



EDWARD M. KENNEDY ORAL HISTORY PROJECT

TRANSCRIPT

INTERVIEW WITH RALPH NEAS

January 26, 2007
Washington, D.C.

Participants

University of Virginia

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INTERVIEW WITH RALPH NEAS

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Stephen F. Knott: You began life as a Republican. You worked for Senator [Edward] Brooke, and I think Senator [David] Durenberger, but why don't we start off—If you could, tell us about your experiences with Senator Brooke, and perhaps any interactions you had with Senator Kennedy during those days.

Ralph Neas: I started with Senator Brooke the first week of January 1973. Interestingly, my relationship with the Kennedy office began the same day, even before I arrived at the Brooke office. As I got out of the elevator on the fourth floor of the northwest side of the Senate Russell Office Building, the first office I encountered on my way to Senator Brooke's office down the hall was Senator Kennedy's. As I was walking by the office, I looked in and saw the receptionist, a very attractive woman with a great smile. Instinctively, I walked into the Kennedy office and introduced myself as her new neighbor and told her that I looked forward to working with the Kennedy office. The receptionist was Melody Miller, whom I am sure you have already interviewed. That was the beginning of a beautiful friendship that has lasted decades.

Of course I had no idea at the time that Melody had worked previously with President John Kennedy and Senator Robert Kennedy and knew firsthand more about the Kennedy family political legacy than anyone else in the world. Melody was first, but very shortly thereafter I had a chance to meet the legendary chief legislative assistant Carey Parker; Paul Kirk, the future chair of the Democratic National Committee and United States Senator; Ken Feinberg, administrative assistant and chief of staff for Senator Kennedy (and in recent years has been dubbed the "Master of Disasters" for high-profile mediation successes); and so many other exceptionally competent Kennedy staffers. Like Melody, these Kennedy staffers and so many others through the years have been both professional colleagues and personal friends. Indeed, contrary to what some may believe, the Brooke and Kennedy staffs, on countless national and state issues, worked very closely together, although one must acknowledge there was also occasionally intense, but healthy, competition between the staffs.

I'm not sure the Senators would characterize their personal relationships quite in the same way. Not that there was hostility, but there was a substantial age difference, and they never became friends. When I started in the Senate, I believe that Senator Brooke must have been 53 or so, and Ted Kennedy may have been in his early 40s. Senator Brooke always thought of himself as more of a contemporary of John Kennedy.

So I got off to a great start with the Kennedy office and our excellent relationships have been sustained for decades, although when Senator Kennedy endorsed Congressman Paul Tsongas for the Senate in 1978, things did get a little testy. As I believe I've told you, I still get invitations

addressed to the staff of Senator Kennedy, as recently as the last few days, to celebrate his upcoming birthday, even though I have never been on the staff of Senator Kennedy. I have been told often that I am an honorary Kennedy staff alumnus. And I am proud of that.

While I believe Senator Kennedy has compiled the best legislative record of any Senator in the history of the United States Senate, there have certainly been various phases in his legislative and political career. When I was Senator Brooke's chief legislative assistant, Senator Kennedy was uniformly excellent on civil rights issues. And of course, he had been a vocal and effective supporter of the 1964, 1965, and 1968 Civil Rights Acts; a key leader in the passage of the 26th Amendment to the Constitution, the 18-year-old vote; and played a critical role in the defeat of Supreme Court nominees Clement Haynsworth and J. Harold Carswell, among many other civil rights accomplishments.

But the 1972 election of Senator Jesse Helms, following the 1968 election of Senator James Allen, brought in a new breed of ultraconservative Senators. Indeed, they were of the first wave of the radical right, not the segregationist right, which was primarily composed of southern Democrats. Senator Helms and Senator Allen and their allies made serious attempts to reverse the legislative civil rights accomplishments of the 1960s, using every parliamentary maneuver imaginable. As we discussed before and as is pointed out in the Brooke autobiography more emphatically in those six or seven pages, Senator Brooke, from '73 through '78—working closely with [Jacob] Javits, [Charles "Mac"] Mathias, Lowell Weicker, and other members of the Republican Wednesday Group—became the Senate leader on many of the controversial civil rights issues. I certainly don't want in any way to denigrate the heroic work of Senator Birch Bayh, Senator John Tunney, Senator Phil Hart, and so many other pro-civil rights Democrats, including Senator Ted Kennedy especially. There was a confluence of circumstances where there were liberal and moderate Republicans, I'd say about 15 to 20, who became the balance of power in the Senate on civil rights issues and on many other issues as well.

Senator Brooke, of course, was the first popularly elected African American Senator in our nation's history and had a splendid civil rights record before the start of his second term in the Senate. As the attorney general of Massachusetts, he had filed an important amicus brief in *Morgan v. [Nicholas] Katzenbach*, the Supreme Court decision that upheld the 1965 Voting Rights Act. As a Senator, he was the co-author of the landmark Mondale-Brooke Fair Housing Act of 1968, had played a key leadership role in the defeat of Nixon Supreme Court nominees Clement Haynsworth and J. Harold Carswell, and supported vigorously the Equal Rights Amendment, and Title IX of the 1972 Education Amendments, in addition to many other civil rights accomplishments.

But from 1973 through 1978, Senator Brooke came into his own as the premier Senate leader on civil rights issues. Indeed, on a number of important civil rights issues, in the words of a couple of Democratic Senators, he was sometimes almost single-handedly leading the effort against the dismantling of school desegregation decrees, anti-affirmative action programs, anti-abortion amendments, and Title IX (notably with Senator Birch Bayh).

But there were also many opportunities not just to be part of an effort to defeat amendments that would undercut civil rights enforcement efforts but also to pass new civil rights legislation that would benefit all Americans. In 1973, I had a chance to work with Senator Brooke, the staff of

Senator Harrison Williams, and the Kennedy staff to help enact the historic Section 504 of the Rehabilitation Act of 1973, prohibiting the federal funding of discrimination against persons with disabilities.

Two years later, for the first time, I spent significant time with both Kennedy and Brooke working on the 1975 Voting Rights Act extension.

Paul Martin: Before we jump into this, it's going to be helpful for us later on to try to interview some of the staff from Javits or Mathias. We've interviewed Senator Mathias, but are there particular people that you would have worked with, staff to staff?

Neas: Absolutely. On Senator Javits staff, I worked closely first with [Patricia Connell] Pat Shakow, then Chuck Warren, and later Allan Fox; with Mathias's staff, I worked with Mike Klipper, Colby King, and Joe di Genova—when he was a moderate Republican!

Other important civil rights staffers included Bert Carp, counsel to Senator Walter Mondale; and Burt Wides who was Senator Phil Hart's counsel on civil rights issues. Burt later became Senator Kennedy's civil rights counsel on civil rights. During the 1981–82 battle to extend and strengthen the Voting Rights Act, Burt not only helped coordinate the Senate effort but also assisted us in the House of Representatives as the Leadership Conference organizations were trying to help Congressmen Don Edwards and Peter Rodino craft the critical compromises of June and July of 1981.

In 1975, Senator Kennedy had two staffers working on the Voting Rights Act extension: Carey Parker, of course; and Bob, whose last name I will remember in a moment. James Flug, longtime counsel for Senator Kennedy on civil rights issues, had left in 1973, just as I was coming in to work with Senator Brooke.

Knott: It wasn't Bates, by any chance?

Neas: Bob Bates, yes. He went to Mobil Oil after leaving Senator Kennedy's office. His former wife, Gracia Hillman, who also worked on the 1982 VRA [Voting Rights Act] extension, is still active at the Election Assistance Commission, the EAC, and she may be able to get hold of him.

The extraordinary Senate staffers mentioned above were the mentors that gave me a master class in civil rights policy and the legislative process. I was one lucky rookie. Bert Carp, Pat Shakow, and Burt Wides, especially, were my principal mentors in terms of passing on what they knew to me in this 1973–74 period.

Jane Frank Harman, by the way, who was Tunney's chief counsel on the Senate Judiciary Committee, would also be a great interview for you all if she hasn't been already. Jane and I worked closely together on the Voting Rights Act extension together, along with her deputy Marshall Goldberg, who later became a screenwriter for Norman Lear, now chairman of the board at People For the American Way. But Jane, as chief counsel, was the principal Judiciary Committee staffer on the Voting Rights Act extension, and then of course the staffs of Senator Kennedy, Senator Hart, Senator Brooke, and Birch Bayh were all essential to the enactment of the 1975 VRA extension.

We were lucky to have such a powerful group of Senators and their superb staffs who all got along and did a splendid job. In retrospect, as with 1981 and '82, when you see the votes, it didn't look like it was that big of a deal. But these Senate civil rights leaders put in a tremendous amount of time and effort fighting off weakening amendments that would have undercut dramatically the effectiveness of the Voting Rights Act, especially when Voting Rights Act opponents tried to make the Voting Rights Act nationwide, which would have "loved the bill to death," as Henry Hyde would later say, in 1981. Brooke helped lead the fight to defeat the John Stennis nationwide amendment and all the subsequent weakening amendments.

The big and most controversial issue for the civil rights community, and for Senator Brooke and Senator Kennedy, was the inclusion of Section 203, the language minority provision. They both supported inclusion, which was not easy, because the legendary Clarence Mitchell of the NAACP [National Association for the Advancement of Colored People] took the opposite position. Clarence and the NAACP opposed the provision because they thought it would dilute the effectiveness of the VRA. Thanks in large part to the leadership of Brooke and Kennedy, 1975 was the first year language minorities were included in the VRA, signaling the growing power of the Latino movement within the Washington civil rights coalition and their impact on the United States Congress.

Martin: Did you have any interaction with folks in the House at the time? The '75 bill that was introduced in the Senate was the House bill.

Neas: I sure did. Sometimes walls are erected between the Senate and the House. As a staffer, but especially after I took over the Leadership Conference [on Civil Rights], I took it as a personal challenge and responsibility to work closely with the House Judiciary Committee staff. If you want to enact a law, you have to have a 12-month or a 24-month strategy. Timing is all-important, especially because of the filibuster in the Senate. Thus, from the beginning, I was in regular contact with the House Judiciary Committee staff.

In fact, Linda Chavez, who has become an ultraconservative, was a subcommittee counsel to Don Edwards during this time, so I was working with her on a number of school desegregation cases and on the Voting Rights Act. Alan Parker was also in a key staff position with Congressmen Edwards and Rodino. From the beginning, I fully understood how essential it was to work with my counterparts in the House of Representatives, and, because of Senator Brooke, I got to know a lot of the Congressional Black Caucus members and their staffs, even though Senator Brooke was not a member of the Congressional Black Caucus.

In 1975, the Voting Rights Act extension and the successful defense of Title IX, with Senators Bayh and Senator Brooke providing effective leadership, were the big civil rights victories. The bad news was the first anti-busing amendment passed, and it was the [Joseph R.] Biden-[Thomas] Eagleton-[Robert] Byrd Amendment. Senator Biden switched in large part because of Wilmington being part of a school desegregation plan; Senator Eagleton because St. Louis was getting involved in school desegregation; and Byrd for a variety of reasons. Byrd has gotten a lot better on civil rights issues over the last 30 or so years, but it was a tumultuous battle. The fight over anti-busing took place during the second and third weeks of September of 1975, and it was the first major civil rights loss in many years. However, Brooke and Javits were able to get away with some significant Republican and Democratic support in the mid-70's, with the Brooke-

Javits amendments, which were introduced as the [Hugh] Scott-[Michael] Mansfield amendments. These were provisos that were inserted into the bill that stated that the anti-busing amendments were OK as long as they were consistent with the 14th Amendment to the Constitution. These provisos rendered null and void the actual amendment, but it gave some of the northern Democrats and others what they needed in their hometowns.

Martin: You said something interesting. You talked earlier about placing Kennedy in the context of Brooke, Javits, Mathias, and a core of liberal Republican Senators. Can you talk a little bit more about that early period and what role Kennedy played in that caucus?

Neas: Yes, of course. However, the Wednesday Group caucus was comprised solely of liberal and moderate Republicans. Senator Kennedy, on many occasions, worked closely with those Republicans.

But first, as an interesting anecdote, in 1978, which was a very difficult year for Senator Brooke and his staff, I remember forgetting to tell a reporter for the *Lowell Sun* in Massachusetts that I was talking to him off the record. Then I described Congressman Paul Tsongas's legislative record as that of a rookie compared to the comprehensive legislative successes of the veteran Brooke. I went on to say that when you looked at the two legislative records, the Tsongas record was peanuts compared to Brooke's. But what I did next, because I was so mad at these reporters—and there's no question that Senator Kennedy was the darling of the *Boston Globe* and certainly the Massachusetts press corps, and pretty much still remains, and deservedly, so—I said, "You guys don't believe me about who has been the Senate leader on civil rights debates over the past few years." To prove it to them, I literally xeroxed every *Congressional Record* page addressing civil rights debates from 1973 to the end of 1978, making a Brooke pile and a Kennedy pile, even though Senator Kennedy was on the Judiciary Committee—

Martin: So like a two-foot pile for Brooke and one-foot pile for Kennedy?

Neas: At best, yes. In part, it was because most of the controversial civil rights issues were introduced as Senate floor amendments to the appropriations bills, like Biden-Eagleton on school desegregation, or Senator Helms on affirmative action or on abortion. On one issue after another, there would be attempts to use the Senate Labor-HEW [Health, Education, and Welfare] appropriations bills as vehicles for substantive anti-civil rights amendments. Senator Brooke was the ranking Republican and he naturally would take a leading role, although of course one would have thought that the Democratic Chair of the Appropriations Committee or the Subcommittee Chair—but Brooke always did it, and more and more so. In fact, today I think if you ask people which committee Senator Brooke served on, most people would say Judiciary, because truly during those six years he was the "go-to guy" on the tough civil rights issues.

