

## FROM THE MINORITY TO THE MAJORITY

### Interview #2

Tuesday, December 9, 2003

**RITCHIE:** In looking at the earlier transcript, a couple of questions came to mind. One was that when you were on the staff of the Rules Committee, one of the big issues was campaign financing, and that's remained a big issue for the last twenty-five years. In many ways it was triggered by Watergate and people's concern about the misuse of campaign funding. It seems to me that we're still in a stalemate as to what campaign financing ought to be. Going back to those first fights in the Rules Committee in the 1970s, have you got any sense from looking at the issue over the last twenty-five years about how it is that we haven't been able to reach a consensus on campaign financing?

**GOLD:** I think if you go back to those fights, and if you look at all the fights since then, the one thing that they have in common is the parties trying to figure out how adjustments in the law will rig the system for or against them. That is always the question. There is always a zero sum element in it. If you do x you will advantage the Republicans. If you do y you will advantage the Democrats. Or be perceived to do so. So consequently, whether you are dealing with real advantages or disadvantages or perceived advantages or disadvantages, there will be somebody that inherently resists these changes. Because the reforms cannot be politically neutral, somebody will have a stake in blocking them. For example, President Carter proposed same-day voter registration. Republicans believed that that last-minute voter registration was not going to turn out *their* voters, so they were against it. Carter also proposed public financing of congressional elections. Even if you could afford it, what would that mean in terms of the financial advantage of the Republican party in most campaigns? Probably to strip away some of that advantage. Consequently, they opposed that.

You can come with rationales for why you oppose it. You can oppose same-day registration on the grounds of potential fraud. You can oppose public financing of congressional elections on the question of why the taxpayers should be subsidizing campaigns. And after all, who can afford to do it anyway? But it's more than that. What it's really about is advantaging or disadvantaging your own party in an election. When you strip all the reform away, it's a basically zero sum game, which makes agreement particularly difficult in this area.

**RITCHIE:** One of the problems with all of the reforms for the last twenty-five years is that whenever they plug a hole in one place, the money just goes someplace else and comes up in a different guise.

**GOLD:** I think the issue that Senator [Mitch] McConnell highlighted, the notion in the McCain-Feingold soft money bans putting money in the hands of independent interest groups as distinguished from the political parties, is a very good example of that kind of consequence. Instead of the political parties being the engines to channel political discourse, more and more that becomes the province of independent interest groups. That trend would increase anyway with the dispersion of political communication through the Internet. It's further enhanced by changes in campaign finance laws that encourage people to make those independent expenditures, for which no candidate can necessarily be held accountable. Those groups claim no coordination and can say anything they want about a candidate. A level of restraint would otherwise attend to an opponent, but that is lost when money goes to the hands of independent interest groups. It's an unintended consequence of trying to wean parties away from soft money. I think that the interest groups are strengthened at the expense of political parties. Given the weakness of the political party structure anyway, you just made something that is already weak, but is important, even weaker. That's probably not a great thing.

**RITCHIE:** Now we've got McCain-Feingold, but I don't know if anybody feels that's solved the problem at this stage of the game.

**GOLD:** I'm not sure the problem is solvable. First of all, you have to define what the problem is. Is it too much money in the system? Is it too much money that is not controlled? Is it an absence of accountability? On and on it goes. Another problem is cheap shots from allies of the candidate that a candidate can disavow while trying to take all the benefit from those cheap shots. There is a lot of effort made to try to create greater accountability in the system. You see it, for example, with people trying again to get public disclosure of holds on legislation. They want greater accountability in the system, so that people really know who's doing what to whom. But you enact campaign finance reform that creates less accountability, and again disperses political resources to people who are accountable to nobody. I think that's an anomaly.

**RITCHIE:** Going back to the '70s again, one other issue is that you had mentioned that your first day on the job as the Republican parliamentarian was to watch Senator Byrd, and you've been doing that for twenty-three years. I meant to ask you, what did you look for when you watched Senator Byrd? And what exactly have you learned from watching him over the years?

**GOLD:** You couldn't watch anybody else and learn more. I wish we had his knowledge and skills on our side of the aisle. I often don't agree with him on issues, and of course, where he comes out on issues is seldom helpful to the Republicans. As time has gone along, in fact, I think he's become more partisan, even though he's out of the role of the partisan leader. However, what is evident is his love for the institution. That love for the institution is probably felt by a number of people but they don't put the time in to realize what the love ought to mean. In other words, they are not devoted to the institution in the way that he's devoted to the institution. They love it, but they're not dedicated to it, in the way he is.

He has had, to the best of my knowledge, a greater impact than any senator in American history on the rules and operations of the institution. That's not to say that other senators weren't important. [Richard] Russell would be an obvious illustration of this. But no senator, I think, made specialization of the rules and internal processes of the Senate his own area the way Robert Byrd has made it his area. He has had a seminal role looking at the Senate as an institution, preserving its traditions where possible, changing those traditions where he thought they were outdated, pushing the envelope in certain procedural matters, which I am pretty well acquainted with, and assisting in the modernization of the institution as we move into the twenty-first century.

So what do you learn from Robert Byrd? For one thing, I think the importance in the first place of a knowledge of rules and precedents. Without it, a senator is disarmed. With it, a senator is armed. So, do you want to speak with a microphone or do you want to speak without a microphone? Because the knowledge of the rules puts a microphone in front of your face and makes you be heard more loudly. Or you can speak without any benefit of assistance, in which case it's harder to be heard. Just watching him pull the levers of the legislative process is a wonderful way of learning about that process, because from a technical standpoint, whether you agree with the end product or not, you know that the means to the end is likely to have been extremely well executed, with lots of knowledge, with lots

of forethought, and with a process that you can replicate if you want to be *right* about how you operate.

I think that someone ought to write a very good biography of him one day. It won't maybe be called *Master of the Senate* but it probably could be called *Mastery of the Senate*, because that's really it. He once had a nascent campaign for president and was once thought about as a potential for the Supreme Court, but unlike a lot of people who have served here, who are either running for president from the time they get here, this is a Senate man, from the top of his pompadour to the bottom of his toes. Institutions need people like that, and frankly speaking, whenever he goes, this will be a much poorer place because of it.

