EDWARD M. KENNEDY ORAL HISTORY PROJECT

FINAL EDITED TRANSCRIPT

INTERVIEW WITH KATHLEEN KRUSE

December 8, 2008
Washington, D.C.

Interviewer

University of Virginia

Janet Heininger

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Heininger: This is an interview with Kathy Kruse on December 8, 2008, in Washington, D.C. Why don't we start at the very beginning? Tell me when you first met [Edward] Kennedy and what your first impressions of him were.

Kruse: Well, that was a long time ago. I began working for Senator Kennedy in January of 1979. I had been working on the House side for a member of the Massachusetts delegation, Congressman Jim Burke. He retired and I moved over to the Senate and began my career with Senator Kennedy.

[BREAK]

One thing that the Senator does so effectively is to give his staff full rein. Because he is such an effective leader with his staff, he is able to get more done. For example, he would give Michael Iskowitz a leadership role on civil rights issues for gays and robustly support his work. That support empowers the staff and broadens results. It is amazing how good he is at delegating. If you go to a meeting with him, he always says things like, "Kathy does this so well, you'd better be following up with Kathy." He credentials you as someone who works with him and who has his confidence, and that enables you to have the gravitas to get something done—each in our own issue area.

Heininger: Do you think that's unusual among Senators, the extent to which he delegates to staff?

Kruse: Many people on the Hill have a lot of independence. The way he's been able to be so effective doing it distinguishes him and empowers so many people. It's about the issue, not about the staff person having the ego. It's exciting working on an issue because he lets you run with it and things start to happen. It's gratifying.

Heininger: To what extent have you seen the health challenges he has faced, and has faced in his family, affect his work as a Senator?

Kruse: Over the years?

Heininger: Over the years, not just the recent one.

Kruse: He has worked harder and worked longer hours than most people ever admit. I was talking over the weekend with someone who said that he had talked to Senator [Barack] Obama three years ago, when he first came here, and he asked Obama, "Is there anything that surprised you about the Senate?" He replied, "I can't believe how hard Ted Kennedy works." [*laughing*] That was before he started down this path. He impresses his colleagues because he is so thoughtful and so organized and disciplined about his work. He does work harder than many, many people.

The one health issue that he's had is his back, so his mobility issues are something that you always have to be mindful of, and something that has progressed over time. He always doggedly perseveres through and will do a twelve-hour day when his back is incredibly painful. The one thing you'd notice about him—not in terms of his health per se—was his dieting. For many years he would always diet from the first of the year through his birthday, to get back to fighting form. To the extent that he was a little bit cranky [*laughing*] when he was on his diets, you would notice. That's one thing that he's always had to work on, but his back is—You know, it was a plane crash that caused his back to be broken in many places, and over the years that's become a more chronic issue.

Heininger: What about the challenges that Teddy [Kennedy] faced and that Kara [Kennedy] faced?

Kruse: Not his own?

Heininger: He's faced such an unusual constellation of both personal health issues and those within his own family that you have to wonder if this has affected how he has approached healthcare. Has it made him more sensitive about health issues and the importance of healthcare?

Kruse: Well, that would be true for—You see people walking in those walks for breast cancer or something? Those are people who are affected by an issue—someone in their family, someone who was a friend. Clearly he understands the pain of that. What you see in him as a result is compassion. He understands what families go through. I wasn't here when Teddy was sick, but Kara was sick and he went all out, anything that he could do for her. He got down—he and Vicki [Reggie Kennedy] both—and made an enormous effort to make sure she had access to every care, and to provide whatever support she needed to know that she was loved during that time. He has an amazing capacity for that kind of compassion and understanding, and you see it in other things.

After 9/11, he made calls to everyone in the Massachusetts community who had a relative on the plane that went down from Boston, so the Boston 9/11 families all have heard from him. They were in touch with him all the time, as he was helping them through that process. He organized concerts in Massachusetts for them. He knew what that kind of sudden and tragic loss would be, and reached out to each one of those families. I don't know if there's anybody else who took that much—I guess the number in New York would be so much more, but the Boston ones he did. He reached out to all of them and had a concert where they could come and have services, provided some sense of comfort for these families.

He's done it with the soldiers who are in Iraq. He has been very public about his views on that war, but any time there's been a loss in Massachusetts, he has called the families. Many times he has visited them and been with the families for funerals, things like that.

But it's for everyone who has had that kind of loss; it's not just related to healthcare or cancer, things that he knows. He understands loss, and he understands people's struggle and pain. He hasn't closed up as a result of it; he's *expanded* his caring rather than—Some people are going to feel sorry for themselves and say, "Oh, I've dealt with all this." Instead, he has looked at it and has seen that there are other families who are struggling. With healthcare, he wants to make sure that other families have the same access to good care, so that they can take care of their families in the same way he wanted to take care of his.

Heininger: But did you see any changes in him after he made the decision to no longer run for President?

Kruse: I hadn't worked here that long. At that time, I was a new staff member, but observed that he came back with a vengeance. It was a difficult time here at the Senate, because he had lost so many of his colleagues that he was very close to. He came back and we saw over time that he really dug in: "We're going to do these healthcare issues. We're going to do education." It's reflected in the messages that he's received since he's been sick now. On both sides of the aisle, they say, "I may disagree with you on the issues, but I'll never say that you're not a fair fighter." He just doesn't give up. He keeps on going, and if there's a way to bring someone along, he'll go over—He'll always make the effort to go to somebody else's office, not to have them come here—and say, "What can we do?" He'll find ways to reach out to other people.

Heininger: Of the Senators that you've seen through the years, with whom has he been close?