Senator Javits, too, was always phenomenal. However, it wasn't just Brooke and Javits from the Republican Wednesday Group. Indeed, Senator Lowell Weicker became, more and more as the years passed by, a reliable, fearless, and extremely effective civil rights leader. In fact, when Brooke was defeated, Senator Weicker called me and said: "I'll pick up the mantle, and I assure you, I'll filibuster. I'll do whatever is necessary to make sure that bad stuff doesn't get enacted." He held true to his promise.

In addition to Brooke, Javits, and Weicker, members of the Wednesday Group included Mac Mathias, John Chafee, Mark Hatfield, Bob Packwood, Jim Pearson, Henry Bellmon, Clifford Case, Charles Percy, Richard Schweiker, Robert Taft, Hugh Scott, John Danforth, Howard Baker, Ted Stevens, Robert Stafford, John Heinz, and David Durenberger—there were about 15 to 20 Republican liberals and moderates Brooke and Javits could count on to support strong civil rights positions.

Those numbers are in such stark contrast to today, of course, where you have only Olympia Snowe as a true Wednesday Club Republican. And then somewhat behind her you've got [Susan] Collins and [Arlen] Specter, and then quite a bit behind them, [John] Warner, [John] McCain, Lisa Murkowski, and Gordon Smith, and a few others.

It's unbelievably different now. In the '80s, and early 1990s when the Leadership Conference and its champions in the Senate and House were strengthening all the major civil rights laws, one reason we were able to defeat [Ronald] Reagan and [George H. W. Bush] was because we could count on 20 to 35 percent of the Republicans in both Houses, depending on the issue.

One major reason the Leadership Conference on Civil Rights asked me to be their executive director in 1981 was that Senate Republican leaders Howard Baker and Bob Dole were Senators I had worked with, as were many Cabinet members and senior officials in the White House. As I said the last time we spoke, friendships, trust, and access help significantly. This was especially important during our first major civil rights test in the Reagan administration when the Leadership Conference was helping to work out the Voting Rights Act compromises in '81 and '82, when of course Senator Kennedy played such a prominent leadership role.

I tried to explain the indispensable Wednesday Club dynamic in the short essay I wrote to accompany the autobiography of Senator Brooke. These Wednesday Group Republicans were the Senators who put their fingers in the dike to give the Democrats enough time to regroup in the 1970s and then forge new successes in the Reagan-Bush era. They were leaders on one civil rights issue after another in the Senate. Once the 1980 election was over—for a million different reasons, Senator Kennedy challenged [Jimmy] Carter and lost; the Senate turned Republican; and Ronald Reagan became President—Senator Kennedy began a new, indispensable, and historic leadership role on civil rights issues. Starting with the 1981–82 Voting Rights Act extension battle until today, no one comes close to Senator Kennedy's leadership and effectiveness in either house on civil rights issues and on a host of other issues.

Martin: When you were working for Brooke, and I'm sure talking to other Republican staffers at the time, was there a sense that you viewed Kennedy as the next generation? Did folks see the Republican Party changing at this point, or did you see Kennedy as poaching your issues?

Neas: The Senate Republican Caucus was certainly moving to the right with the addition of Helms and Senator Orrin Hatch, and other New Right Senators, but there was still pretty consistent and substantial Wednesday Group influence and that influence would remain until approximately 1995. I do not believe the liberal and moderate Republicans ever viewed Senator Kennedy as "poaching" on civil rights issues. Senator Kennedy was an important civil rights leader and worked very closely with like-minded Republicans.

It is important to note that in 1978 and 1980, key Republican and Democratic civil rights advocates in the Senate were defeated. Indeed, 1978 was a turning point, because Senator Brooke and Senator Clifford Case both lost their Senate seats. Then in 1980, Wednesday Group members Javits and Bellmon lost, in addition to Democrats Birch Bayh, John Culver, George McGovern, Frank Church, Gaylord Nelson, and other important pro-civil rights Democrats.

I don't believe anyone anticipated the tidal wave of November of 1980. During those last few years of the '70s, Reagan was seen as so far right. Today he's looked at as much more moderate when taking into consideration President George W. Bush. And I do not believe anyone ever foresaw that the Democrats would lose 12 seats and the Republicans would control the Senate for the first time since 1954. Civil rights advocates rightly feared the possibility of losing the civil rights legislative accomplishments of the previous two decades.

Again, I want to be very careful. Senator Kennedy was never less than an excellent and effective Senator, but I want to state without reservation that Senator Kennedy over the past 25 years has been consistently spectacular on civil rights and on so many other important issues. From 1962 to 1980 there was a consistency, in many ways, and he always had, along with Javits, the best staff. But of course there was Chappaquiddick in '69, Byrd upsetting him for a leadership post in the early 1970s, and you had a number of different things that perhaps prevented him from being the Senator he has been the last 25 years.

Repeating myself, I sure don't want to imply that he was ever anything less than a very good Senator. But there's a difference between being a very good Senator and the *best* Senator, especially in terms of crafting timely bipartisan compromises that become enacted into law. I don't think in those days he was perceived as the person who was going to be the most likely individual to extend his hand across the aisle and get the job done on civil rights issues, on foreign policy issues, or on many other issues. But since 1980, Senator Kennedy became the best legislator that I've ever seen, and I think if you talk to Senators, rather than perhaps the press or some of the advocates, he remains to this day the one who can almost always figure out a way to get a majority, get to 60 to thwart a filibuster, or to two-thirds to override a Presidential veto or whatever it will take to win.

Knott: Did he have to get the Presidential bug out of his system? Was that part of what went on here, or do you not know?

Neas: That is a good and fair question. I've thought about that a lot over the years, and I believe the 1980 loss to President Carter was a factor in Senator Kennedy's transformation from being an excellent Senator to being I believe the most effective and prolific Senator in our nation's history.

Of course, JFK [John F. Kennedy] and Bobby Kennedy, for understandable reasons, will always have, rightly, a special place in history. However, if one compares the Senate records of either one of them, and of course they had much shorter Senate records, Senator Kennedy's legislative record has been far superior, including the record of Ted Kennedy in the 1960s and the 1970s.

There was so much pressure, I'm sure, from within the family and outside of the family to run for President, because he was mentioned in '68, '72, and '76, and finally did do it in 1980. I

believe his ascension to his new leadership role on civil rights issues and other issues was in part what happened to the Senate, part Reagan winning, and part, I believe, because he reconciled himself to the fact that he probably wouldn't ever be President, and maybe made a decision that the Senate was going to be his life, and he was going to be the best damn Senator in history, which he has proven to be.

Martin: In our earlier conversation with you, you mentioned that by the mid-1980s Kennedy had become the leader on civil rights.

Neas: Again, always *a* leader, even in the '60s. But I think it would be accurate to say, starting in 1981, he became *the* leader in the Senate on civil rights. Senator Kennedy was consistently our champion. During the 12 years of the Reagan and Bush administrations, there were probably two dozen successful civil rights campaigns during those years. For all the major ones, at least, he was the key player in the Senate, starting with the 1982 Voting Rights Act extension.

It is hard to believe in a period when people rightly feared a second post-Reconstruction, major civil rights bills enacted into law, in addition to the Voting Rights Act extension, included the Martin Luther King Holiday bill, the South African Sanctions Act, the 1988 Civil Rights Restoration Act, the Fair Housing Act Amendments of 1988, the Japanese American Redress Act, the Americans with Disabilities Act, and the Civil Rights Act of 1991. And there were also other incredibly important efforts, including blocking the Robert Bork Supreme Court confirmation in 1987 and preserving the Executive order on Affirmative Action in 1985. Indeed, one could make the argument that 1987, 1988, 1989, 1990, and 1991 constituted one of the most prolific periods of civil rights legislative victories in American history.

Probably few of these accomplishments would have occurred if we had not won the first big civil rights battle of the Reagan administration, the 1982 Voting Rights Act extension. The Voting Rights Act is a combination of motherhood, baseball, jazz, and apple pie. If we could not win on the Voting Rights Act, we probably could not win on anything. But Senator Kennedy, Senator Mathias, Congressman Don Edwards, Peter Rodino, and the civil rights community were ready. While the bills were introduced in the first week of April of 1981, the decision was made well before that to first get out of the House as soon as possible with the strongest bipartisan majority possible.

Phase one of our strategy was to stall the President and the Department of Justice. Senator Brooke helped us with this by meeting with the President and with [Edwin] Meese and with other key administration officials. I was working with the Vice President's civil rights advisor, Thad Garrett, and the President's civil rights advisor, Mel Bradley, saying, "Why don't you wait until after the House bill is passed before you take a position?" knowing that we could get the jump on them and hopefully create some irresistible momentum.

The administration ended up not taking a position until November 7, 1981, seven months after the introduction of the legislation. On October 5th, the VRA extension passed 389 to 24. Now, that is an unbelievable margin, but going into July 29th, 30th, and 31st of 1981, there was some question as to whether we were going to get out of the Judiciary Committee in time for the August recess. In June and July there were constant negotiations, initially with Henry Hyde, and he did evolve in a positive way on his position on extending the VRA and restoring its

effectiveness. When Hyde overreached in the negotiations, [James] Sensenbrenner and [Hamilton] Fish worked with Edwards, Rodino, and the Leadership Conference organizations, and became principal co-sponsors of a strong and bipartisan VRA extension.

It was June 12, 1981, and I believe it was in Austin, Texas, that Henry Hyde said, “We need an extension of Section 5. There is still serious discrimination in the United States. I was wrong, and I, from this moment on, will support an extension of Section 5.” Then the debate between June 12th and the collapse of the negotiations with Hyde on July 30th was over mainly the bailout provisions, and of course the definition in Section 2 as to what the “results” standard would be, which was more a Senate issue than it was a House issue, but it was still an issue. Not so much Section 203. We thought 203, the language minority provision, was going to be a real stumbling block, at least that year, and when it was up for renewal, it was not attacked at all. It became a strong reason in helping to pass the VRA. But when I took over the Leadership Conference on March 31, its future was certainly in doubt.

When we put the bill in, the first week, I remember Antonia Hernandez, who for many years was the president of MALDEF [Mexican American Legal Defense and Educational Fund], at that time was the head of MALDEF’s Washington office—also, by the way, a former Kennedy civil rights counsel. She’s now, I believe, the CEO [chief executive officer] of one of the California foundations in Los Angeles. Antonia went to lunch with me and basically said, “I know of you and like you, and I’m sure you will do a good job, but if you ever decide to take an African American point of view to the disadvantage of the Latino community, I will take care of you,” which is somewhat the same conversation I had with Althea Simmons of the NAACP at the same time, just from a different perspective.

I was not the first choice of the Leadership Conference. I was told that Leadership Conference leaders asked Ron Brown first, then Eleanor Holmes Norton, and then Elaine Jones. But they were very wise people, and they all turned down the job, so I was the fourth choice for the job. The minority communities and other Leadership Conference constituencies made it very clear where they expected me to be on all their priorities.

Martin: Do you have any sense of what the conversations between Senator Brooke and the Reagan administration would have been, what kinds of arguments he would have presented to them?

Neas: Well, I had not remembered this anecdote until you asked this question. In the spring of 1981, as director of the Leadership Conference on Civil Rights, I asked Attorney General William French Smith for a meeting to discuss the Voting Rights Act. He was asking to meet with individual organizations. It was obviously a divide-and-conquer strategy. Ken Starr, by the way, was his special assistant at the time. That’s when I first met him. He was always the courtly gentleman, and we have continued to talk ever since.

Mathias, Kennedy, Don Edwards, and Peter Rodino put in the bill on April 7th. The Smith meeting would have been May or June. We all promised that we would go as a group, that none of us would go in there individually. We went and made the case on behalf of the Voting Rights Act. The big deal then was, the Reagan administration, Strom Thurmond, and other conservatives were supporting a “simple” extension of the Voting Rights Act. Of course that

would have frozen in place *Mobile v. [Wiley L.] Bolden* and all the things that had weakened the Voting Rights Act prior to 1981, so we basically said, “Let’s see what the hearings show and where the Republicans and Democrats are,” and made all the substantive and political arguments. Importantly, [William Bradford] Brad Reynolds had not yet been confirmed. In May or June Mac Mathias took me aside and said, “Reynolds is a Dupont. He’s a Rockefeller Republican and you’re going to be able to work with him.” Wrong, very wrong.

What I did not know is that [Charles] Chuck Cooper, [Thomas] D’Agostino, and two people who are now on the Supreme Court would quickly take hold of Brad and turn this moderate Republican into someone who four years later was defeated by the Senate Judiciary Committee controlled by the Republicans, because he wasn’t enforcing the Voting Rights Act, among other important civil rights priorities.

Senator Brooke called me and said, “Listen, I’m meeting with Meese and, I believe, the President. Please brief me.” I did that also with Sam Pierce. I did it with Senator Brooke, not that he needed any extensive briefing: here’s what the new issues are, here’s what’s different from 1975. He called me up and said that he thought we would be OK, at least for a while, and all we were trying to do was buy time so that the only body we had to worry about was the House. Just for the moment, put the Senate aside, try to get a bill out by the end of July so that we could start the Senate process right after the August recess, and we would be totally done with the House.

Now, no one dreamed of a 389-to-24 vote, and no one dreamed of a permanent extension. There was later a compromise with Dole and Kennedy to make it a 25-year extension, which is not a bad compromise. At the time, of course, we thought 25 years was forever. Thank goodness for our friends in the White House, who were working with us sub rosa, and our friends in the Department of Justice. We were very lucky to have had a number of people deep in the administration, something that you cannot do anymore. To the credit of the Federalist Society, they no longer are at the top only; they are embedded throughout.

