EDWARD M. KENNEDY ORAL HISTORY PROJECT

INTERVIEW WITH CHESTER TRENT LOTT

July 22, 2008
Washington, D.C.

Interviewer

Janet Heininger

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TRANSCRIPT

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Heininger: This is an interview with Senator Trent Lott, on July 22, 2008, in Washington, D.C. Let's start at the beginning. Tell me about how you first met Senator Kennedy. What were your initial impressions of him?

Lott: I came to Washington in 1968 to be the administrative assistant to my Democrat predecessor, then-chairman of the Rules Committee, Congressman William Colmer. Obviously he was an atypical southern Democrat of the time, and there were a number of them. There were probably 70 of them from the South who were pretty conservative. You'd remember a lot of the names, including the [Robert and Harry Flood] Byrds, of Virginia; [Herman] Talmadge, of Georgia; [Allen] Ellender, and so forth.

Obviously I had already heard stories about the Kennedys. I, of course, knew Jim Eastland, and Ted Kennedy was on the Judiciary Committee, and they had an unusual relationship. There's a story about the day they met. Eastland told Kennedy that he was going to give him the subcommittee he wanted, and basically, by the time Kennedy left, he had had too much Chivas Regal. It's a hilarious story.

I met Kennedy—and he wouldn't remember it—when I was in law school at the University of Mississippi. At the request of Jim Eastland, he came and spoke to the student body at Ole Miss, at a program that was sponsored, I think, by the law school. Now, this was a revelation. The Kennedys were not particularly popular in Mississippi, so this was like a trip to Mecca for us, though not for him. But he came down, and it was the cool thing in law school to go and to be open minded about what he had to say. We were very thoughtful law students, typical law students. That's when I met him. I think we had a reception before he spoke, a big crowd, and he did a fine job. Since Jim Eastland had invited him, he had that imprimatur of the senior Senator. That was my first contact with him. That probably would have been about 1967.

In 1968, when I came to Washington as a Democrat staffer, I was in and around events where he was. By August of '68, I had been listening to the positions of Lyndon Johnson, Ted Kennedy, [George] McGovern, and [Hubert] Humphrey. I went to a Young Burros Club, which was a Democratic staff club, and the speakers were Ray Blanton, the Governor of Tennessee, and Lawrence O'Brien, who was the chairman of the Democratic National Committee. I concluded at that event that I was not a Democrat, and I told the Democrat staffer sitting next to me, who was also from Mississippi, "I don't agree with anything that's being said here, so I guess I'm a Republican." So I became a Republican.

In those days, in the South, it was good to run as one who was not of the Humphrey, Kennedy, and McGovern ilk, and that was the kind of disposition I had in my years in the House. I wound up being in the leadership in the House, and I didn't have much direct contact with Kennedy from my staff years all the way through my House years in the '80s, until I eventually came to the Senate in 1989. Even then I was still very leery of him. There were social events where Senators of both parties would get together with their families. Then he married a Louisiana girl, which made him a little more acceptable. It humanized him and straightened him out a little bit. He started eating more crawfish étouffée.

I was good friends with John Breaux and the Louisiana crowd. We started spending time around him a little bit socially, and I found him terribly entertaining and engaging. I loved to sing, and he tried to try to sing Irish ditties, which he knew the words to, but he could not sing, though he tried valiantly. That warmed me up to him, frankly, because I got to see the personal side of him, and I found him charming and personable on a one-on-one basis. But still I was very leery of him and of the liberal Democrats from Massachusetts and other places. I was one of the ringleaders of the conservative Republicans who came over from the House with the intent of taking over the Senate, which we did. We took over the Senate Republican leadership, and then we took over the whole Senate.

In 1994 I was elected the whip. I defeated Alan Simpson, who, by the way, was a friend of Ted Kennedy. I think I had had a little contact with the two of them on immigration reform, because I had been for immigration reform at the end of the [Ronald] Reagan administration, and Simpson had been one of the principals. I think it was probably the Kennedy-Simpson or Simpson-Kennedy bill.

Heininger: It was.

Lott: So I had some dealings with them then. Now, that was a little bit of an unusual position for me to take, though not necessarily for them. I saw their relationship. Once I was elected whip, I had the distinct feeling that Kennedy was not happy that I had defeated Simpson. Then I became the leader in 1996. I came in in June, and the Senate was completely balled up, because the Democrats were trying to stop everything, and they didn't want [Robert] Dole to get anything done as the majority leader, because it would help him in the Presidential campaign. The minimum wage issue had the place completely wrapped around the axle, and who was the principal sponsor?

