
# WILLIAM J. CLINTON PRESIDENTIAL HISTORY PROJECT

# INTERVIEW WITH CHARLES BRAIN

March 22-23, 2004
Charlottesville, Virginia

**Interviewers**
Russell L. Riley, chair
C. Lawrence Evans
Charles O. Jones

Assisting: Jill Abraham, Duane Adamson
Audiotape: Miller Center
Transcription: Martha W. Healy
Transcript copy edited by: Laura Moranchek, Jane Rafal Wilson
Final edit by: Jane Rafal Wilson

**WILLIAM J. CLINTON PRESIDENTIAL HISTORY PROJECT**

**TRANSCRIPT**

**INTERVIEW WITH CHARLES BRAIN**

March 22-23, 2004

**March 22, 2004**

**Riley:** This is the Charles Brain interview as a part of our Clinton Presidential History Project. We're very pleased that you could come down from Washington to be with us. There are a couple of administrative chores that we routinely take care of at the beginning. The first is just to remind everybody who's participating in the interview of the main ground rules, that we're governed by a pledge of confidentiality to the project, and to Chuck, that anything that's said here today is not to leave the room. The transcript that's being prepared will be an authoritative record of the interview and you'll have last word on that. So we hope that you'll speak freely and candidly onto the public record. We're not talking just among us today, but we're trying to create a record that scholars and students will use 50 or 100 years down the road to understand this very important time in American history.

The second thing is to help the transcriber out we do a voice identification, so we'll go around the table and ask you each to introduce yourself and say a few words. I'm Russell Riley, the director of the Clinton Presidential History Project and associate professor at the Miller Center.

**Brain:** I'm Chuck Brain, founder, sole employee, and president of Capitol Hill Strategies, a Washington, D.C. government relations firm.

**Jones:** I'm Chuck Jones, professor emeritus of Political Science at the University of Wisconsin-Madison.

**Evans:** Larry Evans, professor of Government, College of William and Mary.

**Adamson:** Duane Adamson, a Ph.D. student here at the University of Virginia.

**Riley:** Chuck, as I said outside, one of the things that we're very interested in hearing from you about is your relationship with Dan Rostenkowski and how that played on your later understanding of presidential-congressional relations. So let me begin by asking a question remote in time to the President, and that is, how did you first get hooked up with Dan Rostenkowski?

**Brain:** In 1978, a friend of mine, a guy by the name of Jim Shannon, ran for Congress from Massachusetts. I believe at the time he was 25 years old. I helped somewhat in that campaign. He was elected and at that point—that coincided, three Massachusetts freshmen Democrats were elected at the same time. That year marked Congressman Jimmy Burke from Massachusetts and a member of Ways and Means retiring. Tip [Thomas P.] O'Neill, the Speaker, wanted to put a member on Ways and Means and chose my boss, Jim Shannon.

I worked for Shannon doing Ways and Means work for the years '79 and '80, the last two years of Al Ullman's relatively brief tenure as chairman. Ullman wasn't a particularly powerful chairman. In order to get some things done in and around the committee, it was possible to put together coalitions that didn't include Chairman Ullman, most frequently did include Dan Rostenkowski. I worked with his committee staff, his personal staff, an awful lot over the two years to get some things done.

Lo and behold, Al Ullman lost for reelection and Dan Rostenkowski—it's also part of the history of how he chose Ways and Means instead of becoming Majority Whip—became chairman of the committee. His staff, who had been my friends and co-conspirators in a lot of stuff, all of a sudden they're running the Ways and Means Committee. I was brought in to be staffer on the Social Security subcommittee of Ways and Means. I had to admit that I knew my Social Security number, but I didn't know what FICA [Federal Insurance Contributions Act] stood for. That was my job interview with John Salmon, the chief counsel. But he knew I had some abilities as well as would be loyal to the chairman, to put it that way, and we were about to have a big Social Security debate.

Quite frankly Jake Pickle, who was, I guess, the incoming Social Security subcommittee chairman, maybe wasn't presumed to be on script with the Democratic agenda. Rostenkowski needed somebody, wanted somebody, who had more political ability in the legislative sense than substantive knowledge, which you can always pick up, which I did. So it was an interesting period, serving both masters. But I was put on the Social Security subcommittee, and the Deputy Chief of Staff said to me—the subcommittee offices were in the old Congressional Hotel, "We need a presence over there."

I knew I was going to get the job. I knew what my job description was, and that was to be the presence on behalf of the chairman at the subcommittee level, because there was a whole division of who do you work for, who does the hiring, the chairman or subcommittee chairman.

**Jones:** This is '81?

**Brain:** This is '81. Under Ullman, subcommittee chairmen did more hiring, made decisions about payroll and things like that. It all goes back to the reforms in the late '70s. Rostenkowski very quickly pulled that in. At the beginning of the hiring process, Jake Pickle was doing the hiring, and I wouldn't have been hired. Throughout the hiring process it changed. Rostenkowski was doing it, and I was hired.

One of the technical staffers came to me about a year and a half later and said, "You know, I was absolutely opposed to your being hired. I thought you were going to be just a hack. I was

wrong." I obviously remember and appreciated that; I was able to pick up the substance and get through the 1983 Social Security votes. So that's how I was hired and my first exposure to Rostenkowski.

**Jones:** Can you talk a little bit about your views on legislative relations or congressional relations with the White House during that period? In other words, what I'd like for you to think throughout is how you came to be socialized to congressional relations along the way.

**Brain:** My first exposure to White House, to congressional relations, was in the [Jimmy] Carter administration. One weekend Saturday, I think, I was at home. I got a call from the White House operator asking me where she could find Congressman Shannon. The President wanted to speak to him. So I said, "I know exactly where you can find him. You can find him at the Lawrence General Hospital in Lawrence, Massachusetts." He was in there with a back problem. So she thanked me very much and hung up the phone. I said to my wife, "That was the White House, but I'm going to get a call back in about five or ten minutes," thinking somebody's going to ask, *Okay, what are we calling into?*

No call, nothing happened. So I get to work on Monday, sometime during the day, talked to the Congressman up in the hospital bed. He said basically, "The goddamn President called me on Saturday and you know what he wanted? He wanted to thank me," for something the Congressman had done about four months before. It was a belated phone call. In fact, it infuriated him to get the call so late. Never mentioned, "Oh by the way, you're in the hospital." I'd never heard the LBJ [Lyndon B. Johnson] tapes at that point but I knew the right—I don't know how old I was, 27—but I knew the right call was, "Jimmy, I hear you're in the hospital. I hope you're doing well. This is great, I mean you'll be fine, if there's anything we can do for you down at Walter Reed. And by the way, that thing you did, great. I really appreciated it." So that was the right way. Instead they didn't do it and quite frankly they pissed him off. So it was counterproductive to the effort.

I'm trying to think. Then I remember as a committee staffer, seeing the head of legislative affairs for the President, for President Reagan, being in the House side of the Capitol, asking a Capitol Hill policeman for direction to an office. You know, "Where's H-whatever?" I thought, *Can you believe that? He doesn't know his way around the Capitol. This is absurd.*

**Jones:** This was a House guy with the White House?

**Brain:** This was the head of legislative affairs.

**Jones:** For Reagan?

**Brain:** For Reagan.

**Jones:** Max Friedersdorf?

**Brain:** No, it was Will Ball. I'll probably redact that, but it was Will. You know, Will hadn't worked on the Hill, he'd been in the Navy. So maybe it's unfair, but it was a foreign place for him.

**Jones:** Sure, sure.

**Brain:** Asking for directions. I could think back to other exposures to the legislative affairs folks because I certainly did, but I think those two incidents told me you've got to be engaged, you've got to know what they're thinking. If they're sick, you've almost got to be part of them, but you're not, you're separate from them. I was shocked at both of those incidents.

**Jones:** Let's take the chairman, Rostenkowski. How did he look at congressional relations folks? Was it ever a subject of conversation? No doubt invariably, but—

**Brain:** I think he knew them. B. Oglesby, for example, had the job at some point there in the Reagan administration. He liked B., got along with him, would call. But yet knew that he needed to have conversations directly with the President without that intervening layer of folks. The biggest thing I think we did with the Reagan administration was tax reform in '85-'86. Rostenkowski had a conversation directly with the President, said, "We're going to move this sucker. But I don't want you publicly second-guessing me, commenting, doing anything. You just be quiet while we do this and we'll come out." Reagan said, "Fine," and he never broke that word. So you lose an amendment or something. You didn't have to worry about what was going on in the press. But again, that was a direct conversation with the President that we'd probably remind B. about.

**Jones:** Sure. But there you're talking more generals to generals, whereas the view probably then of Rostenkowski, is, "These are the soldiers," the congressional liaison people. One of the perspectives that you have, it seems to me, that is special for the kinds of people we're interviewing, is that in those first two critical years of the Clinton administration, you were in a real action point, but from a different perspective than the White House. I don't know what's the best way to tap into that, but it seems to me that with you, we've got somebody who very much had a good sense of the congressional view of this first two years of the Clinton administration.

We have lots of people who talk about it from the point of view of the White House, but this seemed to be a very important—this would strike me as very important in using you as a resource, as to how it looked from your perspective and from the chairman's perspective. Talk about it in general first, and then we can perhaps make reference to specific pieces of legislation.

**Riley:** What specifically was your job at the time that Clinton was inaugurated?

**Brain:** I was Deputy Chief of Staff at the time.

**Riley:** On the personal staff?

**Brain:** No, on the committee staff. I went through a series of jobs on the committee, off the subcommittee into the full committee and things like that. Now, Rostenkowski, we had just had

12 years of experience of dealing with the President of the other party—I might add, from the perspective of the majority that was not questioned. We were going to be in charge of the House of Representatives, it never came up as an issue. I mean, other than just a little bit after 1980 we worried a little bit, and with the Senate flip-flopping back and forth a bit.

The perspective that we on the staff learned from Rostenkowski and internalized was that it's much easier to work with a President of the other party. Anything that you can do as bipartisan compromise is progress. It's surprising, and I think there was some trepidation with a Democratic President. "Okay, what's going to happen now?" because these folks are going to say, "You have to do this, this is what we want." I think on the staff we wondered if there was going to be some Rostenkowski-Clinton conflict.

I think that the President through the campaign, or the Governor at that point through the campaign, did a great job of reaching out to Rostenkowski, asking for his views, asking for analysis, which the committee staff was doing for the chairman, who then just happened to send it to a Governor. So there was a good working relationship there before he came in.

**Riley:** Chuck, do you know the channels through which those communications were going?

**Brain:** It was through our Chief of Staff, Rob Leonard, to the campaign. Probably a combination of [George] Stephanopoulos and [Gene] Sperling, maybe Bruce Reed.

**Riley:** It's not coming from the candidate directly himself, probably. So I'm wondering who within the campaign might have been the impetus for this.

**Brain:** It would be some combination of those three. We knew George from [Richard] Gephardt days, so that was an easy way. I want to get back to Sperling and [Robert] Rubin in a second, and the enterprise zones.

The staff came in thinking, *Okay, this could be a problem*, but Rostenkowski explicitly told the President when he came up with the economic plan, which is, "You're the quarterback; I'm the downfield blocker." That's a direct quote.

**Riley:** This is after the election?

**Brain:** This is after the election. "You call the play; we'll run it." So there was no question of his willingness to play ball. Although as I said, I think there was some trepidation of the change in party. I mean, he remembered the last follies of the Carter administration and had been through LBJ, etc. The economic package, again, it was a conversation directly with the President. I wasn't involved in it; maybe there was one staffer, but I think down at the Oval Rostenkowski said, "I'll take your economic package, the tax bill, and put it before the committee. It will lose, but if you want me to do that, I'll do it. Alternatively, you can give me some running room. We'll make some changes, we'll do some things."

The President—again, Rostenkowski has told us enough stories—said, "But I want to know what you're doing." He said, "Don't worry. We'll keep in touch, but give me the running room." And

he said, "Fine." That's how we got the 1983 tax bill/economic package through, by making changes in it. But Rostenkowski was clearly willing to just do it, lay it out there and let it lose if that's what Clinton wanted. And he on occasion referred to the President as, "this young man." Almost as if he felt, through all his career, honing his skills, *Now I deliver for him*. But it was a different relationship where you were getting things done. He was very disappointed, I think, with the Bush Presidency. Anticipated George Bush being elected President, his old friend.

**Riley:** Reelected?

**Brain:** Elected. I mean, he was anticipating, he was looking forward to the Bush I Presidency. He was talking about retiring; we sort of talked him out of it, "Who knows, George Bush is going to be elected."

**Jones:** This was in '88 and '89?

**Brain:** Right. "He's your friend; he's more moderate than Reagan. You got some stuff done under Reagan, think of the stuff we're going to get done under Bush." Then the first thing that happened is—two things, in the campaign, candidate Bush was calling for reinstatement for the differential on capital gains versus regular income, which was one of the crowning achievements of Reagan tax reform. But he did it, Jim Baker told him, to get elected. Then there was the repeal of the catastrophic health insurance bill, that he told George, "This is going to hurt. There's going be some rough times. This is a good bill, just hang tough." And it just sort of eroded.

Then nothing really. Then we got the '90 bill through. On my wall I've got a couple of letters and pens from Ronald Reagan's Presidency. I thought I would have three, four under Bush. There's not one. As far as I know, Bush never sent a congratulatory letter, "Thank you for working on—here's a pen." You know the 1990 tax bill was a good bill but it got him in trouble with his party. People who looked at the things I've got hanging on my wall note that it starts with Reagan, and it picks up with Clinton, but there's this lack of four years.

**Riley:** They weren't very proud of what happened in 1990.

**Brain:** Right.

**Riley:** Were you at Andrews when the negotiations—?

**Brain:** I was in and out. I wasn't there on a daily basis, but yes.

**Riley:** Can you reflect on that a little bit? This is, again, one of the cases where, because we're doing a Bush project, we're getting an awful lot of information from the Republican side on what transpired at Andrews, but very infrequently do we have somebody from the Democratic side who was out there to give us an accounting of what had transpired.

**Brain:** It was a bizarre little world that got created out there. It was so distasteful for everyone who had to do it, throughout and since then. Fourteen years after, "We're not going to Andrews, we're not going to do something like that again." Agreeing upon the goal, it just took wearing

people out to eventually get them to agree. I witnessed Bob Dole being out there, saying to Rostenkowski, "Is this real yet, Danny?" And Rostenkowski said, "No." Dole said, "Okay, I've got things to do. Tell me when it gets real." It was just a long process. I can't imagine something like that happening again. I mean obviously we have different dynamics of the parties, et cetera.

**Riley:** From your perspective, could you tell who was driving the process from the Republican side out there, or did it shift back and forth?

**Brain:** I want to say it was the White House, it was [John] Sununu who was moving forward on it or wanted to get it done, but a lot of players.

**Riley:** Sure. Were you surprised at the Republican aftermath of this? The backpedaling? I guess the House Republicans disowned this very quickly.

**Brain:** Right, yes, and I guess that's a seminal event in Republican history, congressional history, from the Democratic perspective, at least from my perspective. It was their problem. I don't think we lost any sleep. "You took the bill down? You've got a problem. Work amongst yourselves, put it back together." I mean, I remember much more vividly losing the rule on tax reform, which was our baby. It was Reagan's proposal, but it was our baby. I can walk you through putting it back together again. But 1990? "Okay, we wanted to do the right thing. You don't want to do it? Okay."

**Jones:** My impression was that Bush made the mistake that Reagan didn't make, and that is when the Democrats on Capitol Hill declared his budget, Reagan's budget, dead on arrival, Reagan essentially said, "Fine, make a budget." Bush re-enters, rather than—when they say it's dead on arrival, there you are, working with them on the Hill. That can only result in disaster.

Do you remember a dinner at Brookings where Rostenkowski came?

**Brain:** Yes.

**Jones:** One of the things that he said at that time that I recall was waxing very, almost self-congratulatory, in a self-congratulatory fashion, that he was the mentor of Clinton. That he liked him a lot and that they got along well, and he talked a fair amount about "how I taught him" and how satisfying that was and so forth. True? Your reference earlier to their relationship, was that a good summary of at least how he viewed it or how you have witnessed it?