We happened to have someone who was with the Department of Justice for the last seven years as a senior trial attorney of the civil rights division, and we were discussing this. Unlike the ’80s, I had many of the friends I had grown up with as a Republican in the Senate in the Reagan administration, or I met lots of people who really believed in civil rights and who were fighting the Coopers and the [Samuel] Alitos and the D’Agostinos and the [John] Robertses, and all the others. There were wonderful ways to circumvent the right wing, and Jim Baker, [Richard] Darman, and Mike Deaver and that crowd were not the Meese crowd. I even had meetings with Michael Deaver to save affirmative action, having Nancy Reagan represent our point of view, and have documentation to prove it.

There were many avenues into the White House and into the Department of Justice during this time. Edward Brooke was certainly one of the best. He was always the one I would love to make the final arguments to anybody. He’s the one who convinced Attorney General Edward Levi to disregard Robert Bork’s advice in 1975 on the school desegregation battles. Brooke was very good, exceptionally effective, and right up to now, still helps out.

Martin: That’s fascinating.

Knott: Would you characterize the Reagan years, the period of the 1980s, as a period of where you engaged in holding actions, or were you making some advances along the way?

Neas: Not an easy question to answer. The good news is that every single major civil rights law was strengthened during the Reagan-Bush administrations. Every time there was a gain by the right, we would undo what they did and strengthen the law. For example, in 1980 there was the *Mobile v. Bolden* decision, and that was overturned. We basically codified what had been the Court's interpretation of Section 2 up until 1980, but we got the "results" standard in writing, in a statute, rather than having the Court interpret for us. That was a real advance.

Martin: Was that a difficult maneuver, to get the Senate to respond to the Supreme Court?

Neas: Well, it is usually extremely difficult to overturn a Supreme Court decision. But somehow Senator Kennedy, Congressmen Edwards, Hamilton Fish, their allies, and the Leadership Conference organizations did it about 15 times during those 12 years. Now, eight or nine of those Supreme Court decisions—I know we'll get to it, and Kennedy was absolutely crucial to all of this—produced the Civil Rights Act of 1991, which has never gotten the attention it should have. What happened is that there were a series of Supreme Court decisions in 1989, and they were all overturned, as were several others, because the decisions of the 1989 Court basically eviscerated the equal employment opportunity laws. For the first time, the Civil Rights Act of 1991 allowed victims of intentional discrimination to be afforded monetary relief. Up until then, it was only back pay, damages, injunctive relief. It was an extraordinarily important victory.

In 1981–82, *Mobile v. Bolden* was overturned. In 1984, the *Grove City* [*Grove City College v. Bell*] decision came down. It took four years to become law because of the abortion issue. The *Grove City* decision was confined to Title IX, but as Brad Reynolds immediately said, he was going to enforce Title VI, Section 504, in the Age Discrimination Act, which had the same language as Title IX. We convinced—many members of Congress didn't want to do this—Congress to put in legislation to address all four statutes, and it took until March 22, 1988, to get the law, after both houses of Congress overturned President Reagan's veto. Once again, federal funds could not be used to discriminate against women, persons with disabilities, older Americans, and racial minorities.

In 1985–86 there were three Supreme Court decisions on disability rights that were overturned, really below-the-radar-type efforts. In 1988, you had both the Civil Rights Restoration Act, overturning *Grove City*, and the strengthening of the Fair Housing Act, giving it an enforcement mechanism and prohibiting discrimination against people with disabilities and families with children. And then the Civil Rights Act of 1990, which was vetoed when we came one vote short. A year later, the Civil Rights Act of 1991 passed the Americans with Disabilities Act passed in 1990. The ADA [Americans with Disabilities Act] was the most revolutionary, most important civil rights legislation enacted since the '65 Voting Rights Act. This was a time of extraordinary bipartisan consensus and a total repudiation of the right-wing legal philosophy. The Federalist Society was set up in significant measure because, at least in the immediate future, they believed the legislative route was not going to be successful. They believed they had to take over the courts, especially the Supreme Court, if they were to achieve their ultraconservative agenda. That's another conversation for some other time.

I wrote an article in the early 1990s for *USA Today Magazine*. It wasn't the *USA Today* newspaper. It was basically an article that explained the good news that, against formidable odds, all the major civil rights laws had been strengthened during the Reagan-Bush era. However, if the Reagan election had not happened, and there had been Democratic majorities in the House and Senate—I believe we could have addressed in the 1980s and 1990s the unfinished agenda of the civil rights movement, which [Martin Luther, Jr.] King articulated in the mid '60s and up until '68, and that was economic opportunity for all Americans.

The most frustrating, the most damaging aspect is—I'm not sure who said it, Steve or Paul, but in significant measure we were fighting rearguard actions to defend what had been accomplished in the '60s and the '70s. Successfully, yes. Strengthening the laws, which is no mean achievement, yes. Passing the ADA, yes. Defeating Bork, yes. But economic opportunity, I think—Martin Luther King once said, "It's one thing to be able legally to sit down at the lunch counter. It's yet another thing to be able to purchase the hamburger," and that's still the case today. The last 25 years should have been almost exclusively about achieving economic opportunity for all Americans—with the disability and perhaps sexual orientation issues still to be resolved. That's the real tragedy of those 12 years. You had many historic triumphs, but most of the new economic opportunity initiatives that should have been thought up and enacted into law never got anywhere. I think it's safe to say that most of us felt, and have felt for about 25 years, like the little Dutch boys, trying to put the fingers in the holes of the dikes.

Martin: Should we talk about Bork?

Knott: Yes, I think we should. Could you tell us a little bit—We've heard from some of the other folks we've talked to that there was almost a feeling of exhaustion surrounding the civil rights community over the battles with this [Daniel A.] Manion nomination that occurred within a year or so of Bork.

Neas: Manion, let's see. [Antonin] Scalia and [William] Rehnquist were '86, so was Manion, I believe—just before the Supreme Court fights.

Knott: Maybe before we get into Bork, talk a little bit about the Manion fight and then also Rehnquist and Scalia, if that's OK with you.

Neas: Sure. I'm not sure I remember any fatigue or exhaustion. In many ways the 12 months before the Bork nomination had an energizing effect. It's important to go back to *Grove City*. We got to the House with almost the same margin as the Voting Rights Act extension in '81—I think it was 376 rather than 389—and almost got it through the Senate. We were a vote or two short. Hatch was perfecting his thousand-amendment strategy as a way of filibustering. Those rules were later changed, but at that time, you put in a thousand amendments, you have to vote on all of them, and you can keep a filibuster going on forever, trying to get the 60th vote to get cloture.

The bill was withdrawn the first week of October, and when it was reintroduced in the third week of March of '85, the U.S. Catholic Conference of Bishops changed its position and said it really did have an impact on abortion, and then Congressman Jim Sensenbrenner changed his position from a co-sponsor to wanting, as Senator [John] Danforth did, abortion-neutral language, which would have changed, of all people, Caspar Weinberger's 1975 interpretation of Title IX. That

was the battle from March of 1985 through March 22, 1988. If there was a fatigue issue, it was trying to enact the Civil Rights Restoration Act for four consecutive years.

In June of '85, there was an enormous victory—with the Senate Judiciary Committee denying, on a bipartisan vote—William Bradford Reynolds's promotion to be Associate Attorney General because of what the Justice Department was doing—or to be more accurate not doing—on civil rights enforcement.

Later on in 1985, the Leadership Conference—working with William Brock, the Secretary of Labor, and important members of the business community—defeated the attempts of Meese and Reynold to gut the Executive order on affirmative action. Brock had the support of two-thirds of the Reagan Cabinet and key individuals in the White House. It was a major defeat for the right wing.

Back to Dan Manion. With Manion, our opposition was based on a combination of factors. There were Manion documents with egregious errors in them, so competence was one issue. Certainly an ultraconservative judicial philosophy was an important part of the opposition. Manion should have been defeated, but there were some parliamentary and political shenanigans that went on. I'm not sure there's any reason to get into that.

Knott: We've heard it wasn't Joe Biden's finest hour.

Neas: Yes, that's part of it, but there were also some Senators who were influenced in a certain way. A Senator subsequently lost an election, [Thomas] Slade Gorton, because of it, but there were more underhanded tricks on that one battle than about anything else I could ever think of, and I think we ultimately lost by a vote. Without question, that was an especially frustrating experience. But that was the first especially bitter judicial nomination battle. Contrary to 1995 to 2001, when 35 percent of [William J.] Clinton's appellate nominees were blocked in committee, not on the Senate floor, there were relatively few. There were only about a dozen judicial confirmation battles during the Reagan years, with Manion being the first big one. Then there were the Supreme Court nominations of William Rehnquist and Antonin Scalia. They were nominated at the same time.

Senator Strom Thurmond was the chair of the Senate Judiciary Committee and we worked out certain timing and process issues with him. Kennedy was obviously very much involved, but we met with Thurmond and we met with Kennedy. Basically, there was an assurance that if the hearings didn't happen before August, if they occurred in September, the nominations would be brought to the Senate floor. That didn't preclude a filibuster, because there was a filibuster on Rehnquist, but there is a key thing here that's really important because, as with the Bork nomination, there's been a lot of revisionism.

Ralph Nader unfortunately—but not surprisingly, in light of the last six years—is part of the urban mythmaking here. The reason Scalia got through unscathed was because—It wasn't a fatigue issue, but it was a resource issue. If we could defeat Rehnquist, there would be no seat for Scalia. There was an open seat only if Rehnquist was promoted, so we made an institutional coalition decision, which Kennedy agreed with and Biden agreed with, to focus all our time and resources on the Rehnquist nomination.

There was lots to oppose with Rehnquist in addition to his ultraconservative judicial philosophy. Many people didn't realize the extent of the filibuster against Rehnquist in 1971, and the number of witnesses who were not allowed to testify, because the hearings were not thorough in 1971. One distinguished lawyer from San Francisco not allowed to testify was James [J.] Brosnahan, who was a witness in Phoenix, Arizona, to the 1964 minority voter interference, when a number of people saw Rehnquist discouraging Latinos to vote. And of course by 1986, there were 15 years of Rehnquist rulings. To say the least, Justice Rehnquist had an extremely conservative judicial philosophy. He was almost totally isolated on the Supreme Court, often failing to convince even a couple of Justices to support his position. We thought we had a shot at defeating him, but remember, it was still a Republican Senate, and some of the Senators who would go with us on an up-or-down vote, like Mac Mathias, would not go with us on a filibuster.

The best line of the hearings was just after I met with Scalia. Senator Edward Brooke's executive assistant, a friend of mine, was a legislative liaison with the White House and was Scalia's escort through the confirmation proceedings. In one of the Senate coffee shops, with a mischievous smile she said to me, "Oh, Ralph, come over here and have a cup of coffee with Antonin Scalia."

He and I did have the University of Chicago Law School in common and a few other things, but that was about it. I wanted to tell him how lucky he was, but didn't. However, he found out later that day when he testified and [Howell] Heflin, as only Judge Heflin could do it, said, "Mr. Scalia, I've got a lot of Italian Americans in Alabama, and they are really supportive of you, and it looks like you're going to get a lot of support here. But I have to tell you, you may be Italian, but you've got the luck of the Irish," because he obviously knew what our strategy was, and there was no fight because all the resources were devoted to Rehnquist, so Scalia got through unanimously. But that was no judgment on what the reality was, or what we expected from him. There was no secret that he, along with Bork, were the two mentors to Lee Lieberman Otis and to Spencer Abraham when the Federalist Society was established in '82 and '83.

Martin: Which organization are you with at this point?

Neas: In the last day or two of March 1981 I took over the Leadership Conference on Civil Rights. I was in that position through the summer of 1995.

Martin: Can you talk us through a little bit what you would do to partner with someone like Kennedy as an outside advocacy group? It seems rote, but what do you physically do?

Neas: I had the advantage not only of knowing the Bakers and the Hamilton Fishes and the Doles, the Richard Lugars, and many other Republicans, but of course, because of my working literally on the same floor as Kennedy and working on civil rights issues with him and his staff for so long, I knew him pretty well. Quite frankly, my long bout with "French polio," Guillain Barré Syndrome in '79 even made me closer, for a whole bunch of reasons.

When I became LCCR [Leadership Conference on Civil Rights]'s executive director in late March of 1981, we renewed our relationship, and I became reacquainted with his staff, especially Burt Wides and Carey Parker. The Voting Rights Act Extension was introduced literally during the first week of my job, so I was, within my first ten days, meeting with Senator Kennedy, Congressman Don Edwards, and my colleagues in the Leadership Conference planning out the

introduction of the same exact VRA bill in both Houses at the same time and preparing for a joint press conference. It was beautiful. We just launched right into it.

Senator Kennedy might not remember this, but his aides subsequently told me he was a little bit leery of how I would react to him in light of his support for Paul Tsongas on TV [television] in 1978, which Brooke did not take lightly, because he had been close to John Kennedy and while not as close to Ted Kennedy, still an ally for 12 years.

I don't think Ted Kennedy wanted to endorse Tsongas because usually the Senatorial courtesy, which has certainly evolved over the years, is you don't go after the Senator from the other party in your own state; you remain above the fray. That's changed a lot, but it was a real surprise when he appeared on TV with Tsongas—in a schoolyard of all environments—considering how closely Senator Kennedy and Senator Brooke had worked on public education and school desegregation issues. Apparently, Senator did say to one of the aides, “Is Ralph going to hold this against me, and can we trust one another? Can we work together?” But that was never an issue. From Day One of my days with the Leadership Conference, he was our and my champion from the start. Over the next 28 years, we spent hundreds of hours together.