Heininger: Kennedy.

Lott: Kennedy. Also in the works, though tangled up, was the insurance-portability issue. I concluded that in order for the Republicans to hold the majority and maybe gain seats, we had to produce. Step number one, I had to get the minimum wage thing dealt with, otherwise we would be sitting on that line. I engineered getting it done, which didn't endear me to a lot of conservative Republicans, but I felt that it had to be done.

The key that people didn't look at was, yes, we raised the minimum wage, but we also gave significant tax breaks to small businessmen and women. My son was a small businessman, and he said, "Dad, if you could do some of these things, such as giving them a package of write-offs

and deductions for putting in computers—" Computers were beginning to come into play then. Most of the minimum wage increase was offset by the tax incentives we gave. On the last step, they wound up losing money. So we put it together and got it done.

People never even noticed, but on the final passage, I voted against it, though I'd worked so hard at getting it done. What does that say?

Heininger: From your "Lott's Laws of the World of Politics": "If your friends are on both sides and the votes are there to win, vote against it. The loser will appreciate your support, and the winner will not care."

Lott: Yes, that's right. I engineered getting it done and yet voted against it, and almost nobody even noticed. I think that Kennedy saw what was going on there, and I think it surprised him, and I think he was pleased with it, not that I was trying to please him. Then, at the end of the session, we finished with a rush of strong legislation: balanced budget, tax cuts, welfare reform, safe drinking water, and insurance portability, and it was Kennedy-[Nancy] Kassebaum.

Heininger: Although he refers to it as Kassebaum-Kennedy.

Lott: I guess it was Kassebaum-Kennedy, but toward the end of the session, I basically told Nancy, and probably Kennedy too, "I think we ought to do it. We can do it. I will have time for it," and we got it done. I think he observed that and was appreciative. Of course it worked, because we wound up picking up a net gain of two Senate seats that year, proving once again, which Congress has forgotten since, that when you produce results, everybody gets credit, especially the majority.

One of the anecdotes I like to tell is about Kennedy. I was speaking at a Rotary Club meeting in Mendenhall, Mississippi, and I was talking about a Senator's job and what you have to do as leader, and I told them about how I worked with Kennedy and produced legislation that benefited the American people. They responded pretty positively, but when I got through and was leaving the room, there was an old guy in the back of the room who said, "Senator Lott, it was a good speech. I enjoyed it, but that part about Kennedy, don't say that no more." [*laughter*] Even though we got a good result, portability of insurance, he didn't like the fact that I was working closely with Kennedy.

A year or two later, I had a staff member, Dave Hoppe, who had a son who was born with Down Syndrome. A lot of people were working on IDEA, the Individuals with Disabilities Education Act. Of course Kennedy was the lead Democrat sponsor. My chief of staff was for it, and it was tough. A lot of people were against it. We got down to the final negotiations, and I never will forget going into the telephone booth in the Senate cloakroom, and Kennedy was on the phone. We talked about it, and I told him what we had to do to make it acceptable to us, and we basically made a deal and passed the bill. So I had some legislative experiences with Kennedy, and I had some personal experiences, which I'll tell you about if you're interested.

Heininger: Yes.

Lott: First, Kennedy is a good legislator. People need to understand that. He has a brilliant staff, and once he gets locked into a subject, he knows how to work the legislative process. He knows

how to be successful on the floor. I spent a lot of time over the years trying to thwart him. I mean, until the last day, I was trying to keep him from succeeding on universal health insurance coverage, or "government-run health care" is what we called it. He succeeded in a lot of his efforts. As long as I've known him, and even to this day, he's determined to get universal health insurance coverage. He's capable, relentless, and tenacious.

On the floor, he's a tough adversary, and he and I exchanged pleasantries more than once. In fact I used to get under his skin a little bit, I think. He would always, of course, take on education, and I would respond in kind by saying, basically, "I don't need you to lecture me about public education. I went to public schools all my life. So did my wife. So did my kids. You didn't. I know you may think you know everything there is to know about education, but I know about education. I worked for the University of Mississippi. My mother's a schoolteacher, and I was part of public education. I don't need to be lectured by you."