**Brain:** I think from both sides I can confirm that it was a cordial relationship, a mutually—I wouldn't say beneficial—but did have a tone of father-son, teacher-student. Again, Clinton was solicitous of our views in the campaign. Clinton, Governor Clinton, coming out for NAFTA [North American Free Trade Agreement], which we were holding our breaths. We'd done a series of trade expansions in the '80s. We wanted to do NAFTA. The Democratic politics of trade have changed dramatically in the past 10-15 years. Okay, but what happens if Clinton comes out against NAFTA, gets elected, what then? He came out for it. It showed a lot of courage. He earned Rostenkowski's respect and Rostenkowski was old enough, had done

enough, that there was no pretext. Everybody likes talking to the President and things like that, but he wasn't overwhelmed by it. So he felt that he could give him just candid advice.

I remember that he told Hillary Clinton, "Your husband has done you no favors by putting you in charge of this healthcare package, reform." It was really going to be tough stuff. I also remember him telling him, I guess it was during our budget, in that summer, Clinton said he wanted to take some wavering members up to Camp David. Rostenkowski said, "You will not do that. First of all, you have senior members of Congress who have never seen Camp David. You're not going to want to alienate them by having young pups on their committees saying, 'I was at Camp David over the weekend,' and also you're not going to reward bad behavior. So no, you're not taking anybody up to Camp David to get their vote."

**Riley:** Who was proposing this?

**Brain:** The President, or maybe legislative affairs. "We're going to take people up to Camp David." "Bullshit you are." So that was the relationship.

Two other things in the relationship, the 5th year anniversary of the signing of the budget bill. So, '99? Five years, the Clinton budget plan. We had a reception at the White House. The White House had a reception for every member of Congress who voted for it. On paper it was a bipartisan event; it's open to every member of Congress who had voted for the budget plan. [laughter] A number of people who had been defeated really as a result of that, Marjorie Margolies-Mezvinsky, et cetera, came back. Rostenkowski was out of prison and hadn't been back to Washington. I lobbied him directly, that you've got to come, got to come to this thing. "No, I don't want to do that, I'd be an embarrassment to people. I don't want to have people stare at the tops of their shoes when I'm talking to them." Finally I said, "The President wants you. You've got to come," and he did.

As the President was speaking, Rostenkowski is in the back of the room. The President introduced him; he got a bigger hand of applause than anybody else. Almost stole the show because nobody had seen him. Rostenkowski and the President spent most of the night sort of arm-in-arm talking about things. But again, to show you the nature of the relationship, it wasn't awe-inspiring or awe-ful on Rostenkowski's part. One point towards the end, Rostenkowski was talking to a member of Congress, Neil Abercrombie, whom he hadn't seen. So he was just talking to him, friendly, but not close friends. Clinton came over. He was going to go upstairs, and he came over, he tapped him on the shoulder. Rostenkowski turned his head, "I'm talking to Abercrombie." [laughter] "Oh, okay."

But then, the other incident is his pardon. Clinton, whom I talked to after the pardon, was very pleased that he could do that, that he could right that wrong for this guy who really did help him out. And you could also speculate what would have happened to healthcare reform if Rostenkowski had not had to step down. Would he have been able to work some magic, as he had on the economic package?

**Riley:** You think so?

**Brain:** He would have worked some magic. I'm not sure it would have become law, but oh yes, we would have made some progress. Whether it was Reagan and tax reform, Rostenkowski in the economic package would take the building blocks and move them around. Get people to buy in through the process. An administration's legislative process is inherently closed. Bang, pop it out, here it is. The legislative process to Rostenkowski was getting people to buy in. He usually had two general thoughts in mind: One, I want to write a good bill, but the definition of a good bill is probably what I can get passed. Two, we're going to be better making incremental steps if that's all we can get done. We didn't get 100 percent, but we made some incremental steps. We'll come back; we'll get the rest of it later.

The Sperling/Rubin story is an example of that. Rubin requested a meeting with Rostenkowski. It had to be '93 and enterprise zones. It was clear from the moment he sat down in Rostenkowski's office that this was Gene Sperling's baby, who was his deputy at the time, because he basically said, "Okay, Gene, tell the chairman what we think." Rostenkowski probably would not have met with Gene himself at that time. So Gene is explaining enterprise zones and things like that. So Rostenkowski listens and finally said, "How many?" Gene said, "What?" Rostenkowski said, "How many?" Sperling said, "Enterprise zones?" "Yes," Rostenkowski said, "how many are you proposing."

"Well, we haven't done blah blah blah," Sperling said. Rostenkowski said, "I asked you, how many? I've got to know how many I've got to deal with. Is there one? Is it going to be [Charles] Rangel and me fighting it? Or do we have several to move around? I've got to know how many." Rubin said, "Gene, tell him." So that I think is an example of the administration wanting to keep things secret, but a craftsman like Rostenkowski just needs running room, "Let us know what we've got. I can make this work."

**Riley:** To your knowledge did he voice frustration with the administration over the way the healthcare thing was being put together? Or was Mrs. Clinton's presence there a deterrent to raising a serious objection to how things were unfolding?

**Brain:** Again, he was her ally in trying to create some space for her. We all thought that the process that was created, the Ira Magaziner process, was just bizarre. We really didn't allocate any staff to it, as I recall. Some folks were eager to go down and work on it. Our attitude was: let them take their best shot and then we'll take it over when they're done with it. There was some frustration. But again, she came to the Ways and Means Committee, I don't know whether it was Democrats or bipartisan—probably not, probably partisan, just Democrats—and said at the beginning, "I've got an hour for this."

He said to her, "No, you have a half hour. At the end of about 35 minutes, you will announce that this is so interesting and exciting and we're learning so much from your wonderful insights, you want to stay some more."

**Jones:** You what?

**Brain:** "You want to stay longer, to fill out the hour." Sure enough, on script, 35 minutes she said, "No, tell them no, I'm not going to do it. We're going to stay here." So she stayed and had

them eating out of the palm of her hand. Afterwards she said, "You're brilliant." She was talking to him, but he also said, "Here's how we're going to do this," and give that sort of advice.

**Jones:** What you're saying is the Magaziner operation was not judged in the early stages of their planning—that it wasn't a priority for the staff of the Ways and Means Committee. It was a question of the problems of even relating to this extra-political operation that was going on, that was—as you used the term—bizarre, but different enough, so how is it we could even possibly relate to that. So you wait and see what happens.

**Brain:** The members of the Ways and Means Committee had the same reaction, at least the Democratic members did, to the [Alan] Greenspan Commission in '83. Dole, [Daniel Patrick] Moynihan, and Bill Archer were members but Rostenkowski and [Jake] Pickle both said, "I'm not going on that; they'll report to us, members of Ways and Means; we'll make the decisions."

The other thing about healthcare from our perspective, I don't think we ever saw ourselves as setting the agenda. Okay, the President is putting together a healthcare package. That's what we're doing for the next six months, we're doing healthcare. Versus having the chairman say, "I want to do X," fill in the blank. So we were really doing other things while they were doing that.

**Evans:** When did you enter the process? Was it at the referral stage? That's what I'm trying to get a sense of. And also, was the President involved in that decision, which was complicated?

**Brain:** What do you mean, the referral stage?

**Evans:** When the bill was actually referred to you, Congress.

**Brain:** There were conversations. As I said, Hillary came up and briefed all the members on what they were doing. So there wasn't a Chinese wall between the two. We knew what they were coming up with. Some folks associated with that have a different memory than Rostenkowski and his folks, on whether or not there was a request for a specific detailed legislation versus principles. The task force view is that there was demand for detailed legislation; the congressional view is that we said, "Send up principles that we can work with."

So it was work, to know what they were doing, et cetera. It just wasn't, "Okay, here it is," at the end. And I left the staff at that point, I left January of '94.

**Evans:** So you weren't there.

**Brain:** I wasn't there for the bill coming to the Hill. I was there for this Hillary meeting, which would have been in the fall, I guess. But by the time Rostenkowski stepped down, by the time it actually came up, I was downtown.

**Riley:** Can I ask you to go back to the economic package and to tell us from your perspective? I guess there was a lot of blood on the floor as a result of the passage of the economic plan in the summer of that year. Could you tell us a little bit about your office's work in the enactment of the economic plan?

**Brain:** Again, I was with Rostenkowski at the time.

**Riley:** Right.

**Brain:** We would always put together our own—Rostenkowski would put together his own whip team, his own whip operation. Any of the big bills that we had, the Democratic whip didn't do them. We did them, ran them out of the H-208. We did a similar thing for some House passage, to get that through.

**Evans:** Was there a reason why he didn't rely on [David] Bonior's operation? Just more confident—?

**Brain:** Well, it even predated Bonior. I'm trying to think, Tony Coelho was the whip before that. Rostenkowski had been chief deputy whip, that was the job he could have taken, versus becoming chairman. His view was, nobody cared about this bill as much as we do. So, it would be a team of not only Ways and Means members, but others, pulling in other folks.

**Evans:** They do a full count, the one to fives and all that? Yes, leaning yes, and so on?

**Brain:** Yes, I mean the mechanics—

**Evans:** Pretty much the same?

**Brain:** The mechanics are pretty much the same. That's really what I did through much of the '80s and the '90s, count the votes.

**Evans:** So on tax reform, for instance, you all did your own counting. You didn't rely on [Thomas] Foley.

**Brain:** Yes. Where were we?

**Riley:** On the economic package. I'm just trying to get an inside-the-House description of the politics of the enactment of the economic package. That's a significant marker in the early phases of the Clinton administration. These were some tough votes for people.

**Jones:** You mean in the summer, not in the economic stimulus package?

**Riley:** I suppose, if you want to comment on that, that's a part of this. But I'm more interested in the summer.

**Brain:** I remember the stimulus package, which if I recall was a $16 billion spending thing, which they insisted on sending out, almost on day one. From a non-spending perspective on the Hill, we thought that it was a strategic error, completely blew it. The Democrats coming in, the first thing you do is increase spending. Wrong. Watched it fail. Now, it wasn't my job to pass it,

but, "Okay guys, you got that one wrong. Are you going to do any better on our bill, the reconciliation bill?"

Everyone swung into battle mode for that, to get the votes necessary. Clinton on the phone, the Speaker working, just to get the votes that you could. It was hand-to-hand combat. I remember more vividly some parts of the conference. It was a typical reconciliation conference, we had sub-groups throughout this period, a gradual erosion of the committee of jurisdiction's ability to make autonomous decisions. I don't think any budget committee members were appointed as super conferees.

In '93 Rostenkowski and Moynihan, who we actually thought was going to be—Moynihan was the chair—we thought he was going to be an abysmal chair. Sit around talking, "What happened in the 1890s, the Kaiser came up with this idea originally." It turned out he was a wonderful chairman. He'd walk in and say, "Well, we have three things on the agenda today, boom, boom, boom. Now, here's where the Senate is, here's where the House is. I would propose the compromise is—" and lay it out. More often than not he just hit it right on the head, versus the trouble we had with other Democratic conferees.

We had a bill that was going to be vetoed, H.R. 11, the tax bill at the end of the Bush administration. We knew it was going to be vetoed. Remember, the tax reconciliation bill. But we had at some point such difficulty with the Senate, Rostenkowski walked out of the conference, said, "No, we're not going to do it." But the Democrats needed that bill, as an election thing. "You've got to get back in there. Tell them this is going to be vetoed. We've got to win some here." That is how difficult "the other body" can be.

But anyway, back to the mainline, at the end of every day, George Mitchell had constructed this meeting, is all I can call it, where Rostenkowski and Moynihan would have to come and report to the leaders: Foley, Mitchell, and I presume Leon [Panetta], if I recall correctly. What they had decided, to get a validation of it—

**Evans:** Leon Panetta we're talking about?

**Brain:** Yes. Which irritated the hell out of both Rostenkowski and Moynihan. "We're the chairmen, we'll tell you when we're done. We're not going to sit down—" But that's where the decisions were really made, in Mitchell's office. That's where the final number, on the 4.3-cent gas tax was decided. The House finally agreed to come down to 4.3, and Mitchell knew he'd pick up the last vote, which as I recall was [David] Boren, and that he could pass the bill with Boren's vote. I always thought he did a better job of counting the Senate, because at that point we didn't know where our votes were. We had to go count the votes at that point, but did it again.

**Riley:** You haven't mentioned Howard Paster's name in this. How was Paster viewed on the House side at this time?

**Brain:** An awful lot of respect for Howard. I noticed in your description, or I guess maybe it's in a journal article, about Howard, seems to leave out—if I recall Howard had two things worth

mentioning in the bio, not your bio. One, I believe he worked for the UAW [United Auto Workers]; it's not mentioned. And that he also had worked for John Dingell. He was a known, sympathetic—we knew Howard, and quite frankly didn't think Howard was being used well, or right.

**Riley:** How so?

**Brain:** I don't know how much of this is remembering after the fact and reinterpreting, but just didn't seem to have the autonomy, involvement, and people. Again, the first year of the Clinton administration, with people having FBI files sitting on the floor of their office. I mean, there were some nutty times. Of course, what are those folks doing down there in the travel office, and you just wonder, is he ready for prime time? The new administration versus the folks on the Hill, the White House folks always know they know better than the folks on the Hill because they got their guy elected. Be it Jimmy Carter, Governor Clinton. We got elected so you'll do what we want, we know we're smarter. The clock is ticking on them; they've only got so much time. From a congressional perspective—again, toward the end of a 40-year reign of being in charge—we've got time, we'll take it.

There was a signing ceremony for NAFTA in the Mellon Auditorium that several of us—I remember sitting there, you've got the stage, the President and the Vice President, dignitaries up on the stage. Tom Foley was there. All of a sudden someone, a congressional relations type, showed up at the end of the line, on my left as it's laying out there and handed, I think the Speaker, a note, "Ship it down." It went from the Speaker to the Vice President, who looked at it, showed it to the President. I'm sitting there wondering, *What's this note? What's going on here?* So, witnessed that. Then the President's remarks, thanking people, et cetera. Wait, the remarks preceded the note. Let me get that right. The President was handed the note as he sat to sign the legislation. He signed it and then said, "Okay now, in a special note of thanks, I want to give this pen to my head of legislative affairs, Howard Paster." Howard got a tremendous round of applause, he got the pen, et cetera.

It turns out, I think it's verifiable, that the note was sent up there by Howard's deputy, saying, "The President didn't thank Howard. He was left out of the names." And Bill Clinton being as good as he was, he improvises. I've always interpreted that, and this is from the congressional perspective, somebody on the White House staff, you're doing the names, we don't need to put Howard on there. So that was from the congressional perspective, Howard wasn't appreciated and wasn't treated well. So when he left it was, "Okay, we don't blame you."

**Riley:** Wasn't it also the case that the White House was relying on multiple channels to the Hill at this point, that it was a difficult period for Howard to lay claim to his territory because there were a number of other people working in the White House who had independent channels that they were using?

**Brain:** Yes, obviously. Stephanopoulos had worked there. Leon was over at OMB [Office of Management and Budget].

**Riley:** [Lloyd] Bentsen at Treasury.

**Brain:** Yes. I think any administration has that problem, that set of issues, who talks. What happens after you've talked, okay, who gets that information, how do you spread it around? In retrospect, it probably wasn't as crazy as people think it was, but there was a lot going on.

**Jones:** Reflecting on your time from '81 to early '94 on the Hill—well, you were there before '81, but specifically with Ways and Means—are there positive contributions that White House congressional liaison people make to the Hill from the Hill's perspective, or is it the case that they're serving the White House? It seems to me from your description so far, that there are not a lot of positive contributions that they make to the Hill.

**Brain:** No, I think, they did, back in this period. Just knowing what the White House is thinking.

**Jones:** So it's communications.

**Brain:** When do they want to move something? What sequence of bills? What do they want, if you're looking at some amendments? A lot of the formal communications wouldn't be with legislative affairs types, but you had the Assistant Secretary of Tax Policy down at the witness table. Or during tax reform we had the Secretary of Treasury at the table. So you're always looking to them to calibrate, know what they're doing, how they view the world. There's also even the perks. Come down for lunch, go to the Kennedy Center, things like that.

**Jones:** Sure.

**Brain:** But when you're dealing with their initiatives, knowing what they're thinking, their reaction to what you're doing, is important. It seeps out a number of ways.

**Jones:** But you've also described levels of communication. If it's Rosty with George Bush, Sr., or Rosty with Clinton, those are the generals. There's a lot of information that's pretty critical that goes on there, doesn't involve—so that they're much more at a different operational, basic communication level that you're talking about.

