



EDWARD M. KENNEDY ORAL HISTORY PROJECT

INTERVIEW WITH ESTHER OLAVARRIA

August 28, 2006
Washington, D.C.

Interviewer
Stephen Knott

Index: page 21

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TRANSCRIPT

INTERVIEW WITH ESTHER OLAVARRIA

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Knott: Thanks again for giving us your time. I think the best place to start would be if you could just tell us how you first met Senator Kennedy and how you came to hold the position that you have.

Olavarria: Well, it was back in the summer of '98. I had been an immigration attorney in Miami for about nine years and was looking to move to D.C., and actually just through word of mouth heard of the position and was lucky that he—from what I understood in the interview—he was looking for someone who knew immigration law, and he didn't necessarily care that the person didn't have Hill experience. Often at other offices, they want the Hill experience.

So I went through the interview process and made it, I guess, to one of the finalists and sat down with him one afternoon for the meeting in his office. I was a little nervous, and I went and sat down on his chair and he says, "No, that's my chair." [*laughs*] So, nice start. I'm going to get this job. But it went really well. He was very gracious. He wanted to know about my background. I was born in Cuba, so he was interested in that, and we talked about that.

Knott: You were born in Cuba?

Olavarria: Yes. So we talked a bit about that and just my interest in immigration and so forth. A little while after that, I got the call that I had gotten the job.

Knott: When did you and your family come to the United States?

Olavarria: We came in January of '62, a few years after [Fidel] Castro.

Knott: I don't know how it worked back then. Was Castro allowing people back then to just leave if they'd like?

Olavarria: At that point you still could. Shortly thereafter, those flights were cut off, and it went back and forth, different ways to get out since then.

Knott: Was your family a strongly anti-Castro family?

Olavarria: They became. They were a strongly anti-[Fulgencio] Batista family, and my father had fought against Batista in the student movement and so forth, and then he became disillusioned, for political and religious reasons, after Castro came to power.

Knott: What about yourself?

Olavarria: My views?

Knott: Yes. I'm curious because Senator Kennedy is probably not a hero in the Cuban community, Cuban-American community—or maybe that's a mistake. Maybe that's wrong.

Olavarria: There are Cubans who either hate the Kennedys or love them. My family is in the camp that loved them. With respect to Cuba-policy issues, I'm fairly progressive when it comes to things like the embargo and things like that. I don't support Castro or the regime and so forth, but I also don't agree with the U.S. policies.

Knott: I'm sorry I took you off track, but I thought that was interesting. Could you give us some sense of your initial impressions of Senator Kennedy—after you sat in his chair?

Olavarria: After I sat in his chair. He made me feel very—even after that episode—made me feel very relaxed, and he just seemed like a regular person talking about family and interests like that. At first I felt intimidated because I thought, *Here I am meeting Senator Kennedy*. But he quickly makes you feel very at ease.

Knott: Could you tell us a little bit about what you did just prior to joining his staff?

Olavarria: I practiced immigration law in Miami for about nine years working at, actually, three different non-profit organizations. I started out at the Haitian Refugee Center, representing Haitian asylum-seekers. From there I went to a legal-services-organization program to run their immigration unit. And then in '95, when Congress changed the laws and said LSC [Legal Services Corporation] organizations couldn't represent immigrants, even with private funding, we formed a new organization that didn't take any government money and continued to represent people. Nine years of doing that is a long time, and the demand for services is incredible. You can't even begin to meet it, and I just wanted to do more policy work.

Knott: You've been with the Senator since 1998 working strictly on immigration-related issues?

Olavarria: Immigration, refugee issues. From time to time, I dabble in some other things like the Supreme Court nominations and things like that, but almost exclusively immigration, refugee.

Knott: Can you give us some sense of what aspects of the immigration issue Senator Kennedy seems most engaged with?

Olavarria: Yes. Historically, he has been interested in refugee issues and I know, well before I started with him, he had those interests and traveled extensively. Others that you'll probably

interview on the staff can tell you about that, but that interest continues to this day. For example, the committee has jurisdiction over refugee resettlement and once a year will meet with the Secretary of State to determine what the refugee levels, numbers will be, the numbers we'll admit. He authored the Refugee Act of 1980 that started this whole process. So he's continued to be very interested in that throughout and whenever there are crises—for example, the Lebanon war that just happened now. He was very interested, very concerned, about the plight of the internally displaced and refugees in that situation. Now Iraq and Kosovo.

Knott: Has your relationship changed with him over time? I'm assuming your comfort level has grown over time.

Olavarria: Very much so, yes. It takes a while to figure out exactly how to best serve him in the process and getting to feel comfortable with his needs, and I've gotten to the point where I feel like I am—especially, I guess, over the last three or so years when we've been working on comprehensive immigration reform, where I've been with him for long periods of time.

Knott: I see your picture up there with him. Is that a recent photograph?

Olavarria: Yes, I think it's fairly recent, in the middle of last year.

Knott: Are you frequently at his side in hearings and so forth? You would be the person to sit by his side?

Olavarria: I would be the point person when he leans back and asks the questions at the hearings.

Knott: How often does he lean back and ask you questions?

Olavarria: During hearings, all the time. He is really engaged. Sometimes it's just a comment about some remark somebody has said, or sometimes it's a question. He always manages to ask you the question that you're not prepared for. You'll bring binders and folders full of materials, and he'll always ask me at least one question each time that I need to—

Knott: And if you're stumped, how do you react?

