continue working for other clients but to pay over the fee income to Burson Marsteller, and to reduce the two-year non-compete to one year. So for 1995, I took all the clients that wanted to go with me and in the majority of those cases the fee income did go to Johnson Smith, but in some cases it went to Burson Marsteller. After 1995, all the fee income went to Johnson Smith.

RITCHIE: So it's really the personal relationship that you have with certain clients that transcends the type of company that you're working for, in many cases?

GOLD: In many cases. When I worked at Gray & Company in 1982-'83, into '84, I did a lot of work for the Turkish government, but the Turkish government had reasons for being in Gray & Company, not the least of which was Gray's very close ties to the administration. So when we started Gold and Liebengood, the Turks did not go with us. The NFL, by contrast, actually has followed me three or four times. I think it depends upon why a client is with a particular organization. If they have a rationale for being with the organization that goes beyond the person servicing the business, then they might not go with that person. But if they develop a personal relationship with an individual who has worked on their behalf for a long time, it would be a rare case when the business would not follow out the door.

The mitigating factor would be how many other persons at the firm had also a consulting or service relationship with the client. In other words, the question becomes: how deeply rooted is the client in the firm? If they have a broad rationale for being there, they'll probably stay. If multiple people have been working for them, they'll probably stay. But if they don't have deep roots with an organization but only with the individual, then they'll probably follow the individual.

RITCHIE: With the '94 election, the big change was in the House. You had not only the first Republican majority in forty years, you had fifty new House members, you had all new chairmen of committees for the first time, and you also had a new leadership, because

Bob Michel had retired and Newt Gingrich had come in as Speaker. Even with Republican roots it was a very different Republican party in the House, it seems to me, at that stage. How did you go about coping with the new House of Representatives?

GOLD: Well, there was a lot to learn. That includes all those changes as you mentioned plus another, which is that Gingrich tended to run a lot of business out of the Speaker's office, working with task forces and not necessarily through the committee system. So people who had developed long-time relationships with committees, and feeling as though that was a good insurance, all of a sudden found that the committees were supplanted by the task forces. There were very few people who were fully prepared for that revolution. I think lobbyists very much had to play catch up. Unless they were a Gingrich person in the first instance or a Dick Arme y person in the first instance, and there weren't too many of those people out on the market. They came out later. But they understood the thrill of being in the majority and nobody who served with Gingrich or with Dick Arme y in the minority was going to hang out a shingle the moment that those people went into leadership positions in the majority. They wanted to serve with them in the majority first.

My recollection is that there was pretty much a vacuum, where nobody was well prepared for it, where there weren't Gingrich or Arme y people already in the marketplace, and where existing lobbyists were just finding whatever means they could to catch up with the changes that had happened in the process, and to try to give clients a reasonably sophisticated view about how the new majority in the House was going to operate and what this new Speaker was like as a leader.

RITCHIE: I thought that turnover was also a good object lesson in the differences between the Senate and the House. The House after that election came in with a mandate to enact the Contract with America, and Speaker Gingrich promised to do it in the first hundred days. He essentially did that. But then it went to the Senate, which, even though it had a Republican majority, acted like the Senate. It slowed things down, it took things apart.

GOLD: I gave many speeches in those days about this. I told people: Gingrich has got about a 53 percent majority in the House, and Bob Dole has got a 53 percent majority in the Senate. Gingrich can get through whatever he wants, and Bob Dole can't. How is that? Was it because Dole was a less effective legislator somehow? Less able? Of course not. It's just the nature of the institution.

People do not understand the Senate for what it is. They will understand superficially two senators from every state as opposed to a House based on population. They'll understand the limits of terms, in other words two years against six, they'll understand that. They'll understand the numbers are smaller. But they don't understand the nuances of the institution and why it is so hard to get anything done here. It is the issue of Senate math that we've talked about in previous discussions.

RITCHIE: Well, even the House members didn't. They were complaining that Senate Republicans weren't supporting them after they had passed everything.

GOLD: One of the things that I have thought to do, and probably will before too long, is to give a seminar over in the House for senior leadership people about minority rights in the Senate. I think it would be well for them to understand that. It might lead to fewer tensions and fewer misunderstandings.

RITCHIE: At some point there was a quote in the paper where at the House Republican Conference some member stood up and said, "The Senate is the enemy."

GOLD: [Laughs] A lot of people have said that!

RITCHIE: The single most dramatic moment I remember from that time, and I was sitting in the gallery, was the vote on the Balanced Budget Amendment, which the House had passed over the two-thirds majority required, and the Senate was one vote short of two-thirds. Everybody was there, they were all in their seats. The galleries were packed. And the one vote that made the difference was Senator Hatfield, as chairman of the Appropriations Committee, breaking with his party. It was probably the dramatic and in many ways the most courageous moment I ever saw, with one senator speaking his mind and standing up against his party in the process. How do you explain Hatfield's taking such an enormous personal sacrifice in casting that vote?

GOLD: In 1966 he was the governor of Oregon. A resolution was put before the National Governors Association to support the Vietnam War. It passed forty-nine to one. He was the one. It almost cost him election to the Senate that year, because even though he had been a popular governor in Oregon, Oregon was not yet a dovish state, and he was running against a congressman who was a supporter of [Lyndon] Johnson on the war. His antiwar

position had cost him a lot, but he prevailed with 51 percent of the vote. I thought about that vote in the Governors Association and the vote that you talk about on the Balanced Budget Amendment as being bookends on a career, because in both instances they were acts of conscience. That's what that vote was in 1996, it was an act of conscience. He had so much pressure on him to act opposite. You know, a number of Democrats actually changed their position on the Balanced Budget Amendment so as to give Daschle the votes he needed to stop that constitutional amendment. There was no focus on them. And Senator Grassley actually opposed it also, but there was no focus on him. All the focus went on Hatfield.

One thing that I understood about Hatfield was he was a very deeply convicted person. If he believed in something, he was not afraid to say so, even if the position was not popular. That was where he was on the Balanced Budget Amendment. His attitude about Vietnam almost cost him election to the Senate. It probably cost him a place on the national ticket in 1968. That's how he conducted himself his whole public life, so the vote did not surprise me. If he had actually sought reelection to the Senate in 1996, my belief is he would have won.

As it was, several of the younger members of the Republican Conference attempted to discipline him for that vote and take away his committee chairmanship of Appropriations. Dole was not for that. Jesse Helms was not for that. And it never got off the ground, but I always thought that these young members of the conference, who had recently come over from the House, needed to really understand something about the difference between the House and the Senate. That kind of thing might happen in the House, but not here. This was an act of conscience, and I thought to myself: someday they'll probably have an act of conscience of their own, who is going to discipline them for it? So the disciplining went noplacement, and that's just where it should have gone, noplacement.