Martin: In this relationship, are you an extension of staff? Are you an equal partner in terms of strategy? How does that work?

Neas: One thing I want to make clear, and probably what I did during the Roberts and Alito nominations makes it clearer, is I think it's very important that progressive leaders do not consider themselves staff to Senators or Presidents. When I got this People For [the American Way] job in late '99, a former People For staffer in a high-ranking position at the White House said, “I'm glad you're going over there, because too many progressive leaders will do anything that Bill Clinton wants them to do, and we know that you won't be like that. If we're going to have as progressive a policy as we can get, you can't be considered staff of the White House. You cannot automatically do whatever the White House wants you to do. You've got to push back.”

One thing Jesse Jackson has always been good at is pushing back, not necessarily achieving what he wants to achieve, but at least moving it more in our direction. Even though I do get invitations addressed to the former staff of Senator Kennedy, I never considered myself staff. Did I consider myself a close ally? Yes, as opposed to the 55 editorials attacking me in the *Wall Street Journal*, I certainly did not consider myself comparable to a Senator or the Judiciary Committee Chairman.

The day Clarence Thomas was confirmed, there was this wonderful Brian Lamb interview with me, and then Trent Lott. After I spoke, the first caller during the Trent Lott segment—My mother was watching this, so I know the story—said, “My goodness, that Ralph Neas sounded really good. Is he a United States Senator?” And Trent Lott says, “No, but he thinks he is.” The right has tried this repeatedly because Senators don't like to be perceived as puppets of a puppet master.

But with Kennedy, he was an ally, indeed our champion, but an ally who realized that he was the decision maker, and that I could spend, as I did, innumerable hours with him and his staff,

making recommendations. Countless times he would call me or bring me in and say: “What’s your take? What’s your recommendation?” But trust me, he was the decision maker and I was the lobbyist. His staff did not run the show, as some people tried to make it appear. And I certainly didn’t. Did I have dinner quite a few times at his house for briefings and many lunches and meetings? Absolutely, and I think there’s a total trust relationship, although I remember one of the questions I read was, did we ever disagree? I’ll tell you that funny story later on, when he chewed me out about a year ago over the phone and I couldn’t believe I was hearing it.

I never had a stronger relationship with a member of the Senate, other than my own Senator, Edward W. Brooke. He was so good at not only the substance and the politics but the day-to-day tactics and overall strategy of any legislative effort and when to compromise. What was especially valuable, since I had the task—Joe Biden used to always say, “You’ll never have to go to purgatory, because being the director of the Leadership Conference, you’ve *been* in purgatory,” trying to keep 185 organizations together that operated by consensus.

For example, on the Civil Rights Act of 1991, which was very complicated, when it came to the key moment to accept a compromise, what I did that time and have done a number of times during the 1980s and 1990s was to help bring the coalition as far as I could, then meet privately with Senator Kennedy or talk to him on the phone. Sometimes he would tell me to tell the troops that it was time to compromise. And I would respond with “No, Senator. This is one of those times *you* have to tell them in person. Can we all be in your office at 9:00 tomorrow morning?” And he understood.

What Senator Kennedy could do—and maybe he was the only Senator who could do this—was say, “We can’t go any further. Now is the time to cut the deal. This is the most I can get you.” And this is what he did on the Civil Rights Act of 1991, in mid-November, right after the Clarence Thomas debacle. Senator Kennedy was the one Senator the African American community leaders, the Latino leaders, the women leaders, the disability rights leaders, the union leaders, everyone in the Leadership Conference—the one Senator they would believe when he said, “We’ve gone as far as we can go.” I’m not sure anyone else has ever been in that position, and no one would ever undermine him or talk to the press on the record, on background, or anything else that would undercut him in any way. Ally, yes, but everyone knew who was the boss, and that Ted Kennedy was in charge.

Knott: Although he has described you as the “101st Senator for civil rights.”

Neas: Yes, but not in the top 100. *[laughter]* And I certainly had no vote. It has been an exceptionally close relationship, and it probably stayed close, in many ways, because he trusted me and knew that I realized where the boundaries were. I think the only time we might have had a little bit of an issue was during the 1981–82 effort on the Voting Rights Act, because myself and Bill Taylor, who you’ve talked to, as well as other LCCR leaders, spent a lot of time with Bob Dole and his staff.

On May 3, 1982, after working out a compromise with Kennedy, and Mathias, Dole went to the White House that afternoon to try to get President Reagan on board. Dole called me from there—I was in the Senate Judiciary Committee hearing room with members of the coalition and Senate staff waiting anxiously for Senator Dole to show up so we could have the press conference to

announce the Dole-Kennedy-Mathias Voting Rights Act compromise—and he said, “I’ve just talked to the President’s senior staff and we have a deal. I told the President that he could veto our compromise, but that I had over 80 votes. The President will support our compromise.” I immediately told all the key staffers what Senator Dole had told me. And the next day the Dole-Kennedy-Mathias-[Howard M.] Metzenbaum-Dennis DeConcini-[Charles] Grassley compromise was introduced at the committee hearing. It was unbelievable when in the middle of the markup, Dole goes like this.

Knott: Motions you over?

Neas: Yes, in front of everybody, including Jesse Jackson. I go over there and Senator Dole says, “What is the response regarding this provision?” I’m sitting there whispering in his ear. Ben Hooks was my chairman, so Ben was there and Ben was part of it, but I sometimes forgot the possibility of internecine warfare. Jesse the next day did an op-ed in the *Cincinnati Post* or *Enquirer*, opposing the compromise where we had just won this fabulous victory. We had to spend 48 hours getting Jesse back onboard before it went to the Senate floor, because what we didn’t need was the grassroots all of a sudden thinking the Washington establishment had sold out and it wasn’t a great bill. Dole did get a lot of credit, but no one worked harder than Kennedy, and whatever he might have said to a staff member, he knew he got the job done and we got the strongest possible Voting Rights Act ever. He was a happy camper and I was a happy camper.

Martin: Let me make sure I understand—

Neas: It was our first extended battle together, other than when I was a Senate staffer. On the Voting Rights Act extension we worked together for approximately 15 straight months, and that was the forging of our professional friendship.

Martin: You think that Jackson’s opposition at that point came from him seeing *you* as too close to Dole, from that gesture?

Neas: I think what Jesse saw was number one, me talking with Dole and being the head of the Leadership Conference, and knowing me a little bit, because he helped Brooke in Brooke’s reelection campaign in ’78. But my guess is, because this all happened so quickly, third, fourth, fifth, that Ben and Vernon [Jordan] and others didn’t have a chance to bring him up to date on what was happening. Rule number one: make sure—in an inclusive national coalition, especially with someone like Jesse—that he knows what the hell is happening before the markup occurs. All of a sudden a compromise is announced, he does not know what it is—For reasons you all probably well understand, always make sure key leaders are briefed that, first of all, it’s a good compromise; and make sure he’s never ignored again, because he can make a lot of noise. Conversations immediately ensued, and Ben and others said, “This is an excellent compromise, and you should support it,” and within 48 hours he was supporting it.

Martin: That’s a great little vignette of how quickly and easily things can go awry from just a simple—

Neas: Oh, my goodness. You are so right. And it happens more than most people realize.

Martin: I took us away from Bork and the earlier parts. We should probably move back there.

Knott: Senator Kennedy delivered that speech on the floor of the Senate, I think within 24 hours after the nomination? One hour?

Neas: One to two hours. I was with Jeff Blattner, one of Senator Kennedy's Judiciary counsels.

Knott: Tell us about that moment.

Neas: Have you talked to Jeff yet?

Knott: Not yet.

Neas: You have to talk to him.

Knott: He's coming up.

Neas: It was becoming increasingly evident that it was going to be Bork. From 1975 on, I knew who Bork was. I had worked with Senator Brooke, Bill Coleman, and Stan Pottinger to defeat what Bork was trying to do on the Boston school desegregation case. Attorney General Edward Levi accepted our recommendation. We knew, of course, what he was doing on the D.C. Circuit Court of Appeals. To head off a Bork nomination, a number of us tried to talk the White House out of nominating him. I called my friend Tommy Griscom, the White House communications director, and others on Howard Baker's staff and I said, "If Bork is nominated, there will be a conflagration. Do you really want to have this fight? I can assure you that this is going to energize the entire civil rights movement. The paper trail here is unbelievable." We're all ready to go, and unlike [Clarence] Thomas, when it took six weeks to get a consensus, Ben Hooks and I were able to say that first day that we are strongly opposing Robert Bork.

Before I had my press appearances, I was in the Senate Subcommittee on Immigration offices with Jeff Blattner, one of Senator Kennedy's Judiciary Committee counsels, and we were planning strategy. And then it happened. All of a sudden, we are watching Senator Kennedy make one of the toughest and most influential speeches of his career. We were trying to figure out what to do, and I'm sure Carey Parker, with the help of Jeff and others, wrote the speech draft with, of course, Senator Kennedy having the final say on it. When I first heard the "Bork's America" speech, I went, "Holy Cow!" Maybe what I said was a little more graphic. *[laughs]* Now, if you parse that speech, there's absolutely nothing wrong with it. If Bork gets his way, obviously *[Jane] Roe v. [Henry B.] Wade* is overturned. He opposed the 1964 Civil Rights Act. And I could go through every charge and provide the documentation to support what Senator Kennedy was saying, But you seldom hear a speech like that. David Cohen, who was Mike Pertschuk's co-director at the Advocacy Institute, described it in *The People Rising*. Do you have these books on Bork, and all the stuff I talked about?

Knott: We do.

Neas: *The People Rising* is certainly the best Bork book, from our perspective, and has been the book the Right has used ever since to try to figure out what we're doing. Pertschuk was going to do it anyway, so I think everyone wanted to cooperate. But as David said in the book, the

Kennedy Bork speech was comparable to Paul Revere's ride. It was putting out the alert as to how dangerous Bork was and signaling to the Senate, to the press and to our base that this was going to be a big fight.

The most important thing on a Supreme Court nomination, if you can do it, is to announce your opposition immediately. For example, with Roberts, it took us from July 19 to August 23 of 2005 to put together the report that documented the reasons for our opposition. We knew we were going to oppose, but we don't announce our opposition unless we can provide the documentation. We already had the documentation that had been gathered over months if not years on Bork, so Kennedy, by doing what he did, served a very important purpose. While he got roundly criticized in the press for the nature of the language he used, he felt totally confident that he could justify every word he was using. And he totally understood that to block Bork's confirmation, he had to in effect "freeze the Senate" immediately and make it clear to everyone that it was a winnable fight.

Within the next day or two, members of the Leadership Conference met personally with Senator Kennedy.

Then Joe Biden called us to a meeting in his office a few days later. Bill Taylor and I, Althea Simmons of the NAACP, Marcia Greenberger, Elaine Jones, Nan Aron, Judy Lichtman, Kate Michelman, and several others, met with Joe Biden. Senator Kennedy was there. Biden had just met with Phil Kurland and Larry Tribe, two brilliant constitutional law experts, and Mark Gitenstein, his counsel. Biden told us that he decided he was going to take the lead on the Bork nomination. Now, at this time, we had Kennedy obviously out there and we had Biden sharing with us his decision to oppose Bork, but Biden was not ready to go public yet, and he wanted to do it in his own way. Kennedy did not have a problem with that and neither did our coalition. We knew Kennedy was going to play a lead role no matter what.

The Leadership Conference organizations made a decision that we had to put the Civil Rights Restoration Act and the fair housing bill on hold and devote all our time and resources to blocking Bork's confirmation. From July 1st to the moment the Senate made its decision on Bork, no one would do anything but work on the Bork nomination.

Unfortunately, after the meeting with Biden, I went back to the Leadership Conference office and both the *Post* and the *Times* had calls in to me, and I thought, *Oh, no*. Sure enough, someone had told them about the Biden meeting, so I called Gitenstein and swore on a stack of Bibles that we had not leaked it to the *Post* or the *Times*. I was convinced, and still am convinced, that no one at the meeting leaked it, but someone at the meeting talked to someone who subsequently leaked it. Perhaps foolishly, because Senator [Alan] Cranston, the next day or two—who became a key actor—said, "You really shouldn't talk to the press about meetings," I said, "Listen, that quote was given to Mark Gitenstein before I released it in an effort to minimize the damage."

I can't remember exactly what I said; it's obviously in the *New York Times* and the *Washington Post*, but it was along the lines that Senator Biden was going to play an important role and these were going to be serious hearings, trying to get through the interview without violating the confidence of the meeting. Not surprisingly, the headline basically the next day was, "Biden promises groups that he'll oppose Bork," the last headline that Senator Biden wanted, and of

course that opened up the whole *Wall Street Journal* line of attack: Senator Biden is being pressured by Neas and the Leadership Conference, or by Ben Hooks and the NAACP, to do what he might not do otherwise.

Quite frankly, we wanted Kennedy to take the lead, so we did not go in there to ask Senator Biden to take the lead. If they had thought it out, the press would have understood that, but we didn't want to go there, that's for sure. But Biden has never quite forgiven the Leadership Conference and me, although I've sworn a million times on a stack of Bibles that I didn't leak and I honestly did not know who did. As I said, that moment really burned him. He was really upset. However, both Biden and Kennedy did a phenomenal job.