Olavarria: Well, I'll tell him. I've gotten to the point where I can tell him, "Senator, I don't know the answer to that question. Let me find out for you." So you find somebody in the audience who is an expert, or you get on the phone and get back to him.

Knott: The first time you had to do that, was that a nerve-wracking experience?

Olavarria: Oh yes, absolutely.

Knott: And the first time you had to tell him you didn't know an answer to anything was—?

Olavarria: He took it well. I think he prefers for you to tell him that than to try to bullshit him.

Knott: Is he somebody who ever gets irritated with staff?

Olavarria: Oh sure. Compared to others, he doesn't have that kind of reputation, but he does. It's interesting to see that he's been doing this for so long and he still sometimes gets nervous about an event, some place where he's going to speak or a hearing or an amendment on the floor. At that time, then he's, "Well, what am I going to say about this? What about this?" And he plays devil's advocate. Or when he thinks that the explanation you're giving him is just too long, that it's not something that he's going to be able to regurgitate and talk about on the floor or at a hearing and so forth, and he gets a little testy, a little irritated, you've just got to say, "Okay, Senator, let's start all over."

Knott: Do you think the nervousness comes, in part, from this—we keep hearing about how he studies really hard and he does his homework, and he wants to be the master of the facts in that room. Is that part of it?

Olavarria: I think so, and he knows that people are expecting him to play that role.

Knott: You also have a photograph up there of Senator Kennedy with Senator [John] McCain, which I believe is signed by both of them. Is that correct?

Olavarria: Yes.

Knott: Could you talk a little bit about that relationship from what you've seen?

Olavarria: It's a really fascinating relationship. They're very different personalities. McCain can be very abrupt and abrasive and aggressive, and Senator Kennedy knows how to deal with that and counter it when he has to—but also stroke McCain when he has to. I think they've become quite close.

Knott: We're talking to you in August of 2006. There has been a tremendous amount of debate on an immigration bill over the last—I'm not sure when this all began—nine months?

Olavarria: Even longer than that. I mean, they started working together on this bill in December '04.

Knott: I understand why Senator McCain, coming from Arizona, would have a strong interest in immigration. Could you try to explain to somebody who might be reading this transcript 50 to 100 years from now why Senator Kennedy has an interest in this issue?

Olavarria: I've heard him tell the story a bunch of times, and it is basically dating back to his family. His great, great, great grandparents—I can't remember how many great, greats there are but—came from Ireland during, I want to say during the time of the potato famine, and they were able to work hard and make it in this country quite successfully. Because of that history and also because of, I guess, his brother's concern about immigrants. I mean, President [John F.] Kennedy's book, *A Nation of Immigrants*, and so forth. He felt very strongly about this issue.

He'll tell the story about his great grandparents coming up the—I think they're called the Golden Steps, in Boston, and his great grandfather taking him around Boston saying, "Look at all the signs, 'Irish Need Not Apply,'" and so forth, and the history of that and how Irish immigrants were able to work hard and find their way. He sees successive groups of immigrants doing the same and today's immigrants as well.

Knott: Has it been your experience that he is a quick study? I mean, when you send him a memo—and I assume you do—it gets read? It comes back marked up?

Olavarria: All the time. These are memos. Not every single one, but yes. "Get copy to Helen."

Knott: Send this to someone, check with so and so.

Olavarria: You get the idea.

Knott: What is a typical day like for you? How long is a typical day, or is there a typical day?

Olavarria: I guess I would define the typical day as unpredictable. You come in thinking you're going to do one thing, plan for the event that's happening in the next day or two days later. For example, let's say we're having a hearing. Today is Monday and we'll have a hearing on Wednesday. You come in thinking, *I've got to draft my statement and draft questions and the memo*. And then there's an amendment on the floor on something else. You've got to set that aside, run to the floor to deal with that amendment, and then you get a call about some newspaper story, and you've got to react to that. So it's constant give-and-take. Or the Senator calls about something totally unrelated, and you've got to deal with that.

Knott: Can you give us some sense of how he works with the other Senators who are either on this subcommittee or what you've seen just in general—his relationship both with his fellow Democrats, but perhaps more important even, his relationship with Republicans other than McCain?

Olavarria: I don't think he likes to be in your face with other Senators unless he's forced to be that way. He'll approach an issue, a relationship, in a friendly, congenial manner and try to get things done that way. With a new freshman person who comes in, I can't tell you how many meetings I've sat in with fairly junior people, Senators or other people, who come in trying to impress the Senator, and all they do is talk about them themselves. Senator Kennedy will sit there politely, graciously, and listen to them. And then he'll say one or two things that subtly make his mark: "Well, I've been doing this for blah, blah, blah, and I've found this is the best way with respect to this issue," instead of trying to cut them off. He's been like that also with, for example, the successive immigration chairs, or ranking members, on the Republican side on the Immigration Subcommittee. He had a phenomenal relationship with Alan Simpson. I wasn't here for that.

Knott: Yes, we've heard this.

Olavarria: But since that time, we've had successive chairs who know nothing about immigration come in, and the Senator has to go through the whole education, patience process with them. He's very gracious about it and manages to do some things with some of them, not all of them.

Knott: Who are the members of the committee at this time?