RITCHIE: Senator Helms is a good example of somebody who took his own positions out of his own conscience, regardless of what his party thought, but he got to be chairman of a committee because of seniority, not because he always followed the party line.

GOLD: And when he ran for chairmanship of that committee against Senator [Richard] Lugar, who was the choice of the committee members on the Republican side, the issue was put to a full conference vote and people like Hatfield, and Lowell Weicker, and John Chafee, they all supported Helms, because I think they understood that if seniority did

not prevail, ideology would. In that case, their own chairmanships would at some point be in jeopardy. So Hatfield was content to have Helms be the chairman of the Foreign Relations Committee, believing ultimately that it would also preserve his own chairmanship on Appropriations, which I'm sure it did, because if the precedent had been established that Helms was thrown out, regardless of seniority—not thrown out but not permitted to accede to the chairmanship regardless of seniority—what would that have meant for somebody like Hatfield that members wanted to discipline for apostasy?

RITCHIE: They did at least change the Republican Conference rules in terms of the election of chairmen. Isn't there a separate election of chairmen of committees now?

GOLD: I believe that's correct, but it has still been done purely on a seniority basis.

RITCHIE: So perhaps the more senior they become the more tolerant they'll become of chairmen following their own conscience.

GOLD: Well, Hatfield came into office believing that you should only serve two terms here. He was all for a constitutional amendment to limit Senate service to twelve years. Then in his third term he kind of thought the better of it, and he wound up serving five terms.

RITCHIE: It's interesting that a number of senators who come over from the House initially want the Senate to act more like the House, but the longer they stay in the Senate they tend to appreciate its unique features. It seems also that they tend to moderate a little in their views. I think about somebody like Connie Mack, who was very close to Newt Gingrich in the House and came over to the Senate and began to gradually move over to the center of his party. Is there something about the Senate that does have a moderating effect on senators?

GOLD: Yes, I think so. I think that you eventually come to terms with what the Senate is about and you either love it or you leave it. There will be people who never really take root in the Senate, and get frustrated by it, and ultimately leave, even though they are probably good senators and could easily be reelected. Fred Thompson would be an example of that. I think he was deeply frustrated by the Senate. I don't believe that the institution suited him temperamentally. There were other people like Hatfield, who had been a governor, and who I believe had executive ambitions, who ultimately accommodated himself to the Senate and had a thirty-year career here. So I think that people ultimately have to come

to terms with an institution that is a very beautiful thing to watch, but also very complex. If they can do that, and they maintain their political standing at home, they can be here a long time and will want to be. But for some people, the frustrations of operating here are just far too great, and they never warm to the place, and ultimately want out of it, and get out of it.

RITCHIE: I was sitting in the gallery at the beginning of this Congress watching knots of senators on the floor during the budget debate, and watching Don Nickles, who also started out as a very conservative sort of non-cooperating member of his party who was suddenly in the center of the knot as chairman of the Budget Committee. There were Democrats and Republicans alike clustered around him, and he seemed to be forming coalitions, fending off criticism from within his own party. He was someone who had figured how the whole system worked, and I thought he was really on the top of it all, and then he announced his retirement. But he seemed another whose attitude had change considerably in the course of his Senate career.

GOLD: I remember when he got here and he was exactly as you described, an absolute outsider, very young, no experience in the House, but a product of the Reagan election in 1980, with probably unrealistic expectations of how the place ought to operate. Then he was leavened by several terms in office, by his experience in the leadership, and ultimately, I think, became a senator of great skill, who will be missed upon his retirement.

RITCHIE: Yes, he was thirty-one years old when he was elected in 1980, and it struck me that his picture of him in the middle of this knot of Democrats and Republicans as manager of a bill, that here was someone who after twenty years knew every aspect of the floor, and knew what he had to do.

GOLD: And, had he stayed in the Senate, would have remained extremely effective. Fundamentally, his political maturation happened in this place. Not in any governor's office, or mayor's office, or in the House. Some people just can never make themselves into what think senators should become. Nickles made himself into what a senator should become.

RITCHIE: Back in 1996, Senator Dole left to run for president and Trent Lott got elected as the Republican majority leader, and Nickles came in as the whip. Lott is one of the few Senate leaders who had experience in a House leadership position, even though he was in the minority on that side. Did that have any impact on Lott's Senate leadership, do you

think?

GOLD: I think Lott has loved being in the leadership in Congress since his beginnings here. His ambitions in both the House and the Senate were to serve in the leadership. He is a person who if he had stayed in the House would have been Speaker, which is remarkable considering where he wound up in the Senate. If there had been any prospect in 1988 that he might have been Speaker, who knows but he might not have ever run for the Senate. It's just that the Republicans seemed to be in such a permanent minority that he had gone as far as he could go in the House and was not going to replace Bob Michel then, and he needed to go out and do something else. A Senate seat opened and he ran for it.

I am certain that Lott's experience in terms of his House years, in terms of dealing with people and moving legislation through Congress, was valuable to him when he was a Senate leader, but I never found him as a Senate leader to have been conditioned excessively by his experience in the House. To me it's very interesting that he was able to make that transition, because a lot of people who had been so invested in the other chamber might not have been able to do that. But I thought that he was effective here, and he was not hampered by his experience in the House, but probably helped by it. He probably had a better understanding than any other person could have about how both chambers operated, because he was intimately involved in the leadership of both chambers.

RITCHIE: How would you compare him to Senators Baker and Dole, his predecessors?

GOLD: It's a little hard to answer because I worked for Baker and I saw him much closer up than I did Lott. And I also knew Dole here when I was on leadership staff before and Dole was chairman of the Finance Committee. I had a personal relationship with him which I did not have with Lott. So my perspective on Lott is very different. I never sat in leadership meetings with him, never saw how he approached issues, and I probably am not qualified to make a comparison of that nature, other than a lay comparison, which is not what you want here.

RITCHIE: There were people who expected that he would be a more conservative leader, but he's another who seemed—

GOLD: He's a pragmatist.

RITCHIE: Yes, exactly, who became much more pragmatic as a leader.

GOLD: No, Lott is a pragmatist. He comes from a very conservative state. His roots within the Senate were among the conservatives. He challenged Alan Simpson for the whip's job with the support of conservatives, who probably thought the same thing, and who may have actually been dismayed at what he did when he first became leader in terms of cutting the Gordian knot on several pieces of legislation in negotiating with the Clinton administration to move things along. I think that in the end, the leadership is a very bad place for an ideologue. You have to be pragmatic. Bob Dole was the essence of pragmatism. Howard Baker was a pragmatist. Lott was, I think, also pragmatic.

RITCHIE: Given the nature of the Senate, you almost have to be pragmatic to be a leader of the Senate.