Starting immediately, our quotes were along the lines, "This will be the most confrontational and controversial Supreme Court battle ever. This battle is about what all of us have been fighting for our entire lives," all the appropriate rhetoric. Not hyperbolic, but certainly rhetoric that ratcheted up the attention, and rather than getting the usual last paragraph of a story, we began getting comparable attention to the administration. As Grassley later would say, the Republicans took the month of August off; the Leadership Conference didn't. We were relentless in July and August. Kennedy was preparing for it, Biden was preparing for it, and Specter was preparing for it.

Kennedy was everywhere. Cranston got involved in a very important way. He became the vote counter for the effort, and of course he was the Democratic Whip. He was doing spinning for a while, but by the time of the hearings, the polls were reflecting either evenly divided or a plurality against Bork, which was incredible on a Supreme Court nomination going into the hearings. Those twelve days of hearings, and I think five of them were just Bork testifying, were by far the best hearings I've ever seen, truly a two-week seminar on constitutional history and constitutional interpretation.

I thought all the Senators did well. Some of the Senators, as usual, gave more speeches than engaging in substantive Q&A [questions and answers] with the witness. And of course Bork, believing that he was smarter than any of them, thought he could engage the Senators in combat, but he lost politically, certainly lost the PR [public relations] game, and probably was surprised by the intense preparation by most of the Senators.

Knott: What do you say to those folks, both then and now, who say that Bork was "borked," that there was somehow something unfair, the process became politicized, there were advertising campaigns conducted against him? It became more of a campaign as opposed to a deliberative Senatorial process.

Neas: If borked means taking seriously the most important vote a Senator will ever take on a Supreme Court nomination that could determine what the law of the land will be for 20 or 30 years, he was borked. But I thought it was the Senate's finest hour. I think it was the civil rights community's finest hour. He was given ample opportunity, given five full days of testimony to make his case, and came out of two weeks of hearings with fewer votes than he had at the beginning of the hearings.

I remember in August, going toe-to-toe with my old nemesis, Meg Greenfield, at the *Washington Post* editorial board. We had lots of allies in the *Post* editorial board, but not Meg—in fact, the only time Meg went on TV, the only time in her entire career, was when ABC [American Broadcasting Company] made me Person of the Week on the Bork nomination, and she attacked me. I couldn't believe it. Someone is taping it right now, because I have been asked to give all my papers to the Library of Congress. She accused me and the Leadership Conference of caricaturing Bork. My Lord, we are right now in the office where the "Book of Bork" was kept, with its massive documentation of the Bork record.

I was at the Leadership Conference at the time, but Ricky Seidman, who later was in the Clinton White House, was the legal director of People For the American Way and coordinated all the research on the Bork records and prepared its distribution to the Senate, the press, and the public. This office was the clearinghouse. We had every speech, statement, testimony, law review article that Bork had written or spoken. What we were trying to achieve was a 25-year paper trail on his ultraconservatism that would be unassailable. It would demonstrate a consistent ultraconservative radical judicial philosophy. There wasn't anything evil about Judge Bork or his judicial philosophy. It was that he disagreed with virtually every Supreme Court precedent going back many decades. After Bork's defeat by a historic 58-42 vote, the Right did a much better job of trying to reframe the debate because they could not accept that their judicial philosophy had been soundly repudiated. It had to be something to do with his beard or the caricature or whatever, but it couldn't be his judicial philosophy.

I'll never forget, Melanne Verveer was the political director here, and of course went to the White House afterward, and within the weeks following it, we were having dinner and I was complaining about the revisionism. Phil [Verveer] said, "Oh, come on. You guys have been doing this every hour for four and a half, five months now. Forget it, you won. You won."

Knott: I'm sorry—Phil?

Neas: Phil Verveer. Melanne was Hillary [Rodham Clinton]'s chief of staff and does Vital Voices now. I said, "I think you underestimate the right. They're going to try to convert this into something else." And of course, the whole borking definition, and how he was unjustly accused of this or that or whatever—But as I told you, when he answered the softball question from [Alan] Simpson or Grassley about the "intellectual feast," I turned to Melanne and said, "I believe we have a good chance of winning." But it wasn't until after Bill Coleman and [Barbara] Jordan testified that I began to feel confident that we could do it.

If there was one crystal-clear moment when the "intellectual feast" comment was contrasted with the impact of the Constitution on individual lives, it was when first William Coleman and then Barbara Jordan testified—Barbara Jordan in particular, because a lot of this was about *[R. A.] Reynolds v. [M. O.] Sims*, and one person, one vote, and all the elements of the '64 Civil Rights Act and the '65 Civil Rights Act. She brought the sometimes arcane discussion of judicial philosophy to life and as always—The most important thing, and the reason Henry Hyde changed in June of 1981 on the Voting Rights Act, and the reason Jordan was so successful was that she put a human face on the law and the consequences of the law. She said, "I would never have been elected a state representative if we didn't have one person, one vote, and I certainly never would have been elected to the United States Congress unless one person, one vote was the

law of the land.” She humanized the debate, in stark contrast to what Bork was doing. This is what all these civil rights laws and Supreme Court decisions mean in everyone’s lives.

In recent years too many of the Democratic Senators have been afraid to engage in this debate, and have pointed out “We have confirmed 96.5 percent of the judges, we’ve been fair, and have been very process oriented” and were not willing to describe, in great detail, what truly was at stake with these Supreme Court nominations. That was not the Bork battle. The Bork hearings were an unbelievably intense discussion of judicial philosophy, Supreme Court history, and the interpretation of the Constitution.

It was an intellectual feast those two weeks, I’ll tell you. I’ve never seen anything like it before or after. And yes, as I told Meg—The first question she asked was something along the lines of, “Aren’t you ashamed of yourself that you’ve politicized the process of Supreme Court nominees? It should be above the fray.” I will condense a very diplomatic response, but it was like, “Yes, leave it to the editorial boards and the Senators.” I basically said, “If you’re a United States citizen and you take seriously the First Amendment right to petition the government, and you really do think that with Powell’s resignation, it is a 4-4 Court—we consider Robert Bork a walking Constitutional amendment, that he will be the fifth vote to overturn—” and I went through all the precedents that we had in our reports. “If you really believe that, don’t we have an obligation, as citizens, to try to share that with you, Meg, and the *Washington Post*, as well as the Senators and the American public? That was the reason for the campaign.”

Of course, a lot of people forget that Jim Flug and Senator Kennedy did something comparable back in ’69 and ’70, with the [G. Herrold] Carswell and [Clement] Haynsworth Supreme Court nominations, but then you didn’t have cable TV and other means of getting the news faster and to more people. What was so different about Bork from Carswell, Haynsworth, [Abraham] Fortas and Rehnquist, when you had four Supreme Court rejections out of eight in four years. That was extraordinary: eight Supreme Court nominations and four of them did not get through. But the amount of press in 1987 was much more intense. It became much more about personalities, horse race-type analysis by the press, but it was mainly the almost instant analysis.

Before CNN [Cable News Network] and some of the cable networks, like in 1981–82 on the Voting Rights Act, all we had to do was get our statements by 5:00 P.M. to the print press or the national TV networks. During Bork, I spent hours talking to the press during the day. We had our war room in 115 of the Russell Senate Office Building, and we had Bill Taylor, Eric Schnapper, and Ricky Seidman monitoring everything that was going on in the hearing room. As soon as there was a misstatement, as soon as there was some waffle or whatever, it would come to me in the Senate Caucus Room, where I or others would go out and talk to the press and say, “You know, this is not consistent with what he has said or wrote.”

In 1993, I was trying to become the legislative director of the White House, and I went over to see the DNC [Democratic National Committee] chair, David Wilhelm, and David said, “You really don’t know who I am, but you know that I’m the 33-year-old DNC chair. But do you remember the Syracuse speech, back in 1987, when Bork discussed precedents and what precedents meant?”

Mark Gitenstein, in the book *Matters of Principle*, goes into this, but David found that speech, the audio recording, and basically, contrary to what Bork had been saying, it was very disrespectful of precedent, and it was consistent with another statement or testimony where he basically said there were dozens of Supreme Court decisions erroneously decided, and unlike an appellate court judge, it's the responsibility of a Supreme Court Justice to overturn wrongly decided decisions. More importantly, Bill Coleman, who was the chairman of the ABA [American Bar Association] Committee that recommended Bork unanimously to the appellate court to the Senate, under the ABA, was the leader against him for the Supreme Court, for precisely that reason, the difference between an appellate court judge and a Supreme Court Justice.

Martin: Did you have any sense during these hearings how the votes were switching? You mentioned this moment when he says it's going to be an "intellectual feast" that you probably do have the votes at that point, but did you have any confirmation throughout?

Neas: I didn't know the exact vote count yet. That would have been September 18 or 19 or so. I think I was saying to the press in early September, or maybe even before that, that it could be a 7-7 tie in committee and because of Senate precedent, the nomination would go to the floor without a recommendation, which would be a narrow victory for us. I had no idea it was going to be 9 to 5.

Very coincidentally, I had lunch yesterday with Jeff Robinson, Senator Specter's chief counsel at the time. We were reviewing a very funny moment when we were trying to build momentum for the vote—I think it was the first week of October—and Specter and Heflin and Byrd, I think, were the undecideds. We thought we had at least six votes. We needed certainly seven to claim some sort of Judiciary Committee victory, hoped for eight, and nine would be a slam dunk. Jeff took me into Specter's office, and Neil Manning, Specter's chief of staff, was there and said, "I've got some bad news for you," and for 30 seconds led me to believe that Specter was going the other way. It was like heart attack time! After 30 seconds, Manning goes, "Just teasing." I said, "You son of a gun. How can you do that on this?" So we got Specter, then Heflin, and finally Byrd, and it was 9 to 5—everything just broke our way.

A real key moment for me happened well before the hearings. I ran into Senator John Warner, with whom I'd worked in 1975–76 when I was with Senator Brooke. Senator Brooke was the vice chair of the [American Revolution] Bicentennial Administration. John Warner was the executive director.

Senator Warner came up to me during the summer of '87. He's a very stately, but also theatrical man, and contrary to what I thought would happen in 1978–79—after he miraculously got the Senate seat because of the death, due to a plane accident, of the leading candidate for the Republican primary—he has demonstrated to everyone that he is an excellent Senator. I believe it is because he truly loves the Senate as an institution, a lot like Senator Robert Byrd. And he has gotten better and better because I believe he never stops working.

He came up to me, right outside the Capitol building between the House steps and the Senate steps. He stopped me and said, "How are you doing?" We talked about Senator Brooke and then he said, "Don't count me out on this Bork nomination." He told me that he had been briefed on

how far to the right Robert Bork was. I didn't know it, but he had clerked for Judge Barrett Prettyman, and apparently Barrett Prettyman's son was one of his advisors on Bork. Of course, the other six Republicans who voted against Bork, five of them were the Packwood-Hatfield types, and although Warner is more of a moderate now, he certainly was a conservative before the [Oliver] Ollie North stuff and his Bork vote and things like that. But our conversation was yet another indication we had a real shot at winning.

Then in August there was a lot of work done with the southern Senators. The big key was getting Bennett Johnston to go with us. We basically made the arguments about the Black vote, and the importance of the Black vote to the Democratic Senators, both the new ones and the ones who had been around some time. In the end, we got most of the southern Democratic Senators to go with us. Obviously, we did, with 52 Democrats and six Republicans voting against Bork.

Knott: How concerned were you when somebody like a Lloyd Cutler came out and said Bork was actually OK for the Court?

Neas: Not that concerned. I respect Lloyd Cutler on many different levels. He has a tremendous intellect, is a great lawyer, and is a person of great integrity, but in my opinion, he does not possess much political acumen. Perhaps most importantly, he is a quintessential "member of the club" in Washington, he and George Will. I believe Cutler and Will were in Bork's wedding to Mary Ellen Pohl. I believe that his support of Bork was a combination of friendship and an absolute loathing that most of the Washington establishment, including most Senators, has about get involved in bitter, controversial Supreme Court fights. Quite frankly, that's something significantly shared by me and I think most people who work on judicial nominations, because unlike legislation, there's no room to compromise.

Working on legislation is fun. It doesn't get that personal, someone's job's not at stake, someone's reputation, at least directly, is not at stake. On a Supreme Court nomination, no matter how hard you try to have every day be like those 12 days of the Senate Judiciary Committee hearings, they're not. Certainly I thought the progressive community did a terrific job, but I can remember a little bit of hyperbole here and there. There was a terrible TV ad during the Roberts nomination, where people just weren't thinking and were not editing or exercising judgment. I think Cutler was the epitome of the Washington establishment. He was obviously someone the Bork camp wanted very much, and thought he would make a difference. He made absolutely no difference at all, and totally isolated himself. It was good, I'm sure, psychologically and for Judge Bork's morale, to have Jimmy Carter's counsel come up there and testify. But by then, Griffin Bell and Lloyd Cutler, while admired on many levels, were not taken too seriously on Presidential appointments. They were the Democrats that the Republicans always brought out to do these kinds of statements.

Knott: Who benefited in the long run? Did the Right learn some lessons from this that have since allowed them to—

Neas: For me, I believe strongly that up until now, 20 years later, we and the nation have benefited the most. What did we really gain? If we had lost on Bork, we would not have gotten [Anthony] Kennedy, and we would not have gotten [David] Souter. Most of what we're talking

about in the Alito and Roberts confirmation battles would have been decided over the past two decades and dozens of Supreme Court precedents would have been undermined.

There certainly would have been no incentive to name a Souter. I'll never forget Warren Rudman, on three different occasions, telling me, "You're not going to be displeased with Souter." There was a reason why Rudman liked Souter. This just came out in Jan [Crawford Greenburg]'s book, and I can't remember whether I gave her the story or whether Rudman gave her the story.