On some of the health care issues, such as the Patient's Bill of Rights, he would come to the floor and get into one of his rants. When I was leader, I would bring Bill Frist on and say, "Senator Kennedy, if you're talking about health care, I'd like for you to respond to Dr. Bill Frist here." The juxtaposition there was good. I spent a lot of time trying to figure out ways to quiet him down, or run him off the floor if I could. But on a personal basis, he was invariably courteous, generous, and considerate, and I developed an admiration for him.

Heininger: What did you think of his role on No Child Left Behind?

Lott: It didn't surprise me. Look, I wound up being branded, by some people in the media and by some of my Republican colleagues, as being like Kennedy in that I made deals. I was always looking for the art of the possible. I had been one of the guys who said, "Hell no, I ain't going to give you an inch. I want the whole loaf or nothing." Over the years, I got over that. I used to say, "I didn't come here to make a statement. I came here to make a difference. I want to try to get some things done in areas that affect people's lives, not only in my state of Mississippi but in Massachusetts too." There's a lot of common ground there if you look for it.

I voted for a separate Department of Education. I was one of only, I think, five House Republicans who did that. I was always on a different line from a lot of Republicans on education. I had my doubts about No Child Left Behind, and I expressed that to President [George W.] Bush. I instinctively didn't like national testing, and there were other aspects. I worried about some of the better schools being pulled down to the lowest common denominator, rather than everybody being pulled up. But Bush convinced me of his sincerity.

There was no question in my mind that public education in America was not meeting the standards that it should have been meeting. I thought we needed to do more to help kids who hadn't gotten an even start or who were lagging behind—help them get a jump start, improve their scores—and I was very much involved in working on that. There were two issues I wanted to do early in the Bush administration: one was tax cuts; two was No Child Left Behind. I had an ominous feeling that we were in jeopardy and that we might lose our majority.

As you know, when we came in, in 2000, it was a 50/50 deal, and I had very difficult negotiations with [Thomas] Daschle to make it work. I kept saying to Republicans, "We have to

get over this so that we can move on and produce results for the good of the people." Jim Jeffords says that that was one of the reasons why he jumped parties on us. In the negotiations, which I was directly involved in early on—Jeffords, Judd Gregg, and Kennedy were there, as well as others—I didn't feel that I could rely on Jim Jeffords to match wits, so I basically put Judd Gregg in charge, even though Jeffords was the chairman. I had to have somebody who was smart enough and tough enough to deal with Kennedy, and I thought Judd could do it. I thought that Kennedy would take Jim Jeffords wherever he wanted.

There were some things in there that I felt were critical to change, where I didn't agree with Bush. I wanted to improve the bill as much as I could, from my perspective, in the Senate, knowing that the House would probably come up with a better bill. It wound up being, of course, a four-way deal among Bush, Judd Gregg, John Boehner, and Ted Kennedy. What an unusual group. Kennedy was determined. He was convinced that it was the right thing to do. He had some basics that he wanted to get in there, and he probably got most of them.

He also made concessions. Democrats probably accused him then and probably accuse him today of making too many concessions. I mean, the mantra of the Democrats is, "It doesn't work. We have to throw it out the window." I don't think that's true. I think it has worked in a lot of areas. I think it clearly has some problems. I took the Secretary of Education, Rod [Roderick] Paige, who is a native-born Mississippian, to one of the star middle schools in my hometown, and we met with teachers and administrators. We talked about the good, the bad, and the ugly of No Child Left Behind. There's no question that some of the better schools were hurt by it. So I think it needs reform, and I think that Kennedy would like to see that, but that's a perfect example of how Kennedy thought it was the right thing to do, so he waded in and was a true legislator. I was impressed, not surprised, that he got involved to the extent that he did.

Heininger: Tell me about the tobacco legislation.

Lott: That's a very long and messy process, and it was complicated for me because my brother-in-law, Dick Scruggs, was sort of *the* tobacco lawyer. He's married to my wife's sister, not related to me at all. I think I even referred to him publicly on occasion in the media, if not on the floor, as "my no-good, low-down, scum-sucking brother-in-law." He was the suing lawyer, the plaintiff's lawyer, pretty much a Democrat, and I was the opposite of all of that. I was for tort reform. I'm even for a lose-or-pay sort of thing and for medical liability, all of that, none of which he was for. Also, I smoke a pipe. I don't smoke cigarettes. I've never smoked cigarettes.