Kruse: He's close to many members. Many of them respect him a lot. Chris Dodd would obviously be one of his closest friends. He's very close now with John Kerry. John Warner is a good friend of his. Senator Paul Laxalt was another person for whom he had an affinity. Obviously, before, there was John Culver, [Henry] Scoop Jackson, and a lot of those—Phil Hart. He went over to the dedication of the Hart Building, and felt such a heartfelt—He teared up talking about his time with Phil Hart. He's had not only his own relationships but has also had the issue of inheriting family and friends from his brothers. When he came as a young man, he wasn't just starting; he had that cast of thousands who were friends of his brothers, President [John F.] Kennedy and/or Bobby Kennedy, so he had those easy relationships with people who were older than he was.

An interesting study in that would be Bob Byrd, because Senator Byrd was an icon here in the Senate and the Senator reached out. You know, he ran against him for Whip but lost that race. He learned a lot from it, about how to count. [*laughing*] One thing they always say when you come to the Senate is that you have to learn how to count. He learned from that, just like the loss for the Presidency. Since that time, he and Senator Byrd have forged an amazing relationship. They have done an extraordinary amount of work together.

The Senator would, once a year, go over and talk to him about what he needed on the Interior Appropriations, and that included all the things for his state: the lighthouses, the schools, the

historic preservation issues. He'd go over there and would always have to have something historic to bring to Senator Byrd. I was at one of those meetings and Senator Byrd said to him, "You know, Ted, at the end of the accounting, there are going to be more pieces of important legislation with your name on it than anybody else who's ever served in this body." The Senator grinned, seemingly pleased to be getting the approval of someone who cherishes the Senate, Bob Byrd. Nobody knows more about the process and the history. He earned his respect, but he did it over time and he did it with hard work.

Heininger: Who would you say through the years he's *not* been close to?

Kruse: Jesse Helms.

Heininger: Yes, right.

Kruse: Especially so in my area, because Jesse Helms was the lead person on the other side in the culture wars, which was an extremely difficult time. We'd sit there and listen to Jesse Helms talk about the arts. He would say things like, "We're not going to give money to those artists and perverts and homosexuals," as if they were all one thing, one and the same. That's a very angry thing to say, a very angry thing to say. He was one of the few people with whom you didn't find the Senator having any ability to find common ground. We just knew we were on the other side. They were never angry or personally vindictive with one another, but—I don't think there was any common ground there.

Heininger: Since you cover both arts and humanities, how would Kennedy define "humanities"? It's a broad term.

Kruse: In terms of the National Endowment for the Humanities, there's a broad—We deal with history, philosophy, the study of language, and all kinds of public policy issues. His issues are through the National Endowment for the Humanities, one of the agencies over which our committee has oversight, so we deal with many of those issues. It's reflected in his interest in history, which most Senators share. You wouldn't be here if you didn't care about history, I don't think. We work with those issues a lot through that, but it reflects his interest in historic preservation, those kinds of things.

He loves working with historians. One of the things about this oral history project is that he's become so interested in the idea of making sure that there is some record of what has happened. It's been an extraordinary time up here. He values his friendships with David McCullough, Michael Beschloss, Doris Kearns Goodwin. These are people he values; he has respect for their achievements. It's an interesting time. He has supported and sought out people who have accomplished anything in that format, probably more than other people have.

Heininger: In terms of his personal interest in this area, would you say that he comes to it from the perspective of somebody who really loves history, more than somebody who is really into philosophy or somebody who is really into foreign languages?

Kruse: Definitely.

Heininger: His *affinity* is really for the history part?

Kruse: History and great writers. He respects people in that area. Very few other people would have taken the time to work with Don Henley to save Walden Woods, and to work with David McCullough to save the [Henry Wadsworth] Longfellow House.

David McCullough brought him to the Longfellow House in Cambridge. McCullough was doing research for his [John] Adams book and he brought the Senator over for a tour, and showed him that the papers that were there in Longfellow House weren't protected. They had not in any way been preserved or archived in any meaningful way. There was the original boiler in this room, sitting with all these papers that could never have been repaired or replaced.

In addition to it being Longfellow's house, it had been George Washington's headquarters during the war. There were papers about George Washington that said things like, "Our task is enormous. We have to face the British, and we have no army, we have no men, we have no—" We were able to work with the administration and get money to save Longfellow House and all the works that were there. Dave McCullough came to the opening ceremony and talked about how people say that we have enormous challenges today. He said, "It always behooves us to go back to history and get a little perspective about what George Washington was doing there." [*laughing*]

The Senator is fascinated by things like that. Every year he organizes the family for a history trip. I don't know if you've heard about these trips—

[BREAK]

Kruse: Maybe he'd go with Shelby Foote and have them go to a Civil War site.

Heininger: He visited many of the Civil War battlefields, didn't he?

Kruse: Absolutely, and in addition to that—

Heininger: What better guide than Shelby Foote?

Kruse: But he had Dave McCullough and any number of people who understand these issues who could—But it was never just a little tour. Everyone in the family had to get some background, do some reading, and would have to pay attention to what was going on. And he'd ask questions later. It was a fun time for all the people who were on the trip, but on the other hand, if you're going to learn about the Civil War, you might as well do it with these historians who live and breathe it. They were able to say, "Coming over the hill, you could feel the heat," and bring it alive. He just thrives on those kinds of stories and that kind of information.

[BREAK]

Heininger: Where does the interest in the arts come from? Was he raised to appreciate the arts?