GOLD: Well, I think you do. I don't know how you would operate otherwise, unless all you want is a forum. Maybe in the minority, you could be a minority leader perhaps and be more of an ideologue, but if you have to have responsibility for moving legislation around here, you cannot be anything other than a pragmatist or you'll never get anything done.

RITCHIE: On the other hand, Senator Lott did attempt to make things a bit more regular and gain more control for the leadership. He made a big effort to try to control the number of amendments that were filed by using amendment trees, and the Democrats complained that he was being restrictive. It seemed to me that as a leader he was trying to, maybe in that sense, exert a little more of the House leadership style. Did you see any differences in the procedural approaches that he took?

GOLD: If I had to note him for anything procedurally it would be that. The Democrats would complain that he was quick to fill the amendment tree and quick to file cloture, both of which would be efforts to try to move the process along as best as you could and to avoid the prospects of the minority taking advantage of nongermane amendments. I can't criticize him for doing those things, but I know that they were not loved on the minority side because the minority felt that they were becoming shut out of debate, shut out of amendments, and that's the two great hallmarks of the Senate: the freedom to debate and the

freedom to amend.

Senator Frist just one time this year filled the amendment tree, and for the most part had been chary about filing cloture until the need to do so, I think, was quite evident. Lott was quicker to file cloture and much more aggressive in terms of filling the amendment tree.

RITCHIE: We always get questions about whether there are more filibusters in the Senate than there used to be. Our answer is that we can't quantify filibusters, but we can tell you that there are more cloture motions than there used to be.

GOLD: Sure.

RITCHIE: There have been a great number of cloture motions in the last decade, and you can assume that each one of those cloture motions suggests that there is a filibuster, although in many cases not a word has been spoken about the bill at that stage; it's an advance tactic.

GOLD: Even though I think Frist has done less of it—I think your statistics will bear that out. Other than on judicial nominees, Frist has done less of it. But what it is is not a response to the presence of a filibuster, it's a response to the absence of a consent agreement. The absence of a consent agreement doesn't necessarily connote a filibuster, because the problems that prevented consent from being entered in the first place might be worked out over a period of days. The issues is: do you have a period of days? Or do you have to begin to try to move legislation more expeditiously. So filing cloture is at least a response to that. If they can get an agreement that would come after cloture has been filed, then the cloture vote can be vitiated. So it's often a backstop.

I'll put it like this: you can have filibusters without cloture, and you can have cloture without filibusters. I think it's very hard to develop statistics on that, particularly if you get to this question: what constitutes a filibuster in the first place? After cloture has actually failed, you can probably say there's a filibuster going on. But beyond that, you can never quantify it.

RITCHIE: Yes, because senators don't stand up and say, "Now we're going to begin a filibuster."

GOLD: No, of course not.

RITCHIE: It's really a pejorative term that applied to it. Those who are filibustering just say that they're conducting an extensive debate over an issue of national concern.

GOLD: Exactly.

RITCHIE: So filibusters are in the eye of the beholder. But cloture motions can be quantified. When George Mitchell was leader he had the Congressional Research Service do a study of filibusters, but it was really of cloture motions. It pointed out how dramatically they had increased, and the Democrats at that time were arguing that filibusters had become a terrible problem and that we needed to reform the filibuster rules.

GOLD: I recall that. Well, I think that the mere increase in the number of cloture motions proves very little. For example, when we had a filibuster in this Congress on the Miguel Estrada nomination to be a circuit court judge for the District of Columbia circuit, we waited a long time before we filed cloture the first time, even though it was evident that the minority was not going to permit the nomination to come to a vote. Does that mean that they weren't conducting a filibuster prior to the time of the cloture vote? Absolutely not. They *were* conducting a filibuster, it's just that there was dispute within the leadership about whether a cloture motion was the best way to approach that. Perhaps there were other mechanisms that could be used to allow the nomination to come to a vote. Those mechanisms were not successful, and ultimately we had to go ahead and file cloture. Sometimes Lott would file cloture just the moment an issue was made pending before the Senate. So the presence or absence of a cloture motion doesn't prove much about whether a filibuster is going on.

RITCHIE: In the earlier case, when Senator Mitchell was promoting a rules change on filibusters, after the Democrats lost the majority in '94, in their first conference after the election Senator [Tom] Harkin said that they had made that point while they were in the majority, and now that they were in the minority, we're in a position where we can stand on principle and go along with these reforms. And the rest of the conference thought that was crazy, that in the minority they needed that protection. They are currently talking about changing the rules, but is there anything foreseeable in the way the Senate operates in terms of filibuster and cloture?

GOLD: My experience is that the minority has grown increasingly reluctant to allow any truncating of minority rights, no matter how that happens. For instance, and I think we talked about this in a previous session, on the Medicare bill, there were cost containment procedures that were debated that would permit expedited legislation to be introduced in the event that the amount of money going to the Medicare program from general revenues exceeded 45 percent. The minority was willing only to give the most grudging expedited procedures. What I mean by that is they allowed for certain expedited procedures but as few as possible, and nothing that was really going to affect minority rights very much. And that's just an illustration.

The minority will resist almost any effort to limit its rights. It wasn't always the case, but it is the case now. Because of that, I think that if you put the question this way: can you foresee cloture reform by any process that involves the regular order for the rules change? The answer will be no. I can't foresee that happening for some time.

There are people who advocate not using the regular order and trying to use what they believe is the "constitutional method" or in some parlance the "nuclear method." The constitutional method would say that the Senate has a constitutional right to make rules governing its own proceedings and it doesn't have to proceed according to the process set out in the existing rules, they can make a process up as they wish. A new Congress is not bound by the old. The only way that I could see a rules change occurring would be through a method like that. That would be a majoritarian process, if the majority party could actually hang together and make it happen. But in the absence of extreme provocation and sufficient numbers in the majority to permit several defections of people who simply would never go with a change like that, I can't even see that method being used. So the very short answer to this complex question is: if the regular order is used, I see no change. If other than the regular order is used, I see some possibility for change, but that would require extreme provocation and it would also require a majority sufficient to prevail despite several defections. The minority simply will not permit the change under the regular order.

RITCHIE: It's interesting if you go back historically. For years it was liberal Democrats who were trying the same device.

GOLD: Absolutely.

RITCHIE: At the beginning of every Congress from the Truman and Eisenhower administrations right on through to Nelson Rockefeller, when he was vice president, they were still hoping to do that. It's interesting that the ideologies and parties have changed, but the talk of the tactics has stayed the same. What really did change things in the past was whenever you had an election that gave one party or the other a large majority, instead of having things as evenly balanced as they are now, or at least that's the way it's seemed to me.