I was actually on the floor the day that he started to do his history of the Senate. I heard the first speech. It was a quiet day and his grandchild was in the gallery with a school class. I had no idea what he was doing, but I just happened to be there and listened in. Then I realized it was the beginning of something. And it's so indicative to me, by the way, of the regard he has for the institution if not for the staff that serves on the floor that he read aloud every word. He didn't prepare the speech or have the speech prepared for him and then put it in the *Record*, but actually stood on the floor and spoke every word of it. If you read his volumes of Senate history, the fact that he spoke it or put it in the *Record* is inconsequential. It wouldn't make any difference if he had put it in the *Record*, the same material would be there for anybody who wishes to learn about the Senate, but somehow it mattered to him to be able to say that all of this was done aloud. He did a lot of it aloud before there was ever television.

So my view is, again, people badly misunderstand him if they think that he's all about pork. I think that anybody coming on board right now for the first day would profit from watching him because they'd learn more about the Senate from watching him than they would from watching anybody else.

**RITCHIE:** Do you find that there are many senators who get at least a rudimentary knowledge of the rules, or do most of them just go through it being advised on an ad hoc basis when they need to know something?

**GOLD:** It's far more the latter than the former. It's situational knowledge. "This is coming up; what do I have to know to get through this situation?" Without even having, I

think, a sense of context about it. If you are around here long enough, you will have been through enough situations that you basically build some knowledge base. To give you an example, look at Ted Stevens. Stevens for the most part has a pretty good knowledge base because he's been here for thirty-five years, and because he also had floor responsibilities as a whip during the Baker era. Some of it was situational, some of it was what he picked up as the whip, some of it he just picked up from experience. Most senators would just sort of say, "Hats off to Byrd for being the scholar of the rules. He knows more than I do." Undoubtedly that's so, and if you were here for over forty years you might know as much as he. But you wouldn't know as much as he did unless you really put time in, time to study the rules, time to study the Constitution, time to study the precedents, and time to really figure out what was all behind it. If you are not going to spend that time, and most people, if not everybody will not, then your knowledge is likely to be situational, and in most cases supplied by staff as opposed to understanding it yourself.

**RITCHIE:** One thing about Senator Byrd is that he has always spent a lot of time on the Senate floor. The very first time I came to the Senate was in 1968 as a graduate student, sitting in the galleries. It was a very quiet afternoon, but Senator Byrd was on the floor. As whip he was on the floor all the time. It seems to me that there aren't that many senators who enjoy spending the bulk of their time on the floor. They would much rather be in committee or in some other function. Is that one way in which acquire a knowledge of the rules, being there?

**GOLD:** Sure.

**RITCHIE:** And has that been lost with the way the Senate has gone?

**GOLD:** If you look at the current group of senators, you will see a little bit more of this on the Democratic side. I think of three senators specifically who spend a lot of time on the floor, and are dedicated to this purpose. One is [Dick] Durbin. One is [Byron] Dorgan. And the leading one is [Harry] Reid. Durbin and Dorgan will come to the floor for policy statements and they'll make a strong speech. I think both of them are articulate members, and they'll make a strong speech on behalf of whatever their party's position is. But the person who is involved in working the levers of the process is Reid, by far the most active whip on either side of the aisle since Byrd was himself whip. That allows [Tom] Daschle to come to the floor as he wishes but not to be there himself, and essentially to professionalize the

expertise in one senator. The Democrats would be very much disadvantaged if Reid were not there to do this, because they would have to do what the Republicans do, which is basically to spread the floor role around among other members. Reid does the job now that is akin to the role that Byrd played when he was the whip. Certainly when Byrd was the leader, Alan Cranston, who was his whip, never played anything like that kind of role.

**RITCHIE:** It is interesting that the relationship between the majority leader and the whip changes dramatically given the personalities and interests. Mansfield didn't like being the on the floor, so he let Byrd do it. Byrd loved being on the floor, so he rarely let Cranston take much of a lead.

**GOLD:** I didn't see Cranston do—well, whatever Cranston did as whip was relatively invisible. That doesn't mean it was unimportant, it just means that it was not obvious to the public. You would never see Cranston on the floor doing the sort of role that Reid now performs or that Byrd performed under Mansfield, because Byrd wouldn't have it.

**RITCHIE:** What was Howard Baker's relation with Alan Simpson, his whip?

**GOLD:** Ted Stevens.

**RITCHIE:** Oh, Ted Stevens, I'm sorry, that's right.

**GOLD:** He had an excellent relationship with him. Stevens was always supportive of Baker, so there was not any tension between them or rivalry between them at all. The relationship between Baker and Stevens is pretty much replicated in the relationship between Frist and McConnell, I think, where the whip's office is not a rival center of power but is supportive of the leader. Frankly, when Baker ran for the president in 1980 and was on the road for a while, Stevens performed the role as acting leader but worked closely with our staff. There was never a sense that he was trying to overstep or aggrandize authority. It was a very loyal and supportive role.

**RITCHIE:** To go back again to the late 1970s, what was the Republican attitude toward Robert Byrd as leader? Did they perceive him as an extremely partisan leader? Was there much resentment from the way he was running the Senate and working the schedule?

**GOLD:** Well, I don't think anybody ever doubted his skills as leader. You know, in some respects you can't be excellent in every potential role that a leader would have, so for instance, I'm not sure he was the best spokesperson the Democrats could put on television on the Sunday shows. I saw him do a few of those, but it wasn't basically his forum. His forum was the floor. I think that Republicans understood that he was effective on the floor, that he had the ability that if there were a procedural way to get something done, to get out from under a problem, then Byrd could find a way to do that. And he could find a way to do that without a tremendous amount of help from staff, because he had personal knowledge of how to operate that way.

Sometimes the Republicans felt that he was too aggressive in terms of creating precedents, for instance, to get himself out of the box—as he would say, “get the ox out of the ditch.” It was one of the reasons that my job was created, even though, as I mentioned yesterday, I did not have a great base of knowledge coming into the job. But the point is, *somebody* was going to have to pay attention to what was happening on the floor or otherwise the natural disadvantages imploded on the minority anyway just by numbers would be compounded when you had a majority leader that was, in the view of a number of Republican senators, extremely aggressive in terms of using procedure to get his policy objectives.

**RITCHIE:** There does seem to be a cyclical nature of the leadership, in that Byrd was following Mansfield, who had been a much more lackadaisical leader, in the sense that he let everybody else take the lead and not cracking the whip, and there was some nostalgia for the Lyndon Johnson style of leadership. I think that Senator Byrd wanted to be perceived as a stronger party leader in the Johnson mode.

**GOLD:** Well, Johnson had a big influence on Byrd, to begin with. Johnson was still around when Byrd was elected. If Byrd could have patterned himself on a leader, he might have patterned himself on Johnson, although times had changed and his ability to be Johnson was essentially forestalled by two things: one is the sixteen years of the Mansfield era, where senators got used to dealing with each other and with the institution in a different way. Number two, to act like Johnson to some degree you have to be like Johnson, and I'm not sure that Byrd really was that.