I basically take a different view on tobacco. I think that it's a person's right. I used to fight with my own staff. I had a woman on my staff who smoked. They wanted her to go out in the hall to smoke, and I refused to make her do that. I said she had a right to smoke if she wanted to. I think smokers have rights too, so I have a different point of view on this subject. I wound up solving the problem by giving that staff lady a little room of her own, with a window, so that she could smoke in her office without bothering everybody else.

So I pretty much was not where Kennedy was or where my brother-in-law was, although I saw that there was a need to find a way to work this out. I had to be careful about how I pursued it. I don't want this to be about me instead of Kennedy, but I thought it deserved to have a chance at

the legislative process. I had to decide which committee it went to, and my choices were [Orrin] Hatch and Kennedy or [John] McCain, and I don't remember who was ranking member then.

Heininger: I don't either.

Lott: I made the decision to give it to McCain and the Commerce Committee, because I thought that while they would be amenable to it, they would not be as controlled by the health lobby as Judiciary would.

Heininger: Were you concerned about Hatch's history of working with Kennedy?

Lott: Yes, I was. That's why I gave it to McCain. Early on I was a little nervous about the close relationship between McCain and my brother-in-law and the Mississippi Attorney General, Mike Moore.

Heininger: Did that predate the lawsuits?

Lott: Yes. Our legislative failure led to the lawsuits and to the eventual settlement. But see, [William J.] Clinton was in this loop too. There had been a compromise worked out between the tobacco companies, the plaintiffs' lawyers, and the Clinton administration. They'd agreed on a number, and we were trying to move the legislation to make that possible. Well, the bill that came out of the Commerce Committee was a pretty good bill, and it passed overwhelmingly out of committee, I think.

Heininger: Wasn't it tougher than the original agreement had been?

Lott: Probably, but I still thought that it was close enough. Then it started falling apart because Kennedy kept pushing more and more from the health community. He was aided by Al Gore [Jr.], which undermined the Clinton involvement. I thought McCain made a mistake by setting up my brother-in-law and Mike Moore in the Commerce Committee to help write the bill. Kennedy then set up [C. Everett] Koop and the other former head of the FDA [Food and Drug Administration] in his office in the Capitol. It was a classic case of them pushing until it finally got so heavy that it collapsed.

I think I gave that bill at least a full month in the Senate, and finally the wheels came off. I met with my conference, and basically they said, "We ain't going to buy this deal. It's over," and I had to pull it. I think Kennedy misjudged what the legislation would bear. I've never discussed with him why he got so much in the loop and pushed it until it basically came apart. Even the plaintiffs' lawyers felt that it had fallen apart. Plus Clinton took a powder on them at the end. Remember, he bailed out.

Heininger: To what extent do you hold Gore responsible versus Kennedy responsible?

Lott: In this case, I think everybody was to blame. I think McCain made a mistake by getting too snug with the plaintiffs' lawyers. I think that Kennedy made a mistake by being dictated to by the health care group, by Koop, and who was the other guy?

Heininger: David Kessler.

Lott: Kessler, yes. They went crazy. I blame Gore for basically undermining the Clinton position, and I blame Clinton for taking a powder and leaving town at a critical moment. I mean, there's blame all around. Some of the blame would have to be placed on me, but I was in a precarious position because I had to recuse myself on a lot of votes because my brother-in-law was involved. It was a classic example of good intentions gone astray. That was not one of Kennedy's finer hours, or mine or anybody's. But in the end, what eventually happened, in theory, was maybe better than what we ever would have gotten legislatively anyway. I think Kennedy let it get away from him by demanding too much, unlike on No Child Left Behind, minimum wage with tax offset, portability insurance, and IDEA. For some reason he miscalculated on this one.

Heininger: Why did it fail? Where were the votes on it?

Lott: The votes were not there at that point. The Republicans, first of all, were in the majority, and slowly but surely they, one by one, bailed. I mean people from early on who didn't like it, people like Don Nickles and Phil Gramm. In the end, even Arlen Specter was against it. It became an unmanageable, bureaucratic nightmare. Frankly, in retrospect, perhaps it was the kind of thing that the government shouldn't have done anyway. I mean the legislative branch and FDA and Department of HHS [Health and Human Services]. Maybe the right solution was the one they wound up with. Some things don't need a legislative solution.

Heininger: Do you think that was part of Kennedy's calculation, or was it a miscalculation of where the votes were?