GOLD: Well, that's right. You know, I have looked at a lot of that history and can trace some interesting people. You talk about how people have changed after they got accustomed to the Senate. When Mike Mansfield was elected to the Senate in 1952, and when he arrived in 1953, the first issue before the Senate was reform of the filibuster rule by the so-called constitutional method. There were twenty-one senators who supported that change that year, almost all of whom were Democrats. Mansfield was one of them. He was part of that intrepid group that tried to change the rules by such a means. By the time he got into the leadership and the same efforts were being made by others, he spoke out vigorously against it. Part of that was a change in role from being a freshman member pursuing a particular ideology without regard to Senate traditions to being the majority leader and being the defender of those traditions; also lots of years of experience in the Senate and an evolving sense of what the Senate was supposed to be about.

But you are absolutely correct to say that in the years between 1953 and 1975, whenever these efforts were made, and they were almost made biennially, they were done by liberal Democrats, with some support on the Republican side from people like James Pearson of Kansas, or Javits of New York, or Clifford Case of New Jersey, and others.

RITCHIE: And occasionally with a Republican vice president. Nixon was going to go along with an early effort.

GOLD: Nixon and Rockefeller both. You had three vice presidents in that period of time who were very sympathetic to the constitutional method: Nixon, [Hubert] Humphrey, and Rockefeller; and two who were not: Johnson and [Spiro] Agnew. And that made a big difference in terms of how far the process went along, what kind of rulings you could get from the presiding officer.

RITCHIE: The people you mentioned also wanted the vice president to have more of an activist role. One thing that's changed in the last half century is that the vice president has steadily receded away from the Senate. He comes down for ceremonial purposes—

GOLD: And to break a tie.

RITCHIE: But has there ever been a vice president who has been an active player in the Senate during the years that you've watched the institution?

GOLD: No. When I got here, Agnew was the vice president. He didn't preside very much. [Walter] Mondale in the Carter years, George Herbert Walker Bush during Reagan's time, Dan Quayle, and then Gore.

None of them I think was particularly active, even if they had served in the Senate before. [Dick] Cheney does come up to Republican policy luncheons, so he does come up to the Hill, and he's very important in terms of behind-the-scenes negotiations, but has spent little time presiding.

RITCHIE: Is that a detriment in some respects? Do you think that the vice presidency should be more active on the legislative side of things? Or is there no platform for them here?

GOLD: Cheney for one has been active in the legislative side of things in the sense that he's been very important in helping to negotiate specific pieces of legislation. What he hasn't done is to sit and preside, except in the rarest of circumstances. We had a debate earlier in the year on the constitutionality of filibusters and he presided for one hour, all according to plan, but my sense is that the vice president winds up being involved in so many things now that presiding over the Senate during some desultory debate is probably not a particularly good use of his time. So long as he can be instrumental as a spokesperson in private negotiations for administration policy, and as long as his presence can be felt that way, as it very much is in the case of Dick Cheney, then I think that that probably is all that can be expected in a modern vice president.

RITCHIE: He's essentially a neutral presider anyway, although in the case of the filibuster rule there was the hope that the vice president would make an activist ruling. But

99.9 percent of the time, the vice president says what the parliamentarian is telling him to say, isn't he?

GOLD: That's right. In Nixon's case, according to Dr. Riddick's oral history, the ruling was probably contrary to the advice of the parliamentarian, and Nixon spent a lot of time working on it, but even that now I think would be hard to get. The key is not to have the vice president preside. The key is not to have the vice president divorced from the Hill. He's got to be very much involved in what goes on up here as a spokesperson for the administration, and as a negotiator for the administration. The fact that he is not performing the ceremonial role of presiding is less important, I think.

RITCHIE: The other factor in the business about filibusters and clotures is that essentially for the last decade the two parties in the Senate have been relatively close in number. You've got 53 to 47 or 51 to 49. The minority and the majority are only a few votes apart, and that's perhaps another reason why the minority asserts its rights so vociferously. After the 2000 election you had this remarkable situation in which both parties were exactly equal in the Senate. There were 50 Republicans and 50 Democrats. Did you get involved at all when they were negotiating the arrangements for how they were going to work out a divided Senate?

GOLD: Only peripherally. I was more involved in how they were going to count the electoral votes, okay, and what was going to happen if there had been a challenge to some electors, which thank God there was not.

RITCHIE: How did you get involved in that end?

GOLD: I was asked for counsel by Senator Lott's office and the rest of the Republican leadership, and met several times with them. I had a trip planned simply as a vacation going to London in December 2000. I thought it was a perfect time to go because the election, of course, would be over by then and the new administration, whoever that was going to be, was not coming in office for another month, and it would be just a fine time to go to London and enjoy the Christmas decorations at Harrod's. I wound up taking reading on the trip but it was not the reading I planned. It was a big stack of information that the leader's office provided for me to review, previous electoral vote challenges. So that was very interesting reading. Fortunately, they never had to act on any of it.

RITCHIE: What were you afraid that they might do at that time?

GOLD: Well, there was a question of competing electors from Florida and which set of electors was going to be accepted. Vice President Gore was still the presiding officer of the Senate, what kind of rulings was he going to make? Or if he wasn't going to make the ruling then the president pro tem was going to be Robert C. Byrd, what kind of rulings was he going to make? Nobody knew how those rulings would go, but the notion of a Senate majority, which Democrats had in that seventeen-day period between January third and January the twentieth, ruling on the electoral challenges where the House would go in one direction and the Senate was going to go in the other, was a spectacle that, I think, worried people.

RITCHIE: The only comparable time would have been 1876-77.

GOLD: The Hayes-Tilden election.

RITCHIE: Where the two parties having different control of the two bodies, and the question of which votes they were going to count.

GOLD: And that was the issue. Were you going to count the Bush electors in Florida, certified by the governor, or some Gore electors that might be certified by somebody else? Or the ones that the state legislature sent to you? The legalities of all of that are beginning to recede in my mind a little bit so I'm not as sharp on that subject as I was three years ago, but I do remember that very little was clear about it.

RITCHIE: There's sort of a void in the Constitution on some of those questions about what do you do when you can't resolve the differences. Usually you have to be creative in coming up with something like the commission they appointed in 1877. A totally extra-constitutional solution to the problem.

GOLD: Yes, ultimately Congress accepted the conclusions of the commission, but they appointed somebody to review it, essentially. Who knows what they would have had to have done? But the prospect that there would have been a challenge to the electoral vote in Florida was I thought fairly high. It almost happened. There was a lot of agitation to try to get that done prior to the moment that the electoral vote was counted. The people would

make these protests, but no senator would stand up and say, “We will endorse the protest and we’ll take the matter back to the Senate.”

Just before that, the 50-50 bipartisan arrangement had been reached here in a fashion that was satisfactory to Senator Daschle. Had it not been done ahead of time, I’m not sure the Senate would have not taken up one of the challenges.