But I think that Republicans felt as though Byrd was a formidable personality. They chafed at what they thought was the overly aggressive use of the rules. They chafed at what they thought was the unpredictability of the schedule, and what appeared to be more of an arbitrariness, at least in their mind. We had spoken earlier about Howard Baker trying to create a more family-friendly Senate, at least predictable hours, and late-nights, and next day off, and finish the work, and all of that. Well, that is a reaction itself to what they thought was unduly lengthy hours and an unpredictable schedule.

**RITCHIE:** Well, we now come to the great demarcation line, the 1980 election, which to some degree was more predictable in the presidential election than it was in the congressional election. Ronald Reagan beat Jimmy Carter, but on election night most people still didn't expect that the next morning the headline would be that the Senate went Republican. You had something like twelve or thirteen Democratic senators who were defeated unexpectedly, everybody from Warren Magnuson, to Frank Church, and Birch Bayh, and George McGovern. People who had been there for a very long time. Suddenly, the next morning, Howard Baker was facing becoming majority leader. One of the first issues was to get rid of the parliamentarian. Murray Zweben got fired in December of 1980. I wondered if you knew much of what went on before that, and if you ever considered moving into the parliamentarian's office at that point?

**GOLD:** Well, let me say that the 1980 election for the Senate was a huge surprise. For us to pick up a dozen seats, which is what we did ultimately, was beyond anybody's expectations as to how many we were going to get. Four or five, that would have been a reasonable number, which would have still left us in the minority. Some things that look immutable prove not to be so. Such as: communism will always rule in Russia; the Berlin Wall will always be erect; and the Democrats will always control Congress. All of them in 1980 would have seemed realistic and enduring. So, we were vastly surprised, let me say that.

I am very knowledgeable about the Murray Zweben parliamentarian change. Murray had angered some Republican senators, Barry Goldwater being one of them, and Jim McClure being another. Goldwater had sued the Senate. I forget now what the issue was.

**RITCHIE:** It was something about the Taiwan treaty.



**GOLD:** It may have been. Goldwater was a plaintiff in litigation, and Murray gave a deposition in the case against him, a deposition that frankly Goldwater thought was an unnecessary intervention in the case. To Goldwater, it proved that Murray was partisan. That may or not have been fair. You can't say that if he had remained as parliamentarian under Baker much would have necessarily changed, but the point was they thought Byrd was a master of procedure, and they thought that Murray was too pliant relative to what Byrd wanted to do, that Murray would find ways to help Byrd do what Byrd wanted to do. So you have the creation of my position to serve as a watchdog function over the parliamentarian's office.

When the Republicans took over in 1980, it was obvious that the secretary of the Senate job was going to change, and obvious that the sergeant at arms job was going to change, because they are fundamentally political officers. But no other changes were made to permanent Senate staff. They just continued from Democratic to Republican control of the Senate. All remained the same, except for one job, and that was the parliamentarian's job. There would have been no saving that job. There were things that some of our people wanted out of Howard Baker, and Baker was not about to resist that, so although I do not believe that it was his idea to get rid of Murray, there was a sufficient sentiment that something should be done about it.

I came to know Murray quite well in later years. We were neighbors in Georgetown, and developed a very good personal relationship. I would never impugn his integrity and contend that he would have just been an operative for the Democratic party if he had been left at the desk. I don't think anybody can say that. But people who had felt that he was too partisan over time certainly used the opportunity to try to get rid of him, and Baker was not going to fight to keep him there.

The question then came to who would replace him. Baker offered the position to me. I didn't want it for several reasons. One, I didn't feel equipped to do the job. I felt as though I had good knowledge of floor procedure, but I'd never spent a day in the parliamentarian's office. I did not feel as though I could just step into that job with no transition and maybe with no help, because who's to say that the parliamentarian's staff wouldn't have resigned? So I was not fully comfortable with the notion that I could just walk into that job. I might have had a learning curve that was not as steep as some people, but a learning curve for sure. I would not have wanted to be the parliamentarian and be sitting up there on the first day

with the transition that would essentially have been negligible. If you're going to go to work for the parliamentarian's office you need some time in grade there, and some time to study, before you can take that one last step. That was a reason.

The second reason I didn't want it was because I felt as though it was a career position, and it was bad to be changing it with a change in party control. Beyond that, I wasn't sure I wanted to spend a career there. I was at that point in my middle thirties. I just had a son born a month before the election. I wasn't certain that I could stay at the Senate, maintain the Senate wages, maintain the Senate hours. I was under a fair amount of pressure from my family to earn a better living and to get better control of my time.

So, I rejected the offer for several reasons. I wasn't completely equipped and time and economics did not allow me to make the kind of commitment that I felt that job required. Even more important, I certainly would not in any case have wanted to be a partisan parliamentarian or be perceived to be one. I never felt as though that role should be corrupted by overt partisanship, so I didn't want to start down that path.

It was necessary to get Baker to agree to promote from within. I worked him to agree on Bob Dove. I told him that I thought Bob was fair. That he had been open with me. That he was as helpful as he could be and the single most knowledgeable person to take the position, because he came from years as the assistant parliamentarian, and before that the second assistant. He had the training, he had the temperament, he had the knowledge. He was going to make a career out of it. And I felt that if we promoted from within we had at least *some* prospect that a later change in party control would not necessarily yield a change in the parliamentarian. So Baker agreed.

It was left to me to tell Bob about it. I went to the parliamentarian's office, asked him if he'd step outside. We took a little walk to the crypt—Washington's crypt—and I said, "Let me tell you what's going to happen here." I said, "Murray is going to be relieved and you're going to be the parliamentarian." He looked totally stunned. I don't think you could fake it, frankly, so I think he was truly stunned. I didn't exactly see why he should be surprised, but nonetheless he was. And that's how the change was made.

**RITCHIE:** There's a peculiarity to that office in that the parliamentarian is supposed to be a neutral figure, who advises both parties, and advises the presiding officer, and keeps

all of the institutional memory of the precedents of the institution. But he's also sought after by people trying to figure strategy, trying to figure how they can get something done. He's often approached by both sides on the same issue.

**GOLD:** True.

**RITCHIE:** So there's that part of every parliamentarian that is absolutely neutral, and there's the part of every parliamentarian who's got to assist you in terms of your legislative maneuvering. It seems as if anyone is going to have to disappoint part of the constituency at almost any time.