**Brain:** Yes, yes. I've grappled with the whole issue of communications with the Hill and the exclusivity of it or the proprietary. There were stories of Howard yelling and screaming at other people, "You don't go to the Hill, God damn it, that's what we do. Stay out of my business." That was year one. I came to the White House in year six. There were whole levels of relationships that people on the Hill had with folks down in the White House, and to think you're going to harness that, stop that, I always thought was folly or not worth the effort.

Clinton himself, for example. His work habits were that he worked the phone late at night. If he's going to call Dave Bonior at 11:30, well good. I don't necessarily want to know about it at 11:30 that night. He did an awful lot of that. I didn't fight the fight to maintain it because it would be a losing fight. [John] Podesta also came from the Hill. I'm not going to tell him he can't talk to Pat Leahy, who he used to work for.

**Riley:** Larry, do you want to follow up with something?

**Evans:** I'm interested in the information-gathering process, because you've got multiple people involved. There's the White House conducting head counts, informally and formally, the whips. You mentioned that the chairman, Rostenkowski, had his own operation. And interest groups, I know, do head counts as well. During Paster's time in the office, in building a coalition, how much would you rely on intelligence about the Congress from that in Pennsylvania Avenue, versus what you had gathered, versus Bonior's shop, et cetera?

**Brain:** Probably just confirming other people's information. In the laws of lobbying, or Vote Counting 101, the highest form of intelligence is when one member says to another, "Yes, I'll vote with you." Anything below that is less acceptable. So the White House telling you, or outsiders, whole coalitions of outsiders doing votes and things like that, you've got to confirm it for yourself. If the White House says, "We think we've got so-and-so," you go out on the floor the next vote and find so-and-so and ask him. That's what you need to do, especially if it's going to be that tight a margin.

So you use other people for information, but also then keep that information, hold it closely. A fundamental tenet of vote counting from the congressional perspective—the Rostenkowski operation, but I also think the whip's office—is that you then don't take that information and give it to an interest group to come lobby that. That's verboten and self-defeating, because you won't get right information the next time you ask. So you're even sometimes judicious in sharing with the administration, "Yes, I think you're right. It's not hard and fast, the President should call so-and-so."

**Evans:** About how often does the administration count a year? I mean, a formal head count, where they'll go out and do a poll? More often than the whips or about the same?

**Brain:** No, no, much less often. The whips have to count everything. Anything that's big they have to know. We only did the big things. I'm trying to think, probably only a couple of times—I haven't talked about the impeachment—that was also a vote count, at least for a while.

**Riley:** We'll get there. [laughter]

**Brain:** But only a couple of times, trade bills where you couldn't count on the whip, PNTR [Permanent Normal Trade Relations] being the big one. We had our own count, I maintained my own count. But otherwise you could usually use the whip to do that for you.

And in part, there is that hierarchy of member-to-member. Even higher than member-to-me, as head of the legislative affairs. I don't know whether you'd put the President in there. Clinton always had, I think he got better at it, but he had a reputation of not being able to close the deal on the phone. Again, when I was in the White House with Republicans in control, we're moving something, an important communication was sometimes between Democrats who were working with you and the Republican majority. So you almost need the Republican numbers to talk to the Democrats and need Bonior's numbers to talk to the Republicans. The White House would play the middleman there. I remember an incident where the Republicans lost a rule late one night.

The next day the Speaker was up in arms that I had said that we would deliver X number of votes. Complained to the Chief of Staff.

I said no. First of all, I don't think an administration would say, "We will deliver." That's part of my congressional background, it's not my job to deliver X number of votes. That's the whips. I speculated that if you would do this, that you'd get about 30 votes. In fact they didn't do, instead of doing X they did Y, and they didn't get the 30 votes. But I wasn't "delivering" that.

**Riley:** You just mentioned trade bills and earlier you said something about NAFTA. I never got you to describe the situation of passing NAFTA, which was an odd condition based on the internal positioning of the party at the time. Can you tell us a little bit about what it looked like to be working on NAFTA from inside the House in late '93?

**Brain:** It was a long, almost ugly process. I can remember—this is one of my stories about Rostenkowski—I would go to a whip meeting. Rostenkowski wouldn't go, but Bob Matsui and Bill Richardson were our whips. I'd go to a whip meeting and I'd come back to Rostenkowski's room, H-208 in the Capitol and he'd say, "How we doing?" I'd say, "We're moving. We're picking up, we're making progress." He'd say, "How many votes?"

**Evans:** "How many enterprise zones?" [laughter]

**Brain:** He wasn't moving things around, but, "How many? Don't bullshit me." I remember coming in one time, I forget, "It's really going fine, really going well," and he said, "How many votes?" I said, "We're up to 40." He said, "You son-of-a-bitch, last time you told me 55."

**Evans:** You did say you were improving.

**Brain:** At that point there was just no traction, early on. Nobody really wanted to do this. But gradually, by working at it, and I think probably some side deals—they all involved Florida, agricultural goods—Billy Daley was appointed eventually and really matured through that process.

**Riley:** He was running the war room on this?

**Brain:** He was running the war room. His first real heavy legislative involvement. It was great for him to do it, but it was also great for us, given the Daley Chicago relations with Rostenkowski. We would have done anything for Bill. In part, this wasn't passing the President's package, this was making sure that Billy Daley got this done. So we had that extra incentive there to get it done.

One lobbying tactic, arranged through the White House, because this could only be done with their acquiescence, was a whole series of CODELs [Congressional Delegation trips], went down to Mexico for weekend trips, probably going down Thursday night or Friday morning. Probably did all told four, bipartisan, and taking wavering members down. Go to Mexico City, come back up to the border, meet with the President of Mexico and some folks down there. Those proved to be very effective.

**Riley:** Did you or other staff make these trips?

**Brain:** Yes, a combination of folks. I remember them because I did do one of them. They were largely congressional. Daley was on the trip; I don't know if he made them all, but they were DoD [Department of Defense] planes. So it wasn't heavy-handed from the administration's perspective. Jim Jones was the ambassador at the time, and everyone had dinner at his house and all that. We tried, when I was in legislative affairs, to do a similar thing with China and PNTR, to arrange a couple of CODELs to go over. And, I think, less successful.

**Riley:** It's a long trip.

**Brain:** We were going to do two of them and only ended up doing one of them. People just didn't want to do it. Of course, just down and back to Mexico City.

**Riley:** How was the dynamic in the House after you left? You said you left in January of '94. Did you get a chance to get a reading on whether there were any lasting impacts, because a lot of Democrats had strong feelings against the bill?

**Brain:** I don't think so. A number of folks absolutely, fundamentally believed they were right and Dave Bonior and others, that NAFTA was the wrong thing to do. But the fact that Clinton was for it—and I have to go back and look at the final number of how many Democrats we got on that. My guess would be 120, 125, or something like that. A minority, but a sizable minority. I don't remember recriminations, who voted for NAFTA, who didn't. Maybe there were more recriminations more recently. NAFTA is a political issue, but the whole trade agenda has changed.

**Riley:** Chuck, why don't we give you a five-minute break here.

**Brain:** Sure, good.

[BREAK]

**Evans:** I guess this holds for presidential head counts as well, with the extent to which people misstate their preferences. Maybe they're yes or leaning yes on an item when they say, "No, I'm really undecided," as part of an effort to get some kind of a concession, maybe a trip to the Kennedy Center or another ship built down at the Newport News shipyard or something like that. Is there a sense that that goes on very much or are people pretty honest?

**Brain:** That's being honest. [laughter] I think there's some amount of that, not a tremendous amount to "get something." PNTR, again, which was probably the one that I did most with, that was very visible.

**Evans:** There were a lot of favors on that, too.

**Brain:** There were a lot of favors, and we brought some folks down to the Oval Office. A member of Congress who was about to break a term limit pledge, who was telling me, "Undecided, undecided, undecided," he came down and sat there in the chair in the Oval Office. Clinton gave him the pitch and he said, "Okay, I'm fine, I'll be with you. Now let me ask you. If you had made a term limit pledge and you were about to break it, how would you set it up with your constituents?" The President, I mean he went on 20 minutes. The member was a friend of mine, I got him outside, I said, "You son-of-a-bitch. You just got $50,000 worth of political advice." We would have gotten his vote anyway, but it was fine.

Another guy walked in and said, "You're going to win." We had him down as undecided, leaning no. He said, "You're going to win. I'm going to have to vote against you, but you're going to win and we'll keep in touch." Then he reached in his pocket—maybe it wasn't this quick—and had a baseball, and said, "Here, would you sign this for my brother-in-law?"

I think I mentioned this in the symposium last September. I had a member of Congress, Democratic member, tough district. The Ag Department was thinking about doing a reorganization, moving some people out of his district. It turned out at the time that the chair and the ranking member of the Ag Committee were both from Texas, adjoining districts. The two members were sort of interested in getting this increased employment, and the Ag Department cares more about those two guys than this other one whose vote I wanted. So we're doing PNTR, I talked to this guy and he said, "Yes, I'm going to vote with you." And I said, "No, you're not." He looked and said, "What?"

I said, "No, you're undecided, maybe leaning no on this." He said, "What are you talking about?" I said, "You're going to be getting a call from a Cabinet member asking for your views, part of our whip operation. You are undecided. In the discussion, you'll mention that you have this—"

**Evans:** Little problem.

**Brain:** —"little problem." He said, "Oh, okay." A week later, sitting around the Roosevelt Room, reports came in, I think it was Charlene Barshefsky was going through the names, said, "Dan [Glickman, Secretary of Agriculture], we've got a problem. Is there something about this Ag Extension Service?" He said, "I'll fix it; don't worry." I just sat there and smiled. So I mean, you can play it on their behalf. At some point you just call somebody's bluff and say, "We're not going to do that, can't do it."

We had a member of Congress who was very interested in getting a new zip code for his district.

**Evans:** The bizarreness of—

**Brain:** Lines back in the community. There's one part of his community was in with another zip code. I think it affected telephone service or property taxes, but he needed a zip code for this place. But the White House doesn't do zip codes. Postal Service is an independent agency. We were even advised by White House counsel that we couldn't really communicate with them. We

certainly couldn't pressure them to come up with a zip code, yet this guy was making his vote contingent upon—

**Evans:** Getting a zip code.

**Brain:** —getting a zip code.

**Jones:** Could you do one digit?

**Brain:** I remember going to a White House meeting where we had this lobbying endeavor. We brought a number of members down to the second floor of the White House. I said to the President when we were going over, "So-and-so's going to be there. He's going to raise the zip code with you." He looked at me and said, "Well, you know, I *am* the leader of the free world." And I said, "I don't think we can do it. I mean, the Postal Service is independent," et cetera. And he looked at me, and said, "Who's the head of the Postal Service anyway?" I said, "I don't know." In the old days, the good old days, the head of the postal service was *the* guy. Larry O'Brien and others.

**Evans:** That's right, that's right.

**Jones:** Not only that, usually the former chairman of the national committee.

**Brain:** We came to find out, the reason for that was all the local deposits. Postal Service taking its money, taking it to the bank where it would sit overnight, earning interest for the bank. So that's why you have the head of the party being—so I said, "No, I don't know who it is."

We eventually got it and the guy voted with us. I think he would have, one of the few times actually I yelled at a member of Congress. He got me in the Rayburn Room, a million people swirling around. I was talking to a member of Congress and he's sort of lurking off to the side. So he waited and he said, "Okay, about my zip code?" I just went off. I said, "We don't do f-ing zip codes. If we could, I'd give you five." But we got his vote. He happened to get the zip code. Would we have gotten it otherwise? Probably, because it was a good deal for his constituency.

So you've got to know when you're not going to get them, when you can get them without doing it, and how big a lift it is. Have they been generally supportive, a good friend of the administration? The Texas member I'm describing, there's no better friend to the administration or to the President. Taken some tough votes, quite frankly I thought were probably not in his best political interest. But did it because he thought it was the right thing. If I can conspire and hook this up for him, fine. Reward for other things.

**Riley:** Chuck, we'll come back to this period. I want to go back and take care of some unfinished business here. Were you around long enough to have seen Pat Griffin as Howard's replacement?

**Brain:** I guess a bit.

**Jones:** It must have been short.

**Brain:** Yes, Howard left September, and I left by January or early February.

**Riley:** Any comments on his reputation on the Hill as opposed to Howard's?

**Brain:** He was less of a known entity to us, he was a Senate guy, and so we didn't have that kind of immediate rapport. I remember thinking he's a straight shooter, we can work with him.

**Riley:** There was a sequence of Senate people who preceded you and there was an inference in some of the stuff that we read in the briefing book that this was noted on the Hill. There was a sense that the administration was leaning too far in the opposite direction. You're smiling knowingly here, so let me ask you about that.

**Brain:** Directly preceding me was Larry Stein, who immediately before that had worked for [Thomas] Daschle, had worked for the Budget Committee, had worked for Jim Sasser. John Hilley had similar set of jobs and was a Senate guy. So there hadn't been anyone—going back to Howard—claiming some House connections there. So there was a sense, "Okay, we finally got our guy in there. He'll represent our interests versus the Senate folks."

I think that happened to coincide with changing dynamics up on the Hill with some of the Senate guys, when it was possible to get things done, who were seen as—and we'll talk about what this means from my side of it—but were seen as sort of being too close to the Republicans. More the Hilley era, that you would find criticisms of House folks. Right or wrong, whatever, welfare reform being one very public example. I might want to say a budget bill in there, but needing to sort of compromise with the Republicans, work with the Republicans to get something done for the President, was seen as not being a good Democrat from the House perspective. So you had that history in there.

I think by the time I was around in the years, six, seven, and eight, it became less obvious that we were going to get things done. Sort of almost driven into the arms of the Democratic caucus in the House. I mean, they were happy to have me there, they knew me, et cetera, and I knew them, but we also had a change in dynamics.

**Riley:** An important predicate for that was the midterm elections in '94. Would you care to record any observations? You were doing your own private consulting work by that time. What was your reaction to the loss?

**Brain:** Beside being dumbfounding and painful personally, Rostenkowski lost in that election. I'm tempted to say that there were a lot of recriminations against the administration, but I don't think I was close enough to be able to testify to that.

**Riley:** But it was in the air.

**Brain:** Yes, in the air. Again, I don't want to overstate it because I was off doing other things and trying to figure it out and what it meant for me downtown.

**Jones:** Could we talk about that, because one of the things that strikes me about your career, again, for purposes of this project, is that you had the congressional perspective of the White House that we've been exploring. Then an outside perspective, where what went on in the White House and Congress presumably is very important to you. Then an inside White House perspective, on the same set of dynamics and policy and legislative development and so forth. So though often it might be the case that one wouldn't review once you went outside, in this case it seems to me that it is highly relevant. Again, as with starting with your congressional experience, if you talk some about your perspective on the Clinton White House from in a sense the outside, from the perspective of being with a consulting firm and so forth.

**Brain:** I'm trying to think—

**Jones:** And the extent to which that contributed as well to the job you got inside the White House.

**Brain:** I think from a downtown perspective, the Hill—and maybe only my perspective from downtown—but the Hill is where a lot more of the action is than within the administration. People do different portions of this job and you focus in on the administration and policy development and policy shop and things like that. But I've always looked more at the Hill and working with them to either advance something that also happened to be the administration's proposal, or working against it, or working to modify it. From just a pure lobbying perspective, almost more intelligence: what's going on, what's going to be happening, rather than really trying to get into the policy development.

**Jones:** What did you work on mostly at this time?

**Brain:** Tax issues, again some trade stuff. I've been called to the White House to participate in strategy sessions, say, on trade. Where the votes are, what we should be doing. I've called those meetings myself, both at the White House and on the Hill. More a process of looking for potential allies and mobilizing them towards a legislative goal. I don't think I'm being responsive to—

**Jones:** I'm not trying to dig out something that isn't there. It just occurs to me that that's a perspective that—

**Brain:** The interesting thing is that, I mean, you mentioned how I got to the White House, in essence. Three points. Number one, I never had any interest in going to the White House. Never was a career goal, and for much of my time in Washington wasn't a realistic thought that someone with a D after their name would end up there. But when Bill Clinton was elected, we had people on the staff who wanted to and did go into the administration, scheming, and Rostenkowski helped, et cetera. I never wanted to go inside.