RITCHIE: That 50-50 agreement was in itself unique. The only other time that the Senate was equally divided was in 1881, but there wasn’t any agreement like that then. And in 1953, there was a period in which they were almost equal but again no agreement. In fact, during the Eighty-third Congress we found there were several times in which the minority party had more senators than the majority party!

GOLD: There were a number of deaths in that Congress, as I recall.

RITCHIE: Nine senators died in that two year time period, including the Republican majority leader who was replaced by a Democrat. That 50-50 resolution seemed critical in getting anything done, but it was still remarkable that the incumbent majority party, the Republican party, was willing to gamble on losing the majority during the Congress. They agreed in advance that if the numbers changed, the majority would change with it, so it’s the only Congress where we have a switch in the majority in the middle of the Congress. Do you think in retrospect that that agreement was an absolute necessity or was a mistake made in agreeing to that kind of an arrangement?

GOLD: Because I was not intimately involved in that negotiation, and I don’t know what the trade-offs might have been, it is a bit difficult for me to answer that, but I do know that they reached the agreement on the organization of the Congress and *very* shortly after that there was the electoral vote count that went smoothly because no senator took up the issue that was raised by members of the House protesting the count. I have a hard time thinking of those two things as being disconnected from each other. I think that essentially an understanding that was reached as to the organization of the legislative branch materially assisted the organization of the executive branch. If that is so, then I think they did what they had to do.

RITCHIE: Of course, all of the party switches that had taken place within memory were Democrats becoming Republicans. There hadn't been a Republican who became a Democrat in the Senate since Wayne Morse in 1955. So I suppose there was some assumption that if a change occurred it would be in the Republicans' favor.

GOLD: Well, I think the grave concern was about Senator Thurmond and his health. The question was whether he was going to live through the Congress. If anybody had tried to predict in January what the change might be, a very hazardous thing to do, but I think they would have predicted that Thurmond might not live through the Congress, and that would be the change.

RITCHIE: And there was a Democratic governor in South Carolina.

GOLD: Exactly. It was all so tenuously balanced to begin with that anything might have made the change but what did happen was I think outside the expectation of most people, and Thurmond wound up living.

RITCHIE: Also in that couple of months when the Republicans were still in the majority, that's when Senator Lott fired Bob Dove as the parliamentarian.

GOLD: That's correct.

RITCHIE: Again hard to fathom, but an indication of some of the tensions that were going on. Did he consult with you at that point? I know you had been asked in the past to become parliamentarian.

GOLD: Yes, I was consulted several times, and had no interest in the job for a few reasons. One, I strongly believed that the job should not go to a partisan. Although I had tried as a lobbyist to work on both sides of the aisle, I obviously had a partisan background and I thought that firing the parliamentarian and replacing him not with a career person but with a partisan was probably a big mistake for that office. I was concerned that it would taint any decisions that I made. If I ruled for the Republicans I would be seen as a party hack. If I ruled for the Democrats I'd be seen as disloyal. I did not think that I had any possibility under the tensions and circumstances that existed at the time of overcoming that. Even though I think

that there are a number of Democrats, Daschle I think, and Joe Lieberman, perhaps Robert C. Byrd, who would have perhaps given me the benefit of the doubt going in, but would have been under a lot of pressure if I had come down on rulings that ran contrary to their party's interest.

I did not see how I could be effective in that atmosphere. Nor did I see the necessity of doing it because I thought that the wise thing was to promote from within. Alan Frumin, who had served eight years as the parliamentarian, was there and prepared to assume the job, so my position—as I very much expressed to Lott's people—was Bob Dove should not be fired. If it were inevitable that he would be fired, then he should absolutely be replaced from within and not from the outside.

RITCHIE: The previous two times in which there had been firings of parliamentarians was at the beginning of a Congress when the parties were changing. This was in the middle of a Congress, and Bob Dove had been a Republican staff member during the Dole years, so he wasn't perceived to be hostile to the Republican majority.

GOLD: Correct.

RITCHIE: But here in the middle of a Congress, in the middle of a negotiation—he was actually meeting with senators when he was suddenly informed that he was out—do you have any idea what went on that led to that decision?

GOLD: I was not privy to it. I've heard various stories from people later on, and I've asked that question, but let me say there were a lot of negotiations occurring about budget reconciliation, as I recall, so I know that those negotiations and his positions on those negotiations led to his dismissal. But what might have been the catalyst, I can't say. What I do know is that the discussion about removing him long preceded those negotiations. So if you ask what the catalyst was, I'm not sure. But if you ask if this matter was under review for a very long time, then the response is absolutely yes.

RITCHIE: It's interesting that budget reconciliation was going on at the time. There are a number of things that give parliamentarians a considerable amount of influence, such as referring bills to committees, which in some cases can be an extremely important tactical move. The other situation involves reconciliation bills, does it meet this or that criteria. There

are a lot of judgment calls. Does this reflect the fact that Congress has devised plans that increase the authority of the parliamentarian to make decisions that are decisions that the senators think should be theirs?

GOLD: Well, these decisions always belong to senators. They can always appeal. The job of the parliamentarian has become infinitely more complex. They have to deal with a lot of things that they didn't have to deal with when I first started here. Most notably issues that come from the Budget Act and interpretations of the Budget Act. They have help with that, because the Budget Committee, of course, is of great assistance to the parliamentarian, but ultimately it's the parliamentarian's call. However, ultimately the decisions are the Senate's call.

I look at that parliamentarian's job as being a fundamentally no-win situation. You're a legislative judge with no tenure whatsoever. You have to make rulings in a process that is inherently adversarial, and will ultimately work to the political disadvantage of one party or the other. You can only hope that you have made those rulings with integrity and you have people in the Senate who will respect the integrity of the rulings even if they don't agree with them. I could see dismissing a parliamentarian for incompetence. I could see dismissing a parliamentarian because of the appearance of unfairness or partisanship. Those would be two reasons to get rid of the parliamentarian. But Bob Dove suffered this fate twice and I never saw the propriety of it in either case. I didn't think he should have been relieved in 1987. I didn't think he should have been relieved in 2001. In neither case was he incompetent or partisan, and in fact I believe was discharging very difficult responsibilities in a very responsible way.

RITCHIE: I suppose that the parliamentarians can justify their rulings on the grounds that they're being consistent; in other words they are ruling the same way when the Democrats are in the majority as when the Republicans are in the majority. It's the senators who are inconsistent in that they have to think differently when they're in the majority or the minority, and they naturally do. Rulings that seem fair when they're in the minority might seem to be obstructionist when they're in the majority.