Olavarria: Right now, these are the committee members. [*shows Knott a list of members*] So [Arlen] Specter is chair. Chair of the Immigration Committee is [John] Cornyn, a fairly junior Senator from Texas.

Knott: And fairly conservative, I might say.

Olavarria: Fairly conservative, yes, very conservative.

Knott: Do you feel free to comment on that relationship?

Olavarria: It's not been one of the better ones. They have found few areas of common ground, for example, on immigration that they could work on. We initially had hoped that when he became chair, you know, coming from Texas, a state where there are significant numbers of immigrants, the border problem, that he would be more sensitive. [George W.] Bush is much better than Cornyn on these issues. We thought Cornyn would try to align himself more with Bush, and he hasn't. In fact, he's aligned himself more with [Jon] Kyl and taken a really hard line. So it's been difficult to find areas of common ground to work on together. Before that it was [Saxby] Chambliss and, again, we had the same problem with Chambliss—again, fairly conservative. Before that was [Sam] Brownback, and we had a phenomenal relationship with Brownback.

Knott: You did? Interesting. Who are the other Immigration Subcommittee members?

Olavarria: Right now, just about everybody. It used to not be that case. Brownback. Cornyn, I think Lindsey Graham, [Jeff] Sessions, [Michael] DeWine, Kyl, I think, are all on the Immigration Subcommittee.

Knott: Obviously if the Democrats win the election this fall, is Senator Kennedy—he's not the ranking member; Patrick Leahy is the ranking member—but would Senator Kennedy likely become chair of the Immigration Subcommittee?

Olavarria: Yes. When [James] Jeffords switched back in May '01, Kennedy became chair for, I think, a year and a half.

Knott: And would you be moving your offices to bigger quarters? Does that happen every time there's a switch?

Olavarria: No. Often it happens. We have fairly spacious offices, given Senator Kennedy's seniority, so last time it happened, we couldn't get anything bigger, and we just stayed put.

Knott: I wasn't sure if that happened, because you'd be moving a lot, theoretically.

Olavarria: Theoretically.

Knott: That's not particularly conducive to getting things done. Has your relationship changed with him over time? I guess I sort of asked this before, but I'm trying to get a sense of—

Olavarria: I've become much more comfortable with him. I don't jump when he calls. I'm pretty calm in talking to him. I feel comfortable now joking around with him.

Knott: Do you have to put in, like, an 18-hour day?

Olavarria: If we're on the floor, yes. The hours are ridiculous. When we were on the floor earlier this year, we would have 8:00 A.M. Members meetings. So I'd come in around 7:00 to prepare for that, and I was here until midnight, and that lasted a couple of weeks. Then it lets up and you may work a regular, 12-hour day instead. He's demanding.

Knott: Calls at home?

Olavarria: Calls at home. Not all the time for me. I think for someone like Michael Myers, probably every single day, or a chief of staff. But he will call you at home when he's finished going over the book that you've given him for the hearing and he has questions.

Knott: You said you were in Peru, I think, for two weeks recently. Did he call you during—

Olavarria: No, thank God. Part of the time, I was not accessible at all, but I had to get special permission to be able to do that.

Knott: Really?

Olavarria: Oh yes, our chief of staff was very concerned.

Knott: So you had to get permission to say, "I'm out of reach for two weeks."

Olavarria: "I want to go away for two weeks," because immigration is so hot right now.

Knott: Right. Could you give us an overview of this issue that you've been dealing with since, I think you said December of 2004?

Olavarria: That's when McCain and Kennedy started working on this bill. We started working on this issue before 9/11, and the first draft of the bill was with Senator Brownback. At that time we were in the majority, and Brownback was ranking member. Brownback decided to go off the committee at the end of 2002 because he was up for reelection and immigration doesn't play well in Kansas. So we started working with [Charles] Hagel and [Tom] Daschle on a bill and got to the point where we disagreed, and Hagel and Daschle introduced a bill, and Senator Kennedy

introduced another. At the same time, McCain was working on a bill and McCain introduced a competing bill. It was during the fall of '04 that McCain and Kennedy started talking, and they said, "Look, whoever gets elected President, let's commit to working on a bill together." So in December of '04, we started working on something.

Knott: You have a copy of a bill, and you have a pen that I assume President Bush used to sign it. Could you tell us a little bit about that?

Olavarria: That was the border security and visa reform bill that we did after 9/11. On September 7, 2001, Senator Kennedy held a full committee hearing on comprehensive immigration reform. On September 11, we were actually meeting with staff to work on the Immigration Reform Bill. Then the terrorist attack happened and everything got sidetracked, and border security became the big issue.

What happened was there were certain people who wanted to basically shut down programs. Senator [Dianne] Feinstein wanted to shut down the entire foreign-student-visa program, and Senator Kyl tended to agree with her. Senator Kennedy and Senator Brownback took a different approach and thought, *We need to see where the problems are, close any loopholes, et cetera, but not shut down programs*. So we ended up introducing competing bills in October or November 2001, and after that happened, Kennedy, Feinstein, Kyl, and Brownback all got into a room and said, "Look, let's find a compromise between our bills." They basically established general principles to go by, and we began drafting a new bill that eventually became this border security bill.

Knott: I wouldn't think that these issues are big in Massachusetts, but am I mistaken about that?