One juncture, I think towards the end of the first year, it would have been likely late '93. Rostenkowski actually talked to the President about bringing me in at a job that I later got. It didn't happen at that point, which was fine with me.

**Riley:** Do you know why it didn't happen?

**Brain:** The person who was rumored to be leaving didn't leave, came back from Christmas vacation. I don't know what would have happened. The way I got in, several years later, wasn't through any White House relation, but it was through Larry Stein, whom I knew from the Hill. These budget negotiations, we were all in these same meetings together. So Larry brought me in.

Obviously, I had to have the approval of folks internally. So nobody sitting down there said, "Oh, let's reach out and get Chuck, Chuck Brain." The congressional view dragged me in, not internal to the White House.

**Riley:** One of the things that people would want to have some feel about historically is the nature of the town that you're working in. To refine Chuck's question about this interim period, did you have a hard time finding clients in this new environment? You've got Republicans controlling Capitol Hill, some of whom are evidently very interested in making sure that the interest group community has Republicans rather than Democrats.

**Brain:** Well, in that interim period, I'd say no, in part because I was at a bipartisan firm. We approached things from that perspective, as before the K Street project. At a time, obviously Democrats were in the administration, but also you didn't know when Democrats were going to be back in charge.

I noticed the deepening of the cleavage when I came out the second time. Coming out, I was a more obvious Democrat than I was before I went into the administration. The cleavage had also been huge as a former staffer to the Ways and Means Committee, albeit majority staffer. That first four years when I was out, I would go to Democrat and Republican fundraisers, would write checks to moderate Republicans. I liked them, they were part of getting things done. We certainly accepted that, those events. Having come out, again, perceived a little bit differently, but the cleavage was so—I would never think of writing a check to a Republican, would never be asked to do it.

To show up at an event at the Capitol Hill Club, Republican headquarters, they'd say, "What are you doing here?" Sit around in private sector whip meetings and be giving up names to go see, there would be some Republicans that would have to be seen, that I've got very good relationships with, largely because of the White House. But the Republican lobbyists in the room are going to talk to so-and-so. "Okay, fine, you want to do that? I got his daughter into the White House Christmas party, you didn't. But you want to go talk to them, fine. I got my own to worry about," so the cleavage really got deeper.

**Jones:** What was your day like? I know there's no such thing as a typical day, none of us, not even professors have typical days. Just trying to get at the kinds of nitty-gritty things that you did and let readers eventually draw their own conclusions about what the connections were. Or take an issue—trade—you said you worked on trade or tax issues. Give us some feel for how that work went.

**Brain:** Well, to start the day, I guess, and I liken the pace at the White House to an old-fashioned jet rocket, test rocket in the Mojave Desert. They strap you in, light it, you're gone until you stop. We didn't work a whole lot of weekends in legislative affairs. I used to say to people, "I'm a lobbyist. I can only work when there are people around to lobby. They're not here." So the jet would just, boom. Others at the White House would joke, "Friday, only two more working days until Monday."

Only the head of legislative affairs would go to the senior staff meeting in the morning, generally it was 7:30. I would tend to get in early when I was head of the House operation, get over to brief Larry Stein at ten past seven or something like that. Just tell him what had been going on, what was expected to go on before you went off to the senior staff meeting. Subsequently I went to those meetings by myself, which would generally take a half hour, 40 minutes, something like that, depending on what was going on. In the Roosevelt Room, with reports from different departments.

In the Podesta era, there was a meeting before that, a communications meeting, which I never tried to bully my way into at 7 o'clock, and another meeting immediately after the senior staff meeting, which you could say was the senior-senior staff. That would be the Chief of Staff, his deputy, usually director of OMB, Secretary of Treasury, [Sandy] Berger or his deputy, head of legislative affairs, then they'd talk about the day. What was going to be happening, where the President was going to be, the issues. That's really where—Sperling and Bruce Reed—that's really where several policy decisions were made. Veto, not veto, issues like that.

The one thing I didn't do, in retrospect, structurally, we didn't have at that point a daily legislative affairs staff meeting. Jack Lew, for example, went out from that second meeting over to OMB, he had a meeting at that point with his deputies. It was a floating crap game in terms of timing. We could be in Podesta's office until 10 o'clock, or 9:30. I always wanted to have folks up on the Hill, rather than keep them sitting around my office waiting, get off to the Hill. That is really when the blur of the day really starts. Phone calls, probably less emails, although I don't know, that probably changed over time. Meetings, going up to the Hill for votes and meetings.

I generally tended to go to the Capitol, not any of the office buildings. That could be different for folks on legislative affairs staff, who might be going to committees or maybe members' offices, but generally went directly to the Capitol and spent the day in the Capitol whip's office, or something like that. We did have, again the House side, it wasn't even a cubbyhole, the end of a corridor outside of Gephardt's office, where there were a couple of phones and a couple of desks and an old beat-up TV. They let us run House legislative affairs out of that area. So we'd spend an awful lot of time, there was a fax machine that worked occasionally. We were begging resources from Gephardt's office. We spent a lot of time up there when they were in session, just being visible and talking to folks. Going back to the White House most of the time during the day only when you really had to. You should be up on the Hill.

**Jones:** That's good. I was actually asking about your day when you were a lobbyist. But what I would like you to do now is compare that with your day as a lobbyist.

**Brain:** Probably—forget the fact that they don't start as early, leaving aside that one obvious example. At the end of the day, I always tried and encouraged people to stay on the Hill, go to the fundraisers. As a member of the White House team, go to the fundraisers, get the list of them, just go and do it. You're providing a service, a benefit, to a member of Congress. Congressman X is there at the Democratic Club and the White House shows up. People, lobbyists, not only are the people contributing to Congressman X but they get to talk to so-and-so from the White House staff. They're happy, and he's happy, they're happy. But it was very, very difficult to do.

It's 6:30, 7 o'clock, you haven't been at your desk all day. You want to get back, clean up some stuff, and try to get out of there. Whereas if you're a lobbyist and there's a fundraiser or something like that, you're going to go to it, make sure you go to it. If someone actually offered, told you to come by my fundraiser, you're going to do that. Just because that's a real benefit to you, whereas you're forcing yourself in the White House to go do it. It's the right thing to do, but it's too physically exhausting to do, then get back, so you can get out of there at some point in the evening.

I also want to say that as a lobbyist, we probably spend more time in the care and feeding of clients. However, you do have your clients down at the White House: the policy people, which, in retrospect, I was too aloof from or even dismissive of. I used to tell folks who worked for me, "We're lobbyists, we go to the Hill. If you have a chance of going to the Hill, or going to another meeting over at Old EOB [Executive Office Building], go to the Hill." A lot of folks who talk about the tug of being there versus being up on the Hill, if you're lobbying, you're in business, you do have to spend that time with your constituents. You can't just go to the Hill.

The key, I think, to either lobbying either perspective, or situation, is to get yourself up to the Hill. To be seen, to figure out what's happening, figure out who's friends with whom. If you need to get Congressman X to do something, well, you've figured out Congressman Y is his best friend. So that is very much the same, although I'd say they were a lot happier to see you when you show up with a White House card.

**Jones:** Was the care and feeding of clients later useful to you, that experience useful to you in the White House? That's not something you had done as a staff member in the Ways and Means Committee.

**Brain:** No.

**Jones:** So this was a different experience, and I'm just always the prober. On reflection, was that a useful thing later?

**Brain:** I think to some extent. Again, you've got clients and the policy shops. I'm thinking, *Okay, these are the folks who are helping to set the tone or give direction.* Was it useful in the White House, having done it? I think it probably gave me greater insight into organized interests back home, the members being responsive to things like that. As a Hill staffer I would know that a member was from Texas. Where in Texas?

**Jones:** Downtown Texas.

**Brain:** Yes, downtown. [laughter] I also knew he was a member of the Public Works Committee, so a lot of Washington things were relevant. We've had his vote before, or he's liberal or he's not, or he's close to labor. All sort of Washington things affected my job as a Hill staffer in getting his vote or something like that.

I can remember being with a client in the private sector, mentioning so-and-so and they'd say, "Where in Texas? Because we have operations in certain places in Texas. And if it's from El Paso, okay, we've got workers there." That was a revelation to me, moving into the private sector. Although I always said as a committee staffer I appreciated and thought I was different from having worked in a member's office, helping helped a couple people get elected, that I appreciated the electoral connection. I knew people had to go back home and run on what they'd done in Washington. But the electoral connection, just this mass at the ballot box, not a relationship with so-and-so, who ran the plant.

So I got some insight into that. Probably some follow-through into some of the White House stuff, in putting together coalitions with business, "Okay, 3M talked to so-and-so."

**Riley:** You said earlier that you never particularly wanted to go work in the White House congressional affairs office. Why did you end up doing it?

**Brain:** It's an opportunity you just couldn't pass up. Senator Moynihan, I remember a quote from him, "If the President of the United States asks you to do something, you've got to have a damn good reason to say no." Not that I got this call directly from the President, but how do you not do that?

I remember my first night in Washington, I was out with friends who had worked with him from Pittsburgh in the campaign, and driving by the White House. "I wonder if any one of us are ever going to work in there," a sense of wonderment. It was like a tracter beam, whatever, laser, just pulls you in. I may have said last September that when Larry Stein called me, ostensibly to get some names, and dismissed everybody I mentioned and then said, "Would you think of it?" I said, "I'm going to hang up the phone and forget you ever called."

I had a view of the White House that partly, in retrospect, largely turned out to be wrong. Just a bunch of Type A personalities with sharp elbows just trying to move themselves ahead, versus the legislative process. Again, the organization I came from, in the Rostenkowski organization, which probably bears similarities to the Chicago operation. It was a structure. You could move up in the structure, but information, loyalty flowed. Protection flowed down. I liked that. I didn't perceive that to be in the White House. Again, my view then—you didn't ask this question—but I think I was amazed at how well the White House worked.

**Riley:** After you got in.

**Brain:** Yes. I think about it now, it worked. The variety of different viewpoints that would come to bear to make a decision. Sitting around this table, sitting around the Roosevelt Room, or a table in the Chief of Staff's office. We not only had some of the best political minds around,

some of the best substantive minds around, a variety of different backgrounds. Probably the most diverse group of people, both professionally and personally, that I'd ever had been exposed to. One thing we did have, with Erskine [Bowles] and Podesta, was that eventually decisions were made. It wasn't an endless debating society. So getting everyone's input on what, why and how, and then making decisions. I was impressed and taking lessons away from that experience in that regard.

**Riley:** By this time had you come to be, or maybe you always had been, a strong supporter of President Clinton? You still considered yourself a Rosty guy first?

**Brain:** I obviously voted for Clinton twice, but I would have voted for any Democrat on the ballot in '92. The question, did I consider myself a Rosty guy? That era was over. A perverse reaction to the change in parties in '94, '95, having left, I was almost relieved. Because the world I knew, the Rostenkowski Ways and Means Committee, was gone. I never went into the committee room and then saw somebody standing behind Rostenkowski doing my job. So, that was okay. That world was over. But do I still to this day carry an attitude toward the process that is directly attributed to him? Yes, I hope so. But it's not the Rostenkowski machine move because that was different, that was gone.

**Riley:** But it wasn't a particularly intense political loyalty to Bill Clinton that drew you back into the White House?

**Brain:** No. Again, I couldn't do anything to get him reelected, because he was never going to be on the ballot again. It was the opportunity to serve in a Democratic administration in the White House. That was it. There was nothing about Bill Clinton that repelled me. I agreed with much of the policy agenda.

**Jones:** That triggers a question I had wanted to ask earlier. Backing up again to your Hill experience and the relatively short time that you were there when Clinton first came in, about a year and a half, or not quite.

**Brain:** Not quite, yes.

**Jones:** Not quite a year and a half. Were there many Clinton loyalists? And I would use the comparison with Reagan, where there were among Republicans real Reagan loyalists. On the Hill, were there, in your observation, real Clinton loyalists?

**Brain:** No, quite frankly. Somewhere in this material, which I read it over the weekend and I'd forgotten where—that there were only a handful of members of Congress who were elected who hadn't taken their districts by a bigger percentage than Clinton did. Nobody felt particularly indebted to Bill Clinton for getting there. One of the reasons Marjorie Margolies-Mezvinsky had to vote for the budget bill is that Ray Thornton from Arkansas didn't. Should you expect some loyalty, you'd expect it out of the Arkansas delegation and didn't get it there.

No, I think there were maybe some folks who were elected, I'm thinking of Congressman Bill Jefferson, who I believe got elected in '92 and was helpful to the President, who I think carried

Louisiana. He had some strong ties. I can remember conversations with Charlie Rangel. He'd ask, "Who's close to the President? If I'm going to get a message to the President, who would I talk to?" It's a strange duck.

**Riley:** These conversations would have been—

**Brain:** While I was in the House, I mean '93.

**Riley:** Because you went to work with Rangel later.

**Brain:** Yes. There weren't any real loyalists. There were Democrats, congressional Democrats, who by and large had been around a long time and were eager to work with the President, make him successful, but they were not dependent on him.

**Jones:** As you also pointed out earlier, the landscape did change so much, after 12 years. Again, how they did their work every day had changed so dramatically after 12 years, where any White House achievement had to be with some level of Democratic cooperation.

**Brain:** But it also gives them Democratic exposure to the Hill by defeating the President, the economic package. If congressional Democrats hadn't delivered for him, they would have stuck a knife down his back, put it in his heart. Can't do that. So it changed their job dramatically.

**Riley:** What did things look like the first day you come in? You must have had some preliminary conversations. But I'm curious, you're in a unique position, coming in fresh from outside, to see this White House when you come in, in early '98?

**Brain:** Yes, January.

**Riley:** Was it before or after the news?

**Brain:** Well, *in medias res*, as they say. I accepted the job, I was offered the job and accepted it before, immediately before.

**Evans:** How much, it must have been a matter of a week?

**Brain:** The day before.

**Evans:** Oh, my.

**Jones:** The day before the revelations.

**Brain:** I told my partners the day before that I was leaving. Then the revelations. On the day after, my partners brought me in and said, "What are you doing? You don't have to do this." I had some good friends say, "You don't have to." In large part I said, "I told these folks I would do this job. How can I stay in this town if I don't follow through? I have to do it." I had tried to

pre-clear my appointment. I told him, given what happened, I can trace days and almost hours, I had told him that I would only think about this job if I was pre-cleared.

**Evans:** What do you mean, pre-cleared?

**Brain:** That everyone had signed off. I didn't want to tell my partners I was thinking about leaving or even have the discussion with my family and then have somebody say no.

**Riley:** Inside the White House.

**Brain:** Inside the White House, say no.

**Riley:** And the job, just to be clear—

**Brain:** Was the House legislative job. So Larry Stein called back, said, "Yep, you're cleared, you're done. Do you want it?" I said, "Okay, I'll think about it, give me the weekend."

**Riley:** No conversations with the President about this.

**Brain:** No.

**Riley:** You personally?

**Brain:** No. In retrospect I would have—I wouldn't say it was a negotiating perspective—but I would have met with the Chief of Staff and get the offer from him. But Larry says, "Okay, that's fine."

**Jones:** Bowles is still Chief of Staff.

**Brain:** Yes, and I only say that, not that it would have delayed or meant anything, but sort of get the hands laid on by the highest level. This is probably a good thing to do in life. So I told Larry yes, he said, "Okay, fine. You're pre-cleared but I have to send a memo into the President and get him to check off on it. It'll be routine."

**Jones:** Larry says this?

**Brain:** Larry says this.

**Riley:** This is before the weekend?

**Brain:** After the weekend. Was it Martin Luther King's birthday? So this was Tuesday. So the piece of paper went in, the [Monica] Lewinsky story broke on Wednesday. I hadn't yet heard that the President had signed off on the memo. So I spent much of the day saying, "Oh, yes, please, reject me." [laughter]

I remembered that day—Wednesday—a story that I had to read in grammar school, *The Man without a Country*, Philip Nolan, I think, was his name. I felt like a man without a country. I told them I'm leaving. The first day I showed up in the legislative affairs office, most of the office resides in the East Wing, which is a fight and a decision in every administration. As far as I know every First Lady thinks about taking that space and eventually decides not to, but I came out of the legislative affairs office to go over to the West Wing.