GOLD: That's absolutely correct, which is what I mean when I say that if you have intellectual integrity as the foundation of the ruling, then you have to have people who are going to be willing to acknowledge the fact that it's going to work to their disadvantage and

move on. Otherwise, the parliamentarian becomes a tool of whoever is in the majority at the moment, and that is a very bad thing for the Senate. It's hard for the Senate to swallow, and another reason why if at all possible promotion in that office should be made professionally and within as opposed to somebody being imposed from the outside.

Believe me, in some respects I would have looked upon the appointment as parliamentarian as being a great honor and a career capstone. But I also thought it was a horrendous morass. So I couldn't see the justification in replacing Bob, who is a personal friend but beyond that somebody I admire very much professionally. I absolutely could not see the justification in failing to promote Alan in the event of his dismissal, because what I just said about Bob I also feel about Alan, as well as the others in that office. I thought that a partisan parliamentarian was bad for the Senate and would never catch a break. So, a series of good reasons not to take the job.

RITCHIE: You had operated out of the Senate for about twenty years, and turned down several offers to come back. What changed your mind when Senator Frist became leader?

GOLD: The call back to the Senate from Senator Frist was very much unexpected, as was his own ascension to the leadership. I did have several conversations on the weekend of January fourth, fifth of this year with senior Frist people offering to help however he might need help, but assuming in those calls that the help was going to be rendered from the outside. I had just started on the first of January at Covington & Burling, where I anticipated working out the rest of my career.

His chief of staff asked me if I would entertain the possibility of coming back up here. I did not dismiss it out of hand, which I suppose was an invitation for Frist to call. But I also had decided that I would not take the job unless Frist did call. That was not because I have such an ego requirement that I need a majority leader to call me, but rather I thought: I'd like to help in any way I can. Is it really that important to him that I drop my career plans, at least temporarily, and take a pay cut, and leave the firm I just joined, in order to be in his service? Is it really that important to him? If it were, he might call. If it weren't, he probably wouldn't.

That Sunday, which was the sixth of January, I didn't hear anything all day long. I assumed that in the end somebody thought the better of it, and I was not disappointed. That was fine with me, because it avoided my having to go through a dislocating experience, and it avoided my having to tell this firm that I had just joined that I was leaving before I ever unpacked my boxes. And about ten o'clock at night he did call, and asked me to come up and help him out. He said I should think about it not as service to him particularly but service to the institution. If I would do that he would be most appreciative, and he understood that it would be difficult for me to make a long-term commitment, but he would take a lesser commitment in time. I said, "Well, let me talk to the firm about it." I could not commit to him on the phone without at least having a conversation with them. The morning after, I went into Covington & Burling and I talked with a number of very senior attorneys there. They made no effort to restrain me. They said, "You do what you have to do." So later in the day, after touching that base, I called back the chief of staff and I said, "Okay, we have a deal." We worked out a starting date and by the twenty-first of January I was here.

I did it because he cared enough to call, and because I could see the necessity for my being there. He had not been ambitious to be in the leadership, at least to be a majority leader. He had not especially prepared himself for the role. I was told by Frist's staff that he needed help in acclimating himself to the job, and that although it would be possible to offer that help from the outside, what he really needed was for me to be there full-time on the inside. So when I combined that thinking with his phone call, and with desire to lend a hand, then I came back.

It was different—I felt strange turning down Senator Lott but coming back for Senator Frist. It didn't have anything to do with my attitude toward either member. It had to do with the fact that I thought the parliamentarian job was not the appropriate place for me to be for reasons I've just outlined, but that this job, which was not the job of a legislative judge but the job of an advocate inside the leader's office, helping to prepare a new leader who was thrown into circumstances not of his own choosing, was a more compelling case to come up here. The first time I was on the floor and saw Senator Lott I had very mixed feelings. I thought to myself, "Are you thinking: 'Well, you wouldn't for me but you come for him'?" I hoped that he would understand that the circumstances of these two situations were radically different. Moreover, the parliamentarian's job, I felt, was a career commitment. Whereas in this case, I could make a time-limited commitment and then go back to doing what I was doing, serving clients, either going back to Covington & Burling

or going to a different location.

RITCHIE: How would you compare the job you do with Senator Frist with the position you held for Senator Baker? Are they essentially the same or are there any significant differences?

GOLD: They're broadly the same. There is more outreach to other caucus members in this job than there was for Baker. With Baker, I was the one that wrote the unanimous consent agreements. I don't do that now. I review a number of them but I don't write them. With Baker, apart from Bill Hildenbrand, I was the only person on the staff that was knowledgeable about process and was very much relied upon for that purpose. Frist also has additional people who can do that, so I'm not fully relied upon for that. I am relied upon for a number of major things, but not for everything.

With Baker, I did a little bit of education work outside of the leader's office and certainly was available to other Republican senators. With Frist, the education program is a major initiative on his part. He and I discussed it early and we decided that it was something we would do under the sponsorship of the leadership. So in 2003 I did eighty programs around the Senate, sometimes for senators, sometimes for staff, and sometimes for the policy committee, eighty programs overall under his imprimatur. I also have been engaged in the preparation of a book, which will be a big expansion of the manual that I did, also under his encouragement and with his complete cooperation. So certain of the internal functions are narrower, and the external functions—external within the institution—are broader.

RITCHIE: Would you be there to advise him when he's getting ready to go on the floor with a bill? Would you advise him in terms of tactics, things to watch out, or anticipated responses from other parties?

GOLD: All of the above. The way that the office is organized, that tends to be done by committee as opposed to Baker's system, which was more to rely on individuals in their particular roles. So the answer is that I get involved in a great number of things. My jurisdiction is a little bit flexible. But certainly the functions that you just raised are functions that I have performed.

RITCHIE: Is the leadership staff much bigger now than it was twenty years ago when you were with Senator Baker?

GOLD: I actually have never made a count of it, but my impression is that that's so. It is bigger.

RITCHIE: Senator Baker took over the old Disbursing Office, which was next door to the Republican leader's office, and expanded the space. Now the leadership offices have gone around the corner and down the corridor. You have a large amount of real estate in that part of the Capitol.

GOLD: It went around the corner the last two years of Baker's tenure. My recollection is that people filled those spots, so I'd have to do a roster count to figure out if we were really any bigger than before. But I know that when Baker was the minority leader we had a very much smaller staff, and when he became majority leader the initial expansion would have still left us with a much smaller staff than Frist has now. It's just that I'm not sure that by the end of Baker's time if we hadn't rounded it out.

RITCHIE: Beyond working by committee more often than individually, are there any other major changes you notice between the Baker style and the Frist style of leadership?

GOLD: Baker was leader before there were Blackberries and e-mails, so it was much more personal. Maybe it was style or maybe it was just of necessity, but there was more individual face time with the leader in those days than there is now. Frist likes to communicate a lot through the Blackberry. So the following statement would be true: When you have face time with him, it tends to be in a group. Yet I have freer access to him than I ever had to Howard Baker because I can always communicate with him by Blackberry, and do so in an unfiltered way, and get back an unfiltered response, quickly. On the face of it, I had more apparent access in Baker's time than now, but the reality of it is I have more access now.