**GOLD:** It is inevitable, and that has to be understood. He may decide an issue in a way different from the way a senator would like it decided. There were a number of times where I put myself in their shoes, and thought, "If I were in that position, how would I construe something?" As a general matter, I can always pretty well understand the logic, but I wouldn't always arrive at the same conclusion, and there isn't necessarily a right answer. You learn that when you first start law school, and you're given a case to do. You want to ask the professor, "What's the right answer?" And the point is there isn't always a right answer. There just happens to be the prevailing answer at the moment. You read the majority opinion and you say, "Well, that's what the court decided." Then you read the dissent and it sounds even more persuasive.

The fact is, I'm sure, that Bob didn't agree with everything that Murray decided, that Alan didn't agree with everything Bob decided. And I wouldn't agree with everything that any of them decided. But there has to be tolerance for the professionalism necessary to reach those decisions. There would be no tolerance if you felt as though these people were politicizing the process. That was the issue with Murray and the Goldwater lawsuit, at least from Goldwater's standpoint.

I ran into variations on this theme when the senators would ask me about tactics that were contrary to Howard Baker's interests. If they said, "Is x in order?" "Is y subject to a point of order?" "Does this amendment have to be germane?" I might say, "Well, it seems germane to me." Or "It doesn't seem germane to me," as the case might be, "but you really need to ask the parliamentarian, because whether *I* think it's germane or not doesn't matter."

I think the parliamentarians have a phenomenally difficult job. They have to be legislative judges and be as neutral as possible. But they have no tenure. They work at the pleasure of the secretary, work at the pleasure of the leader. You have to be a legislative judge, but you also have to provide guidance in a way that a judge never would have to. You have to be worried about your audience in a way a judge never would have to. And you could be summarily fired in a way a judge can never be summarily fired. That's a high burden to place on somebody, to have to operate under those conditions.

**RITCHIE:** That, plus you are being called upon to make these decisions in the middle of the heat of battle.

**GOLD:** Sure. Often you have time to prepare, but sometimes you don't.

**RITCHIE:** You brought up a point about that transition in 1980 that Murray Zweben was one of the few major staff people who changed. I remember when the old *Washington Star* printed the "Senate Plum List." It was a full page of small type of all the employees of the Senate who were potentially political patronage positions, would could be cleaned out. Everyone in the Historical Office was listed in there. Our names, titles, and salaries were all printed in columns. Every office under the secretary of the Senate and the sergeant at arms was listed. There was some consternation in the office, but Bill Hildenbrand called that morning and said that "Senator Baker wants you all to know that he considers you to be nonpartisan professional staff and no changes will be made." So Senator Baker came in with a very high standing among everybody on the Senate staff as a result of that!

**GOLD:** [Laughs] Understood. One also has to credit Hildenbrand, because he was another Senate institutional man. He wasn't a secretary of the Senate that was brought in from the outside.

If Bill had been able to have his way, he would have remained the Republican secretary on the floor and left Stan [Kimmit] in his job [as secretary of the Senate]. That's what he wanted to do. Is that just because he didn't want to dislodge his old friend? Maybe. Is it because he loved the floor work? Maybe. But he felt being promoted from being secretary for the minority to secretary of the Senate was a very mixed blessing. It says a lot about the affection and the relationships that were built across the aisle with very senior people. Everybody understood that they had a job to do, that the positioning of those jobs

depended on who might be in control, but the personal friendships were also formed and overrode a lot of what otherwise would appear on the face of it to be a natural antagonism.

**RITCHIE:** There was a lot of coming and going at that point. Hildenbrand was going to be secretary of the Senate; Howard Greene became secretary for the majority; Howard Liebengood became sergeant at arms. Where did you see yourself fitting into the picture in Howard Baker's office?

**GOLD:** I had agreed to be interviewed for a job in an Alaska law firm, which was opening in Washington. Not expecting Republicans to be in control, I said in October of that year that I would go to Anchorage after the November elections. Well, we got control, but the trip was already arranged. So I went to Anchorage and visited with them. Howard Liebengood, who wanted to take the sergeant at arms job, was going to have to find a way to either replace me or not take the sergeant at arms job if I had taken the position with the Alaska firm. I had a very nice day of interviews in Anchorage, but the change in control had really diminished my interest in the job.

I didn't want to leave. I wasn't ready to leave. I wanted to be part of the majority. So I turned them down. I knew that Liebengood was going upstairs to be the sergeant at arms. That meant that his old position as Baker's floor counsel was opening. When he and I worked together in the office, he was the floor counsel and I was called counsel for floor operations. Well, we dropped the "floor operations" and I just became counsel to the majority leader. They didn't replace my position. We did a reorganization of the leader's office to accommodate our new role, more staff, and all the rest of it. But I did exactly what I wanted to do, and that is I wanted to be Baker's procedural advisor. I wasn't the only person who gave him advice, but the expertise on the Senate rules and process left me with a sinecure in that office.

Now, I was aware of a couple of things. One, I wasn't a Tennessean. So I was never going to be an insider Tennessee player in the office. The second thing is I knew that Howard Baker, who is a wonderful man, had a tendency to pigeonhole people. He tended to restrict his conversations with you to the area where you were the expert. Even if you had some thoughts or ideas or knowledge in another area, you tended not to wander into that area. So the good news and the bad news was the same news. The procedural background left me secure. It also left me confined. That's where I was.

I did not have aspirations to do anything more for Howard Baker other than to serve him as a procedural advisor. I was not looking for a higher position within the office or the Senate. Those positions had been filled. I was not looking for more time in grade in the Senate, because I doubted that I could make it through the Ninety-seventh Congress without changing. So I at least wanted to get to a year, maybe a year and a half and then probably leave early enough in 1982 so that I could stay as far away as I could from the election cycle of that year. Therefore, no higher ambitions in that organization other than to do this relatively protected role without a lot of overlap.

**RITCHIE:** I'm sure it made a huge amount of difference, but what kind of difference did it make moving from the minority to the majority in terms of the way you needed to be able to know the procedures and the rules of the institution?

**GOLD:** Well, in the minority, Murray was the parliamentarian and we were in an adversarial role. My position was created because Murray was thought to be too partisan, because Senator Byrd was thought to be predominant in areas of procedure. So my role in the minority was that of a watchdog. Watch them and make sure they're not doing anything untoward. After we got control, there was a change in attitude. No longer was I the watchdog of that office, but rather a liaison to that office.

We worked closely with the parliamentarian's office, and my role was to engage them and to set up arrangements for the leader. But I was not there any longer as a watchdog.