Kruse: Absolutely. His mother took them all to the symphony. She had a subscription to the symphony. She would go to Symphony Hall and to Tanglewood, and she would take them there, so they understood that this was important to her. They learned about music and they learned to love concerts and so forth. She also would play the piano at home. She had studied at the New

England Conservatory, so she played. When you have those warm moments with family, when she's playing the piano and singing along, you tend to cherish those warm memories. He loves music and he loved going to the symphony with her.

She used to encourage them all to memorize poems, and they would get rewards when they finished yet another poem. One of the reasons why he was so interested in Longfellow was because one of the poems he memorized was "Paul Revere's Ride."

Heininger: "*On the eighteenth of April, in Seventy-five; / Hardly a man is now alive / Who remembers that famous day and year.*"

Kruse: Exactly.

He grew up around the arts. Clearly, his love of history he got from his grandfather. Honey Fitz [John F. Fitzgerald] would take him around Boston and show him history. His mother valued that, and would take them to Walden Pond, where they'd have picnics and would learn about [Henry David] Thoreau and [Ralph Waldo] Emerson. He has an inherited appreciation for the arts, and has worked very closely with folks at the symphony, to help whenever he could.

He helped the New England Conservatory get essential financial support to renovate some of the bigger parts of that hall, the conservatory where his mother had studied. But he understood it. He knew that Jordan Hall was one of the most acoustically perfect music halls in the world. He understood that it was not something that you could let go to waste.

Every year he goes to Tanglewood. He either goes out with friends or just with Vicki and some close friends. He didn't go this summer, but the summer before he went up with Governor [Deval] Patrick for a concert that featured Marin Mazzie and Brian Stokes Mitchell, both of whom he just loves; they're Broadway legends. They went over to the Governor's house afterward and had dinner and sang songs. There's nothing he likes more than an evening with song.

Heininger: Are all the members of the extended family equally interested in the arts? Are his sisters? Were his brothers?

Kruse: His sisters are very interested. Jean [Kennedy Smith], his sister who is closest in age to him, has been the longest-serving member of the [John F.] Kennedy Center [for the Performing Arts] board. She's very active in that. She founded Very Special Arts, which provides an arts program for people with disabilities, so that they share that passion. Obviously, the President and Mrs. [Jacqueline Bouvier] Kennedy did that as well. You know the Kennedy Center is named for him. President Kennedy gave an important speech about the importance of culture to a society at Amherst College, at the dedication of the library for Robert Frost, and that speech is the source of many of the quotations that you hear from President Kennedy. Four or five of them are engraved on the outside walls of the Kennedy Center, recognizing achievement in the arts, so it was there in the family, and he embraces it as enthusiastically as anybody could.

He and Vicki became engaged at *La Bohème*, when he took her to the opera. He told Plácido Domingo that if he hadn't been a Senator, he would have loved to have been an opera singer,

because he loves Italy—and loves to sing. He thought it would be great fun and what a wonderful life, surrounded by music and visiting Italy. I'm not sure of all of the influences.

Heininger: Have his children inherited the same interests?

Kruse: Kara is very interested in music, and his daughter with Vicki, Caroline [Raclin Kennedy], plays piano and is a painter herself, and did some advanced work in painting. Every year they organize a family calendar, the Christmas gift to the family, and it has the different paintings that he's done and some of Caroline's in it.

Heininger: How nice.

Kruse: It's the Kennedy family calendar; there are twelve paintings that are copied, one for each of the months.

Heininger: Tell me about the Robert Mapplethorpe controversy, and then we'll get into the more problematic areas of the arts.

Kruse: That was the beginning of a very difficult time for the Senate, addressing these issues. It came up at a time, the early '80s, when there was a generalized peace, so you'd look for enemies, and the right wing went after artists. As I said, Jesse Helms was calling the artists perverts and homosexuals; they're not synonyms. It was interesting.

As with so many things, it happened on a small issue. The Mapplethorpe grant was to the University of Pennsylvania, to produce the catalogue, not for the display or any—That came under the art history component of what the arts endowment does. It routinely would give money to museums to produce catalogues. This catalogue had some rather provocative paintings. Mapplethorpe was obviously a well-known man, although perhaps he may not be considered among the greatest artists of our time.

It was years and years of struggle and debate with the far right, which would fine-comb every grant that came out of the endowments, and they made up some that had never been funded. They were so provocative in their descriptions of them that people didn't feel capable of defending that kind of prurient imagery and descriptions, so it was very difficult. The controversial images in that catalogue were of male genitalia; there was a lot of nudity. Having to discuss these issues with Senator Kennedy and other Senators [*laughing*] to prepare floor statements that addressed the issue could be a challenge. It was a difficult issue and Senator Kennedy was very supportive of the underlying responsibility of the government to support the arts and took the lead.

[BREAK]

Heininger: You have a unique position in the Senate because you focus on the arts and the humanities and nobody else does. What does that mean that you do, that you're not seeing anybody else in the Senate do?

Kruse: It's the focus of it. There are people who do different parts of it, but it's localized into a person. It's his level of interest and his affinity for the arts. He loves history and he loves

historians. He also loves the arts, so he's very involved in the Kennedy Center. He spends a lot of time making sure that that organization runs in a way that would be a wonderful reflection on his brother's legacy, but he also does things for which other Senators might not make the time. He went up and participated in the Academy of American Poets symposium one year—They asked him to come up and read his favorite poems—and he spent an awful lot of time going through poems. Of course, he chose a history poem.