Rudman said he was going to be OK, and Rudman pulled the wool over [John] Sununu's eyes and Boyden Gray's eyes and we ended up with Souter. But Souter never would have been considered as a compromise candidate unless Bork had lost and lost by the largest margin in Supreme Court confirmation history. Of course [Anthony] Kennedy, while by no means a liberal Justice, has voted to uphold *Roe v. Wade*, wrote the majority opinion in the landmark *Lawrence v. Texas* decision, and supported other controversial civil rights and civil liberty precedents. When I am asked the question of who benefited most from Bork's 58-42 defeat, I sit down and write out the composition of the Court before '87 and after '87, what would have happened if Bork had won confirmation. In terms of the big picture and the law, those who support the landmark Supreme Court decisions on civil rights and civil liberties and so many other important constitutional precedents, going back decades benefited the most. Did it energize the Right? Yes. And for them is the defeat of Bork comparable to "Remember the Alamo"? Yes.

I have many friends on the Right, but there's no question that there are many on the Right who hate my guts, only because of Bork. For them, the defeat of the Bork nomination meant at least a 20-year delay—now that might all be changing—in achieving their ultraconservative judicial agenda. Bork, more than anyone else, personified the Federalist Society approach to the law. They lost that monumental struggle over judicial philosophy, and that was a big deal. I don't think, while energizing the Right, it had that much of a political impact one way or the other, but as a motivational factor for the core conservative crowd, I'm sure it will have a lasting impact.

Knott: Have you ever encountered him in the intervening years?

Neas: Yes. And the circumstances were quite a surprise. The *Baltimore Sun*, several months after the Senate refused to confirm Bork, invited me to the annual Gridiron Dinner. To my astonishment, the *Sun* placed Bork and me at the same table, essentially facing one another. Meg Greenfield, in one of our rare discussions, came over and said, "That's perverse." I said, "I agree. And I can assure you, I had nothing to do with it." For four straight hours, Judge Bork would not have any eye contact with me. Literally, he was where you are, and I'm here, for the entire dinner. [laughs] But I can understand where he was coming from. It was unbelievably insensitive and unfair to Judge Bork. When I returned home, I said, "Katy [Katherine Beh Neas], you will not believe, at a table of eight, who was seated almost directly across from me for the entire evening." With the possible exception of when I accompanied Senator Brooke in 1975 to a meeting with Attorney General Edward Levi and Robert Bork, when Bork was trying to reverse a long-standing Justice Department position on school desegregation, he and I have never talked. I am pleased to report that General Levi rejected Bork's position.

A quick anecdote about John Roberts. People For the American Way's general counsel, Elliot Minberg, practiced with John Roberts at the law firm of Hogan and Hartson. In 2001, we were drawing up the list of the 12 or 15 worst possible judicial candidates that President George W. Bush might nominate, given his public statements that he would select nominees in the mold of Clarence Thomas. I asked Elliot whether we should include Roberts on that list. I didn't know that much about Roberts and I said, "Tell me about him, Elliot." He started smiling and said, "He's my friend, but we have to oppose him." I didn't know about all the documents that we would find in the Reagan Library at the time, but he started telling me stories, and said, "He will put this on his résumé, that he did pro bono work with me and David Tatel on school desegregation cases," And I said, "That's extraordinary." And then Elliot smiled and said, "Yes. John would participate in the mock Supreme Court arguments, and he always volunteered to play Antonin Scalia." I replied, "God, that is so brilliant. He will be able to tell every right-winger, 'Oh, yes, I did pro bono work with David Tatel, but I didn't yield anything. I just played the role of Scalia, which was easy, because there is little difference between Justice Scalia's judicial philosophy and mine.'" And, of course, Roberts was one of the best congressional witnesses I have ever seen. As a judicial nominee testifying before the Senate Judiciary Committee, he was the anti-Bork. I've never seen a more charming, more well-prepared, more savvy witness than John Roberts.

Knott: Oh, really?

Neas: Yes, he did a phenomenal job.

Martin: We're interviewing you, in part, obviously for the Kennedy project, but you've watched a lot of these hearings and you've been on the edge of a lot of the hearings.

Neas: That is totally accurate.

Martin: Can you talk a little bit about your sense of the Senate's willingness to do hearings along the style that they did with Bork since then? Is there a loss of stomach for it?

Neas: Certainly on the Thomas Supreme Court nomination, who was the next controversial nominee, the Senate Judiciary Committee did a very good job in the first set of Thomas hearings. Many people forget that after the initial hearings, and before the Anita Hill hearings, the Senate Judiciary Committee refused to give Thomas a positive vote. It was a 7-7 tie, and it was probably 9-5 in his favor going into the hearings. But Thomas lost votes during the hearings because of his poor civil rights enforcement record as a Reagan administration official and because his judicial philosophy was so conservative. Moreover, a number of Democratic Senators thought he was not being truthful in his testimony, especially with respect to abortion.

While the Anita Hill hearings were an educational experience regarding sexual harassment for many Senators and many Americans (something that I believe will have a lasting impact), in the end I'm not sure Anita Hill brought one more vote to the table. It brought a lot of controversy and obviously was one of the ugliest episodes in Senate history. I certainly believe Clarence Thomas failed to tell the truth in both sets of hearings. I thought the Democratic Senators did a good job on the initial hearings on Thomas, but they failed miserably in the Anita Hill hearings.

Obviously, the [Stephen] Breyer and [Ruth Bader] Ginsberg hearings went pretty smoothly. But on President Clinton's appellate court nominees, the Senate Republican leadership didn't let many of the nominees they opposed ever get to the Senate floor. They blocked them in the committee with no hearings and no votes. Indeed, between 1997 and 2001, the Senate Republicans blocked 35 percent of the Clinton appellate court nominees, an unprecedented and disgraceful display of partisan obstructionism.

In the President George W. Bush administration, there were a relatively small number of judiciary battles and filibusters between 2001 and 2005 and a number of ultraconservative appellate court nominees were blocked, but nowhere near the number that the Republican Senators blocked during Clinton's second term.

The 2005 Supreme Court nominations of John Roberts and Samuel Alito were, of course, the most consequential judicial nominations of the Bush Presidency. The major and decisive difference between 1987 and 1991 and 2005 was that the Republicans controlled the Senate, so the odds were tremendously against us. It would have taken a miracle to defeat either Roberts or Alito, not that the fight wasn't fought and sometimes fought well.

Another major factor in 2005 was that Senators were much less prepared than they were in 1987 and even in 1991. I am still not sure exactly what happened, but I thought the hearings with Roberts and Alito, especially Alito's, were among the worst I have seen in my professional career. It certainly didn't look like there was much of an effort by most of the Democratic Senators, very little interest in taking on someone who was obviously so smart and so charming.

As bad as the Roberts hearings were, the Alito hearings were even worse, because there was much more of a paper trail, much more of the radical judicial philosophy readily apparent, because he had been a Circuit Court of Appeals judge for approximately 12 years or so. His ultraconservative record was significant. There were some issues of whether or not he had been straight with the Senate on the recusal issues. There were issues with respect to association with the Princeton Group. And very significantly, there were credibility issues. When describing his exceptionally conservative legal memos in '84 and '85, Alito said, "Listen, I was trying to get a job." Same thing said by Alito in 1990. Well, in 2005, he was attempting to get the most important job in the third branch of government, Supreme Court Justice, and why should the Senate believe him now, when he was willing to do what he did previously to get a job back in 1984-85?

But in the Alito Supreme Court hearings, we were very careful in not publicly criticizing the Democratic Senators. We basically said, "The record is abundantly clear that he should not be confirmed." But there was not anyone in the progressive community who wasn't terribly disappointed with the hearings. We were told that Senator [Patrick] Leahy never convened the Judiciary Committee Democrats to plan the hearings. I certainly have said on the record that it was obvious that the Republicans were prepared, that they had their message of the day, that they divvied up the issues, and they knew what the visuals were going to be.

On the other hand, the Democrats were very repetitive. There was obviously little concentrated preparation and strategic cooperation, unlike the Bork hearings, "*You and you* [points as if assigning tasks] do these issues and master them, and the other two do that." That was all done

during Bork, and to a degree, during Thomas. During Roberts and Alito, it was almost like many of the Democratic Senators were going through the motions. Some Senators, after 20 minutes of talking, never even got their questions out. It was quite something, quite disappointing, and then obviously we failed to convince, in a meaningful way, Senator [Harry] Reid and others to filibuster Alito in a serious manner, although Reid did vote against cloture.

In mid-January of 2006, when all of us representing the major national organizations opposing the Alito nomination met with Harry Reid, [Charles E.] Schumer, [Richard] Durbin, and a couple of other Senators, everyone made their substantive arguments. I don't think there was any doubt that the Senators—especially after the disclosure of the Reagan White House memos, which were consistent with the Appellate Court decisions—disagreed with those arguments, but there was much doubt on our part about how hard these Senators would fight the Alito nomination on the Senate floor. After everyone made those arguments on the merits, I closed and said, “Senator Reid, you electrified the progressive community a couple of months ago when you shut down the Senate when the administration was refusing to yield certain information regarding Iraq.” I said, “You know I share Wade Henderson’s and Nan Aron’s views on the merits and what’s at stake. I’m going to make a slightly different argument.”

I strongly believe now, regardless of what some people might have thought about Roberts—We definitely made the point to Senator Leahy and others that Roberts would corroborate our view of where he was on the constitutional issues and certainly, in combination with Alito, we could guarantee that at least significant erosion of constitutional rights would occur. In fact, if we are correct, there could be dozens of long-established Supreme Court precedents overturned—that Roberts in particular, but also to some degree Alito, would be far more effective than Thomas and Scalia because they were more incrementalist, were more patient, were more personable, and over time would be more effective.

I said, “If I were you, I’d forget, just for a moment, all the other arguments. If between 2005 and 2008, or between 2008 and 2012 or later, events prove our analysis to be correct, and those precedents are eroded or overturned, people will start asking all of us, ‘Where were you at the revolution? Did you pull out all the stops to prevent this from happening, when *Roe* is overturned or critical civil rights decisions are overturned?’ I fear that perhaps you are now willing to be going through the motions on the Senate floor debate, playing to show, not playing to win. We believe you have to filibuster, and make it a serious filibuster. Even though we’ll probably lose, you must pull out all the stops to try as hard as possible to prevent the constitutional disasters ahead of us. Then, when the proverbial you-know-what hits the fan, you’ll be able to respond: ‘I did everything humanly possible to prevent this nightmare from happening.’”

Regrettably, Senator Reid went to the floor within the next day or two and actually thanked Senate Majority Leader Bill Frist for allowing everyone ample opportunity to debate. I immediately called up Bruce Gordon, the president of the NAACP, and we issued a joint statement basically saying that we criticize both the Senate Republican and Democratic leaders for stating that there had been a full debate of the Alito nomination, when they had just maybe gotten to the tip of the iceberg and that we were very disappointed in both of them. Needless to say, that was not well received by Senator Reid and his staff, just as Senator Leahy did not appreciate what I said about his vote to confirm John Roberts after he had just made all the best reasons to oppose Roberts’s confirmation. And Senator Leahy especially did not like it when I

stated that his decision to support Roberts would make him complicit when Roberts started overturning Supreme Court precedents that protected fundamental constitutional rights and liberties.

Knott: You mentioned earlier that you got chewed out over the phone by Senator Kennedy. Can you tell us about that? Is this around the same time period, or is this completely separate?

Neas: The disagreement between us occurred in the middle of the 2005 Supreme Court confirmation battles, right after Hurricane Katrina struck Louisiana and other states. It involved the federal funding of parochial schools in New Orleans damaged by Katrina. Senator Kennedy had long been a First Amendment champion against using public moneys for private schools. This was supposedly going to be a one-time exception, and I think Vicki [Victoria Reggie Kennedy], who is from New Orleans, and others might have had some impact on his decision, admittedly involving very difficult and emotional issues.

There's no question for someone who went to Catholic schools—and I have supported financially Catholic schools and Catholic institutions—that this particular set of facts post-Katrina made this a gut-wrenching decision. But I just don't agree that you should use the taxpayers' dollars for Catholic schools and more importantly People For the American Way, the organization I represent, opposes such funding. Senator Kennedy was making the argument that it was only for this time, and I think it's been put into this bill too, so it's becoming part of the annual ritual. My staff comes and says, "Kennedy's on the wrong side of this." I think, *Oh God*. So I said, "Well, we have to oppose the provision. This is not something I'm very anxious to do. He and I have never disagreed on an important constitutional issue in approximately 33 years." I told the staff it was OK to write a letter to the Senate opposing the measure. I'm not sure I would do this for anybody else, but I said, "Don't put Senator Kennedy's name in the letter; just oppose the provision, and hopefully this will go away." [laughs]

This was after I had made the statement about Senator Leahy and his vote to support Roberts, so Leahy was not pleased with me. There were other Democratic Senators who were not pleased with me. This period of time was definitely not my popularity peak in the United States Senate.

Shortly after People For sent the letter to the Senate, I got on a plane to Boston, going up for the funeral of my uncle, my mother's brother. Congressman Edward Markey was also on the plane. We have known one another since 1976, when he was first elected to the House of Representatives, and have been good friends. He knew how closely I worked with Senator Kennedy, and he assumed I was going up to see Kennedy and his staff to discuss the Supreme Court nominations. I said, "No, no, I'm going to Boston for a very sad occasion, the death of my favorite uncle."