Olavarria: There's a large immigrant community in Massachusetts. There's a long-established Southeast-Asian community—Cambodian, Laotian, and Vietnamese immigrants who came in the '70s, '80s. Vietnamese boat people. Irish, of course. A lot of African refugees have settled there, but more recently, Brazilians—hundreds and thousands of Brazilians. I was surprised to learn that as well. There also was an old Portuguese community from the Azores and from different parts of Portugal, and I guess Brazilians, because of the common language, have also settled there.

Knott: How much of your job, if any, is devoted to addressing any specifically Massachusetts-related immigration?

Olavarria: Senator Kennedy's views are national in scope when it comes to immigration, but he's always concerned about what is important in Massachusetts. So early on, I learned to figure out, is this an issue in Massachusetts? Who supports this?

Knott: How did you learn that? Any particular incident?

Olavarria: I remember doing a memo to him, again, addressing the problem nationally. I think it had to do with immigrants who commit crimes facing deportation—a touchy issue—and he wanted to know, "Is this a problem in Massachusetts? I don't care nationally." And I had to

immediately get back to him, “Yes, it is. In these communities, this is a pretty serious problem,” and that helped convince him then to eventually introduce a bill to address that problem. Since then, he’s said to make a few calls and make sure. We have a caseworker who’s been with him forever, Emily Winterson.

Knott: Oh, I met her in Boston.

Olavarria: Yes. She handles the bulk of the constituent problems. And then when she sees recurring problems, he tells me about it, and we deal with it more globally.

Knott: She seems to really know her work.

Olavarria: Very much so.

Knott: She told us that they even get requests from people outside of Massachusetts because his office has such a good reputation with helping with these kinds of problems.

Olavarria: Yes. And we do some of that here as well.

Knott: You have a bumper sticker on your office wall. It refers to Lou Dobbs in less than flattering—is it tough? I mean, it seems to me, this is an issue that’s so easily demagogued and is being demagogued almost on a daily basis. Senator Kennedy is often portrayed as—I don’t know how to put it—but they use the term “amnesty” and “illegals are going to be allowed to stay,” and that just flaunts our laws. How do you combat that?

Olavarria: It’s not easy and it’s taken a lot of work, a lot of creative thinking, and a lot of research and so forth. He’s convinced now that the way to solve the problem is through a comprehensive approach because just trying to add additional border-patrol agents, that’s the same thing we’ve done for 10, 15, 20 years, and it hasn’t worked. It doesn’t lend itself to the sound byte. Compared to the Lou Dobbs and others—they certainly have the easier task at hand. Senator Kennedy has done, actually, an exceptional job of just absorbing all of that and coming back with, “You know, this isn’t amnesty because XYZ. This is different from the ’86 law, which was an amnesty because XYZ.” It’s just taken a lot of time to come up with those arguments, and we’ve worked with lots of people, and he meets with lots of experts to try to hone the message.

Knott: Politically, was it a problem when there were the rallies that were held in springtime, it would be, where a number of Mexican flags appeared at the rallies?

Olavarria: I think there were many more American flags than Mexican flags, but the media focused on—and especially Lou Dobbs. You’d see a sea of American flags, and there were a couple of Mexican flags, and he honed in on that—or an upside down American flag—and that’s the one.

Knott: Senator Kennedy has never gone on the Lou Dobbs show, I take it?

Olavarria: He did once but it wasn't on immigration. I was dying. I was hoping he wouldn't be asked anything on immigration.

Knott: I don't know what's happened to Lou Dobbs. He never used to be like this.

Olavarria: No.

Knott: His ratings must have been plummeting or something. Maybe I shouldn't quip. Maybe it's a genuine belief.

Olavarria: I don't know what has happened to him, but he has become obsessed.

Knott: You've been here since '98. Can you give us some assessment of your overall experience here? Has this been one of the best jobs you've ever held? *The* best job you've ever held? Something that you can see yourself staying at for some time? I'm not asking you if you're planning to leave. It's not my business, but—

Olavarria: Lots of people ask me that.

Knott: But the burnout rate is fairly high.

Olavarria: Oh, it is. Last summer I was totally burned out.

Knott: Summer '05?

Olavarria: Summer '05, where I was ready to quit because the hours are very long. The stress level is incredible.

Knott: Does it take a toll on family?

Olavarria: It does, yes. I don't see how the women that work in our office who have kids do it. I have two dogs and a husband who's very independent and a workaholic. I don't see how they do it, because it doesn't leave any time. And you have no control over your schedule. Your schedule fluctuates with the Congressional calendar.

But going back to your original question, it's one of the best jobs I've ever had. Working for the Senator is just phenomenal. I wouldn't work for anybody else in Congress.

Knott: You mentioned 9/11 a few questions back. That has clearly complicated the issue, made it, perhaps, even more susceptible to demagoguery. Is that an accurate statement?

Olavarria: Yes.

Knott: INS [Immigration and Naturalization Service] has been moved to within the Department of Homeland Security [DHS]. Could you tell us how that has either made your work more difficult or—

Olavarria: That was about a year of work, I guess, while we were dealing with that issue. The whole issue of INS restructuring was around well before 9/11, and it was actually one of the first issues I got handed when I got here in '98, to try to restructure the agency. It just never got off the ground for one reason or another. And then after 9/11, I think the INS and the State Department got the bum rap and were blamed for a lot of the mistakes and problems that happened. At that point the decision was made, "Let's abolish this agency and fold it into this entirely new agency," and I think that's been disastrous.

Knott: You do?