One bill that he worked on that was incredibly interesting, particularly for me, was the Visual Artists Rights Act. Any number of artists came to him, and it started with Richard Serra, who creates large-scale sculptures, usually with iron or steel. He and Robert Rauschenberg and a few of the other very preeminent artists of our time brought the issue to the Senator, that they had no moral rights in their painting and that this was unacceptable. They pointed out that people knew that you couldn't change a chapter in a book and still retain the author's name on the book, but it wasn't true for the visual arts. The example they used was of [Alexander] Calder's mobiles. Under previous law, if someone bought one, that person would have the right to repaint the colors. In this case, Allegheny County purchased the mobile and repainted it the county's colors of green and gold, and they made it a stabile rather than a mobile. He had no right to either take his name off or protest the changes.

Heininger: I'd never thought about that, but you're right. Generally, if a piece of artwork is purchased, then it belongs—

Kruse: Then you own it.

Heininger: But there's no intellectual property right that devolves back onto the artist.

Kruse: Well, there is now.

Heininger: But there wasn't then.

Kruse: There was not then.

Heininger: Unlike for *written* material—

Kruse: —which was so much clearer. It was really interesting.

Heininger: That's a big issue. That's a *huge* issue.

Kruse: Yes, so we worked on that. The artists all came and testified. We had a field hearing in New York and got everybody to testify. Louise Bourgeois, Jim Rosenquist, all these people came and were passionate about this. The Senator understood that this was significant, that people could not control the moral interest—they call it the *droit moral* in Europe—in their paintings. We also looked, at that time, at the need for a resale royalty for paintings, but that suffered enormous objections from collectors, museums, and everybody else, and ultimately we were not successful on that component.

We worked for four years on the Visual Artists Rights Act. It was interesting to see how it took that long. The concerns from the other side were from the movie community, which didn't want

to establish moral rights in any intellectual property platform, because they didn't want directors and other creative people in the movie industry to exert some sort of moral authority for *their* films and things.

Heininger: For their participation in the films.

Kruse: And then museum committees objected because they thought—

Heininger: It was going to cost them.

Kruse: They thought that and they didn't want artists to be able to say, "Oh, it's hanging on a yellow wall instead of a purple wall," for example. They thought there were risks there. We ended up having to compromise and say that if there was any natural deterioration of the work, an artist couldn't exert a moral right. For instance, if you used egg wash or something like that in some of these more fragile mediums, that if something just deteriorated on its own, the museum wouldn't have violated moral rights. One of the great disappointments of that was that we had to make it a waiver, so that an artist could waive his or her right to the moral rights. Of course, if someone is purchasing art, who has the balance of power there? We established it and we were able to get the right, but we were unable to make it a right that couldn't be waived.

Heininger: The original intent was to *not* be able to waive—

Kruse: Yes, because the pressure would be, obviously, to force people: OK, I'll buy your work, but you have to waive this right. And then there was site specificity, which was of particular interest to Richard Serra, because he had done the "Tilted Arc" in [Jacob] Javits Plaza in New York, and people accused it of being an incendiary device. [*laughing*] There were all kinds of concessions, but it's a template of how he works. He just kept on working on it and working on it; we didn't get everything we wanted, but we did establish this right. You might notice, now, when you're watching a movie on TV or on an airplane, the screen might say, "This movie has been reformatted to fit—" That was the film industry's answer to similar efforts to establish moral rights in film. By establishing this disclaimer, it sidestepped an opportunity for a direct assertion of moral rights.

Heininger: That they wouldn't be precluded from doing that reformatting to fit TVs and airplanes?

Kruse: Exactly, but it took us a long time to work it out.

Heininger: What a complicated issue.

Kruse: It was something that would seem so obvious to everyone, that if you painted something and it was green and someone bought it and painted it red, that you would at least have the right to take your name off of it. Now that right does exist. It's the kind of thing that Ted Kennedy worked on that flies below the radar for many people, but we worked on it and made some progress.

It's his respect for what artists accomplish that drives him. Just as he is friends with these historians, he respects creativity and creative individuals. He loves musicians. He has a great

affinity for them. He loves to sing, he loves musicians, he loves to paint, and he has this warm affinity for that.

When the Senate was holding the confirmation hearings for Judge [Robert] Bork, they did a panel on some of these First Amendment issues for speech, for the artists. Bob Rauschenberg came, and author Bill Styron, who is one of Senator Kennedy's friends. They talked about the importance of these kinds of rights. In that way he integrates the arts and humanities and the role of culture in broadening understanding of a common humanity.

Heininger: Do you think he has a particular affinity for the arts in part because he paints himself?

Kruse: It reflects an interest he has. He certainly enjoys that. Because he enjoys it and knows what's involved, I think he respects it more. He's said that this is not just a dabbling thing. On any number of occasions there have been art exhibits where he'll go and will peer very closely at the technique. He'll say, "Now, see how this was applied."

He organized a group of people to go up to the Museum of Fine Arts in Boston. He convened the group of people to go up to see these important works that hadn't been previously seen in the U.S. and have lunch at the MFA. Yo-Yo Ma ended up being part of this lunch. The Senator had asked his son Teddy to come too, so they were setting up this lunch. Everybody was coming in and he was so thrilled to meet Yo-Yo Ma. As you remember, President Kennedy had invited Pablo Casals to the White House, so that was a pretty big thing—

Heininger: It was huge.

Kruse: —for him to then meet the contemporary, who may, some people think, eclipse almost any achievement with the cello. He was so excited that he exclaimed, "Oh, Teddy, you have to come here and meet Ya-Ya Mo." [*laughing*] Teddy looked at him and started, as if to say, "Oh, dear." It just slipped out and it was funny. But he quickly corrected himself. It wasn't that he didn't know who he was. He just misstated his name.

Heininger: It's an *a*; it's an *o*.