Lott: I think it was a miscalculation because he was so wedded to the health care coalition.

Heininger: Let's talk about the impeachment trial. Tell us about how the impeachment trial went, and what was Kennedy's role in that process?

Lott: I don't recall him playing a big role in the impeachment process. Maybe others recall this more, but my concern as leader in those days was about getting the votes. See, I was whip before I was leader. I was whip three different times, in the House twice and once in the Senate. The votes were never there, and I knew the votes would never be there, because we weren't trying to get 60; we were trying to get big numbers.

Heininger: Sixty-seven.

Lott: Yes. I looked at the votes, and at first I thought that maybe there was a chance if some of these people, such as the really principled ones who expressed embarrassment, [Joseph] Lieberman and even Daschle privately—what would Byrd do? But it was obvious pretty quickly that he was not going to be removed. So then my challenge, and the Republican conference's challenge was, how could we do our constitutional responsibility in an appropriate way that didn't demean the institution? And after a period of time, could we go forward and still work together to get some things done? One hell of a challenge, but I think we pulled it off.

I don't know that anybody deserved a lot of accolades or that anybody deserved a lot of criticism other than the President himself, from my point of view. I don't recall Kennedy being that

involved. Oh, I take it back. There was that magic moment when we were gridlocked and we couldn't decide how to go forward, and we had that meeting in the Old Senate Chamber.

Heininger: And the Lieberman plan had gone down.

Lott: Kennedy had something, and the Lieberman plan, which I had helped engineer with my friend Slade Gorton, had gone down. Kennedy was pontificating about what he thought we ought to do. I think Gramm got up and said what he thought we ought to do, and at that point I realized that they were basically saying the same thing. I think it was Connie Mack who basically stood up and said, "There it is. It's the Kennedy-Gramm solution." Now, I'm not sure that anybody in the room understood what it was, but everybody celebrated that there was a Kennedy-Gramm solution.

We broke up the meeting, and then Daschle and I set up some meetings in the leader's office in order to put into writing what we had agreed to. Kennedy was part of that, but from that point forward, I don't remember him maneuvering very much. I don't remember him making any earth-shattering speeches, but he was part of the meeting that led us to design a process for going forward.

Heininger: Weren't the contentious issues over whether the House should call witnesses, and the Gramm-Kennedy solution was to defer making a decision about witnesses?

Lott: Maybe that's what it was. You've researched this better than I have. Maybe that was the solution, but one of the reasons why it was a solution was that I was very leery of calling witnesses. There were those who, even today, would be critical of me that we did not call Monica Lewinsky and put her in the well of the Senate and have her cross examined, but I could not stand the thought of having her in the well of the Senate talking about the stained blue dress. I thought it would put a stain on the soul of the Senate. I didn't know exactly how we were going to deal with the witness thing. Everybody seemed content to say, "Let's get started, and we'll deal with that later."

Heininger: Do you think you surprised Kennedy in how you handled the leadership?

Lott: I don't know. You'd need to ask him, but my guess is he probably was surprised. Last year I wound up again in one of the events that caused me to retire, working with Kennedy, McCain, Dianne Feinstein, and a whole bunch of people on immigration reform.

Heininger: Talk about that in more detail.

Lott: I think Kennedy is right, and I think McCain is right. As a matter of fact, a lot of people are right: this is a problem that this country needs to address, and we have shown an inability to deal with it honestly and fairly. I don't agree with Kennedy or McCain on a lot of the substance, but I agree with them that it's cowardly and irresponsible not to address this issue. That's why I got involved, with the encouragement of the White House, to help design the process and the procedures to get it considered.

When the substance was being worked on in those meetings that went on interminably—with the White House and the Cabinet Secretaries involved—Kennedy was there, and [Richard] Durbin

was in and out, as were Dianne Feinstein, Lindsey Graham, and a lot of people. McCain was absent to a large extent. I would drop in and listen to what they were saying and agreeing to, and if I saw an area where I thought there would be a problem, I would try to press change through Lindsey Graham or through [Michael] Chertoff or somebody. In the end I thought they came up with a pretty good product, unacceptable to me in a lot of areas but fixable. The process was excellent, the procedures were quite unusual, the substance was minimally acceptable, and we blew it on the marketing.

Heininger: How so?