We got off the plane and all of a sudden I was paged by Delta Airlines, and Markey said, "I'm impressed, I'm impressed. This is my state, and *you're* getting paged." Someone ran up to me and said, "It's Senator Kennedy. It's Senator Kennedy on the phone and he needs to talk to you right now." Ed said, "My God, I was correct, Ralph. He *does* want to talk to you about the Supreme Court" I was thinking, *It's either that or somehow, in his masterful political way, he found out that my uncle died and he wants to express his condolences*, so I went to the phone, expecting, "I'm sorry, da da da." I said, "Senator, it's Ralph."

All of a sudden, after 33 years, I finally found out what it's like to be on the phone or in person with Senator Kennedy when he's in strong disagreement with what you have done or said. He indeed feels betrayed and starts talking to you like you were someone who had let him down in a serious way. After the first few moments, I was thinking, *Who is this guy? It's Ralph. This is Ralph, your friend and steadfast ally.* He chewed me out royally and said, "You know, Ralph, you're not doing very well up here these days." [laughs] I didn't know whether to laugh or cry, and Markey was a few feet away, trying to figure out what the hell was going on. I said, "Senator Kennedy, I believe your position is wrong on this one issue."

Some members of his staff probably told him that People For the American Way was leading the effort to defeat his amendment and that he should call Ralph Neas and try to get him to back off. I said, "Senator, I'm really sorry. We agree 99.99 percent of the time, and hopefully this is the only time that we're not going to be in agreement, but People For the American Way cannot change its position on such a fundamental First Amendment issue." That was the end of the conversation. I immediately got on the phone and dialed my wife. I said, "You will never believe what just happened. For the first time, I was exposed to Senator Kennedy's Irish temper. He chewed me out for 10 minutes, using really strong language. He even told me that 'right now I was not exactly the most popular person in the Democratic Caucus.'" It was truly an incredible, surrealistic moment. I was thinking, *When you're hot, you're hot, and when you're not, you're not. God, first Leahy, then Reid, now Kennedy. Everyone is mad at me.*

Knott: That's great. We love stories like that. I know it was an unpleasant moment for you.

Neas: It was mostly unpleasant, but it was truly an amazing experience. As Norman Lear, the founder of People For the American Way, likes to say: "Even this I get to experience." I had heard that Senator Kennedy could be like this, but I had never seen this side of him. In fact, I had always seen the exuberant Senator who could laugh and tell jokes and who was a passionate and effective advocate for everything I held dear. I had been with him when he cried with joy in the Senate lobby after the enactment of the Americans with Disabilities Act, and how he would relate to young Teddy [Kennedy, Jr.] when Teddy was 12 and his leg amputation, because of cancer, occurred. I had seen this compassionate and endearing side before. I think I told you before, with Arnie Aronson, one of the three co-founders of the Leadership Conference—Did I tell you this story?

Knott: If you don't mind repeating it, that would be great, because this will get on the record.

Neas: Arnie Aronson, A. Philip Randolph, and Roy Wilkins founded the Leadership Conference on Civil Rights in 1950 in partial response to President [Harry S.] Truman's report, "To Secure These Rights." It was the beginning of what would become the largest, broadest, most effective civil rights coalition ever—or any other kind of coalition—with more than 230 national organizations becoming members. Indeed, after the right-wing conservative Paul Weyrich, then a Senate aide, accidentally walked into an LCCR meeting, he came away so impressed that he put together a counter coalition of conservative organizations based on the Leadership Conference model. Everyone thinks Grover [Norquist]'s weekly coalition Wednesday meeting is an original concept, but that coalition originally was based on the Leadership Conference model.

Arnold Aronson is a heroic and historic figure, a leader of several Jewish organizations, who along with his close friends Roy Wilkins of the NAACP and A. Philip Randolph of the International Brotherhood of Pullman Porters, founded the Leadership Conference side by side with Clarence Mitchell, Joe Rauh, Dorothy Height, Bayard Rustin, and so many other legendary civil rights leaders.

Arnie was also the person who had been most responsible for me getting the Leadership Conference executive director job in 1981. Over time, he and his wife, Annette, became the favorite and most frequent dinner companions for me and Katy. We all went out once every two or three weeks for dinner and a movie. Our close friendship always amazed people, because they were several decades older than we were, and we saw them more socially than anyone else. People thought we were just being nice to our elderly friends. But the reality was they loved movies, we loved movies, and we had these great dinner conversations. It was a beautiful and thoroughly enjoyable personal and professional relationship.

When Arnie's pancreatic cancer was diagnosed, he took me aside and told me about it, saying he had at most probably two or three more years to live. We discussed together a number of possible special outings. One of the goals at the top of his list was having a conversation with Senator Kennedy. I called up Tom Perez, Senator Kennedy's Judiciary Committee counsel, who subsequently held top positions in the federal government, including Secretary of Labor. He said, "I'll get you a meeting with Kennedy. He'll do anything you want him to do, and especially since it's these circumstances. Arnie Aronson is dying; come on in."

So we went in, Katy and I and Arnie and his wife, Annette [Aronson]. I thought Senator Kennedy was being unbelievably kind and gracious because the Senate was not in recess. It was a regular exceptionally busy Senate day. We went to Senator Kennedy's personal office, Room 315, in the Russell Senate Office Building. There are four or five offices, and at the very end is where Senator Kennedy receives guests. We sat down and Senator Kennedy spent well over an hour with us. Arnie grew up in working-class Boston. Arnie and Annette didn't know it, but they lived within a block of one another growing up, but they first met at the University of Chicago many years later. I don't think Ted Kennedy knew that Arnie grew up in Boston and went to Harvard, was a commuter student, and knew all the Kennedy history: "Honey Fitz" [John F. Fitzgerald] and all the stuff that happened with the Kennedy family over the years.

They had this hour and a half conversation about the Boston of the '20s and '30s and '40s. Partly, of course, Ted Kennedy had been a part of it, but partly it was family lore. Katy and I kept looking at one another: *Are they going to keep on talking like this? This is great!* There was raucous laughter as they resurrected these old stories, "Oh, yes, I remember that," and "This guy was unbelievable." It was truly one of the most wonderful acts of humanity for Senator Kennedy to spend that much time with someone who was going to be dead within a number of months. He gave himself to Arnie for 75 to 90 minutes in a busy, hectic day. I'm sure he realized that he had been with the Leadership Conference for so long, and the Leadership Conference had been his best ally time and again, but 90 minutes is 90 minutes, and his schedule is so tight.

It's unbelievable what Senator Kennedy does in the course of a day. Of course, as we've discussed before, I don't think the Senator sleeps more than a few hours a night. What Senator

Kennedy did that afternoon with Arnie was such an incredibly gracious and generous act. I will never ever forget that day.

Afterward, we four went to Ruth's Chris Steak House on Connecticut Avenue and talked for two or three hours about our magnificent time with Ted Kennedy. It was wonderful at the Boston airport to remember those joyful moments and other comparable moments over the years.

Knott: He hasn't joked with you about that since then?

Neas: No, he hasn't mentioned that one yet, although I actually made a passing reference to it back when we were in good graces. It was a meeting convened by Senator John Kerry where Senator Kennedy and I, and about 30 members of the civil rights community, on the Saturday or Sunday before the Alito filibuster. I made some passing reference that no one in the room could understand, and Kennedy just smiled. He knew what I was talking about, but it was done in a polite way, and no one knew that it was making light of our big fight. It's the one and only time. Subsequently I was working hard with his staff as the CEO of the National Coalition on Health Care to pass the Affordable Care Act, perhaps his most important legislative priority over the decades.

Knott: Well, Ralph, I think we probably need to call this to a halt for tonight, but if you're willing, at some point down the road, and we can do it at any time that's convenient for you, we'd like to do some follow-up.

Neas: You got it. As he would do for Arnie, I would do for him, I can assure you that.

Knott: Thank you very much.

Neas: You're very welcome.

Knott: This has been terrific.

Appendices

I. Ralph G. Neas: Reflections on the Autobiography of Senator Edward W. Brooke

For the past three decades, I have proudly proclaimed to anyone who would listen that I served six years as chief legislative assistant to Senator Edward W. Brooke of Massachusetts. And now I have the opportunity to explain why I feel so strongly that his extraordinary political career, filled with accomplishments that inspired me and many others to pursue a life in public service, merits a special place in American history.

Reading the autobiography of Senator Brooke will be a fascinating journey for anyone interested in the history and the politics of 20th Century America. Through his memory, one can travel back in time and get a sense of what it was like for him to grow up black in the nation's capital when it was legally segregated, of what it was like for Edward Brooke and other African Americans to go overseas during World War II in segregated army units to help save the world for democracy, and of what it was like when he and other civil rights pioneers began the long and arduous journey, a journey far from over today, to desegregate America and provide equality of opportunity for all our citizens.

Given the extreme polarization and bitter partisan politics that now grips Congress, the description of the bipartisanship and civility that prevailed during Senator Brooke's years in the Senate will be especially enlightening. This book will also help us better understand the enormity of what is at stake today: the bipartisan social justice achievements of the past seven decades.

Senator Brooke's enthusiastic love of family, particularly his mother, Helen Brooke, is abundantly evident, as well as his fierce loyalty to friends and political allies, and his natural grace, dignity, and passion for privacy. And readers will share my sadness about how a bitter, public divorce, sensationalized by a frenzied press, led to his reelection defeat in 1978 and his permanent retirement from politics.

His personal story is riveting; his observations are keen and thoughtful. Nevertheless, the central contribution of this book is to help us appreciate the triumphant and historic breakthrough role of Edward W. Brooke. His innate modesty does not always allow him to do complete justice to what he accomplished in his 16 years as an elected official, but there is no doubt that an objective assessment of his record demonstrates conclusively that he deserves far more acclaim than he has thus far received.

His election to the Senate in 1966, by itself, merits coverage in our history books. Indeed, Ed Brooke was the first African American ever to be elected by popular vote to the U.S. Senate. And that achievement becomes even more dramatic when one learns that he won that election running as an African American Episcopalian Republican in an overwhelmingly white, Catholic, Democratic state. That stunning electoral triumph helped him establish his reputation as one of the master coalition builders in American politics.

As historic as his election to the Senate was, Senator Brooke should be remembered more for what he achieved while serving in the Senate. In his two Senate terms representing Massachusetts and the hopes and aspirations of so many citizens across the country, Ed Brooke put together a legislative record that is stunning in its impact and its uniqueness.

Before the voters of Massachusetts sent Brooke to the Senate, they first elected him to be Massachusetts' Attorney General in 1962. One year later, Martin Luther King, at the Lincoln Memorial, electrified the nation and symbolically launched one of the most tumultuous and prolific ten-year periods in American history. During that time, America would experience the exhilaration of the Civil Rights Movement, the anguish of our involvement in Vietnam and the unprecedented resignation of a United States president.

That decade also saw legislative, presidential, and judicial accomplishments that were breathtaking. In that short span of time, Congress passed and presidents signed into law the 1964 Civil Rights Act, the Voting Rights Act of 1965, Medicare, the Fair Housing Act of 1968, the Clean Air and Clean Water Acts, the consumer rights laws, laws protecting senior citizens and individuals with disabilities, and Title IX of the 1972 Education Amendments, prohibiting gender discrimination in education. And the Supreme Court decided *Roe v. Wade*, upheld the constitutionality of the civil rights laws and the meaningful and effective remedies needed to enforce those laws, protected privacy rights and the rights of defendants, and guarded the wall separating church and state.

Starting with the brief he filed as Massachusetts Attorney General supporting the Voting Rights Act, Ed Brooke was a persistent force in this explosion of social justice advances. Among his most notable legislative initiatives in the Senate was the famous Brooke Amendment, which for over three decades has helped tens of thousands of low-income citizens afford public housing. With Walter Mondale, he co-authored the landmark 1968 Fair Housing Act. Senator Brooke would go on to author the Equal Credit Act, which extended for the first time equal credit opportunity to the women of America, the 1978 Equal Rights Amendment Extension legislation, and the 1977 Minority Set Aside Program, which has provided business development opportunities for thousands of minority entrepreneurs.

Senator Brooke rose in the Senate to become the ranking Republican on the Senate Banking, Housing and Urban Affairs Committee and ranking Republican on the Labor, HEW and Foreign Operations Subcommittees of the Senate Appropriations Committee. He served with distinction and helped make both committees examples of bipartisan cooperation and effectiveness. He took on the tobacco industry and helped accelerate the war on cancer. He became a vocal advocate for education, helped resolve New York City's 1975 fiscal crisis and played a key role in funding foreign policy initiatives around the world.

Yet, even these important and impressive positive legislative accomplishments are not the principal reasons why I believe Senator Brooke deserves his special status in the history of the Senate. Rather, it is his courage in taking on a challenge that few if any other Senators were willing to undertake. Senator Brooke confronted the first wave of radical right members of the Senate and House of Representatives and challenged their attempt to roll back progress. Starting with the election of Senator Jesse Helms in 1973, followed shortly by the election of such right-

wing stalwarts as Senator Orrin Hatch and Congressman Henry Hyde, the radical right began its climb to political power in the early 1970s, eventually taking over the leadership of the Republican Party and ultimately the Congress and the Presidency.

This new brand of ultra-conservative Republicans came to Congress propelled by a political backlash to the social justice achievements of the previous decade. Supported increasingly by religious conservatives, they were hell-bent on reversing the newly won rights and liberties. But Senator Brooke and his allies stood defiantly in their way.