Kruse: Afterward he said, "He's such a phenomenal person. What did you think?" Yo-Yo performed at the Senator's convocation at Harvard recently and the Senator asked, "Remember that first time we met?" He remembers that, and Yo-Yo seems to have forgiven him for the lapse, but it was funny at the time. Senator Kennedy and Yo-Yo began a lasting friendship that day, built on respect. They are both warm and generous Americans.

[BREAK]

Heininger: We're resuming the interview with Kathy Kruse on December 8, 2008.

Do you think that what happened with the Mapplethorpe controversy was that it kicked off these culture wars? Did the endowments then become a scapegoat for a much bigger issue?

Kruse: Oh, sure. That was more what it was about, especially when you consider the amount of money with which these agencies are funded. It's not a big amount of money. You could go through the statistics; the military bands get more money than the National Endowment for the Arts. That information didn't, in any way make any difference at all, because it was about scoring points. It was about embarrassing the agencies, and being able to write press releases about the horrible things that artists and liberals would do.

We ended up making many concessions in terms of what the endowments could do, that they couldn't issue a subgrant, for instance. Individual artists' grants went away because they had controversial performance artists who had received support. Karen Finley came on the heels of Mapplethorpe—There was always something.

To a certain extent, the arts endowment had gotten maybe too cozy with the artist community. Perhaps it would have had less trouble with performance art if it hadn't created a category of support specifically for performance art, or other genres as they emerged.

That balance was corrected a little bit over time. I think we had to *over*correct. There's absolutely no reason why we shouldn't have individual artists getting grants. We've gained a little bit of that back with Jazz Master Fellowships and similar things, but it's going to take a while to get that back and to get funding for it.

It was interesting because the culture wars evolved around the arts and the humanities, and there was a grand movement in the academic world to think that there was too much liberalism and too much political correctness in the humanities on college campuses. We faced that issue with Lynne Cheney, when she was chairman of the National Endowment for the Humanities, about how they pursued an agenda to make sure that there were other thinkers there. It is not a problem to include other thinkers, but their doctrine was as isolated and unilateral as the previous had been.

We had any number of very difficult confirmation battles, for example Sheldon Hackney, when he assumed leadership of the NEH. Lynne Cheney had elevated funding for the National Endowment for the Humanities to its highest level in history, because they were doing what they thought the endowment should do. Then when they left office, they immediately thought the agency was not going to have good stewardship any longer, wanted the agency eliminated, and so embarked on any number of contentious debates. There were any number of debates that we had over confirmation battles for people that *they* wanted.

The one major battle was with Carol Iannone. She had been an adjunct professor at New York University for a long time, which meant that she wasn't on career or tenure track, and had never written any scholarly work or book or any such thing. At the time, the agency was very involved in, very focused on, scholarship, so to have someone on the Council who was not really of that world, in the way that academics consider—

Heininger: Define themselves.

Kruse: Yes, define themselves. That became a real problem, so that battle was very difficult and they pulled out all the stops to get her confirmed. They went to, say, [Daniel Patrick] Moynihan and said, "The reason these guys don't want her confirmed is because she writes for *Commentary*

Magazine," for whom she wrote book reviews. They alleged it was because she wrote for *Commentary*. Well, the criticism was not that she wrote for *Commentary*; it was that she didn't write scholarly work.

It was the straw that broke the camel's back for the humanities community. They just felt, OK, we've put up with a lot of poor appointments to this Council. If this is our academic one, we want someone who is academic. If they're going to be conservative, so be it, but they have to be credentialed. She did not get confirmed, on a tie vote in the committee. It was quite an interesting thing, some of the tactics we faced. The *Washington Post* had written an editorial endorsing Carol Iannone, and then there was a story in another paper that said that Ted Kennedy said. . . .

[BREAK]

Kruse: It was one thing to have an endorsement in the *Washington Post*, but it seemed to be "if the *New York Times* endorses Carol Iannone, then I'm going to vote for her," which he never would have said. It was almost like they set us up against some other standard, and then went to work full time trying to get the *Times* to endorse Carol Iannone. The tactics that they used were about as hardcore as we'd seen. In the end, she lost. The three organizations that took the most hardcore line were the Modern Language Association, the American Council of Learned Societies—Stan Katz was the head of it—and the College Art Association. They were vilified for the longest time, for having opposed Carol Iannone. She did not get approved. She ended up getting, I think, an assistant professorship after that, so she did—[*laughing*] She ended up getting appointed to the Woodrow Wilson [International Center for Scholars], where many conservative scholars end up, as follow-ups to their work in the administration.

Then Sheldon Hackney came along—president of a university, preeminent college historian—and it was payback time. The conservatives then vilified Sheldon Hackney in a way he couldn't comprehend. He said, "Gee, everybody has always told me I've done a really great job all my life." He went from Tulane and other important academic institutions, and was president of the University of Pennsylvania, not an insignificant job.

There had been an incident where a group of young people had called "water buffalo" out of a window, and it took on racial tones. Sheldon Hackney had taken a tough stand. There were standards on campus and there was a review board. That review board had penalized the people who had yelled these aspersions, and Sheldon Hackney had defended the process. During his confirmation that came back, that he was protecting one kind of speech over another kind of speech, and it was another example of political correctness. It was rather unpleasant and he's written a book about it—[*laughter*] *How Not to Be Confirmed in the Senate* [*The Politics of Presidential Appointment: A Memoir of the Culture War*]. In the end he had 78 votes.

Many people say that it's one thing to have policy differences with people, but when it tends to seem personal it hurts, and people who come forward deserve better than that when they're entering public service. The culture wars seem to have gone away, at least for the time being.

Heininger: But this is an area that was so contentious that it became very personal. Somehow people could deal with differences on policy on other issues, but this was staked out as another area. There must have been a lot of pressure coming down on Kennedy—

Kruse: Oh, yes.