Lott: They had a big compromise on that Thursday afternoon and then had a big press conference with Kennedy and McCain—I don't know whether [John] Cornyn was in the area; I was not there—and Lindsey Graham and all of them were gathered, and they announced, "We have a great compromise. We're going to have immigration reform." It was a big press conference, but there was not a lot of talk about substance. Everybody jumped on their planes and flew home for the weekend. Over the weekend, Newt Gingrich and Rush Limbaugh described the compromise as amnesty. When we came back on Monday, they had a bumper sticker that said, "Amnesty." We had a bumper sticker that was three paragraphs long, and we were finished.

Heininger: No 30-second sound bite.

Lott: We didn't package it right, and we didn't market it right. We didn't think about how we were going to describe it and how we were going to blunt the challenges and all of that. Somebody should have paid attention to how we rolled it out and how we marketed it. So we blew it on that basis, but I was willing to try to get it done, so I hung in there, and Kennedy hung in there. I have never seen such an exhibition of pure cowardice in the United States Senate, on both sides of the aisle, as I did in that instance. Liberal Democrats were going out the back door. They left because of the labor unions.

[BREAK]

Heininger: This is a resumption of the interview with Senator Trent Lott.

Lott: Conservative Republicans were going out the back door out of fear of Rush Limbaugh and Newt Gingrich. The Senate tried to hold people of courage, such as Dianne Feinstein and Ted Kennedy and Lindsey Graham, and we tried to get it done, but the wheels came off. On that day, after it was over, I went over to Kennedy. He was managing it on the floor, and I said, "Every time I get involved with you, I get hammered. I'm going to quit working with you." I got slammed by the conservative media and by the right-wingers in my own state. That was one of three things that caused me to decide that 35 years in Congress was enough and that I was retiring. I was ashamed of the institution that day, in a way that I had rarely been before.

Kennedy was very much involved in that. Again, in certain areas I thought he pushed the envelope too far. I mean, he kept pushing for the things that wound up being described as amnesty. He was engaged and he was active. He knew the substance. He had excellent staff, and I found him, in some respects, as usual, more flexible than some of his colleagues.

Heininger: Why do you think he's more flexible than some of his colleagues?

Lott: Because he wants to get a result.

Heininger: This is someone who agrees with number five of Lott's Laws: "Eighty percent of something is better than 100 percent of nothing."

Lott: Yes, absolutely. He learned that over the years, and so did I. I think that's part of becoming a legislator, and maybe even part of how you become a statesman. Some people have said, "No, if you come to Washington, you've gone native. You've quit standing and fighting on pure principle, and you've become a compromiser." Well, *yes*. In the legislative process, you don't get your way totally, not when you're dealing with 99 other entrepreneurs who think they know more than you do and that they should, each one, be President of the United States. You have to give a little to get a little. It's a story of life. If you're a dogmatic, hardnosed, opinionated, intractable, unfriendly, unsmiling sort of personality, you don't get anything, and I think Kennedy understands that.

Sure, he and I always begin a subject on opposite poles: he as a liberal Democrat from Massachusetts who thinks that government is the solution; me as a conservative Republican from Mississippi who thinks that government is the problem. So here we are. We can stand off and face each other from great distances and get nothing, or we can try to work toward each other and eventually come up with a product that nobody loves but that maybe makes a difference in that area for the overall good of the people.

Heininger: Did you see him change during the years that you were in the Senate?

Lott: I did, but I think that his public persona is different from the real guy, just as I think that's probably true with me. To a lot of people, I was known for years as the successor to Bill Colmer. What was the word they used? For years I was the "ultraconservative Trent Lott." Well, they added my name in the place of Mr. Colmer's. He was ultraconservative, so I must be too. Over the years, I noticed that the "ultra" dropped away, and it became "conservative Congressman Trent Lott." Then it became "Republican Whip Trent Lott," and then "conservative Republican Trent Lott," Then it became "Senator Trent Lott," and eventually "Leader Trent Lott." So I went through evolutions. To a lot of people in the country, I'm perceived as a right winger, probably not even sympathetic to civil rights, a Mississippi sort of guy, which I think most people, including Kennedy, would tell you is not true.