Olavarria: Oh, yes.

Knott: It would have been better to leave it where it was?

Olavarria: I think it would have been better just to reform it within, to try to come up with a structure where the enforcement was divided from services but they were still part of the same entity, because the laws and the regulations apply to enforcement and services alike, and you can't have different interpretations for enforcement versus adjudication of an application. What's happened is, now it's been divided into three separate units that have three separate directors and nobody really overseeing. I mean, [Michael] Chertoff doesn't have time to oversee the policies, so you have three separate offices of general counsel, three separate policy units, all commenting on regulations, issuing conflicting interpretations, and things become paralyzed. There are issues that have been pending forever that they can't come to an agreement on, so nothing gets done.

Knott: Is it fair to say that your job, Senator Kennedy's job, has become more difficult since immigration has become more of a national security issue as opposed to, perhaps, a human rights issue?

Olavarria: It's a tougher sell because now everybody looks at immigration through the prism of security. Security is an important component, but it's not all of it. It's much more nuanced, and some people just don't see that other aspect of it. It's forced us also to become more serious about the border-security enforcement aspect of it. You just can't say, "There are people coming in illegally. They're all coming to work. So what?" Well, they may not all be coming to work. We need to be concerned.

Knott: So the people like Pat Buchanan or Lou Dobbs, perhaps, who say we basically need to build a wall, and we need to arm the border with Mexico—what is Senator Kennedy's response to that security focus?

Olavarria: He'll say, "Yes, we do need to have strong border security. Each nation needs to have control over its borders, but building a wall isn't the answer. People will dig under, go over it, go around it. What we need to do is provide legal avenues for people who come in, so you screen them before they come into the country and at the port of entry, and you free up the resources for border-patrol agents to, in fact, concentrate on drug smugglers, criminals, terrorists, and so forth instead of busboys."

Knott: If the Democrats win the Senate this fall, do you become majority counsel? That's a done deal?

Olavarria: Yes.

Knott: And you will stay on?

Olavarria: I'm committed to staying on through this bill.

Knott: If you had to guess, what's your projected timetable on that?

Olavarria: Oh, God knows. I think it's going to be really tough to get something done in the little time we have left. It's certainly not going to happen before the October recess. There's a chance that it will happen in the lame-duck session, but there are so many variables. If Democrats win the House, the question is, "Are we better off waiting for next year or not?" It could go either way, so we need to assess all of that if and when that happens.

Knott: If you do become the majority counsel, do you have greater resources to deal with—is that accurate?

Olavarria: Yes. It will depend on what the split is. When we were 50/50 and we were 51/49, the resources were more or less the same. But how we are now, at 45/55, the Republicans do have more resources.

Knott: I didn't realize that. That's a Senate tradition, more or less, that the gap is comfortable?

Olavarria: It's something that's negotiated each time. And Leahy and [Orrin] Hatch, when we were very close, negotiated something that when it flipped again and we were close again, resources remained the same. The more likely scenario is, whoever is in the majority, I think, gets two-thirds, and the minority gets one-third, something like that.

Knott: You mentioned Senator Hatch. We've heard a lot about the relationship between Senator Kennedy and Senator Hatch. Could you comment on that?

Olavarria: I think Senator Hatch considers, or thinks, Senator Kennedy is—or likes to portray Senator Kennedy as—a closer friend than he is. I don't think they're that close, to tell you the truth. I think Senator Kennedy is fond of Senator Hatch, but they're not buddies. And I think Senator Kennedy is a little leery at times of Senator Hatch, and he sometimes plays fast and loose.

Knott: Senator Kennedy opposed Senator Sessions' nomination for a judgeship, I believe under President Reagan, if I'm not mistaken?

Olavarria: I know, it was a long time ago.

Knott: It was a long time ago. Do they have an okay relationship? I mean, they have a history there that one would think would be the other way.

Olavarria: They don't have a friendly relationship to speak of. I don't think Senator Kennedy is ever rude to him. I know that they worked together in the last couple of years on a bill, a prison-rape bill with one of my co-workers, but that's the only bill I can remember. On immigration, they're just worlds apart.

Knott: You mentioned Sam Brownback before. He was a good chair, I think was the term you used. Could you elaborate a little more on that?

Olavarria: He was one that Senator Kennedy—even though he is extremely conservative on many issues—on immigration, they saw eye-to-eye. Senator Brownback is very concerned about refugee issues, and we work extremely closely together on refugee issues and on a lot of the other immigration issues. There are more areas of common interest than not. There were some where we disagreed, and we agreed to disagree and set those aside and concentrated on the ones that we did. For example, after 9/11 their views were very similar compared to others on the committee—and on immigration reform also.

Knott: Senator [Richard] Durbin is a member of the committee. He's also the Minority Whip. Is there a good relationship there?

Olavarria: Excellent relationship. I think there is a lot of mutual respect. I think Senator Kennedy thinks Senator Durbin is extremely bright and hardworking and engaging, somebody that he sees as a real ally.

Knott: We've heard some reports that there is some grumbling in the Democratic circles that Senator Kennedy is a little too quick to cut a deal with the Republicans.

Olavarria: Oh, yes. I don't think that he's too quick, but that's a sense that others get because he's more willing.

Knott: He's inclined.