**Riley:** This is on—

**Brain:** I think I was on the staff, so it was a couple of weeks later. There's a picture right outside the legislative affairs office, portraits of Presidents. The picture right outside the office is a picture of Andrew Johnson. Great. Isn't this great: a portrait of the only President to be impeached just outside my office. My first thought was to get it removed, get it moved somewhere, which when I was on the Ways and Means Committee, I would have done. Okay, boom, boom, just take this one out. Then I thought to myself, *This is the White House. Think about that, it's going to end up in the* Washington Post*. So let's just hope nobody sees that portrait.* And nobody did, but I knew it was there.

Larry Stein and I spent time saying to each other, "Well Albert [Gore] will keep us, won't he?" Because no one knew what was going to happen. It was at a personal, professional level, it was very disquieting, to say the least.

**Riley:** Was there business being conducted? I mean, were people trying to stick to their knitting and move on? There's a State of the Union message coming up fairly soon after you come in.

**Brain:** I wasn't quite on the staff. I must have joined the staff around February 1st. I did attend the State of the Union. There was tremendous trepidation, concern. I could feel it from having been over at the White House, like, *What is going to happen?* I sat up in the gallery and he knocked the ball out of the park. He just gave a tremendous address with numerous standing ovations, just was a tour de force. I remember thinking, *Wow, wow, he really did it.* There was an awful lot of business that was conducted. He did it, the whole policy operation. I believe the word sent out, "We've got a country to run, we've got an administration to do, we've got things to get done. Let's leave this over here." Plus, it was an evolving situation, where it would end up, through the summer, into the fall.

It would start off, the joke about Johnson and the impeachment portrait, but I wouldn't have thought it would have ended up there. There was work being conducted throughout. As it got more intense, additional folks were brought into the White House, almost—I won't say crisis management. But Greg Craig was brought in to be Special Counsel to the President with the staff, Chief Counsel's office, and was very much involved. Senior staff, other folks were brought in. So it almost became its own shop. For most of the time, it didn't really involve folks in legislative affairs.

**Evans:** When did you start to become actively involved in this, above and beyond just being part of the administration? Late summer or into fall, maybe?

**Brain:** The signal I remember was his appearance before the grand jury in August. I was on vacation, I was up in New Hampshire, and the organizing work had already started down in the White House. There were some conference calls and we then divided up members of Congress, Democratic members, and had to find them, just to get a sense of what they thought, what they were thinking, what their reaction was, all of that. So I spent one whole week of vacation on the phone, running members down, all around the country.

**Riley:** We'll want to explore this a lot more. Let's go ahead and break. There are a few things, when we come back, why don't we go back to the chronology a little bit and maybe hear about what the big things were on your plate when you first joined the administration. There are some issue areas that the administration was pushing for during the course of the year before we get to impeachment. Then we can get back to the fall. So we'll take an hour break for lunch.

**Jones:** Larry, you had a question?

**Riley:** Larry, forgive me for cutting you off.

**Evans:** I don't even remember what I was going to ask. It had to do with impeachment, how the nature of those interactions change as you moved into the fall. This was just a basic sounding out of, what do you think?

**Brain:** Yes, yes. I have to look at the chronology.

**Evans:** There was no discussion about, "What are we going to do about this, censure versus," it was not to that stage yet.

**Brain:** No, that came later. When we actually get to the options.

**Evans:** Okay.

**Riley:** Very good.

[BREAK]

**Riley:** All right, we now have you in the White House, in the job. How did you go about getting your marching orders when you first came on board? What were the major issues that you could do something about, other than the impeachment question, which is still off in the distance?

**Brain:** I'll just have to look and see what—

**Riley:** There were four or five things. The President, of course, in his annual message has the "save Social Security first" declaration. Then major issues in '98 that were considered to be administration initiatives included tobacco, campaign finance reform, Fast Track authority, Patients' Bill of Rights, managed care. Any of those ring a bell? I'm sure budget stuff again.

**Brain:** Budget stuff again. The Fast Track was interesting because we knew we weren't going to get it. There had been an attempt, I think a real attempt, probably '95, '96, and came up short. [Newt] Gingrich decided to bring up Fast Track at the end, into the session, just before the elections, not at our request. We didn't ask for it. He pressed it for a vote only to embarrass Democrats who wouldn't vote for it, to give it to the President.

So when it came up that day on a floor vote, I ordered everyone in legislative affairs off the Hill, to stay away, because I didn't want either myself or any of them to be asked by anyone how we wanted them to vote. Because you couldn't say vote against it, because it was giving authority to the President. So we just stayed away from that.

I'm trying to think back to that first year and the issues are a blur. You say, how do you get your marching orders? I think as I reflect back on it, to a surprising degree, at least then, we were almost reacting to events rather than trying to force the legislative agenda. My entire three years there, that's not completely true, but I contrast it when we were talking earlier about Howard Paster in the first year, when you've got a huge agenda and you're trying to move it. We didn't have that huge legislative agenda.

Things that you wanted to get done were important. I think in that first year, the Africa trade bill, the Africa Growth and Opportunity bill, came up, passed the House, didn't pass the Senate. So there were things you wanted to get done, but it was clear we were nibbling at the edges and reacting to things that were going on on the Hill.

**Evans:** But as far as choosing priorities, as you mentioned, you had to be pretty selective in what you pushed. What were the logistics of that? Would that come down from the senior staff's meeting? How would that come to you, "We're to make a priority out of this particular initiative"?

**Brain:** It would come down from on high, but not any directly communicated way. Because when there was a priority, there'd be all sorts of activity around it, especially presidential events. The President is talking about something, spending relatively—

**Evans:** A scarce resource.

**Brain:** "Okay, we're all working towards that." Legislative affairs, as I came to know it, involved in it, wasn't a tremendously hierarchical organization. I could contrast with some—

**Evans:** It's not the [Richard] Daley machine.

**Brain:** Yes, but I would even say it's probably not even the George Bush machine. We had a number of folks with Hill background, Hill experience, their own areas of expertise, concerns. We tended to operate almost, not as independent actors, but within individual spheres. Somebody had a background in education, worked on the education committees, working with the education folks over in the policy shops or OMB. If it weren't a hot pressing issue that was coming to the floor, I tended not to get involved in it or even pay close attention to it. We tended to focus on

those issues that were most visible. Again, the head of legislative affairs did a whole lot of stuff himself without policy briefing, the background papers and briefing binders from his staff of what was going on.

**Evans:** How many people did you have working for you in the office when you were director? I'm just trying to get a sense of what the layout was in terms of division of labor.

**Brain:** The usual function of three deputies. House deputy, Senate deputy, and an inside deputy.

**Evans:** Who would stay in the White House?

**Brain:** Yes, again I'd contrast it—we tended to have inside deputies who were probably also good lobbyists, and who probably liked doing that as much as the inside work. Therefore tended to do a lot of the Hill stuff. That's why I contrast it with, I'd say with both Bush administrations. The inside deputy right now really is that, does a lot of the internal meetings without going to the Hill. I had that job for three or four months.

**Jones:** Between the House and taking over.

**Brain:** Right. Our folks all wanted to go to the Hill, so we didn't have the inside paper, process person. So that's the three. We probably had then three more House specials, maybe four. Similar number over on the Senate side. Some staff assistants, maybe three each.

**Evans:** You're talking 10-12 people.

**Brain:** It gets to be more than that. Then an event person and a couple of correspondence folks. So it's probably closer to 20 or so, but I think it's fairly traditional.

**Jones:** And who pays attention to liaison within the departments and agencies?

**Brain:** Theoretically, we do in legislative affairs.

**Jones:** Who would then, everybody? Or it would depend?

**Brain:** It would depend almost on issue areas.

**Jones:** And where it is on the Hill, I suppose.

**Brain:** Yes. The Assistant Secretary over in Education would tend to work with the specials on the staff who did education. And we would have a semi-regular meeting with the outside legislative folks that was a fairly tedious affair.

**Jones:** How so?

**Brain:** I'm not sure they wanted to be there. I'm not sure we wanted them or saw any particular value in having them there. Almost like an obligatory meeting, which, again, I think you get

different views of it over time. Larry Stein ran the shop for two years and hated those meetings. It would be Friday afternoon, probably 3 o'clock. It was more us telling them what's going on. Some note taking, different, depending on—some folks would send their deputies. Deputies talking to deputies. Oh, it was tedious.

One time I suggested we have two different meetings. You have a number of Cabinet members or different departments that you deal with all the time, and any sort of meeting, could be a Treasury meeting, or State, got to be there, got to be involved, State or something like that, or things that are hot. So meet with them and have a real working meeting. Then, okay, roll in folks from whatever, USAID [United States Agency for International Development], other things. The reaction to that was, "Well, other folks would get upset if there were two different meetings, so you have to have them all together."

**Jones:** These meetings sound like about the same utility as a Cabinet meeting. That is, you've jacked it up to such a general level, as distinct from working between the education guy and the education person within the Department of Education, where there's real function, you'd have something to talk about.

**Brain:** And Cabinet meetings, which were usually initiated by the Chief of Staff or the President, seemed to be more, "Well, we haven't had one recently. Let's do 'em."

**Jones:** Let's see if they're all still in Washington. [laughter]

**Brain:** So those meetings were fairly similar. Whereas if there's an issue that was hot, you're talking to those folks all the time and working with them, if things were hot.

**Evans:** Actually, what came to mind was there's a rule about how the people in the agencies can lobby, right? They're not allowed to formally lobby in the same way that your office would have, is that accurate?

**Brain:** There's a view—

**Evans:** Okay, not a rule, a view.

**Brain:** A view that the law says that you cannot ask someone to lobby Congress. So if I'm working for the government and you're working for the Business Round Table, I can't tell you, "We need Charlie Rangel's vote, go get him." We can share information, we can talk generally, but I can't urge you to do something. As I say, we never sat down and read the statute so I don't know, but you certainly comport yourself that way. But I never heard a distinction between White House and agencies.

**Evans:** So there's an overlap, then, in responsibilities or mission between the legislative affairs shops and the departments.

**Brain:** Oh yes, you're working together for the same end. And we'd have weekly reports coming in from these legislative affairs folks. Usually they were a version if not the same thing as

weekly reports that they send on to their Secretary. All the things that were going on in their legislative shop during the week. The fact that there were three hearings before a committee, or it's likely some assistant secretary is going to have to go up.

**Evans:** Was there some sort of central place where you keep track of contacts so you'd know who spoke with this member or that member from the agency or your own staff?

**Brain:** No, no.

**Evans:** It was just kind of—

**Brain:** If you were working, say, a vote, it's the tail end of the process. Any sort of vote-counting operation, you have assignments, we know you're going to talk to X. Or, X is your responsibility.

**Evans:** So they're part of the counting mechanism. They're essentially part of your whip system, in a sense.

**Brain:** Sure, depending on the significance of it. Again, PNTR was probably one of the bigger ones. We had to sit around the table with Cabinet members. I was pinching myself one time, that I'm giving assignments to the Secretary of State. *Okay, this is interesting*. That would be part of it. Not always, it was very unusual, but something that's significant enough, you do that.

To get back to your question, Russell, my approach was almost an intuitive process—you spend your time on things that are some combination of important and doable. Some important things aren't doable. You mentioned the '96 Social Security reform. I knew Social Security reform was not happening during our administration. Therefore, I spent very little time, despite the fact that was in my background. There'd be a meeting on Social Security over in the policy shop. I didn't go, because it just wasn't going to happen. So you get the two of them lined up, which says less about—part of it, as I reflect back, how do you force an issue? When do you do that, how do you set the process? But this was sort of—

**Riley:** You weren't in an environment where you could force many issues, were you? With a weakened hand on Capitol Hill.

**Brain:** Not many. You could force some, but you didn't have to do it publicly. I mentioned this Africa trade bill, the Africa Growth and Opportunity Act, which I think was one of my prouder achievements.

**Riley:** Why don't you tell us the whole story about that, because I confess to having very little knowledge about that.

**Evans:** Passed in the 106th, right? I think passed it in '99 or 2000, eventually, and signed.

**Brain:** Yes, passed the House in one Congress.

**Evans:** Yes, in ’98, I think.

**Brain:** That was it. Wasn’t passed by the Senate. And then was passed and signed into law in the next Congress.

**Riley:** Can you tell us about what you were doing in it, why you consider it to be, why it stands out to you?

**Brain:** It was an interesting combination of congressional interests. Democrats and Charlie Rangel, Jim McDermott, others were just proactive about development.

**Riley:** What’s a thumbnail sketch of what the bill does?

**Brain:** It reduced tariffs on certain goods, products exported from Africa, the sub-Saharan African countries to the United States. Pretty much a one-way concession of tariffs. Not a free trade agreement back and forth, just a one-way flow.

**Riley:** And who was—

**Brain:** It focused in on, given the state of development, what we’re talking about is textiles, apparel, that sort of lower end of the industrial hierarchy of goods, production of goods, but important to a developing country. This is supporting some folks like Rangel and McDermott, [Edward] Royce in the House, Chairman of the Africa Subcommittee of House International Relations. This was a bill that would be good in terms of development, pitted against inertia, first of all, and domestic textile interests. But extremely important to the development on the continent. It failed to gain any interest in the Senate the first time through. The second time we were able to cobble together some interests, and Dick Lugar was extremely important to moving it forward. We got the interest of more members on the Finance Committee to do that.

**Riley:** Lugar’s interest is as an advantageous foreign policy position?

**Brain:** Right.

**Riley:** So that’s another kind of interest.

**Brain:** Right. And in fact, a number of these trade issues, trade in and of itself is increasingly not enough to push you over the hurdle. If you throw in a strategic or foreign policy component, okay, you strengthen the argument, which is why we had the Secretary of State and DoD involved in all the China discussions.

But it came down to Charlie Rangel being the most interested House member. Trent Lott, as majority leader, I’d say somewhat conflicted. Wanting to do the right thing but having his own parochial interests in terms of textiles. The reason I thought of this as an example as we were talking about things is that it came down to—we got into a conference, again, inertia. It came down, the two of them needed to work out whether or not there was going to be a bill, what it would be, except that they didn’t have any means of communicating with each other. Rangel is

in the minority in the House, more committed, though, than other folks. Lott's over there. I turned out to be the means through which they communicated.

It worked itself out. A number of positions and even speeches, positions that would transpire in meetings that they would have, just taking steps. I'm faith building, confidence building. But there was never any public discussion of this. There was no real need to involve other members of Congress or interest groups or things like that. This was something we were getting worked out, keeping involved, letting the Chief of Staff know what was going on, telling the President what was going on, and somebody from over at USTR [United States Trade Representative], but it was an extremely small group. A handful, a couple of people.

So eventually the final deal was going to come together. Rangel was going to go in and say this and that. Lott was going to send an offer back, Rangel would accept it and that was going to be the deal. Rangel sort of, inside, he states his position and Bill Archer, the Chairman of the Ways and Means Committee, started arguing eloquently on his behalf. Rangel told me afterwards that he wanted to tell Archer, "Don't do too good a job because we're going to lose this." But he knew what the final result was. Boom, we got a bill, we got a signing ceremony. There have been additions to it that have passed in the intervening years, but it was quiet, no real fingerprints, no public involvement. I'm sure a lot of folks could write the book on passage of this bill and not say this was a critical element of it, but it wouldn't have happened.

**Jones:** The President's role?

**Brain:** Setting the agenda, wanting to do it. Visiting Africa, taking members of Congress with him to do it. So it's all there.

**Riley:** This spun out of his travels and his own interests?

**Brain:** Absolutely. His initiative, absolutely, fully supported by the State Department, urging to get it done. It wouldn't have happened, wouldn't even really have been on the radar screen without him, but he didn't need to push it at the end. Didn't need to get Lott on the phone or Rangel or move the pieces around.

**Evans:** So you essentially orchestrated the end game, scripted that out.

**Brain:** Yes.

**Evans:** How often did that sort of thing happen?

**Brain:** Relatively rarely which is why I think I remember it so well. It just needed to be scripted. Others you can push it and it evolves and it comes out all right, but no, that needed to be done very—

**Riley:** Your own time and energy were invested because you were getting signals that this was something the President wanted to do, or wanted you to do on his behalf.