I think Kennedy's persona is not true either. Sure, I'm a conservative; sure, he's a liberal. But in the case of Kennedy, he's also a decent human being. I think he's a different guy than he was years ago. I mean, there's no question that he used to cut a wide swath. He knows it. Everybody knows that, but over the years, I think he changed and became a better person, a devoted husband. I think he became a better legislator. Maybe he had already evolved into that before I got there and observed him up close, but I watched him find a way to work with people who had

different points of view and with the opposing party. He could be very magnetic. He attracted Hatch and McCain into these deals. I was smart enough, maybe incompetent enough, to never have anything that could be called Kennedy-Lott or Lott-Kennedy. I'd stand back one step or two. But once you got into his web, his approach privately and in the negotiations process was different from what you saw once he hit the floor.

Heininger: How do you think he would describe you?

Lott: I don't know. We did some things together. I remember that just a couple of years ago, I worked with him on a bill. I was trying to remember what it was, but I can't remember it. He said, "Are you going to the White House for the bill signing?" I said, "Nah, I don't need to go." He said, "You ought to go. You were involved. You earned it." I said, "I don't want to go."

One time he came to my office and observed that I had a picture of the [Henry Wadsworth] Longfellow House in Pascagoula. He said, "Longfellow is from Boston. The Longfellow House is in Boston." I said, "Yes, but it's in Pascagoula too, and if you look at some of this poem of his, he refers in the poem to 'Pascagoula's sunny bay.'" He came back a couple of days later with a framed, signed picture of Longfellow in front of his house in Boston, with a note, "To my friend from Pascagoula's sunny bay." It was neat.

Another time, we had a meeting in my office when I was the leader, and I can't remember what it was on, but Jesse Jackson was there. I had a big, thick volume on the history of southern culture, from the Center for Southern Culture, at the University of Mississippi. Kennedy and Jesse Jackson were there, and we were joshing around about that. I showed Jackson the book from the Center for Southern Culture, and I said, "Here, Jesse, I'm going to give you a signed copy of this book, and it's going to be signed by Ted Kennedy and Trent Lott. There will not be another book in the world like it on southern culture." So we did it, and I think that's what precipitated Kennedy showing up a few days later with an autographed copy of his brother's *Profiles in Courage*. So he did those little personal things, like urging me to go to the bill signing, and bringing me the picture of the Longfellow House in Boston, and giving me the autographed book of John Kennedy. That kind of endears you.

I don't know how he'd view me. I tangled with him over judges all the time. Now, don't get me wrong, I'm talking about those occasions when we worked together. There were many times when I did everything I could to stop him or undercut him, or when I was mad about the way he treated judicial nominations. He was consistent on that. He never was willing to be helpful on the confirmation of some of the federal judges that we were fighting over.

Heininger: Talk about the nomination of Charles Pickering and the filibuster issue.

Lott: It was one of the great tragedies and one of the sorriest moments of the United States Senate. He was badly mistreated, and Kennedy and John Edwards were some of the worst ones. Kennedy went after him and some of his decisions, which was unfair. I made the point that Pickering had been moderate on the race issue and had been sort of a trailblazer. He took his life in his own hands one time when he took on the Klan in his own county. Charles Pickering hired the first African-American employee in the state for either party. He was confirmed unanimously by the United States Senate to be a federal judge, but when it came to the Fifth Circuit Court of

Appeals, boom! No, they were not going to let him on there. They were determined not to let a capable, intelligent conservative on the Fifth Circuit Court of Appeals. Of course that was Kennedy and [Patrick] Leahy and [Charles] Schumer and the whole damn crowd.

Heininger: What was their objection?

Lott: They didn't want a conservative on the Fifth Circuit Court of Appeals. They wanted a Fifth Circuit Court of Appeals that would be much more liberal on everything, particularly on civil rights. Of course they had a couple of verdicts of his, which were perfectly defensible, I thought, when you read them. They tried to make him out to be a racist, which was blatantly unfair. Then they continued it with Mike Wallace, but of course Mike Wallace was their worst nightmare. Charles Pickering was not. Charles Pickering would have been a fair, objective, honest judge, no question about it.

Mike Wallace would have been fair and honest, but he'd have been very ideological—Harvard undergraduate school, played football at the University of Virginia, law school, Virginia Law Review, a brilliant young lawyer. He would have been not just a member of the fifth circuit; he would have been the intellectual leader of the fifth circuit, and they were not about to let him on there. I seriously resent that, because I think that is not for the Senate to do. I voted for Ruth Bader Ginsburg even though I knew I would disagree with her. I disagreed with everything she had ruled and with all of her beliefs, but that's what electing Presidents is about. If the candidates are qualified by education, by experience, and by basic demeanor, then the President nominates them, and they should be confirmed. If you vote against them because they're well qualified and brilliant, conservative or liberal, that's wrong. I didn't agree with the Democrats on that.