**RITCHIE:** In other words, they weren't going to pull any surprises on you at that stage?

**GOLD:** No, of course not. I never had an adversarial relationship with that office from the day of that change in '80.

**RITCHIE:** What about Senator Byrd, who was now the minority leader, did you have to worry about him from a procedural point of view?

**GOLD:** In principle, sure, but he and Baker struck up a reasonable accommodation. Baker took the position that he would never surprise Byrd. He told Byrd he would never surprise him. He was going to telegraph every punch. Consequently, Byrd came to trust him,

and Byrd never used maneuvers of his own to embarrass Baker. The first couple of days that Baker was the majority leader, Byrd would kind of give small tutorials on the floor. It was a little bit of: "You may be the leader now and you might want to know this, as I do." I mentioned it to Baker, and Baker was always so level-headed about these things. He just said, "Well, he'll get over that in a couple of days." And Byrd did.

I worried about what I thought it could portend in terms of challenging Baker in the area where Byrd was plainly superior, which was a knowledge of the rules. Now he was in the minority. If you saw him use his rules to effect when he was majority leader, imagine what he might do as the minority leader. But he never did. Both sides exercised restraint. They had a very good working relationship.

**RITCHIE:** I remember when Senator Baker retired, there were some remarkable tributes to him from Senator Byrd. Clearly it was more than just two guys who stood up at desks across the aisle from each other. They had managed to work out a high level of trust.

**GOLD:** When Baker retired, I am told that what happened was that Byrd said to the Democratic caucus how it was that they were fortunate that the majority leader had been Howard Baker, and how fair he had been to the minority. I think it was factually correct, and Byrd was good to recognize it. And because he understood what a majority leader could really do, in terms of just of the raw exercise of majority power, he grasped the value of that restraint. When I went to Baker's swearing-in ceremony at the White House when he became ambassador to Japan, what struck me about it was the number of Democrats who attended.

**RITCHIE:** You had another factor in 1981 when you came into the majority and that is you had a Republican administration coming in at the same time. How much dealings did you have with people from the White House? It was their agenda that Howard Baker was trying to get through the Senate.

**GOLD:** A fair amount of dealing. Max Friedersdorf was the congressional affairs officer. I had known Max from the time that he was staff director of the Republican Policy Committee in the Senate. He had been in the Nixon and Ford White House, but during the Carter years he was mostly at the Senate with the Republican Policy Committee. Max was a personal friend, and I saw a fair amount of him and other White House liaison people. Max told me as he was coming into office that I would see more of him than I would of my wife,

and he was right.

**RITCHIE:** Presidents always expect that Congress should jump to their demands. You had a Republican president and a Republican majority in the Senate. Was there a great deal of pressure from the administration to get that program through as quickly and as close to what it was they had in mind?

**GOLD:** Yes, I think so. The only Republican senator who had been in the majority as a Republican was Barry Goldwater. The only other senator who had been in the majority at all was Strom Thurmond. Nobody else had any experience with it. They were so tickled to be in the majority, and gave so much credit to Reagan for helping to put them there, that left a predisposition to working with the administration. Another factor is that Baker told Reagan that there was one year to get something done. After that, there would come the 1982 elections, and later the presidential elections. So the time to get major things done was going to be real early on within the honeymoon period. It wasn't simply a question of the White House pushing us, we also pushed the White House. By the time we got to the August recess, we had passed the budget, we made the first major use of budget reconciliation, and the Reagan tax cuts all passed.

**RITCHIE:** You mentioned that the first time you read *Riddick's Procedures* it was a lot easier because it didn't have all the budget reconciliation stuff. The reconciliation bill in '81 was sort of the omnibus of everything. How involved were you in all that, and what is involved in a congressional reconciliation bill?

**GOLD:** It was not the first time the process was used, but it was the first time it was used in a major way. Reconciliation was part of the 1974 Budget Act. It wasn't used until 1980 and in a minor way then. So in 1981, the question was really twofold: First, how are we going to get Reagan's spending cuts through the Congress in a package without breaking it apart into component parts? And second, because we had control of the Senate but not the House, how are we going to get the House to come to conference with us on measures that the House would otherwise not want to consider?

Reconciliation was the answer to both of those questions. It meant passing a budget, getting instructions to the various jurisdictional committees to make savings in programs in their jurisdiction, getting those committees to report back the savings by a specified date,



getting them bundled by the Budget Committee, and putting the package on the floor. It became relatively easy to get Republicans to support the package as a whole and withstand amendments that would break it apart. It was all there. Baker could say, "I'm keeping this package together, and you need to vote to do the same." People were, generally speaking, willing to go with that. Also because it was "must pass" legislation that was being generated by the Budget Resolution, the House would have to go to conference on these provisions.

Another notable feature of that process was that some Republican committee chairmen were aggressive in terms of what they included in the reconciliation bill. At that time there was no Byrd Rule against extraneous provisions in reconciliation bills. So the question became: what happens if they reach beyond reconciliation instructions and put things in that are extraneous?

Bob Dove took the position that so long as a predominance of the bill was a response to reconciliation instructions, then the whole bill would have reconciliation protection; therefore the bill would be subject to time limitations and germaneness protections

That didn't suit Senator Byrd very much, who was worried about the process being abused because his view was that the right to debate and the right to amend are reasonable sacred rights that could be restricted in furtherance of budget discipline. But if reconciliation were being abused, and additional material were being included that was not responsive to the instructions, then it was an abuse of the right to debate and an abuse of the right to amend. Consequently, he and Baker worked out a unanimous consent order, as I remember it, to strike out a range of provisions that both sides could agree were extraneous to the reconciliation instructions. That consent agreement accomplished the purpose. Byrd had no other way of really doing it. If he moved to strike the provisions and the majority insisted on keeping the provisions, the motion to strike could just be tabled by a simple majority. So not having some sort of super majority enforcement mechanism, Byrd got the consent agreement with Baker to get rid of a variety of provisions that both of them could agree were extraneous to the instructions. Then Byrd made a speech and said, "We have done all that we can do, but not all we should do, and I'm going to work on this process," which resulted four years later in the first iteration of the Byrd Rule.

Use of the reconciliation process in 1981 was central to the idea of moving a budget package, of getting the House to conference. For the first time made major use of the

reconciliation process, and thus raised the specter of extraneous subject matter being included. So it was a historic moment for a number of reasons.

**RITCHIE:** It seemed remarkably creative at the time. Somewhat chaotic but also creative.

**GOLD:** I think that the impetus for it came out of the Budget Committee. You did not have too many people who were really knowledgeable about the implications of the act and what it could be used for or not. Those who were knowledgeable were on committee staff and had seen at least a minor variation of it the previous year. I'm a little bit hazy on this, but I believe that the thought to use reconciliation came from them. It did not come from us.