Heininger: —because his position was so clear on these things.

Kruse: And he was chairman of the committee, so it was his job to carry it. He had to do that and he did it willingly. He was no more excited about some of those images than somebody else, but he was willing to defend the process. Again, he understood that these were histrionic attacks that had nothing to do with the agency, and that we had to protect the agency. We were going to defend the agencies on process and keep them going to the best we could, maybe with some concessions, but he was unwilling to let the agency go. If he hadn't done it, I'm not sure we would have these agencies anymore.

Heininger: Would anyone else have stepped up to the plate?

Kruse: Other people helped, clearly. Senator Dodd was very helpful, and his staff worked very closely with us. Al Simpson was another good friend of the Senator's, and was on the other side. He was very helpful in saying, "OK, we have to do it this way. You can't get everything you want over there," so he helped us work out some of the compromises. [James] Jeffords was very helpful. We had a little team that was able to keep things going and working. We ended up talking a lot about how the arts are part of cultural tourism, to a certain extent. For artists to have to defend themselves as being economically helpful to a community is not ideal, but it's one of the ideas that made us able to bring many people on. At the end of the day, you have communities, and businesses located in communities where there is art. What the agency does is go to museums. These are small institutions in your town and are not just extraneous purveyors of porn or something.

It took a lot of work, talking about it from many angles, but we just kept on going and endured until people moved on. Senator John Ashcroft took over the mantle of opposition after Senator Helms. We always say, in the agency, that we didn't always get the money we wanted, but we always had enough votes to save the agency. The issue went away to the extent that it was embarrassing to the right wing to have brought it up every year and have been unsuccessful. At a certain point, if you brought it up again it made it obvious how ineffective you had been in dealing with it. And then people moved on, when there were other things happening globally. People tend to get back into being angry against other things than artists, you know. You don't have to create enemies if you have perceived real ones.

Heininger: The culture wars extended into the museums as well, with the Air and Space exhibit—

Kruse: Oh, absolutely.

Heininger: —on Japan, and the nuclear bomb dropped on Japan. Did you have to deal with that at all, or did Kennedy have to deal with that?

Kruse: Sure. The Smithsonian is not part of the Labor Committee—then Labor, now HELP [Health, Education, Labor & Pensions]—but because of its leadership role, people always came to us: "Can Senator Kennedy help on this? We need to explain this."

Heininger: Kennedy was always the go-to person?

Kruse: Always the go-to person, no matter what. Then a few years ago he started a Senate Cultural Caucus after groups came and encouraged the concept. The Caucus has hosted a couple of events, with Senator [Michael] Enzi as cochair: We the People, and Picturing America. When [Constantino] Brumidi was being celebrated in the Capitol, the Caucus hosted an event for that. Senator Enzi wanted to make sure it was done in a way that didn't just ask for money or to support the agency, but that would be an event that would make people understand: Oh, this is the humanities. This is the arts. We like this; it's good and it's valuable and we can cherish it as a country. It's a soft message, but it's something that he's worked on with Senator Kennedy very effectively. We also had to work with PBS [Public Broadcasting Service].

Heininger: The culture war is huge there.

Kruse: Yes. They had it a little bit easier than the arts endowment, because PBS is in everybody's home. When the right-wing critics started to talk about this, that, and the other thing, people were able to turn on their TV and say, "No, that's what I turn on when I want my kids to watch."

Heininger: "Wait, that's *Sesame Street*."

Kruse: That's *Sesame Street*.

Heininger: That's *Sesame Street* and *Masterpiece Theater*.

Kruse: Exactly.

Heininger: We'll forget about *Frontline* and *Point of View*. [*laughing*]

Kruse: Yes. But people were able to understand—You can make the case easier there, whereas the arts endowment maybe didn't do as good a job explaining what it does. To the extent that people didn't want it to be funding Mapplethorpe, they sure wanted it funding their local museum and they liked the fact that it supported the arts education programs in the schools. If you asked a person if they liked A, B, C, and D, they'd like all of it, but then they'd say that the arts endowment was all about Mapplethorpe. It was an education process and it eventually worked itself out.

Heininger: I suspect you're right. It may have burned out in part because when you have a bigger and a more threatening enemy than an artist, it places things a little bit in perspective.

Kruse: When you talk about other members who were involved, Senator Dodd got up—I don't know if you remember his speech on the floor, when one of the amendments was being offered. Many times there would be different restrictions and that type of thing. One of them that I think Jesse Helms offered was restrictive of funding anything that included body fluids and body parts, in response to criticism of the grant for "Piss Christ" and those kinds of things. Senator Dodd got up on the floor and said, "Has anybody walked over here by any of these paintings? Have you seen the blood oozing on that painting over there?" [*laughing*] He said, "I don't know what your amendment does, but to me it defines every painting that's over in the Capitol." And it's true. It

sounded so right when they submitted the amendment. Would you really want paintings funded with federal money that have body fluids and things like that?

Heininger: I don't know; there are the Revolutionary War pictures.

Kruse: All those history scenes, all the battles.

Heininger: All those history battlefields, they have a little blood in them.

Kruse: In a way, that disarmed the groups that time, but it was a very difficult time. I was teasingly called the "porn queen" here and there. [*laughing*]

Heininger: Ouch.

Kruse: Sometimes I was embarrassed; sometimes I wore it with pride, but it was a lot of work. We had a number of successes. I don't know that the agency would be here if it hadn't been for Senator Kennedy's willingness to take on a rather unpleasant set of controversies and a very vocal and effective set of opponents.

Heininger: When he travels—and he's done many, many foreign trips—is promotion of the arts ever a component of those trips?