Olavarria: He's inclined to. I think Senator Kennedy, essentially, is a legislator. He's here to try and get things done, and sometimes others in both parties—but we're experiencing it a lot on the Democratic side—are more interested in having an issue for the campaign than a bill done, and they're concerned about giving credit to the other side. On immigration, it's going to be a huge deal. I mean, if we don't get something done this year, then it's going to be, "Well, if we have an immigration victory with McCain, aren't you giving McCain the Presidency?"

Knott: Really?

Olavarria: Yes.

Knott: So that's going to be a problem?

Olavarria: Oh, it's been a huge problem. Senator [Charles] Schumer and Senator [Harry] Reid have been very upset with Senator Kennedy about that.

Knott: I was going to ask you about Senator Reid, who is the minority leader, because we've heard he is one of the people who have—he's occasionally reaching out to Senator Kennedy and telling him to, for lack of a better term, cool it.

Olavarria: Rein it in. It's true. They have had pretty serious disagreements. I've known most about the immigration bill but yes, they have.

Knott: Is Senator Reid getting this, from what you know, from potential Democratic Presidential candidates in '08?

Olavarria: I think, right now it's more the '06. So he's getting it from Schumer, for example. Whenever Senator Schumer sees Senator Kennedy on the floor talking to McCain, it's like, "Oh no, is he cutting a deal that we're getting left out of?"

Knott: Have you ever heard Senator Kennedy comment on this phenomenon?

Olavarria: Somewhat. I think he talks to Michael more about it, but it is a sense—I've seen him frustrated by it.

Knott: We're told that this is a change from the good old days, in a sense. When Senator Kennedy first started 44 years ago, there was less of that, and there was more of an ability to work with colleagues across the aisle to try to get things done. Do you ever hear him yearning for the good old days?

Olavarria: Yes, he does.

Knott: Could you comment on that?

Olavarria: He has talked about that, and again, it's more expressing frustrations. Also, not just about working across the aisle but just working in general. It was a place that was more dedicated to trying to get things done, and people came in and worked five days a week versus now, three days a week, where people take off Mondays and Fridays. And so things got done faster and maybe a little easier.

Knott: In the area that you're interested in—and I guess this is a premature question, because if this major piece of legislation passes in the next year or two—I'm trying to ask a legacy question in the area of interest to you, which is immigration and refugees. What will Senator Kennedy's legacy be?

Olavarria: Well, I think it already is. He is *the* immigration Senator and has been. Whenever there is a new issue, they come to Senator Kennedy first because he has been so interested and so involved on this. The first major bill he did was the Immigration Act of 1965.

Knott: Which was a significant piece of legislation.

Olavarria: Major. It rewrote immigration law, put in place family and employment systems, eliminated the Asian quotas, etc. It was *the* major piece of legislation for decades.

Knott: Part of that whole civil-rights package, in a sense.

Olavarria: Yes. He has been doing that since with other bills, some not as major as that. The Refugee Act of 1980. He was very involved in the '86 Legalization Act, the '90 Act. He tried to stop some of the things that happened in '96.

Knott: Stop some of things that happened in '96? Part of the [Newton] Gingrich revolution?

Olavarria: In immigration there were pretty drastic changes that were made: curtailing relief for immigrants, expanding what's called "aggravated felonies," the crimes that could subject you to deportation, some of which were really minor. Misdemeanors could subject you to deportation. And relief that used to be available to long-term immigrants was eliminated, and he tried to work to try to lessen some of that.

Knott: Since your time here, would you say that some of his accomplishments are essentially defensive in nature—in other words, fending off Republican initiatives?

Olavarria: They've been both, and it depends on the situation. A lot of what we've done has been defensive.

Knott: How important is it to have a Democrat in the White House?

Olavarria: Oh, it's so easy compared to—

Knott: So the Clinton years were far easier for you than the Bush years.

Olavarria: Far easier. I remember when we were doing—I think it was in 2000—we were doing the H1B bill and trying to redo some immigrants' rights stuff as well, fold that in, and having the White House call the meetings here in the Senate, where Hatch and his people would come, and we would come in with the White House people. If it wasn't the meeting they had called or the agenda that they had set forth, they would get up and leave, and we had the power to do that and negotiate with them and present the Republicans with, "Here, take it or leave it."

Knott: George W. Bush likes to think of himself as a compassionate conservative. Especially, I think, this is one of those issues I think he put near the top. Can you comment on that?

Olavarria: This is one of those areas where he truly does believe in what he's saying, and I think he's committed to doing it. Senator Kennedy is convinced of that and has had a number of meetings with him.

Knott: So the Senator believes him?

Olavarria: The Senator completely believes him, yes. He's met with him many times at the White House on this issue, but the problem is that Bush has so little political capital right now to try to get this done, and it's unfortunate that, because of 9/11, things got put on the side track, and then he didn't resume his relationship with [Vicente] Fox soon enough.

Knott: So this was a priority for him, and 9/11 blew that out of the water?

Olavarria: Yes, it was a priority in the summer of 2001 when Bush met with Fox. I think it was in August of 2001.

Knott: Do you have interactions with people in the executive branch? Is that a regular part of your responsibilities?

Olavarria: Yes.

Knott: Who do these people tend to be?

Olavarria: A lot of people at DHS, the State Department, to a lesser extent the Department of Labor, and then sometimes the White House.

Knott: Who in the White House? The domestic policy staff?

Olavarria: The domestic policy staff, yes, mostly.