**RITCHIE:** In Hillary Clinton's memoirs, she said that in 1993 when they were coming up with their health plan, Dick Gephardt told them that the only way to get it through the Senate was through the reconciliation bill. But he hadn't factored in the Byrd Rule, and Senator Byrd strongly opposed that tactic. It struck me as interesting that the Clinton administration would listen to the House leadership on strategy about how to get something through the Senate, but also that Gephardt would immediately think of the reconciliation bill as the vehicle for trying to do something, probably thinking back to the beginning of the Reagan administration.

**GOLD:** Well, Gephardt had come off of the Ways and Means Committee in the House. That committee more than any other House committee has been involved in every reconciliation bill, so I think he had to have a fair amount of experience in knowing that the reconciliation process was a majoritarian process.

We just went through this this year on the Medicare bill. Senator Frist was given the option of trying to move prescription drug legislation through reconciliation. It would have broken some interesting ground if we had tried to do that. He opted against it for a variety of reasons, one of which dealt with the Byrd Rule, but that wasn't the big reason. The big reason was because he was concerned that legislation of that kind of far-reaching nature needed to be more bipartisan in character. He wanted to take the risk of having to get sixty votes, because if he couldn't get sixty votes, the legislation would be likely to be too controversial per se. He didn't want that. He took the path of greater resistance to try to build

a political consensus that would support the legislation.

**RITCHIE:** The Senate really is not a majoritarian institution.

**GOLD:** Absolutely not.

**RITCHIE:** It's always given greater voice to the minority. It seems to me that there are always senators, even in the majority party, who are afraid of doing something a little too drastic because it might limit if they're ever in the position of being in the minority, even a minority within their own party. Do you think that there is that sort of hesitance to be overly majoritarian in the Senate?

**GOLD:** Yes. When Baker came in as leader in '80, one of the first things his staff did was to give him a memo of various options that could be explored to enhance majority power. We had been through rules changes, most recently in '79, and also changes that he made by precedent. In the matter of precedents, Byrd did not propose to change the text of the rules but rather how the rules were interpreted, to advantage his majority.

Anyway, we wrote up a rules change proposal for Baker. We thought that the first place he was going to have us go was to talk to the minority about it. But the first place he told us to go was to our own people, to Jesse Helms, and to Jim McClure of Idaho, and to Bill Armstrong of Colorado. We never got to the Democrats, because all these senators pointed out that we were in the minority until very recently, and we might be in the minority again. They wanted to have procedural rights available. And so even in the majority they refused to truncate minority rights. Therefore, when Baker was leader, he never proposed a rules change, *ever*. He left the rules just the way they were.

**RITCHIE:** The most fierce filibuster that I can ever remember was in December of '82, just before Christmas, when Senator Helms and Senator [John] East were filibustering against their own leadership.

**GOLD:** I was not here then, but I remember that.

**RITCHIE:** When people talk about the minority filibustering, it doesn't necessarily have to be the minority party, it can be a minority within the majority party.

**GOLD:** I once did a little work with Senator Stevens, when Stevens was going to run for majority leader. We went to Alaska together because he wanted to talk about a rules change platform. I was already in the private sector by then, but he wanted to know whether I'd assist him in developing some ideas. We went up to Alaska and he was quite a gracious host. We met at a ski lodge in the summertime, when it was close to the white nights in Alaska, and we wound up during daylight at one o'clock in the morning talking about some potential rules changes he had in mind. I was drafting notes. I went through a page on a legal pad, a second, a third, a fourth, a fifth page. It was obvious what he was wanting to do, and that was he was wanting to get rid of the Howard Metzenbaum problem. Metzenbaum of Ohio had a unique way of legislating at the end of the session, leveraging concessions from people in order not to object to this or the next thing. Any senator could do that, but Metzenbaum perfected it to a fine art and got lots of things into legislation that he could never have gotten by the amendment process.

Well, Stevens figured that that vexed a number of people, and that if he ran on a platform that would in some way curtail people's ability to do that, it might give him some additional support. He would raise an idea, and I would say, "If you do x, Metzenbaum can do y." So he came up with another idea. "Well, if you do a, Metzenbaum can do b." We went back and forth on this thing and it got more and more complicated as he tried to tie down loose ends. As he was doing it, my attitude was: you're tying down Metzenbaum but you're going to be tying down everybody else too. Are they going to really be for that? Do they dislike Metzenbaum's use of process so much that they're willing to have their own use of process restricted? After we got through five pages I said to Stevens, "Senator, you have got a proposal now that is extremely complicated, so much so that you can't explain it and no one will understand it. Let's try again in the morning." He said, "That's fine." We never actually came back to it.

I think what he really wanted to do was to explore whether there was *any* reasonable way to shut down the more egregious features of this leveraging that Metzenbaum would do without intruding too much on everybody else's rights. Unfortunately, that's impossible. My own personal observation is, if you had a cadre of Metzenbaums, three or four people doing the same thing that he was doing, the Senate might react to that. I'm not sure they would take that position, because I think at some point it would really be extremely destructive of the institution's ability to work its will. But there is a lot of tolerance for Metzenbaum-like approaches, and a fair distance that people are willing to go before they say that the

institution is really being disadvantaged. So consequently, restricting rights winds up being a hard case to make, whether you are in the majority or in the minority at that moment. The fact that the Senate has turned over in 1980, 1986, 1994, 2001, 2002, makes the argument for not touching too much.

**RITCHIE:** I remember that the floor staff in the 1980s used to say that they had “holds” and they had “Metzs.”

**GOLD:** [Laughs] You know, I look at a lot of these rule making statutes like the Budget Act, or like the Nuclear Waste Policy Act, or some of the other ones that have procedure written into them, and I ask myself a question: when were those processes done? My guess is most of them were done in the era of uninterrupted Democratic control. If you’re not worried about being in the majority, why not? I think they’d be harder to get now. You would never get, for example, the restrictions of the Budget Act passed today. I don’t think any minority would put up with that. That’s just my view.

**RITCHIE:** In some cases it’s a matter of taking what’s already there and applying it in a more forceful way, or maybe a more creative way, isn’t it? As you mentioned, the Budget Act was passed in ’74, reconciliation was applied in a minor way in ’80, and in ’81 it was applied in a major way.