Kruse: Sometimes. Two trips that he did to Italy were almost exclusively cultural. He was one of the "mud angels" in Florence, when—

Heininger: Oh, after the flood.

Kruse: After the flood in Florence, Jackie Kennedy [Onassis] asked him to go over and represent her. She was very concerned about the flood, so he went down to Florence and walked through the library and walked through the Uffizi, and he was astonished. He still has *vivid* stories about going in and smelling the oil from the lamps and seeing young people up to their chests in mud, saving these documents. He was so impressed that young people cared so deeply about their culture and were so committed to understanding that these are invaluable, not just to Italy but to them and their history. He went and represented Mrs. Onassis, but took away from it a memory that has endured.

Twelve years ago, they had the thirtieth anniversary of the flood, and invited him over to come speak at the library where he had been those many years ago. He visited the museums there and was the keynote speaker on the anniversary of the flood. He said, "We were all mud angels." He was thrilled, because he loves all things Italian anyway. I worked with him on his speech and it was so impressive—he had all of these stories, right on the tip of his tongue, that he remembered immediately, from being there.

He also spoke in Siena. The university there asked him to come, so those were the two cornerstones of that trip. Then ten years later, for the fortieth anniversary of the flood, New York University and the city of Florence hosted a grand symposium on the flood. It was after Katrina, so they brought in mayors from other towns that had endured similar types of tragedy. Again he

was asked to come over and he gave the keynote speech for this international group of people who were concerned about preserving books and artifacts.

Heininger: Does his interest in the arts and humanities extend to things like international exchanges and bringing artists to the United States and sending U.S. artists abroad?

Kruse: Specifically, the one area that we've been involved in internationally is with the indemnity focus. The federal government maintains a program to offer public indemnity for museum exhibits that are coming internationally, and we worked with the museums and many other places to make sure that that reflected the growing value of art and exhibit items. That was a significant debate here, concerning how much to extend it, whether or not it had to be in exchange for—For instance, would we only insure the incoming if there was an equivalent outgoing? We did some work with some of the folks at State on the Art in Embassies Program, but that part is not really under our HELP Committee, so we have been supportive of the broader work on that issue.

Heininger: Because of his seat on the Judiciary Committee, has he been involved in any of the visa issues?

Kruse: Oh, absolutely yes. Those would come through, like for the artists who needed the O visas and things like that, yes. We worked very hard on that because we would always hear from the Metropolitan Opera, the BSO [Boston Symphony Orchestra], the Boston Ballet, all of these companies that regularly, as part of their normal business, would have to have international artists coming through. We've had an ongoing relationship with that, with people who would have to get changes for visas at the last minute. It was quite an interesting thing. When the big immigration bill fell, there were smaller pieces, and some of the artist issues were taken care of in that last go-around.

Heininger: So again, even on things like that, he's been the go-to person.

Kruse: Absolutely.

Heininger: Other staffs may handle this, as somebody handles some of these issues, but they handle many other things. The magnitude of all the things on which he's the go-to person means that your time has been consumed by all of this.

Kruse: Right. In addition, he's an ex-officio trustee of the Kennedy Center, appointed by the Senate, and he takes that very seriously. For the State Department dinners for [Kennedy Center] Honors week, he is always invited to speak and he enjoys the role of advancing cultural awareness and support. He goes to board meetings at the Center; he helps in any way he can. After 9/11, he and Laura Bush worked to create the Concert for America to commemorate the great loss that had occurred.

He said, "We have to do something for this." He talked to Mrs. Bush, who was here in the office during the actual time of the attacks, and we set it up with Michael Kaiser, who is the president of the center, and Jim Johnson, who was the chairman at that time. Within ten days we put together this wonderful concert, invited families of 9/11 victims down, and then regular people

from Washington came and had this wonderful concert. A year later he said, "We have to do one more for the anniversary." He makes sure that type of thing gets done.

One of the programs he worked on was Save America's Treasures. He talked to Mrs. [Hillary] Clinton about different things that should be done during the millennium and the result was this Save America's Treasures program, which would give funds to places of historical interest to the country. Longfellow [House] was one of the first, then came Edith Wharton's house, The Mount, in western Massachusetts. The first year of that program, we got 10 percent of the money to Massachusetts, because we were so ahead of everybody else, because we started the program.

Heininger: There's a lot of history in Massachusetts, though.

Kruse: There is a lot of history and many competitive things there, but then he went—He took Sheldon Hackney, the chairman of the humanities endowment at the time, up to do the dedication for the restructuring of Walden Woods and Thoreau's home. He made the car stop and got out at the Lexington Bridge, and started reciting his poem. [*laughing*] Sheldon said, "That's impressive."

Heininger: Not many people memorize poetry anymore.

Kruse: Yes, but it was there.

Heininger: It's a lost art.

Kruse: Yes, he was very involved. David McCullough was part of the National Trust for Historic Preservation. They had given him an award for all the work he did for historic preservation, and he was so thrilled that he was recognized for that. David McCullough had all these wonderful things to say about him and then he got up and reciprocated—They were in happy company, the two of them.

Heininger: Does he have a particular interest in the study of foreign languages, and promoting the study of foreign languages, as part of the humanities?

Kruse: That hasn't been something he has done. At different times, the Modern Language Association talks about that as something that people *should* do, especially in this global environment in which we live, that maybe we should be teaching people different languages and studying as an introduction, but the endowment hasn't done that. He has worked more with Lamar Alexander on history and setting up the study of history. He worked on creating [James] Madison Fellows, for people to study the Constitution. He focuses on those kinds of things.

Heininger: Have we missed anything that you've dealt with?