Senator Brooke's efforts were especially significant because the political backlash that elected these new right conservatives was also causing many Democrats to retreat to the sidelines. As the civil rights battle moved northward, a number of Democrats changed their positions on some of the more controversial civil rights issues, though Senate Democrats such as Birch Bayh, Walter Mondale, John Tunney, Phil Hart, and Ted Kennedy remained stalwart civil rights champions. Much of the firepower in support of Senator Brooke came from a brave band of liberal Republicans that included Jacob Javits, Clifford Case, Charles "Mac" Mathias, Lowell Weicker, Mark Hatfield, Charles Percy, Bob Packwood, and John Chafee. In an era marked by divisive partisan politics in the Senate, and by the presence of just a handful of liberal and moderate Republicans, it is hard to remember that once upon a time, such Republicans accounted for about 35 percent of the Senate Republican Caucus. They were the balance of power on social justice, economic, and foreign policy matters. Bipartisan lawmaking, rather than being something rare and exceptional, was the norm. Even during the most acrimonious days of Watergate and Vietnam, the Senate was a place where civility was always in order. Moderate Republicans and Democrats committed to social justice made the Senate a great place to work.

Senator Brooke and his bipartisan allies time and again stood up to the right-wing members of Congress. From 1973 through 1978, Senator Helms and his cohorts attempted to undermine the Voting Rights Act, Title VI, and Title VII of the 1964 Civil Rights Act, Title IX, and reproductive rights. Regressive amendment after regressive amendment cascaded onto the Senate floor. Never before or since have there been so many concerted legislative attempts in so short a time to weaken the nation's social justice laws. The rear-guard actions to defend these hard-won accomplishments were extraordinarily time consuming, sometimes taking up weeks and months of Senate and House debate. But throughout the continuous assaults, Senator Brooke stood steadfast and managed to defeat or substantially dilute virtually every attempt to weaken the laws.

Senator Brooke's efforts to protect *Roe v. Wade* and school desegregation remedies were especially heroic. In 1977, during a six-month fight by Brooke to safeguard reproductive rights, the Speaker of the House complained that the only thing preventing the enactment of an appropriations bill containing the offensive Hyde anti-abortion amendment was "Senator Brooke and his fistful of proxies." One liberal Democratic Senator was so impressed with Senator Brooke's often lonely leadership on defending school desegregation remedies that he went to the Senate floor to lambaste his fellow Democrats for not doing more to help him out.

Especially memorable for me was how so many Senate staffers, especially African American staffers with pride in their eyes, would come up to me and tell me how crucial Senator Brooke's

leadership was. He was everyone's "go-to guy" on the tough civil rights fights. Without question, he became the undisputed champion of civil rights on Capitol Hill. The Constitution never had a more vigilant protector. In my eyes, his presence in the Senate was absolutely indispensable.

In the end, Senator Brooke held the line long enough to allow the civil rights laws to emerge from the 1970s largely unscathed. In effect, he bought enough time for Senate Democrats to regroup. Largely under the leadership of Ted Kennedy in the Senate and Representatives Don Edwards, John Conyers and Hamilton Fish in the House, a bipartisan congressional majority was actually able to strengthen all the major civil rights laws from 1981 to 1993, often in defiance of presidents Ronald Reagan and George H. W. Bush. But if Senator Brooke had not led the heroic resistance to the Right Wing in the 1970s, the civil rights revival that followed might not have happened.

While I will always remember with great admiration Senator Brooke's successful civil rights battles, I recall even more vividly how often he was willing to stand on principle and, if necessary, stand up to the president of his own party. In today's Capitol Hill environment, it is so rare for a Republican to defy his party and president on any matter of consequence. The political intimidation is exceptionally intense, and the political backbone of the moderate Republican members is all too often lacking.

That was certainly not the case for Senator Brooke. Time and again, he risked his political career and his leadership positions within the Senate to exercise his political independence and his dedication to the Constitution. The first major example I remember occurred several years before I joined his staff. As a young law student at the University of Chicago in 1969 and 1970, I listened intently with my fellow students to the radio as the United States Senate, with Senator Brooke playing a critical role, rejected the Supreme Court nominations of Clement Haynsworth and G. Harrold Carswell.

Today, so many politicians and pundits believe (or pretend) that controversial Supreme Court confirmation battles began with Robert Bork and Clarence Thomas. The facts are far different. Indeed, over the past 200 years, the Senate has defeated approximately 20 percent of all Supreme Court nominees, often on the basis of the nominee's judicial philosophy. Modern-day Supreme Court nomination battles began with the Fortas-Haynsworth-Carswell-Rehnquist nominations in the late 1960s and early 1970s. Few Americans know that from 1968 to 1972, there were eight Supreme Court nominees and only four were confirmed. When it comes to the Supreme Court and how the nine justices will interpret the United States Constitution, the stakes have always been high. Indeed, when the Court is evenly divided on key constitutional issues, new appointments can become walking constitutional amendments.

Starting with the successful Republican filibuster of Abe Fortas in 1968, through the bipartisan defeats of Haynsworth and Carswell and the unsuccessful filibuster of William Rehnquist, Ed Brooke was in the center of it all, supporting Abe Fortas and opposing those Nixon nominees who would have turned back the clock on fundamental civil rights precedents. Few things are more difficult for a Senator than to take on a president of his own party and to oppose the majority of his Senate caucus on a Supreme Court nominee.

But Ed Brooke did it three times in three years. And because of his timely leadership and courage, not only did the Senate reject Haynsworth and Carswell, they ended up confirming moderates Harry Blackmun and Lewis Powell. These rejections and confirmations paved the way for the 1973 *Roe v. Wade* decision and a host of decisions in the 1970s and 1980s that continued important parts of the legacy of the Earl Warren Supreme Court.

Another extraordinary example of Brooke's statesmanship and independent judgment was his role during the two years of the Watergate scandal. On November 4, 1973, on the Sunday talk show *Issues and Answers*, Ed Brooke became the first national elected official to declare on television that President Richard M. Nixon should resign from office. A week later, he went to the White House and told Nixon face to face that it would be in the best interest of the nation for him to leave the presidency.

For the next nine months, Senator Brooke, on the Senate floor and around the country, would make a series of eloquent, thoughtful, and compelling speeches supporting his initially controversial recommendation. Many Republican colleagues and Republican supporters, especially in Massachusetts, were outraged and let Senator Brooke know exactly what they thought of him in the strongest of terms. But he did not waver, and events proved him prescient. On August 9, 1974, Richard M. Nixon, in order to spare the nation further agony, resigned.

Senator Brooke's judgment and vision is illustrated again by what he did on the day Nixon resigned. He introduced a Senate Resolution stating that Gerald Ford, once sworn in as President, should issue a pardon to Nixon. Very importantly, just before introducing the resolution, Senator Brooke added a provision that would have made the pardon conditional on Nixon's acknowledgement of guilt. A month later, President Ford granted the pardon, but he did not ask for Nixon's admission of wrongdoing. To this day, I believe that the failure to bring closure to Watergate cost Gerald Ford the Presidency. Just as I believe that if President Bill Clinton, 25 years later, had accepted a bipartisan censure resolution at the end of the impeachment proceedings, I am convinced that Al Gore would have won the 2000 election.

The last year of Senator Brooke's tenure in the Senate is a year that will haunt me forever. Entering 1978, Senator Brooke had a favorable rating in Massachusetts in the mid-70s, exceeding even the rating of Senator Ted Kennedy. Phenomenally popular and remarkably effective in the Senate, Senator Brooke was, in my mind, almost assured of an overwhelming reelection victory.

But a divorce proceeding that began amicably in 1976 ended in the spring of 1978 with explosive acrimony. For reasons that remain a mystery to me today, Senator Brooke's daughters turned against him and shared their displeasure with certain members of the Massachusetts press. The press, especially the *Boston Globe*, sensationalized the story, giving it page-one coverage day after day. Dramatic allegations that were later dismissed by the Senate Ethics Committee rained on the citizens of Massachusetts on a daily basis for months.

The irresponsible press coverage took its toll. On Election Day 1978, Senator Brooke was defeated. Devastated, all of us close to the Senator knew that this would be the end of his

political career. The Senator we deemed indispensable would no longer be working his magic on Capitol Hill, promoting and protecting the rights and liberties of all Americans.

Astonishingly, Senator Brooke, throughout the entire ordeal, never displayed bitterness or anger. His innate dignity and grace prevailed.

While we lost our Senate hero, Senator Brooke quickly recaptured his life and happiness. In the following year, he married Anne Fleming, and for the past quarter of a century they and their son, Edward, have lived fully and productively.

Senator Brooke remains active in a number of his favorite causes and continues to monitor the activities of his protégés. And at my request and with my undying gratitude, he made the closing arguments to Katy Beh in support of my marriage proposal. His successful advocacy confirmed for me that he is the one person I would rely on to make the most persuasive argument on the issues that matter the most.

There is one last beautiful and poignant memory that I would like to share. Six summers ago, the state of Massachusetts dedicated the Edward W. Brooke Courthouse in Boston, the first state courthouse named in honor of an African American. Invited by the Senator, there was no way that I would not be there. It was a festive celebration and the highest-ranking Republicans and Democrats from the executive, legislative and judicial branches were in attendance. Speaker after speaker recounted the achievements of Ed Brooke. And the Senator responded with a typically eloquent speech. I was in seventh heaven.

Later that day, I stopped by the part of the building where Senator Brooke's name was etched in the stone. While I exulted privately in the permanence of that inscription, I thought long and hard about the Senator's legacy and the current state of political affairs. The forces on the Radical Right are so close to totally taking over the Supreme Court. While Senator Brooke's name on that courthouse may last forever, the legacy that courthouse celebrates may be lost over the next few years.

As a nation, we owe a profound debt of gratitude to Senator Edward W. Brooke. One partial repayment will be to ensure that his accomplishments and that of countless others will be protected in the years to come.

II. Tribute to Carey Parker

The Senate Kennedy Caucus Room, The Senate Russell Office Building, Washington, D.C.
April 1, 2023

To the Carey Parker Family:

I am delighted to have this opportunity to share with you this tribute to your dad.

Unlike others who have written to you, I am not a Kennedy staff alum. For six years, I worked as a legislative assistant to another icon, liberal Republican Senator Edward W. Brooke, my first boss, lifelong mentor, and friend. As you probably know, Senator Brooke and Senator Kennedy served Massachusetts at the same time for 12 years. The citizens of Massachusetts and the nation could not have had a better team representing them, especially on social justice issues. Unfortunately, Senator Brooke lost his re-election attempt in 1978. But I had the privilege of continuing to work with Senator Kennedy until the year he died.

While not officially a Kennedy alum, I have been treated like one for more than 40 years. Indeed, every time I receive an invitation to a Kennedy event, my wife chuckles and explains to the caller that I was not a Kennedy staffer. And every time the caller would reply that I had achieved honorary status. I have always considered it a high compliment and I have enjoyed every moment that I have spent with the Kennedy team.

In my judgment, Senator Kennedy, during his nearly five decades in the Senate, compiled the most impressive legislative record in the history of the Senate. Indeed, no one has ever been more adept at crafting timely bipartisan compromises that catapulted a bill into a law that served the national interest.

As the executive director of the Leadership Conference on Civil and Human Rights, the “Lobbying Arm of the Civil Rights Movement”; president and CEO of People For the American Way; and the CEO of the National Coalition on Health Care Reform, I had hundreds of opportunities to work with Senator Kennedy and watch him perform his legislative magic. He was simply the best.

But the Kennedy office had another individual who achieved best-in-Senate status. And that person was your dad. Carey Parker was the most effective legislative assistant in the Senate, bar none. And every Democratic and Republican staffer acknowledged that reality. As well as every Republican and Democratic senator.

No other Senate staffer had the combination of legislative and personal skills that your dad had. Without question, he was brilliant. But there were many brilliant persons in the Senate. Yet Carey Parker stood head and shoulders above everyone else. He always knew that to get things done in the Senate, you had to be more than the smartest person in the room. You had to be persuasive, armed with the facts and have the type of personality that could win over people to his point of view, rather than make them irreconcilable adversaries. And you had to have the ability to count votes. He could do it all.

Have I mentioned his writing skills? While a masterful lawyer, your dad could write in a way that was not too legalistic or pedantic. He wrote more in a respectful and easily understood manner that adroitly made arguments that won the day. Of course, if the occasion demanded it, he could also write a political or partisan speech for Senator Kennedy that would shake up the Senate and set the tone for a lively debate that would make crystal clear to the world what was really at stake.

I am sure few will ever forget Senator Kennedy's speech right after the Bork Supreme Court nomination. It was all based on a totally legitimate analysis of the Bork record and how his judicial philosophy would undermine fundamental constitutional rights. But if Bork was to be defeated, the situation demanded a clarion call for opposition to Bork's confirmation. One veteran Washington advocate likened the speech to Paul Revere's ride at the birth of our nation when he made sure everyone knew that the British were coming. Your dad with his office colleagues drafted that speech for Senator Kennedy. The Senator made his edits and then executed it flawlessly, passionately, and persuasively. That speech helped change history, preserving hard-fought freedoms for at least another quarter of a century. And those we have lost recently, we will win back again.

When folks discuss your dad, they will acknowledge all the legislative and political skills he had. But that would just be the beginning of the conversation. Indeed, all of us would then focus extensively on his kindness, thoughtfulness, patience, and humor. And how he would always take the time to share his wisdom and experience with Kennedy staffers and others who came to him for advice. Like myself. Your dad was a mentor and a mensch.

Perhaps most of all, his colleagues and friends would marvel at his loyalty: to Senator Kennedy, to the institution of the Senate, to every democratic value that he and Senator Kennedy championed, and to the nation he loved.

How lucky we and our country are that the best senator and the best senate aide ever met one another in 1969, formed a partnership that lasted decades, and helped make our world a better place.

And my heartfelt thanks to you for sharing him with us.