**GOLD:** In some cases, sure, that’s correct. But fresh restrictions are hard to impose. For instance, there’s a provision in the Medicare bill that just passed that said: if greater than 45 percent of the revenues contributed to Medicare come from general revenues, then there has to be a congressional review of this in order to find ways of having cost-containment imposed. You could, of course, use budget reconciliation for the same purpose, but this was a separate procedure.

The House wanted a very restrictive procedure in the Senate, and they got almost nothing. They got the mandatory introduction of legislation, and the capacity to discharge a committee, but no restriction on the floor, no restriction on the motion to proceed, no restriction on floor debate, no restriction on amendments, nothing. It’s an expedited procedure only in the sense that a corrective measure must be introduced and a committee has a fixed amount of time to address it, and there is a process to discharge the committee, but the discharge is not even automatic. They have to vote it out. And then on the floor, the

vehicle is wide open. That provision to me is emblematic of these times, where everybody is concerned about whose rights are going to be restricted. Those kinds of tensions prevented anything more comprehensive from being done on what is supposed to be a cost-containment process.

That's why I say that the kind of broad restrictions that you see in about twenty-five rule-making statutes would be far harder to pass now because they do restrict minority rights. The minority has become extremely unwilling to permit similar intrusions. I think if the roles were reversed, the Republicans would be similarly reluctant.

**RITCHIE:** There's also that tension between the Senate and the House. The House, regardless of which party is in the majority, the House is a majoritarian body and the rules of the House allow the majority to get its way. They sort of expect that the Senate ought to operate in the same manner. And yet the Senate isn't the House. It's rules don't correspond and it doesn't give the leadership and the committee chairs the same kind of power that the House with its Rules Committee does.

**GOLD:** I have had a lot of discussion with the Speaker's office and the majority leader's office and the Rules Committee in the House about these very issues, because I do think that one of the things that leads to misunderstanding between members and staff of the House versus members and staff of the Senate is that life in these chambers really is apples and oranges, and the apples do not understand how the oranges survive around here.

The House is a much easier place to get something done. I think a number of House members who first get elected here would think: "Well, that would be a great reform," until they realized that this is not the same kind of place. Instead they focus on: "What rights am I giving away?"

**RITCHIE:** You mentioned House members coming over into the Senate. A large crop of new senators came in after the 1980 election, many of them from the House. Did you begin doing orientation programs at that stage? When did you get involved in that?

**GOLD:** In 1981? Not for the new senators at that time. I worked with someone from Stevens' office by the name of Susan Alvarado. She was Stevens' floor person and she and I put on a program one day for the Republican Policy Committee. Just a little primer on the

floor. That was the beginning of it.

After I left in '82, I began to put those programs on in a more organized fashion and did probably a half dozen of them a year. I did them for Democrats as well as Republicans. This year, working for Senator Frist, those programs have been instrumental in the services that he thinks he ought to be providing as majority leader. So I have done now just about eighty of them in this calendar year, with his imprimatur. It wasn't that I couldn't find acceptance of those programs in the private sector, but the acceptance is greater coming from the leadership.

**RITCHIE:** There's nothing like having the majority leader's name signed to anything.

**GOLD:** Particularly when he sends a letter out to all his colleagues and says: "We need to have members who are well prepared, and we need to train the next generation of staff to be ready." People are willing to sign up for that.

**RITCHIE:** And considering the enormous staff turnover here. When people do learn what's going on they tend to leave, and there's a new, green crop of people constantly.

**GOLD:** I have done a number of programs in the same office, and not that far apart, for members who shall remain nameless, even in this oral history, so I can release it sooner!

**RITCHIE:** What would you do in these seminars? What's their main purpose?

**GOLD:** The seminars are two and a half to three hours long. There's a fundamental outline beginning with a discussion of what I call the pillars of Senate procedure. The three pillars on which Senate procedure rests are rules, precedents, and rule-making statutes. We talk a little bit about the nature of the rules, and how they are made, and how infrequently they are changed, and what the bias of the rules is, particularly a nonmajoritarian bias, and how precedents are created, and their import, and then the rule-making statutes as sort of an exception to the norm of Senate procedure, the statutes that make the Senate into a miniaturized version of the House in terms of the expedited nature of the process that they generate.

We talk about the hallmarks of the Senate, the right to debate, and the right to amend. We then discuss Senate debate, we break that down and we talk about the power of recognition, the importance of the sequence of recognition, and then about means of curtailing debate, unanimous consent orders, tabling motions, and then finally cloture. We go into a background on the cloture rule, which has a very, very interesting history. We talk about cloture as a fulcrum on which you balance the rights of the individual and the rights of the institution to work its will, by tracing a little bit of the cloture rule and not just giving them a static picture of the rule. I think the purposes of the rule become clearer as opposed to just saying: “Here’s how the rule works.” But after giving them that history, then we do talk about here’s how the rule works and go through all of the elements of cloture.

We talk about the introduction of legislation and rules governing the jurisdiction, the role of the committee of predominant jurisdiction getting proposals and so forth. We do not talk about committee procedure, but we then discuss how measures get to the calendar, whether reported from committee or companion bills from the House, or Rule 14, or unanimous consent. We talk about getting measures off the calendar, and the difference between doing it in legislative session or doing it in executive session.

Then there is a discussion about the amendment process. We talk about amendment nomenclature, what’s the difference between a substitute amendment and a perfecting amendment, between a second-degree and a first-degree amendment? What is the priority of offering amendments? We talk about the amendment tree diagrams. They always get hand-out materials that relate to all four amendment tree diagrams that are found in *Riddick’s* but we don’t have time to go through all four of those so we basically take the simplest and the most complex. The simplest one being the first diagram, which is related to an amendment to insert. The last one being the diagram that related to a complete substitute for a measure. We talk about how amendments were pending and who moves first, and what’s the advantage of this strategy, and what’s the advantage of that strategy. And then we do a little run-through on an amendment check-list at the end, which talks about different questions that can be raised about the process: can the amendment be reconsidered? Can the amendment be withdrawn? Can the amendment be amended by its own sponsor? Questions of that kind are answered as a way creating a little review of what we’ve been through and raising a few new issues that fit in.



We talk about voting. We talk about bringing the two houses together through either amendments between houses or conference reports. And we talk about special appropriations rules. In a separate program we would talk about the Budget Act, because what I have found is that by that time we've been through so much material that even if we have a full three hours it is hard to get started on the Budget Act. And depending on what period of the year the class takes place, people are really anxious to have that or they say: we'll do that at a different moment.

That is a lot of material to cover in two and a half to three hours, so necessarily, people are getting an overview. But it is a more comprehensive overview than I certainly had when I started here. The object is not to make them fluent or proficient but to give them the grounding and then they can ask questions, and read more, or we'll come back and have a second program or something of that kind. That's the general outline of how those programs work.