Kruse: I'm sure. [*laughing*] It's been thirty years.

Heininger: Yes. It's a very fertile field in many ways.

Kruse: I've been so lucky to be here at a time and to work with him to create this component of public life, which he values and to which he is willing to give his time.

Heininger: It's important for the oral history because we're trying to cover—There are things that are well known and well documented, and there are other things about his work that are less well known and less well documented, that we want to make sure that we cover.

Kruse: One of the things that he just had the time of his life working with is in the field of intellectual property, when the DAT [digital audio tape] bill came out, concerning digital audio tapes. Composers from the ASCAP [American Society of Composers, Authors and Publishers] group and others came in and were saying, "This is so unfair because we're going to lose the revenue off of this. People are going to be able to make untold numbers of copies, and we get our revenues off of sales, the hard sales, the mechanical rights on these works." We were going back and forth. You want to create access, but you want to protect the artists. Those songwriters, the artists and musicians, would come in as often as the not-for-profits.

We worked with a range of people on that and we were having a really tough time on this. They were about ready to go down, but the ASCAP people brought in a piano to the Hugh Scott Room, and asked their composers to come in. It was Sammy Cahn, Burton Lane, Henry Mancini, Hal David, and others—all these iconic American songwriters. They brought in a piano and invited all the members. On the first floor they had a reception and had all the Senators come in. The different composers sat at the piano. Henry Mancini was doing his, "doo doo da dun, doo doo," you know—

Heininger: "The Pink Panther."

Kruse: Yes. Everybody knew "The Pink Panther," and then Hal David sat down and played some of the songs that he wrote with Burt Bacharach and Sammy Cahn.

Heininger: This was like the ice cream sundae day, where *everybody* shows up?

Kruse: Everybody showed. There were, I think, 40 Senators there.

Heininger: That's a lot.

Kruse: They were coming in and out, and once they came in, they would listen for a while. This was all music that they knew and loved. The ASCAP people said, "This is what's at risk; this is what is at stake," and it turned around.

Heininger: It's amazing what appropriate ways of communicating the information, in ways that people can grasp, can do.

Kruse: Exactly.

Heininger: He's really a master at that.

Kruse: It was great fun, but it was work.

Everybody here—Esther [Olavarria], who does immigration, she's passionate about it. If you like your issue, you're going to pursue it to its fullest. He has the energy to do that, so you just run with it.

Heininger: And you get to meet all these interesting people too.

Kruse: Yes, exactly.

Heininger: Not a bad perk.

Kruse: No.

Heininger: Even if you do get called the "porn queen." [*laughing*]

Kruse: That's gone now that the culture wars are over. That was only during that brief time. But that's the genius of the man and why he's been as successful as he is.

Heininger: Are there other issues that you've covered as well?

Kruse: I'm sure.

Heininger: Is there anything else that stands out in your mind?

Kruse: That's a lot of it.

Perhaps one other example of his work in this area—A number of years ago, the [Isabella Stewart] Gardner Museum in Boston suffered the largest theft of art in the history of the United States. Museum director Anne Hawley appealed to Senator Kennedy for help. He convened representatives of the FBI [Federal Bureau of Investigation] to identify all appropriate resources. The important paintings remain outstanding, but he identified all appropriate resources to help in their recovery.

Around the same time, the Senate was working on a criminal code reform bill. When it was learned that art theft—even of the scale and importance of the works stolen from the Gardner—carried no federal penalty, he added a provision to the criminal reform package being worked on. The value of the work of these major artists is something he readily understood.

Heininger: Did he get involved in any of the intellectual property issues over the pirating of films?

Kruse: Yes. We were very involved in the Digital Millennium [Copyright] Act. Melody Barnes and I worked on that. The other one was the extension of the period of copyright. Those were two big issues we worked on that took a lot of time. It's very complex.

Heininger: Very complex.

Kruse: Those were very hard issues and very detailed and very—It's still dealing with the creative people. Each time, he would say, "Someone has to come back and look out for the creative artist, because if we don't have the creative artists . . ." That's why we took as much time as we did on some of those moral rights issues, for the directors. The directors were despondent that they couldn't have the same moral rights that the directors in France do, for instance. The result the directors got were those notices that say this is not the original format.

But they showed us what they call "panning and scanning." One of the examples was *Butch Cassidy and the Sundance Kid*—when you see it in the movies, it's a rectangle, not square like on TV.

Heininger: The wide screen.

Kruse: Yes. They showed us that scene where they're jumping off the ledge, then they showed us how it looked in the movies, with the wide screen and them talking. With pan and scan, you saw [Robert] Redford's face and it went back and forth. It's amazing how it was so obvious, but a good editor can do that. But he worked hard on it.

There's a national arts speech every year and a national humanities speech every year that the endowments do, and he went down and introduced Doris Kearns [Goodwin] when she did hers. He worked with Robert Redford when he gave his speech, and they came up and talked about different issues, so he's able to—

Heininger: And you get to meet these people too.

Kruse: But it's work. [*laughing*]

Heininger: I know.

Kruse: Exactly. The one that was really fun was when Plácido Domingo came over to sing "Happy Birthday" to him. That was special.

Heininger: That would be very special, yes. Very special.

Kruse: Exactly.

Heininger: This has been very helpful. Thank you very much.

Kruse: He works very hard on issues he is passionate about. His legislative landscape is both wide and deep. As Senator Byrd said, no one in the history of the Senate has had a more significant imprint on the Senate's legacy that Senator Kennedy.

His dedication to the Senate, his love of history—and America—compelled him to act and he did so with grace, compassion, understanding. He had a vision for America that encompassed those qualities and he served to advance those issues and causes.