At that point, they viewed the Judiciary as their last bastion of defense. They had lost the White House. They had lost the Congress. They still had academia, and they still had the federal courts, and they were defending it to the death. And they've done an incredible job, because even though we've had the Reagan years and the Bush years, the courts are still center left, and that's a shame, from my viewpoint. They're still going against what the American people think is right, in my opinion, and they're still making laws instead of interpreting the laws. It's a disappointment to me, but I think they feel like they've succeeded.

Heininger: What was his role in the challenge to the filibuster? Why was he not part of the group of 14?

Lott: I think he felt like, if they needed to, they needed to be able to filibuster. I had the opposite view. I thought, when I read the Federalist Papers and the Constitution, that the issues clearly should not be filibusterable, none of them. Now, this is my opinion at this point.

I believe that if Bill Frist had pulled the trigger in April for the so-called "nuclear option," we would have won. I was working this issue pretty aggressively, and by late May, early June, it had gotten close. I thought we would have gotten 51, tops, and only if we had gotten Specter and [Michael] DeWine, which we could have, but it had gotten dicey. At that point the question was, if you pull the trigger and misfire, have you done more damage than if you succeed? Of course some argued, Democrats and some Republicans, that even if you pull the trigger and win, you lose.

So we had a mess on our hands, and we had to find a way to stop the threat of the filibuster, and yet we couldn't go with this option, which basically said that they couldn't filibuster. We had to design a way to stop them. I probably should write a book some day on everything that went on there. The idea that led to the group of 14 originated with Lamar Alexander, and then a number of us took it and evolved it. I was involved along the way, but I realized that I was becoming a part of the problem, because I was viewed as doing it against Frist, which was not the case. But I couldn't let that appear to be the case because number one, I thought it would undermine Frist, and number two, I think it would have reflected on me, and number three, we wouldn't have gotten it done. So I had to pull back, disavow it, and then send in McCain to do the deal.

It wound up being done. It wound up ending the filibuster threat and getting some judges confirmed. Conservatives still complained that McCain did a terrible thing. I think it was one of the more brilliant things I've seen the Senate do, typical of what the Senate should do and can do sometimes. But Kennedy wasn't involved in it, because there were Republicans who were saying, "Blow the place up. This is outrageous," and there were Democrats saying, "No, we reserve our right," the Kennedys and Schumers of the world. I hate to put Kennedy in the same bracket with Schumer. I think he's certainly a much better human being. When it comes to judges and the Justice Department, Kennedy's a little less inclined to seek the middle ground or a solution. He's a little bit more hardnosed in that area, I think, at least from what I saw.

Heininger: What do you think his legacy will be?

Lott: Obviously he carries the mantle of the Kennedys, which is still international news—Camelot, that special family, and John Kennedy, Robert Kennedy, all of that. I think that a lot of that is totally undeserved, and I disagree with it. I think a more deserving moniker for Kennedy would be that he made a difference, and he wound up being a true legislator, one of the two or three best in the last two decades.

Heininger: Who else would you put up there with him?

Lott: Oh, I don't know. I certainly fought him a lot, and I wouldn't put him substantively in the category with Kennedy, but McCain became a facilitator of sorts. You saw the *New York Times* yesterday. Hatch is a good legislator.

You can become consumed with getting a product and lose sight of the fact that even though you get 80 percent—I mean, sometimes you wind up getting 45 percent, and it ain't good enough. If the process and the procedure become more important than the substance, then you've lost it. But I've always maintained that if you don't have a process to get a result, then the substance doesn't matter, because you get nothing. So I have been accused, and I confess that sometimes I paid more attention to process and substance, because I figured that if you didn't design a way to get it done, you wouldn't get anything and it would be irrelevant anyway. But if you don't watch it, you become too consumed with the process and procedure, and you don't pay enough attention to the product and you wind up doing damage.

Heininger: Does he pay attention to both?

Lott: I think he does. I don't want to damn him by being too complimentary of him from a conservative standpoint, Republican standpoint, but if the Senate is true to itself, you give credit

to your colleagues, regardless of philosophy or region or party or anything else when you see leadership and courage. I think he's exhibited that on occasion.

Heininger: Thank you very much.

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