**RITCHIE:** You mention that when you look at the rules of the Senate and the way it operates, it's unique. It doesn't match state legislatures and it doesn't match most parliaments around the world. Do you offer any theory or explanation as to why the Senate is so different from other legislative bodies?

**GOLD:** Article I says you can make rules governing your own proceedings. You could have made rules in the Senate that operate like the rules in the House. But I think as a general matter, you had a body of political patricians here. They were representatives of their state legislatures, when the legislatures were dominant over the federal Congress. There was a tendency therefore to give a pretty wide berth to those representatives of those legislatures. Also, because some of them came from small states, were being protected under the constitutional scheme in this body, a tendency to again give a wide berth and not try to create majoritarian solutions in a body whose representational scheme was basically non-majoritarian in its very foundation.

This subject has actually come up overseas. I did a program, for example, in Moscow in November 2002, just about six weeks before I came back up here. It was a program for the Federation Council, the Russian Federal Assembly, the upper chamber, which at the moment is appointed but is thinking of being elected. The question was: what additional changes should also be made? Is it just changing the method of seating somebody? Or is there

actually changes that are made in the power of the institution or the process of the institution? So they wanted some background on other democratic legislatures, like the Italian Senate, the French Senate, the British House of Lords, and the Australian Senate and what not. How did these other bodies operate? What they really wanted to talk about was the U.S. Senate. In that case, the question that you're asking, of not only how is it but why is it, was I think of fairly central matter of interest to them.

I just spoke over the weekend in California, once in Los Angeles and once in Monterey, to medical groups, talking about the legislative year with a focus on the Medicare bill, but not exclusively. I spoke about Senate math, how majorities were required in the Constitution to pass legislation, but supermajorities were really required because of Senate math. These were educated people, who were nonetheless amazed by that.

**RITCHIE:** Especially from California they should have figured that out. I always use the example of California and Wyoming. California has about thirty-four million people and fifty-three Representatives. Wyoming has got more antelope than it's got people. It's got one Representative. But they both have two Senators.

**GOLD:** Sure. They ought to be able to figure that out. Well, maybe they even get that math, Don, they get the math of equal representation, but what they don't get is the notion that if a minority can hang together with forty-one people, they can stop you from doing just about anything they want. I tell them that the majority leader gets the right to choose what legislation comes to the floor, so he's the one that can determine when things get initiated. But the minority leader is the one that can determine when things end. Or if they end at all. People don't understand that. Not only is this a great institution, a venerable institution, but it plays such a central role in the separation of powers and the balance of powers, not only between the branches but within the branch, and most people have no idea.

**RITCHIE:** I've talked to a number of staff who have gone abroad for International Parliamentary Union meetings and they all say the same thing, which is that senators, when they go to these meetings, have trouble talking to members of parliaments, and members of parliaments have trouble talking to senators because they don't have institutional points of reference. Their ways of operations are so different. Members of parliament are mostly aware of the vast differences between the upper house in the United States and the upper house in almost every other country.

**GOLD:** It's the most powerful upper house in the world, because it has coextensive legislative jurisdiction and it also deals with matter that the House does not deal with: nominations and treaties. Every other legislative body in the world at the most *approaches* coextensive legislative jurisdiction, and it often is just the house of review.

**RITCHIE:** Just one other point on that matter. It seems to me there's another thing that tends to work against the majority party operating under majority rules, that every individual U.S. senator is a power to himself or herself, regardless of whether they are in the majority or the minority. To some degree, if you permitted everything to operate by majority rule, you would diminish the individual senator's clout. Any senator can essentially stop the business by objecting to a unanimous consent agreement. A Jesse Helms within the Republican party can be a power regardless of what his party wants to do.

**GOLD:** Oh, that's absolutely so. Today, which is December the ninth, 2003, the Senate came back into session for the ostensible purpose of considering the omnibus appropriations bill, which contains seven appropriations, to complete action of Fiscal 2004 appropriations. The House passed it yesterday. We brought back in the Senate to see if we could get a voice vote to pass it ourselves and we would be done with the Fiscal 2004 appropriations process. Well, Senator Byrd and Senator Daschle were on the floor and objected to that, which meant that it was going to carry over until a reconvening of the Senate in January.

Beyond that, our plan was to at least get the bill pending and put a cloture motion on it so we could have a cloture vote against this filibuster that they promised, and deal with that in January. In fact, that's what we did. But when I saw Senator Stevens, the Appropriations chairman, this morning in the cloakroom, he worried that Byrd would not allow us to even get that far, to even get the bill pending, because he didn't want us to have an agreement to move to cloture in January, he wanted to kill the bill. Inasmuch as this was a conference report, there would be no debate on the motion to proceed; however, as he pointed out to me, Byrd could simply put in a quorum call. We know that there are a handful of senators in town, fewer than fifty, because they were expressly not called back to join in the debate and pass this bill. Consequently, if Byrd had put in a quorum call we could never have produced a quorum. In the absence of a quorum you could only do two things: you could either produce a quorum or you could adjourn. You can't be debating the legislation. You can't be moving to anything. And since we could never have produced a quorum, it would have taken

us several days to do that, we would simply have adjourned.

Byrd did not object to our going through this process to set the cloture vote up for January, but had he objected to it he could have unilaterally have frustrated it by putting a quorum call in, and this game would have been over for the day, and over for the year. There again, for most people, they see majority leader, majority party, majority rules, and they have no grasp of that. How can this senator put in a quorum call and make you adjourn? How can he do that? Well, that takes some educating of the people.

**RITCHIE:** At least C-SPAN allows people to watch it, but whether they understand what they see is another question, and whether anybody stops to explain it is another question as well.

**GOLD:** I do some lectures sometimes for *Congressional Quarterly*. The part that everybody seems to like most is right at the end we do about twenty-five minutes or so with a videotape—it's an old videotape but it doesn't matter because the procedures are the same. We start and stop the tape. I explain what they've done. It's like a translation, because they have seen these things and they've just heard a couple of hours of lectures about how the place operates, but then what brings it together is going through that videotape. But the whole notion of saying: look, I want to have a little audio-visual equipment in the office because I want to go through some of this and show you what's happening for real, as a way of reinforcing, is not a bad way to educate.

**RITCHIE:** That sounds like it could be very effective.

**GOLD:** I think so.

**RITCHIE:** Well, you've been here for two hours, and this would be a good place to break. And we're only up to 1982!

**End of the Second Interview**