They are stylistically different people. Baker had a very well developed and very gentle sense of humor that he often used to leaven conversations. Frist also has a sense of humor, but he doesn't use it much in leavening conversations. What he does is extremely businesslike. He is very, very focused and knows where he wants to go.

RITCHIE: I don't think a lot of people see him as having a great sense of humor, but I got invited to the Gridiron dinner this year and he did a wonderfully funny skit of himself as a doctor doing a physical examination of David Broder on stage.

GOLD: [Laughs] I'd like to have been there for that!

RITCHIE: And he compared the bodily functions to the legislative process.

GOLD: [Laughs] He does have a good sense of humor, I think, and is a very, very decent man. But I didn't see that sense of humor for months when I started. There's the question of when you see humor coming from the leader, and the next question is: when can you use humor to talk to the leader? If you've not seen a lot of humor coming in your direction, you're a little bit reluctant to use humor going back the other way, which is a way that I tend to communicate. So I found initially that I had a very easy relationship within the staff, but a formal relationship with him. But as we have gotten to know each other better, that has very much eased. It's always been a good professional relationship, and I also consider it a good personal relationship.

RITCHIE: You mentioned that with Senator Baker there was a Tennessean influence on the leader's staff. Is that the same with the new Tennessee leader?

GOLD: No, it isn't. A number of the people who came to his office had no Tennessee connection whatsoever. He did not bring a lot of Tennessee people over from his Tennessee senator's office into the majority leader's office. He brought several, but not everybody, and even the ones that he brought were not necessarily native to Tennessee. I've had the privilege of working for two leaders from Tennessee and one senator from Oregon, and I'm not from any of those places.

RITCHIE: Senator Frist got into the leadership under the most extraordinary circumstances. First that one leader had to go and another had to replace him abruptly. He was elected on a conference call. He didn't campaign, as far as I know, for the job. How does that affect his style of leadership? Did his election and the means of his election give him more leeway than some of the other leaders before him?

GOLD: I don't know that it gives him more leeway. In his early months particularly he was extremely solicitous of other people's opinions and worked a lot through other senators who were in the leadership, as well as with his committee chairs. At the time, somebody interviewed him and asked him about [Robert] Caro's book, *Master of the Senate*, and did he want to be a leader like LBJ. He said, "No, that's the last kind of leader I would want to be." The leader that he more wanted to model himself on was Mansfield, who would have had exactly that type of approach, working with his leadership and working with his committee chairs to try to build consensus.

As he got more sure in his footing, you could see him leading that group more as opposed to simply consulting with it. His style is to try to build consensus through the leadership group and through the committee chairs. The way that he came into office necessitated that he operate that way, in any regard.

RITCHIE: He's in a tough situation in that he has a very narrow majority, and he's also got a president with a program, and a House leadership of the same party. Everybody's looking to him to get things through the Senate, but as we've said, it's much more difficult to get things through the Senate. How partisan can he afford to get? Does he need to retain that pragmatic approach and bipartisan approach or can he afford to be a more partisan leader as the Republican majority leader?

GOLD: As with anybody else in that role, there are limits to partisanship. The Senate is a much more partisan place now than it was when I left twenty years ago. There are various symbols of that about, but in any event, for the moment we'll say that it makes it hard to get things done here. Sometimes he has to tack to the right in order to make people believe that he's not simply being a pragmatist, as in the case for example of the forty-hour grand debate that we had on judges. That wasn't anything he worked out with the Democrats, except after he announced that we were going to do it. It was something that we did to highlight the issue and to respond to pressures from within the party.

On the other hand, in the drafting of the Medicare bill, he worked extremely closely with Senator [John] Breaux, with Senator [Max] Baucus, in terms of trying to come up with a bipartisan vehicle, and absolutely *avoided* the possibility of using the reconciliation process to pass that bill, believing that it was worth taking the risk for sixty votes because a bill of that magnitude needed to have a sufficient bipartisan consensus behind it. He was not

advised to do that by staff, nor was he advised to do the contrary. He was given options. But that's the option he chose, and that was the rationale he gave. So it was his own thinking, not supplied thinking.

Moreover, in response to the filibusters that have been launched on the judges, he was under a lot of pressure from within the caucus as well as from outside groups to do more about that than he has done. He made a proposal for filibuster reform on nominations, but he was urged by a number of people to try to launch the constitutional or nuclear option, however you want to phrase it, and essentially had to eschew doing that because he had an agenda that had to get passed. If he gave in to the ideological impulses or the most partisan of impulses he wouldn't have gotten those things passed.

My belief is that his is extremely focused and driven and has learned a lot in a short while about how to adapt his own style to the needs of leadership, and how to lead. I think he has emerged from this year as a very good leader, not without some bumps and not without some bruises, but a very good leader. Going forward, I would predict that he would be one of the more effective leaders that the Senate has had, notwithstanding how he came to the job and notwithstanding the fact that he had no ambition for the role.

RITCHIE: I thought that one of the advantages he had in not having to campaign for the job was he didn't have to promise a "quality of life" platform.

GOLD: And he wouldn't give you one. That is not high on his agenda. What is high on his agenda is coming up with a legislative program and getting it done.

RITCHIE: He's certainly kept the senators' feet to the fire. There have been a lot of late-night sessions, and he's talked about sessions on Mondays and Fridays. He seems to have been more persistent, perhaps he hasn't promised senators they could go home for supper on as many night as some of the other leaders have.

GOLD: I think that's very true, and it's also reflective of his own work ethic, which is extremely rigorous. He doesn't sleep too much, and he is always busy. He is around a lot. I think if you were to look at his life and everything he has ever done, he has approached all of those positions that he's had the same way, which is an extremely rigorous work ethic. What he does for himself he expects from others.

RITCHIE: Well, what do you expect for yourself at this stage? What's the next stop? You said you were planning to leave sometime in January.

GOLD: The fifteenth. I'm going to return to Covington & Burling. I accepted a partnership and I'm going to co-chair the legislative practice group there. So I will begin with them on the sixteenth. I'm going to change for two reasons. One is I had not prepared myself to go back into the government, so I did not put myself in a position financially where I could afford to do that. I have not made changes in my lifestyle this year to speak of, anticipating that we're just going to be a year. If I were really going to stay longer I would have to make significant changes, sell my house and do other things. My wife would be okay for me to do that, but I don't think that that's the sort of retirement that I want to plan for her or for myself.