**Brain:** Yes. And doable. They'd come close before; Madeleine Albright wanted it to get done. There was some sign, if we really go at this, we can get it done. But not sitting down in the White House saying, "Okay, what are the five things we need to get done in the next six months?" Again, when I think back, would it have made more sense to say, "Okay, here are the five things we need to do. Let's get this done"?

**Riley:** Did you ever get the sense that those kinds of priority meetings were held in the White House? Maybe there were decisions made before you came in, with respect to what they were going to invest staff time in? Or is it just the case that there's this vague feeling from the top down as to what's—

**Brain:** On paper, the whole thing begins with the budget. So you've got it all laid out there. Then there is a process leading to that document, which represents a whole lot of work and decisions. But then it's a winnowing out process from there. A budget, State of the Union, and see how many proposals are made. Hundreds, in essence, if you go through it. What are you going to be working on? And as I've said, at least from my perspective, in my time, it wasn't planning meetings, "These are the three things we need to do, which we're going to focus in on." Some of them jump out at you. If they're key to the budget process, key entitlement changes. If they're reauthorizations.

**Evans:** How about appropriations bills? How much of your time was spent on those?

**Brain:** A decent amount. We had a particular staffer who did all appropriations, all the time.

**Evans:** Both sides? House and Senate?

**Brain:** Did both sides. Partly due to just personal histories. There were two folks in legislative affairs while I was there who had a portfolio that covered both sides. One person, Martha Foley, came up with a budget background, had come to the White House with Panetta. She ended up doing approps. All the bills, both sides, worked extremely closely with OMB. Subsequently, she works for the House Appropriations Committee. We had another guy, Al [Alphonso] Maldon, who came out of the Army, had been Army liaison both up on the Hill and then to the White House. He did defense, foreign relations, covered both of them.

Folks other than Martha would probably get involved, so if something was a rider, more than likely that was careening out of control. For example, "Mexico City" language on restrictions on abortion funding in international institutions or all sorts of other things that tend to get stuck in appropriations bills. The process there involving head of legislative affairs, Chief of Staff, OMB, the policy shops. Okay, you got eight riders on a particular bill. What do we really care about? Which ones are we going to fight for, which ones have to come out? An awful lot of times, the director of OMB was the head legislative person on the appropriations bills.

**Jones:** Can you give us another example? You pointed out with the African sub-Saharan thing, that that was rare. Could you give us another example of what you judged to be a real success of the shop? That's one. Then the reverse, where it just didn't seem to work well. Whether one

wants to call it a failure or not, it just couldn't make it work, with some discussion of why in each case. What made it work well or what interfered with getting the job done?

**Brain:** I think in terms of a success, another trade matter, but this China Permanent Normal Trade Relations.

**Jones:** Great, tell us about that.

**Brain:** Where there was a decision made early on. But again, was there a meeting that said, 'This is a huge priority'? I don't know, I wasn't at any such meeting.

**Riley:** Were you the director at the time or just beginning when you—

**Evans:** It passed in fall of '99, right, in the House? It was spring, early spring of 2000.

**Riley:** So you're still deputy.

**Brain:** Right, still deputy. The idea had been evolving. We had an annual process where you've got to disapprove of a resolution providing most favored nation status. In the real world, China actually was graduating out of that, agenda setting in the real world, imposing somewhat on the process. But the President invested an awful lot of his credibility in getting this done.

We pulled together; we deliberately didn't call it a war room operation. They had had war rooms before, and didn't want to evoke those memories. It was somewhat delayed because it took the counsel's office quite a while, a difficult process of pulling it together. I was always amazed that you'd have to get the White House counsel's office involved in setting up this little operation pulling in people. Mostly what we did was pull in people from different parts of the administration.

**Jones:** International legal implications?

**Brain:** International? No, national legal implications.

**Riley:** That's the question, about who can serve on this.

**Brain:** I wasn't really paying attention, I just knew we were eventually going to set this thing up, what it was going to look like. But I was befuddled that you just couldn't reach out to the agencies, get eight people, tell them to show up in a room in the Old EOB and let's get to work. I think eventually the organizing documents of this thing were subpoenaed by Republicans on the Hill, one of the Appropriations Committees, just to see that we were following the law. So I was surprised that that was a hurdle that needed to be covered. But we pulled together a number of people, staff did, from our own office to really produce a lot of the analysis and background and persuasion pieces that we used. We sent to the Hill, we got out to others.

The Office of Public Liaison, which we haven't talked about, was also very much involved in the legislative affairs strategy. We were in constant communications. They would be reaching out to

folks in the community, interested folks. Typically they would set up a meeting with folks who were potential allies, and turn it into a meeting over in the OEOB or the Roosevelt Room and bring in a couple of people from legislative affairs to talk about what's going on, share intelligence.

Usually the outside groups would tell you that the White House was not doing enough in getting an agenda. I don't think I've been to one of those meetings, if it's a member of the government sector, where you didn't point the finger and say to the outsiders, "You're not doing enough, you need to do more." And in the private sector, they almost measure the words or the time that the President spends on it. Then they tell you, "Well, the President hasn't mentioned it publicly for three weeks. You don't care." "It was a half-hour speech and we've had X, Y, and Z happen in the interim." But those in the White House and private sector both agree the Hill isn't doing enough, the advocates on the Hill aren't doing enough.

That's the kind of general structure we've alluded to before, so we can get right down to vote counting, rather than doing special assistants, legislative affairs folks up on the Hill counting votes, to use Cabinet members to make calls to people they have relationships with, people that serve on committees that they're part of. We did a number of early evening meetings with the President and members who were either undecided, gettable or yeses. We knew who they were and how many, and how many meetings we were going to have, and how much of the President's time we had. Let's say we were going to have four meetings like this. Do the math so that you get three outright proponents, cheerleaders. Get some of the decideds, some of the gettables, and some of the undecideds, so that you had the right mixture. You just wouldn't want all undecideds in the meeting because there wouldn't look like there was momentum. You wanted to give that sense of momentum and support and let's all jump off the ship together.

These meetings would occur in the residence, affectionately called the Yellow Oval. Second floor, where relatively few people ever go. Again, to lend the aura that this is really special stuff. You'd have several times the Secretary of State there, the Secretary of Agriculture, Chief of Staff, so they knew that this was a special meeting and an important issue. It also turned out quite frequently that there was some competition amongst Cabinet members to go to the meeting. If they knew so-and-so was going to be there, well, I should be there too, because it would be exposure to the President too.

So slogging it out that way eventually put the votes together. But it was a massive and coordinated undertaking.

**Evans:** How long did it go on for? I assume it was a matter of weeks or more, maybe.

**Brain:** Probably months, from beginning to end, yes.

**Evans:** Really? So you had to keep up that level of intensity for months.

**Brain:** Yes, which was fairly tough to do. But again, given the priority. The question I remember asking, almost rhetorically at the time, was what are the things that if they don't get done by the

time we leave here, we will really consider a failure? That's how—you ask the priority—what needed to be done.

**Riley:** But you're asking that of yourself?

**Brain:** Probably more of myself, though, yes.

**Riley:** My sense is that—I suppose I should ask you—by the time you become director of legislative affairs, you're still doing this. You're not getting signals from the Chief of Staff or directly from the President or anybody else about what's considered priority items. They're basically relying on you to make a good judgment about what's in the air that ought to be—

**Brain:** Signals, yes. What I'm saying that I didn't experience is, okay, that planning meeting where they'd say, "X, Y, Z, let's go get it," and I'd say, "Forget Z, it's not going to happen, we can't do it." But almost more of a process, intuitive, osmosis. Okay, we know what's important; we're trying to get it done. The President either directly or through the Chief of Staff or something, you'd find out.

I didn't experience a formal process of setting the agenda. I remember as I took the job, around the holidays of '99, thinking to myself that I was going to sit down with the President.

**Riley:** This is as you took the—

**Brain:** As I took the director's job. Sit down with the President and say, "Okay, just you and me, what do you really want to get done this year, the last year of your Presidency?" And I didn't do that, for whatever reason.

**Riley:** Did you have any similar conversation with the Chief of Staff in that regard?

**Brain:** No, not that I recall. But again, you've got a budget out there, you've got world events that are transpiring. You know what his priorities are. If he's talking, thinking, asking, you get it.

**Riley:** So they figure if you're doing your job well, that you ought to be able to perceive from among these indirect signals what it is that you should be doing, rather than needing direct, specific marching orders.

**Brain:** Yes. Or if it was something that should have been done, "What's happening on this?"

**Riley:** Do you have any sense about whether it would have been different if you'd been working with a majority Congress?

**Jones:** As was true with the first Congress?

**Brain:** Right. My guess is that it probably wouldn't have been different, although there you'd be more likely to get the phone call from a committee chairman, "Here's what we're going to be

doing, what do you think about it?" Or, "How can we merge what you want to do with what I want to do?" Maybe they'd come up with something in that regard.

A lot of your members of Congress—members you responded to largely, members of your own party—spend a good amount of time lobbying you, too. Probably especially in the budget process. But they work you over trying to make their priorities your priorities. Some of them are very good at that.

**Riley:** The question was just premised on the notion that during the period that you're serving as director, you're dealing with a majority of the opposition party. Therefore, your agenda is likely to be vastly smaller than it might be otherwise.

**Jones:** Or at least more dependent.

**Riley:** More dependent.

**Brain:** Sure, what can you get done. No chairman has ever told me, "I'm your downhill blocker, we want to get this done," like Rostenkowski did with Clinton.

I don't know that I can think of a failure, but one of the things that the President was clearly very enamored with, a priority of his, was called the New Markets initiative. A series of tax and other changes to get investments domestically into under-invested areas.

**Evans:** [Dennis] Hastert was involved in it too, wasn't he?

**Brain:** Yes. Sort of the very last big legislative act of the Clinton administration. He's a lame duck, it's December 2000. I forget how many appropriation bills had yet to be done. We're in the Oval Office with Hastert, Dick Armey, Daschle, Gephardt, Trent Lott, and sort of banging through issues. There was a discussion of going up on the minimum wage. For a while the discussion looked like there was going to be an agreement to increase the minimum wage. One of the House Republicans said, "I don't think we can do that." Then I believe it was Lott said, "Well, if we can't give you the minimum wage, what about New Markets?"

Everybody said, very quickly, said, "Yes, that'll probably work." Then moved on and they talked about a whole range of other things. As we got to the end, and the last discussion was how big this whole package was going to be. I forget, let's say the number was $290 and what we had as a package actually rounded up to $291. I'm there with the Republican chief of staff and sensed their body language. I had to say, "Excuse me, Mr. President, but there's a view over here that it's got to be below $290. A billion off, so it's around—" He says, "Okay, okay, we'll just find the money, or lose the money," and then they're all getting up, and I said, "And we'll do the New Markets initiative, right?" I looked right at the Republicans. "Yeah, yeah, okay." Just to make clear that there'd be no discussion of it.

I don't know how we launched off on that tangent but the transcript will indicate it. But I did think, people asked about working for a lame duck President. He was out of office within a

month and we're there, in the Oval Office, banging away, with as much interest and power as he probably had during the whole Presidency.

**Jones:** To clarify for the record, this is during the special session after the election.

**Brain:** Yes.

**Riley:** We can come back certainly to some more of these issues, but let me change track for a minute, and ask about President Clinton's own interactions with members. You mentioned earlier that he kind of had a reputation as somebody who was not a very good closer. I wonder if you could tell us a bit more about his interactions with members. Did he like dealing with members of Congress usually? Who did he find particularly appealing to deal with? Who did he find particularly vexing to deal with? Was he receptive to your appeals for time and energy on legislation?

**Brain:** My impression is that he got increasingly good at closing. There were stories from early on that people would be in there, he'd be on the phone making a call, and he'd say, "Well, you make some very good points. I'll get some information, we'll get back to you on that." I never saw anything like that. He was very good at saying, "I need you on this, can you be with me?" Those meetings we had there in the Oval were my example of that.

As I said, he worked the phones a whole lot, in ways unquantifiable, or unknowable. Just literally to pick up the phone, call anybody any time of the night. I had one member of Congress tell me that his wife would eventually pick up the phone in bed, answer it, say, "It's HIM again." In face-to-face meetings with members we'd have down, got along as well with him, interacted as well as anybody. I think this is probably too psychoanalytic, but he seemed to especially enjoy dealing with members of Congress that you wouldn't expect him to get along with, more so than his own members.

Jesse Helms was down for a signing ceremony. A lot of the White House staff would like to have these things scripted and structured and small. Bill Clinton likes members of Congress, likes talking to them. He spent about 20 minutes in the Oval Office talking with Jesse Helms about people that they both knew, because Clinton had been a part-time employee of the Foreign Relations Committee based on the Fulbright when he was at Georgetown. Clinton told Helms the story, that Fulbright's Chief of Staff, who Helms of course knew, said to Clinton, "We can offer you a part-time job for $6,000, or a full-time job for $10,000," and the President said, "I want two part-time jobs." But he goes on and on with Helms, who you wouldn't think they would have anything to do with each other, but they genuinely seemed to enjoy together.

Same thing that I observed with Denny Hastert. Two of them, for whatever separate reasons, had interest in Colombia, our war on drugs, this ability of the government, economic development there. Hastert and other members went on a one-day CODEL with the President down to Colombia, down and back. We spent, I want to say the last three hours, two hours at least, of the trip back at the end of the day in the front cabin of Air Force One talking about issues. Couldn't have enjoyed it any more and seemed to have a good rapport.

He was trying to get things done. Maybe in a funny sort of way, I've never thought of this, almost the reverse of when Rostenkowski, was there and the Democrats were still in the majority. The President was just trying to get things done, at that point dealing with the majority on the other side of the aisle. Much of this time the liberal, Democratic members, especially of the House, would look at me and say, "How do you work for him? This is the guy who sold us out on this, this is the guy who doesn't stand for anything, this is the guy who's making the Democratic Party the party of school uniforms rather than big, bold, liberal agendas."

**Jones:** Let me say something about a term you used, CODEL, I assume refers to co-delegation?

**Evans:** Junket.

**Brain:** Congressional delegation, and there's probably a different term for this, because this was the President's trip. So it wouldn't have been a congressional delegation. And no, I've been on junkets, but this was back and forth to Colombia in one day!

**Evans:** That's different. That doesn't count, no golf courses down there.

**Riley:** I was just going to ask, were there any parts of the congressional relationship that he found particularly tedious or that he didn't enjoy, or that he bristled at becoming involved in when you were doing your work?

**Brain:** I can't think of any. He especially enjoyed fostering relations on the golf course. Frequently I'd get a call on the weekend or on Friday, the President's going to be in town and wants to play golf, who's around? We'd do that an awful lot. Having said all of that about his ease of getting along and his enjoyment of it, he never served in Congress, so they weren't particularly his buddies.

Again, look at Rostenkowski and Bush. Twenty years prior to that they had been on the same committee together. George Bush for years, continued to, as Vice President, use the House gym. He was always there. Some members were down there playing basketball with him. You didn't have that with Clinton. There was some depth of relationships there, that he didn't have like that.

**Jones:** As you've described, certainly in the case of Rostenkowski and also in the case of Hastert and I'm sure a number of others, there's a natural capacity to communicate between people who are lifelong or natural politicians. Whether or not they had similar experiences up to that point, there is that behavior or characteristic that they have in common, which provides for almost immediate capacity to communicate.

**Brain:** Right, and work together. It's almost like, "Okay, I know who you are and you know who I am. We want to get this done." You do it in a very professional way—it would almost be like two athletes, two basketball players who had never played together. You instinctively know, okay, this guy can play. I think with Hastert and Clinton, that would be the type of analogy.

**Jones:** I want to ask you—

**Brain:** But at the end of the day, it's a transactional relationship.

**Jones:** Sure. I want to explore the agenda issue in a little different way. Because let's go back to the 1998 State of the Union message, which by anybody's measure, and certainly by a lot of analysis prior to the Lewinsky revelations, the analysis by a lot of respected media folks, was this is a brilliantly crafted process of building this State of the Union message. Congress was out in December of '97 and he used that time, he filled that time with speeches on various segments that got a lot of attention. Leading up to it then, there was a fair amount written that said he was back in the saddle again. Even though there was a Republican Congress, that he had really found a way to work with this Republican Congress and set the agenda.