Knott: There's a real division within the Republican Party on this issue, or at least between the current President and most of his Congressional rank and file.

Olavarria: Yes, I would say so. They see Kennedy as a real ally. I mean, Bush really does see him as an ally on this issue.

Knott: If you had to compare Senate and House Republicans, who's worse?

Olavarria: House Republicans. You have some of the, yes, most conservative, close-minded.

Knott: Do you have interactions with your House counterparts on a regular basis?

Olavarria: Yes, on a regular basis. When we did the McCain-Kennedy bill, it was McCain, Kennedy, [James] Kolbe, [Jeff] Flake, [Luis] Gutierrez, two Republicans from Arizona and Gutierrez from Illinois and a Democrat. We've worked very closely with [Howard] Berman on the AgJOBS bill and others.

Knott: Senator Kennedy is a strong supporter of organized labor. Are they a problem for you on this issue?

Olavarria: Yes. That has been one of the most trying.

Knott: I mean, I would think so. How does he deal with the AFL-CIO [American Federation of Labor & Congress of Industrial Organizations] and with the others on this?

Olavarria: He deals with it remarkably well. I think it was back in 2000 or 2001 that the AFL-CIO changed their position on immigration and all of a sudden became more pro-immigrant when they realized that, to continue to attract union members, they needed to attract immigrant union members. Senator Kennedy thought, *Well, it's about time this happened*. But they have not been able to embrace all of immigration. They've been very against temporary-worker programs. They're fine with legalizing the people here, but they don't want new people coming in. And Senator Kennedy long ago took the position that we had to have temporary-worker programs, the kind with strong labor protections and all of that, and they have been adamantly against that, with very few exceptions. So we've had countless meetings with John Sweeney and others, where they've come in complaining. Senator Kennedy listens to them and tries to address their concerns, but—

Knott: They are not moved by the human rights argument or the argument that, “Your parents or your grandparents or your great grandparents were immigrants at one time”?

Olavarria: Well, they are, with respect to the people here—that's the dichotomy—but not for new people. They want new people to come in as green card holders, which is not politically realistic. That was a big issue also in the split between the two unions, with the AFL-CIO and then Change to Win. The biggest unions in Change to Win actually are much—

Knott: I'm sorry, could you explain Change to Win?

Olavarria: Change to Win is—when the AFL-CIO split off from—well, actually, it was SEIU, the Service Employees International Union and UNITE HERE [Union of Needletrades, Industrial and Textile Employees, and Hotel Employees and Restaurant Employees International Union], they split—and a few others: teamsters, united food and commercial workers—they split off from the AFL-CIO. The big issue was whether the union should invest more in organizing versus in political campaigns and so forth. And the AFL-CIO was more invested in the campaigns builder, power base through Congress. The Change to Win people were, “No, we need to put all our money into trying to organize grassroots, attract more members.” The grassroots, attract-more-member unions are more pro-immigrant, and we've worked much better with them than the AFL-CIO. But it does create incredible tension.

Knott: You hear it said in the news media that there are some Republicans who are terrified of losing the Hispanic vote for the remainder of the century if Republicans take too hard a line on this. Do you pick this up at all?

Olavarria: Oh yes. There is that split in the Republican Party where the Karl Roves of the world are of that opinion—and, I think, so is Bush—and they feel that they need a victory on immigration. If not, we're going to end up like California did after Proposition 187.

Knott: Pete Wilson.

Olavarria: Pete Wilson, yes. There are others who say, “The Hispanics are never going to support Republican candidates. Why do we bother?”

Knott: With Bush, do you get the sense that it’s a political calculation, or is it genuine?

Olavarria: I think there is that political calculation, but I think there is more a genuine interest in the issue and concern about trying to solve the problem.

Knott: I want to ask you another legacy question. If you could, again, think of somebody who is reading this 50 to 100 years from now, Senator Kennedy’s reputation, if you listen to talk radio and if you read the tabloids, is not the greatest. Could you tell somebody who is trying to figure this man out long after some of us are gone what would you like them to understand about this man, about what makes this man tick?

Olavarria: I think he’s one of the most compassionate people I’ve ever met, and I think that he works as hard and is so concerned about the issues because he is so compassionate. At the macro level, he really cares about what happens to working people. He really cares about what happens to immigrants, people going without healthcare, everything. Concerns about the war.

At the micro level, I’ve never seen somebody who is more attuned to needs of individuals. From Senators, it’s amazing to hear sometimes—

Knott: We keep hearing this, yes.

Olavarria: When Senators, especially Republicans you’d think would hate Senator Kennedy, talk so kindly about how caring he is. He’ll pick up the phone if their wife is ill or dies, if the father passes away. He sends more thank-you notes than anybody I know.

Knott: We’re told his mother ingrained that in him.

Olavarria: Oh, absolutely. I have learned to do that because of him. I mean, it’s not something that one did in the Cuban culture, and because of him, I have. Or just try to make people feel at ease. I remember one hearing that we had where one of the witnesses didn’t speak English, and so we had a translator there, and the translator was having a really hard time. The people were laughing sometimes, and the Senator made some remarks or tried to tell the guy, “You’re doing a good job. This is extremely difficult. We appreciate your effort.” And it was very important for that young man.

Knott: Have you seen instances of this compassion with the staff?