I would not limit myself from being able to serve in government again. But in order to do that I've got to take a period of time and establish the proper economic foundation. I wasn't ready to do it now, and if I had stayed longer now the ability for me to leave would have been more restricted. So part of it is economics. Another part is commitments. I told the National Football League when I left that I would be gone a year. They were kind enough not to replace me. They've been a loyal client for twenty years, transitioned with me from one firm to another. I thought I owed it to them to honor that commitment.

So because of economics, because of commitments that I made to private sector clients on the amount of time that I would be gone, and because of the understanding I had with Senator Frist at the very beginning of this process as to the amount of time I would stay, I thought that I should go ahead and execute the plan. I do approach it with very mixed feelings. I am anxious to join Covington & Burling and serve the National Football League. But I have an enduring affection for the Senate that has increased in this year. Coming back reaffirmed why I liked it in the first place. I have engaged a number of friendships here over the year that were either a deepening of friendships that I already had or in a number of cases new relationships. All that has been great.

Working with Senator Frist has been wonderful. I knew him a little bit prior to the time that I started here, because most of the relationship that I had with his office was really with his staff. But now there's a relationship that I deeply value. So if I didn't have economic reasons or commitments, I simply wouldn't leave. I used to tell people that they ought to

leave the Senate when they still loved it, because they would still have to work with it and it was better not to do that as a cynic. I love the place now more than I ever have, so that means that I'll have a good time working with it, but still be very sad the day that I walk out that door.

RITCHIE: It must have been special to walk back into the Senate chamber, out onto the floor after twenty years of watching it from the gallery.

GOLD: Fabulous, actually. The first thing I noticed that was different was the lighting, because of the television. It's one thing when you're sitting in the gallery, of course it's brighter in there but you don't get the full effect of the lights because the lights are not concentrated on you, they're concentrated on the floor. The first day I went in there, I felt like I was under a bunch of spotlights, and at the close of business that day, they turned off those lights. The chamber lights remained, which made the place at that point seem very dark. But I realized that's what the Senate used to be like.

There were some people on that floor, Orrin Hatch, Dick Lugar, Thad Cochran, Chuck Grassley, Ted Stevens, John Warner, who of course were there when I was here before and were very gracious to me when I was standing there. In many cases came over and thanked me for coming back, which was very good of them. There were also a whole lot of new faces, senators who I didn't know all that well, and certainly staffers who I didn't know all that well, and so I had to get a sense of bearings again. The day I started was the twenty-first of January; the leadership office had been up and running for two weeks at that point, so it was like running to catch a train that was already moving. How do I reconnect with it?

For the first two weeks that I was here, I felt like I may have made a mistake. Is this really for me? Should I have left well enough alone? And then we went to the Greenbrier for a party bicameral conference, where we could actually do some planning for the year, and I could listen to people, socialize, and get my bearings. That was the great steadying moment. After that, I felt totally at home.

RITCHIE: The faces keep changing but the institution remains remarkably the same. It has had a lot of differences, but it doesn't take long to realize you're back in familiar territory.

GOLD: I feel that way every time I go to New York. After you live in the pace of Washington, you go to New York and the whole scale of things is different. It takes me about a half an hour to get myself situated in it and then I'm in the crowd. The same thing is true here. There are changes in the institution, it is more partisan, the television has had a big impact, I think, on that, by the way, because I think it has led to more posturing. Howard Baker used to talk about it as just an extension of the public gallery. It is that, but it's much more than that. It's a major magnification of the public gallery.

So aspects of the institution have changed. The senators' dining room used to be open whenever the Senate was in session but now it no longer is after a certain hour of the day. There's construction all over the place. There's security regulations all over the place. It is not as easy an environment to be in as it was before. People who come to Washington now don't know any better than that. When I tell them that when I started here you could drive right in front of the Capitol Building and catch a cab right in front of the steps on the east front, nobody believes that, because they can't imagine that that could be so. But I remember when it was that way, as you do. I felt, well, okay, that was an easier environment. The changes that have occurred are not for the most part changes that are for the better. It's not for the better that there's more partisanship. It's not for the better that there's more posturing and more intractability. It's not for the better that there's more security, even though it's a necessity. None of that is for the better in my opinion. I don't think the institution is improved over what it was before.

But there is such resilience in the Senate that it survives all of that, and it's still as magnificent a place to be, to work, to study, to observe, as I can imagine there being. I was in Moscow a little over a year ago to speak to the Federation Council of the Russian Federal Assembly. They wanted to know about the Senate. I talked about the Senate basically for a couple of days to very avid listeners. As I did that, I thought to myself: this is a labor of love, because I'm describing something that I love, describing something that I'm very proud that I maybe have contributed to to a modest extent, and I'm describing one of the great institutions of this country. The hope is that in those lectures and whatever teaching I can do around here, to convey that, because if people here for example don't feel privileged to be here, in my opinion they're missing the story.

RITCHIE: Well, hopefully this oral history will also be a contribution to that understanding as well. Are you thinking about writing a book? You mentioned that you've

got an expanded version of your procedures coming out but have you ever thought about doing any more writing about the Senate?

GOLD: We'll get this one published and then think about that. I actually have a book that I'd like to write someday that isn't about the Senate per se although it involves the Senate, which is a study of the Twenty-first Amendment. There are books out about the Eighteenth Amendment and the advent of Prohibition but the thing that has always interested me so much is that this great political consensus that led to the Eighteenth Amendment over so many years of development sufficiently evaporated where the amendment could be repealed as a matter of federal constitutional law and the issue of alcohol regulation could go back to the states. My interest in that stems in part from my interest in wine, and wine shipments. I'm very interested in the story of where the repeal began, and what was the origin of it, in what state legislature did it begin in, did it begin in Congress, did it begin in the states, I have no idea what the answer is to that.

RITCHIE: And the problem that it created for senators who had taken positions one way and had to justify switching later on from dry to wet.

GOLD: Well, that's a book that I have interest in doing, but that's a book that's going to require a lot of time and going out and looking at archives, and legislatures, and so forth. I think that for that reason it's a book that won't be written for a few years.

RITCHIE: There was also the "Man in the Green Hat," the rumrunner who handled the Senate and House office buildings in the 1920s. The *New Yorker* did a profile on him later, after Prohibition was lifted, and he mentioned that of his clients in the Senate and the House he had more dries than wets. He said it wasn't that the dries were more hypocritical, it was just that there were more of them. But that's a wonderful topic. If the Senate Historical Office can be of any assistance, let me know.

GOLD: Well, if that ever gets started, there is no question about where I will come.

RITCHIE: Well, thank you for participating in our oral history project. As you look at the transcripts, if you think that there is anything that we have omitted, or should have talked more about, I'll be very happy to extend this.

GOLD: All right. I will do that.

RITCHIE: Well, I have enjoyed this.

GOLD: So have I, thank you so much.

End of the Fifth Interview