Then the test over Lewinsky comes to be, will he show up and can he deliver that speech? More than, "Gee, this is the agenda." Let's see, it's all got to be put in place. So the question is for you to reflect on that period, then, from '98 to the end of the administration, in terms of what we can get done, who's in charge, and did it change during that time. Did the President, in recovering from—if he did—from impeachment, were you more in charge toward the end of what we can get done?

**Brain:** Hmm.

**Jones:** That's a biggie, but I just wanted some more general reflections on the period that you served, from '98 to 2000.

**Brain:** I think in this period, coincidental with it, we had the strength of the economy and job creation. Declining budget deficits, where we focused in on the budget deficit/surplus situation. I think stewardship of the economy became a big issue. I can't say became more of an issue, because certainly the stimulus package, back on day one, was an eye towards the economy. And the '93 budget act. But the economy/budget, budget control, budget surplus, I think almost became the overriding, preeminent issue.

Spending programs, at the margin, were important. The COPS [Community-Oriented Police Services] program came in there at some point, funding for the COPS program. But it wasn't a huge budgetary item. New Markets, which I mentioned, wasn't a huge budgetary item. I guess one way of looking at it is the ability to get things done working with Republicans on the Hill was a reality. A new healthcare package or something akin to that wasn't going to be feasible, so why think about it. So I'm wondering, did we come to value something that we could control, take credit for, with a Republican Congress, which was economic performance and achieving a balanced budget? It was with tremendous pride we balanced the budget.

**Jones:** That's a well-described, large issue, the stewardship of the economy. But would you reflect on whether—it's really a tough question—consider that you don't have Lewinsky there. What he proposed in the State of the Union message was fairly, there were some fairly large packages. Social Security first, there were some Medicare things in there, there was Patients' Bill of Rights, as I recall. In any event, there was a fairly large package.

Why wouldn't then stewardship of the economy also suggest the political and in a sense economic punch to go ahead with some rather large things? Might not that have been the case without Lewinsky, is another way of asking, what's the effect of all of that on the agenda? What you were able to get done, and so forth.

**Brain:** I've had people say, "Isn't it a shame what he did. He got himself in trouble, because he could have accomplished so much." I don't know if it's defensive, a psychological defensive mechanism that I have. My response to that is, "We had a Republican Congress. Congress in general had already defeated a major initiative in healthcare reform. Newt Gingrich shutting down the government, increasing partisan hostility. They weren't going to give Bill Clinton anything." Any major spending program, any of those initiatives, I don't think would have happened with or without Monica.

**Evans:** You could say the Patients' Bill of Rights was pretty close right up to the end there. The Democrats basically won in the House. The Republicans were moving very quickly toward the Democratic position, but the thing just kind of fizzled out. Do you think without Lewinsky he may have had the clout necessary to bring that off?

**Brain:** I don't know. It's hypothetical, but again, any landmark achievement that would have cemented a Clinton, Democratic ideology, I don't think they would have done it. They would have found a way to say no. Just as Newt Gingrich supposedly said—well, supposedly, I think he's in print saying—he looked at Jim Wright and said, "If we don't take him out, if I don't take him out, he's going to be become the most powerful Democrat there is. We'd better do it." I think there were similar views.

I don't say this underlies impeachment or anything like that, but they were not going to give Bill Clinton any big victories, to have it called "the next New Deal," or realignment of the Democratic Party as centrist, responsible, capable of balancing budgets, and saying, "God bless America and we believe in a strong defense." A lot of Democrats don't want that Party either, but Republicans certainly don't want that. So, that could be defensive on my behalf.

**Jones:** Whether it is or not, in the 104th Congress, '95-'96, where it could be argued there was also great hostility, intensity, but in 1996, by scholarly count, the third most major pieces of legislation were enacted in the post-war period. In 1997, a deficit agreement that nobody thought could be achieved. So these things could happen, even in conditions under a fair amount of hostility, for whatever the motivation is.

I'll ask you a question where it doesn't require interpretation. That is, did you hear any discussion or was there any on the Hill, that "except for Lewinsky we might be able to do this"?

**Brain:** Not really. Back in that September symposium, John Hilley's got an interesting description of his period, which is the period that you just described, '95-'96, and being relatively fortuitous in terms of people coming together, wanting to get something done. It would be interesting to go back and look at it, because I was struck by it. Principally, I think Newt actually wanted to do some things, pull people together. I was reflecting on the congressional

perspective, the congressional criticism of that tenure, which was that Clinton-Hilley sold out. But in that period, the Republicans did want to get something done.

Towards the end, the last two to three years, there was less interest. Confirmations, generally judges—it's been made a big issue right now—numerous instances we were told, "No, you're just not going to get it. This guy could be a good guy, or woman, we're not going to process that, because we're going to wait. We're going to see what happens after the election. If we win, we're going to get our guy." So things were shutting down.

That hypothetical, about what if not Monica?

**Jones:** Who knows.

**Brain:** Yes, who knows.

**Riley:** Why don't we go ahead and deal with impeachment now. We keep dancing around, we might as well go ahead. We'll break right now for a minute or two, and then we'll come back.

[BREAK]

**Riley:** Let's talk about Lewinsky and impeachment. You take a job right as this is hitting the front page of the newspapers. To what extent is this a subject of conversation when you're spending your time on the Hill? How much time do you spend answering members' questions about what's going on and how this is affecting them? Can you characterize for us the kinds of discussions that you're having? Let's deal with this chronologically, January, February, March, April, until the President makes his kind of confession.

**Brain:** I think probably relatively few conversations. An occasional conversation, more water-cooler kind of discussions, like discussing the day's events. Members on the Hill know, at that point, nobody knows. Talk to *me* about Monica Lewinsky? What do I know? The President's actions? I don't know. And they know that. So any of that, the other names that you could raise, would, could, did come up. But as Chuck Jones and I were just talking about, you're still doing business. There are still votes on the floor that you need to talk about and do things. So it wasn't really a central focus, I think, for the longest time.

**Riley:** What about within the White House? Are there morale-boosting meetings? Do you have meetings with senior staff people where you're getting marching orders? I guess, is Erskine still the Chief of Staff?

**Brain:** Yes.

**Riley:** Is he saying, "Keep your nose to the grindstone, we have to work our way through this"? Are there any meetings, period, or are you just sort of—?

**Brain:** I'm trying to see if I recall a meeting. Probably more just a general message going out, "Do your job. The President wants you to do your job, keep working, this stuff is off to the side. We're here, we have a job for the American people. We're going to keep doing it. This other stuff is a distraction." Maybe even tinged with a little bit of, "It's all politics anyway and they want to keep knocking us off our game, and so let's just keep doing what we've been hired to do."

It's where we really have to lay out the chronology, the gradual bringing in of dedicated staff to what then became impeachment. I don't know when Greg Craig was hired and brought in. I would guess this was fall, or before the fall. Most of the legislative affairs folks—we talked about it earlier, in the other session in August, when he appeared before the grand jury—a number of legislative affairs folks were on the phone talking to people. A lot of legislative affairs folks were just as happy not to be involved, didn't know anything about it—"I'm worried about Higher Ed reauthorization, so leave me alone."

**Riley:** You were new in this White House, but it was a White House that had had to deal with a lot of investigations. Did you have a perception that these were people who were practiced in dealing with this kind of—not that there's anything that's quite parallel to this—but these were people who were practiced in dealing with investigations and external assaults?

**Brain:** Yes, and crisis management. Yes. So much of it was—

**Jones:** What are we talking about here? Sorry, I'm missing who we're talking about, "these people."

**Riley:** Mostly the senior White House staff. What I'm trying to do is get a picture drawn as to what this might look like to somebody who's coming in fresh from the outside, people like John Podesta.

**Brain:** I think first impression, my reaction as a staffer, is that nobody really knows. Saying this at the time, nobody knows what happened.

**Riley:** Sure.

**Brain:** Okay, now we've got the regular work to do and we've got this thing to do too. Some fair amount of resources and people are going to be dedicated to "this thing," especially the counsel's office and Chuck Ruff. As House liaison, I was involved in it. I didn't figure I could take a pass. I'm the President's House legislative liaison, probably it's a fairly important issue. I got the sense that some folks in legislative affairs said they didn't want to know. "Don't put me on email, I don't want to come to a meeting, this is just going to be trouble."

**Evans:** They might get roped into a legal investigation down the road.

**Brain:** Right, right. And a lot of folks—

**Evans:** Did.

**Brain:** Ended up, yes, spending some time before the grand jury. And knowing full well that all our emails eventually are going to be subpoenaed and seen by somebody, the world, Congress, Ken Starr ultimately. Just leave me alone.

**Riley:** You were careful about what you reduced to writing.

**Brain:** Yes. Early on in Washington you learn the test of the front page of the *Washington Post.* If you wouldn't want to see it there, don't write it.

**Riley:** Can you tell us a little bit about the conversation? You said that after the President's address to the nation that you were asked, I think you said over a weekend when you were on vacation, to start making some calls. These were temperature-taking calls to find out what people—and what were you hearing?

**Brain:** By and large support. Even some, "I don't care if he did engage in whatever. It doesn't affect what I think of him as a leader. As a legislator, I don't care, this is a nothing issue." All the way to the other end of the spectrum of, there was this woman worked for him, he was her boss. "How can I justify it? How can I not judge that very harshly?" But by and large support. No, "I'm so shocked, he's got to go."

**Riley:** There was some criticism of that address at the time of it not being quite as contrite.

**Brain:** Right.

**Riley:** Were you picking up signals from that too, people disappointed in the tone of the message?

**Brain:** A little bit, but not much. Members were off, back in their districts, on vacations, things like that. They have to come together before some group view, some conventional wisdom, clicks in. So we were just getting their individual reactions. I think the temperature sounding, he still basically got support. Nobody looking to go out and bang the drum and lead the parade, but, "Okay, we're okay."

**Riley:** So what happens after this, late summer? The Starr report must be issued sometime.

**Evans:** Yes, the public release of the report.

**Riley:** September, early September.

**Brain:** It's in and around there, you know, in that period, probably as they were coming back. The President went to Ireland, a trip right around Labor Day of '98, and there was a little more discussion about his support in Congress. I think probably as it became clear, the Republican drumbeat, or the proceedings were continuing and no one knowing where it was going to go. I think all of us, the senior level at legislative affairs, had conversations with members of Congress where members speculated about the President's future and his ability to stay in office, and

whether or not they at some point would have to talk to him directly about that. Those were pretty dramatic conversations.

Next we had the Starr report delivered and the House Judiciary Committee beginning to get its act together—

**Riley:** Was there any lobbying done about the question of the release of the report? Was there an effort made from the White House or any other sources that you're aware of to keep that thing from getting out into the public?

**Brain:** Not that I'm aware of, not in discussions we had. At some point the Democratic members of the House Judiciary Committee, some of them almost swing into action as a defense team. There was some coordination I believe, but also as independent actors, I mean they understood the political stakes here. They would have been doing everything they can to prevent the release that we would have wanted them to do, but acting on their own behalf.

**Riley:** Sure.

**Brain:** But I think a critical turning point was when the Judiciary, as I said, began acting and adopted their rules for how they're going to conduct the investigation. Rules that were perceived to be unfair, or a little bit more aggressive than the rules that had been adopted by the [Peter] Rodino Committee in the [Richard] Nixon era.

**Jones:** And this is prior to the release of the report?

**Evans:** After, I think, wasn't it?

**Brain:** It had to be after.

**Jones:** Yes, it was October.

**Brain:** Because it was only when Starr with the report and the referral, and the question of whether Ken Starr needed to say anything about impeachable offenses—That was part of a growing perception that in addition to whatever ethical, legal questions, that this was also a political exercise.

**Jones:** There was a House vote on releasing the report.

**Brain:** Right.

**Jones:** And it was seen as though neither party, certainly Republicans, weren't going ahead without that vote, right? Nobody wanted to open the boxes on their own.

**Brain:** Yes.

**Jones:** The Republicans didn't want to open the box, they wanted that authorization. Was that a part of the referral process? My memory isn't—

**Evans:** There were two separate. There was the issue of how they would actually handle the hearings and the deliberations, and then the vote on the release was separate, occurred earlier.

**Jones:** But that was a House vote?

**Brain:** Yes.

**Jones:** So my question really, then, is your role at this point of this actual release and the temperature of the House at that very initial stage of House action.

**Brain:** I think there was an awful lot of apprehension. Not knowing where it was going to go and whether or not it would go so far as to endanger them. I know one member of the Judiciary Committee who was a vocal defender—

**Jones:** Republican or Democrat?

**Brain:** Democrat. Vocal defender of the President. Supposedly being—admonished is too strong a term—but advised by someone in the leadership, "You might want to temper your remarks a little bit. We don't know where we're going to have to be on this." You mentioned the vote, the release. It does jog my mind, yes, that happened, but I don't remember working it. I don't think we did work it, or could have.

**Jones:** Such a House matter, it would have seemed—

**Brain:** And fundamentally, I couldn't tell them what was in it. To this day I haven't read the Starr report, so I couldn't tell them what was in it. I couldn't tell them what they should do about it. It was just clear it would be better, presumably better, if it didn't come out for the President and for them, but they were going to have to figure that out.

**Jones:** Did you talk to Republicans during this time, again this very early period before, the period one might call "the period of uncertainty," to take temperature there?

**Brain:** Not really. Because the issue was, what was going to happen among Democrats, and him staying in office? This trip to Ireland, his last day over there—I was on the trip—his last day over there, he made a noontime speech. I'd have to go back and see where it was. But there must have been 20,000 people there. They loved him, just wonderful. This was in the context of a trip where we're going through the Irish countryside, every little village there'd be 200 people lining the road, waving American flags.

So in the context of all that affection and positive reaction, I was on the phone with the White House. He's making the speech, I'm on the phone with the White House with a sheet of paper listing members of Congress he had to call from Air Force One, just to see how they were doing, where they were doing.

**Evans:** On impeachment?

**Brain:** On the general question of his support level within Congress.

**Evans:** Okay. So the President actually made those calls.

**Brain:** Were people going to say, "You've got to go"? I think if you would talk to folks on the Hill at this time, there were more conversations about that. So that was sort of the issue in this time of uncertainty. I think once the Judiciary Committee adopted its rules, as I said, which were perceived to be—how they stacked up line-for-line versus Judiciary in Nixon, I don't know—but they were perceived to be a little slanted against the defendant. That's when it became clear, I think to everyone, that this was political. This wasn't on the level.

We were going to have to go through with this, mount the defense, do the lobbying, but the opportunity wasn't there to appeal on the substance to Republican members of the House. They were going to be under enormous pressure to vote to impeach.

**Riley:** Enormous pressure from public opinion? Pressure from the leadership?

**Brain:** No, leadership. They made a corporate decision, they were going to move forward.

**Riley:** They were going to do it.

**Brain:** They were going to do it. Because the perception on the Democratic side was that this wasn't a fair case. Rules were stacked against them; they were going to come out with impeachment. Corresponding to that, it made our job on the Democratic side easier, because it was us versus them. It wasn't, "What are the facts, what did he do, when did he do it," all of that, "What's impeachable." You go through all the arguments, is this grounds for impeachment, et cetera, but at the end of the day knowing full well that the likelihood here is that they're going to vote to impeach.

**Jones:** Gets defined in party terms, not the merits/demerits.

**Evans:** In addition to the rules, I was back on [Lee] Hamilton's staff a couple of months when we closed down the office and I remember after the election too, the mood changed noticeably among a lot of Democrats to more of a kind of "screw you" side. We gained seats, we didn't lose them, and that maybe that reinforced this tendency to think along partisan lines. Stiffened the spine, so to speak.

**Brain:** And I think his approval numbers continued to be fine.

**Evans:** So it wasn't just the Republicans, in other words. There was kind of this electoral signal too, that we're not going to be—

**Brain:** He didn't turn out to be an albatross for anyone. Didn't bring anybody down, nobody lost their seat as a result of what he had done.

**Riley:** Did that surprise you, did the results of the midterm elections surprise you?

**Brain:** I think it gratified us; I don't know if it was surprising.

**Riley:** I think it surprised Chuck. Did it?

**Evans:** It surprised most political scientists.

**Riley:** Yes, historically that doesn't happen very often.

**Evans:** It's like never.

**Jones:** It didn't surprise me at the time, though, because of what we knew about what was happening.

**Evans:** The tracking polls, yes.

**Brain:** But my three years, his job approval ratings were always well above 50 percent, into the 60s. They weren't always there.