Olavarria: Absolutely. Whenever anybody is hospitalized or their relative is, he’ll pick up the phone, or he’ll tell you to call so-and-so to make sure you have the best doctors. Also, he’ll call you up at home to tell you, “Great job. Thank you. That was phenomenal. I couldn’t have done it without you.”

Knott: Have your family members had a chance to meet him?

Olavarria: Yes. The Armed Services Committee did a hearing in Miami recently, and Senator Kennedy went down with Senator McCain and others, and my mom and my sisters went to the hearing. So he wanted to meet my mom. He had me, on the flight down with Senator [John] Warner, tell Senator Warner all about my family. So then Senator Warner wanted to meet my mom.

Knott: One last question. Is there excitement in the Cuban-American community about the prospects of Castro's departure?

Olavarria: Oh, very much so. I think it's the best news the Cuban-American community has gotten in a long time. I don't see anything happening any time soon, but the people feel like things are going in the right direction.

Knott: Do you think a lot of Cuban Americans would return to Cuba?

Olavarria: To live permanently, probably not. So many, I think, are well settled here. What you may see is people living in both, having their main house here and a vacation home there, or setting up a business over there and living here.

Knott: Is there anything else, Esther, that you would like to add to the record? Again, you have control over this transcript, so if you want to say something that you want to put a restriction on—I'm not digging for dirt here—this is a chance for you to just say something, again, to somebody who might be reading this transcript in 2089.

Olavarria: I can't think of anything else right now.

Knott: Well, I want to thank you very much for giving us your time.

Olavarria: Oh no, thank you. This was fun.

Knott: We probably will be getting back in touch with you at some point, if you don't mind.

Olavarria: No, that's quite all right.

Knott: I may have a question or two for you down the road just to help us through this immigration business. We're not experts on all these policy issues, so we occasionally need help from the Senator's staff.

Olavarria: Glad to do it.

Knott: That would be great. Thank you.

Olavarria: You're welcome.

INDEX

AFL-CIO. *See* American Federation of Labor & Congress of Industrial Organizations
AgJOBS bill, 17

American Federation of Labor & Congress of Industrial Organizations, 18
and immigration, 18

Batista, Fulgencio, 3
Berman, Howard, 17
Brownback, Sam, 7, 8-9, 14
Buchanan, Patrick J., 12
Bush, George W., 7, 9, 16-17, 19
and EMK, 17

Castro, Fidel, 2-3, 20
Chambliss, Saxby, 7
Change to Win, 18
Chertoff, Michael, 12
Clinton, William, 16
Cornyn, John, 7
and EMK, 7

Daschle, Tom, 9
DeWine, Michael, 7
DHS. *See* Homeland Security, Department of
Dobbs, Lou, 10-11, 12
and EMK, 11
Durbin, Richard, 14
and EMK, 14

Feinstein, Dianne, 9
Flake, Jeff, 17
Fox, Vicente, 17

Gingrich, Newton, 16
Graham, Lindsey O., 7
Gutierrez, Luis, 17

Hagel, Chuck, 9
Hatch, Orrin, 13, 16
and EMK, 13
Homeland Security, Department of, 12

Immigration
effect of 9/11 on, 17
EMK and, 3-4, 5-7, 9, 15-16

- as national security issue, 12-13
 - refugee issues, 3-4
- Immigration Act of 1965, 16
- Immigration and Naturalization Service, 12
- Immigration Reform Bill, 9
- INS. *See* Immigration and Naturalization Service

Jeffords, James, 7

Kennedy, Edward M.

- bipartisanship, 14
- and Bush, George W., 17
- character, 19-20
- and Cornyn, John, 7
- and Cuban-American community, 3
- and Dobbs, Lou, 11
- and Durbin, Richard, 14
- and Hatch, Orrin, 13
- and immigration, 3-4, 5-7, 9, 15-16, 17, 18
 - as national security issue, 12-13
- as legislator, 14
- and McCain, John, 5, 9
- and other Senators, 6
- and refugee issues, 3-4
- and Reid, Harry, 15
- as Senator, 4, 6
- and Sessions, Jeff, 14
- and Simpson, Alan, 6
- and unions, 18

Kennedy, John F., *A Nation of Immigrants*, 6

Kolbe, Jim, 17

Kyl, Jon, 7, 9

Leahy, Patrick, 7, 13

McCain, John, 8, 14, 15, 17, 20

- and EMK, 5, 9

McCain-Kennedy bill, 17

Myers, Michael, 8

Nation of Immigrants, A, 6

9/11, effect on immigration policy, 11-12, 17

Olavarria, Esther

- and EMK, first meeting, 2, 3

- and immigration issues, 3-4, 5-7, 9, 12-13, 15-16, 17, 18

Reagan, Ronald, 13
Refugee Act of 1980, 4, 16
Reid, Harry, 15
 and EMK, 15

Schumer, Charles E., 15
SEIU. *See* Service Employees International Union
Service Employees International Union, 18
Sessions, Jefferson, 7, 13-14
 and EMK, 14
Simpson, Alan, and EMK, 6
Specter, Arlen, 7
Sweeney, John, 18

Union of Needletrades, Industrial and Textile Employees, and Hotel Employees and Restaurant
Employees International Union, 18
Unions, EMK and, 18
UNITE HERE. *See* Union of Needletrades, Industrial and Textile Employees, and Hotel
Employees and Restaurant Employees International Union

Warner, John, 20
Wilson, Pete, 19
Winterson, Emily, 10