**Jones:** They were among the highest during those latter months of '98.

**Brain:** Yes. Personal approval, behavior, et cetera, no. But the public was able to distinguish between personal approval and job approval.

**Riley:** Was there any sense after the midterm elections, did they drop? That they would drop the effort?

**Brain:** There was an attempt to create an argument, a legal argument that the House would have to start all over again. That you couldn't have an impeachment proceeding in two different Congresses, but that was quickly dispensed with. Regardless of what the right answer is, the decision was made that it looked excessively legalistic.

**Riley:** Sure. My question, though, was more in relation to the political momentum of the time, which clearly seemed to be moving in the President's direction. My sense was that at least there was some thought by the chattering classes that maybe the Republicans would decide, given these circumstances, that they wouldn't proceed. I guess I was asking you as an insider whether there was ever any realistic expectation that the Republicans might decide, given these new political facts, not to proceed with it.

**Brain:** I don't recall any discussion of them not proceeding. There was considerable discussion in the House—this was before the election, probably through the election and into December—of whether or not you could amend the articles of impeachment and how you could amend them. It

came down to the House parliamentarian, who said that you couldn't amend the impeachment resolution with something like censure or reprimand, that fundamentally they're not germane to the underlying topic.

Had the parliamentarian said you could amend it, it would have made for a couple of interesting votes, because there was a chance, and I think probably you're right in terms of the political dynamics changing a lot, dynamic changing, that maybe reprimand could have worked. It would have been an interesting question. I remember being posed, "Well, would you settle for. . . ." And I said, "One it's a hypothetical, and two it's above my pay grade." But it became clear that we couldn't do that.

Also, as it moved to the Senate, the Democratic leadership in the Senate with Tom Daschle as leader did yeoman's work, honestly historic work in talking to his members. Talked to all of them, I believe directly, and I think he came to the conclusion that his members would stick, that they weren't going to flake off. You also then began to get a sense from the Republican leadership, they just wanted to get through this. It wasn't going to happen. This is a loser of an issue. And Trent Lott being, I don't know, a practical legislator, he knows what the result is. Let's move on, let's get it done.

Actually, I looked at the chronology here, it moved faster than I had even remembered. I mean, the Senate was done by mid-February. It moved pretty quickly.

**Jones:** As far as your role was concerned, was it a real balancing act between the question of staying out or applying some pressure? That's one question. The other is, what did you do? What specifically did you do during this time?

**Brain:** Numerous times I think I was instrumental or involved in taking some of our impeachment team, especially Greg Craig, and sitting down with him and members of the leadership or members of the Judiciary Committee.

**Riley:** Democratic leaders?

**Brain:** Democratic leaders, almost in a client-lobbyist relationship, bring them in and say, "X member of the Judiciary Committee, this is our guy who knows all of the facts, our impeachment guy. You've got a job to do it. You two should know each other and be able to communicate directly." So some of that was almost as—I don't know, a door opener probably isn't—a relationship transfer. "We're all on the same team, this is our main guy." But would then allow that relationship and communications to flourish on its own without needing me to be involved in all of that. Throughout all of this I never set foot in the Judiciary Committee room, no need for me to be there. Conversations were taking place elsewhere.

**Jones:** Who managed the strategy for the White House and what was the role of the Democratic leadership in the House in that strategy?

**Brain:** The strategy, I think it was a team that was really comprised of the White House counsel, Chuck Ruff. Also involved the President's personal counsel, David Kendall. And Greg Craig,

and probably a healthy involvement by John Podesta, sort of overall strategy. I presume, obviously involving the President. The core team.

**Riley:** In this case are you getting more direct marching orders than in other instances? You said that you—I don't remember your exact words—but that you were drawing this from indirection or inferences, rather than evidently having met with them. You didn't meet with the team?

**Brain:** No, both Larry and I were involved in the team, in the team meetings. There was, for a long period, a 9 o'clock meeting or something like that in Chuck Ruff's office, to coordinate the day's activities. There was no debating.

**Riley:** Sure.

**Brain:** The priority was set. Then you just, on more of an ad hoc basis, "Okay, what do we need to do today, who's going to talk to whom?"

**Jones:** What about the effect during that period, given that this was a fairly preoccupying process going on, was there an effect on other legislative business that you recall or that struck you?

**Brain:** As I said, from just a working perspective, most of the legislative affairs staff certainly were doing their other things, worrying about the normal course of business, the bills and getting out letters. While the legislative agenda is a blur, if we did anything that fall. I think it was depending on where you sat and what you were doing, it was either all encompassing or almost nothing at all. I guess I maybe fell in the middle of that. I had to do some of both.

**Riley:** How sensitive were the members to this being a process with heavy constitutional prerogatives lodged in the body? I mean, we picked up signals from you on this but I'd like for you to be a little clearer about this. Was this something that they clearly felt was their business and you had to tread lightly on, because you didn't want to be perceived as taking too strong a hand in the process?

**Evans:** That's really what I meant by the balancing.

**Brain:** I think probably primarily it had their political interests, which they guard more jealously than the Constitution. They were feeling endangered. You couldn't, really, given the company line, "It's going to be fine, they're just out to get us," but without being able to say, "Okay, any of the details, be it Whitewater or Paula Jones, I don't know who these people are." In legislative affairs, the one thing you can't do is blow your credibility. So to say nothing ever happened, don't worry—I wasn't there, I don't know. So you're careful not to cross any lines like that. I think that probably more so than any constitutional argument. There were times when I felt the weight of the Constitution in that job more than right then, although it was clear.

**Riley:** When might have been some of those other times? It's not really obvious from outside, but it might be the case.

**Brain:** I felt it more, or appreciated it more, in terms of pardons. This was way before the last series, which, you know, were the last series. I was involved in two different ways in the pardons. One, and personally most importantly, involved my old boss, Dan Rostenkowski, who was pardoned just before Thanksgiving 2000. I sat down with White House counsel and talked about Rostenkowski and the pardon. It was made clear to me when we discussed, that we had to clarify what my role was in that particular situation. I could either be a senior advisor to the President, or I could be an advocate for a former boss, but I couldn't do both. I mean an advocate in terms of—not being sympathetic, but actually being in there, being in meetings. So in that instance I chose to be on the Rostenkowski team rather than the presidential team. That was fine with everyone involved.

The other role, members of Congress would write, would call, would give us information concerning people that they knew and people whom they recommended that the President pardon. So there was a focus in on the pardon and the pardoning process. Looking at it, it's a power granted to the chief executive. That is the one thing in this whole democracy that one person can do unrestrained. Really set up for certain purposes. So going through all of that, you knew that you were implementing decisions that were made by the Founding Fathers a couple of hundred years ago. I say that also in the context of having worked for the Ways and Means Committee, in the House of Representatives, I feel there's something to be said for the Origination Clause in the Constitution.

And in questions of veto, a pocket veto during a recess. It doesn't sound like—it's certainly not an impeachment issue—but there's a lively debate between any and every White House and Congress as to whether or not you can pocket veto during a recess. So there I felt it more directly, the Constitution and the implications of rules laid out there, than impeachment, a trial with a certain type of grand jury and certain type of prosecutors and juries.

**Riley:** Do you have any idea how many members you would have spoken with in advance of the impeachment vote in the House?

**Brain:** Throughout the whole process? I mean, from August on?

**Riley:** I'll let you divide it any way you want.

**Brain:** I'd say fewer than you would think, in part because it was becoming clear where people were lining up. The whip's operation did get involved; Bonior et al. were whipping it, as were we, so we didn't need to talk to everyone. We started off with a target list of Republicans. Started with the most gettable and made some progress on that. We were about to move on to the next traunch when all of a sudden some of those that we had started going the other way. I forget if we got five eventually, at the end, who voted against most if not all of the articles. But we were heading towards ten and started falling back. You knew the fix was in, if we weren't picking up some of the types that we didn't pick up.

**Evans:** How would you conduct on the Republican side? Would you call the offices or was this just informal, you'd have some sense of who was wavering on the Republican side?

**Brain:** No, you'd have to talk to them directly.

**Evans:** But you didn't call them all?

**Brain:** No, obviously there's a group of Republicans you didn't see every day but you talked to, you knew, you had worked with, or folks on the staff who were good relations. As I said, frequently the relations would be more cordial because it's pleasant when you could work together, versus a demanding either way. But you did have to talk to them directly and we did talk to them directly and got some, didn't get others.

**Riley:** Probably a few of those names? [showing paper]

**Brain:** Yes.

**Riley:** I'm extracting the 1999 CQ [Congressional Quarterly] presidential support scores for both parties and showing it to him, for the record.

**Brain:** Yes, but again, not all of them. A couple of them came down to the White House to talk to the President directly, had one-on-one meetings. They were such soul-searching, intimate, private—we just let them talk to each other. Normally on a legislative issue you'd be there to make sure what was said both ways, but—

**Jones:** Was there any effort on your part to reassure House Democrats, based on what Daschle was doing in the Senate and what the Senate situation looked like?

**Brain:** No, because—

**Jones:** Any connection because these two very critical chamber actions?

**Brain:** I think not. I recollect going through them as one-step, two-step. You do have the public opinion, the elections and all of that surrounding it. We could all see what was happening. I remember the first conversation with Daschle, I believe it was December, January. I'm sure there were all sorts of other—that wouldn't be the first conversation with him, but the discussion that he had talked to his folks and the votes were in the hole.

**Jones:** In your meetings did this ever come up, look, even if impeachment proceeds in the House, passes in the House, that the Senate is unlikely to remove him from office?

**Brain:** Yes, he came to that conclusion.

**Jones:** He?

**Brain:** He, Daschle, he came to the conclusion that—

**Jones:** This was later, not earlier on?

**Brain:** As far as I recall, it was after. It was right after, they weren't in session, it was a break. I don't think he would have done it in August, September, so the only other break that I can recall is right in December, leading into the first, just before the trial. But having said that, we knew—I could be off on my dates because we knew the votes in the House in December, that it wasn't going to pass in the Senate. I may be mis-recollecting when that meeting was, when that discussion was.

**Riley:** How much time were you spending with the President during this interval, say the two or three core months, November, December, January?

**Brain:** Only a little bit more than normal. He interacted with the legal team principally on impeachment at this time. I can remember, I forget the circumstances, but something that Greg Craig and I were talking about, that Greg thought it was important to go down and tell the President, but no more so.

**Riley:** What's his mood like during this period of time?

**Brain:** From what I could see, almost unchanged. Just focused in on whatever it was, whatever public event, whatever signing ceremony, whatever meeting we had arranged. The stories of Clinton anger and outbursts, as far as I could say here, are '93-'94 stories.

**Riley:** Oh, is that right?

**Brain:** Never saw or was the subject of outbursts.

**Jones:** Let me ask one more on this House-Senate thing. Was there any conversation about the other direction? That is, it's very important that the House Democrats stay together because if there's loss of Democratic support in the House, it will have an effect on the Senate trial?

**Brain:** I don't think so. The Democratic—and it would have done it—but again, I think both parties would have been affected by the same textual situation. I mean, the House came together, as I said, when it was perceived to be political and out to get him, substance be dammed. That I think was also perceived and felt.

**Jones:** Once that happened—

**Brain:** Once that happened, it started to firm up.

**Jones:** It didn't require pressure to hold it.

**Brain:** No, it started to firm up. It just happened. I don't think the House members would have been persuaded by that sort of argument. Again, if they needed to vote to impeach—if the vote for a Democratic not to impeach were going to be difficult—if the pressure to impeach were there, they would have done it.

**Jones:** Sure.

**Evans:** Was there anything about this whole process that surprised you, or was it just so predictable once the partisanship locked in, in the rules? Was there anything that occurred that was a surprise?

**Brain:** I don't know if this was a surprise, but I guess I was surprised by the public reaction to the President and continued support. It's an example from early on in there, but that August, when I was making calls from up in New Hampshire, he was on in Martha's Vineyard. I was back to the White House; he was still up in Nantucket. A decision was made, he's got to do a public event to show, "I'm still here." Did he say at the time, "I'm still relevant"? No, I guess that was earlier.

**Jones:** That was earlier.

**Evans:** That was Gingrich, '95.

**Brain:** I came back and it looked like within a matter of a couple of days, the President was going to fly to Boston. Boom, on and off the island. I had had a conversation, one of these conversations around with members, I had had a conversation with a Congressman from Worcester, Massachusetts. I am from up that part of the country, and so this member—no hiding who it is, a guy by the name of Jim McGovern—says, "Really, I think I'd like to get the President out to Worcester." Thinking he wanted the President to do a fundraiser for him, I said to him, "Sure, sure, Jim. We'll do that some time, but I'm fighting for the President's life right now."

He said, "No Chuck, you don't understand. I want to do this for him, not for me." So we talked a little bit more, but it turns out—and I eventually suggested to the White House team. And I'd only been there seven months, eight months, something like that. I'm an inside legislative guy; I don't do public events. I said, "Got to take the President to Worcester." Why? Well, Worcester hasn't had a President there since Harry Truman. Worcester's relatively isolated geographically—not as isolated as Pittsburgh, but similar. It's a fairly large city, but it's an enclave unto itself, 40 miles west of Boston or whatever. Heavily Democratic. I said, "This is where he should go." So sure enough, it was checked out. I felt a little bit vulnerable, this is my recommendation.

Anyway, he flew to Worcester. Similar to how I described the Ireland scene, people lining up on the streets five deep as he drives into town. He owned the city for the afternoon, tremendous support for him, which was great for him personally. I think we forget how important the incumbent's emotional state is. It was tremendous for him and a tremendous political signal. I mean, it was Massachusetts, "Okay, we forgive him." But yes, he's here, okay, he's our President, people like him, and do that. That was surprising, gratifying, important—that he never lost that support, touch, whatever.

**Jones:** Were there other such trips during that time? What strikes me, as far as decision-making about trips is concerned, as another balancing act, to make certain to be seen lobbying personally and yet—or was that even thought about?

**Brain:** I don't think he traveled much in that period. Somebody could go back and look at the public schedule at that point. Was he more or less available publicly to questions? That would be a question for the record. But we didn't do any trips to the hinterland to make the case.

**Riley:** I've got two more questions on this. Chuck, am I cutting you off?

**Jones:** No, I'm ready to do something else here, but I don't want to leave that subject exhausted.

**Riley:** Okay, let me ask you these two things and then I'll come back to you and let you take care of that. The first one is, I'm trying to remember, there was a big rally of Democratic House members. Was that the day of the impeachment vote at the White House?

**Brain:** Yes.

**Riley:** Tell us about that. You're smiling knowingly. Did you organize that?

**Jones:** Oh goodness, I'm glad you asked that.

**Brain:** [laughing] That's a good question, probably one we should get in the record. I credit that meeting to Charlie Rangel. Again, who knows what all conversation was going on, but Rangel first called me in my office, probably about 7 o'clock two or three days before, 7 o'clock in the morning. Saying, "I think we should do this."

Sounds like a good idea to me. I ran it up the flagpole internally and nobody thought it was a good idea. I think Ann Lewis also, she talked to Rangel or whatever. Ann thought it was a good idea, but it wasn't going to happen. The morning of the impeachment vote, Saturday morning, there was a Democratic caucus in the Cannon Caucus Room, which also indicates to you, it was like a pre-game pep rally. Forget the weightiness of constitutional role here.

**Riley:** You're there?

**Brain:** We're there. We decided that we weighed the evidence and our guy's not guilty.

**Riley:** Hurray!

**Brain:** Yes, hurray. Yes, but Mrs. Clinton came up to address the caucus.

**Riley:** Mrs. Clinton?

**Brain:** Yes, Mrs. Clinton came up.

**Riley:** On whose initiative?

**Brain:** Probably more ours, but a joint decision. Okay, rally the troops. He couldn't come up to do it and getting her was the best way to do it. Charlie Rangel, so far, there's no trip, we're done.

Rangel fought to get a mike to ask her a question. She made a speech; it was sort of an orchestrated caucus. John Dingell, I believe, spoke, the senior Democrat. So Rangel made his speech in support of the President and then said, in Charlie Rangel's style, "Don't you think, when this is all over, that wouldn't it be great for us to all come down to your house and to meet with you and the President to show him how much we love him?" As far as I know, it's the first she'd ever heard of it.

**Jones:** Would you run this up the flagpole? [laughter]

**Brain:** Her reaction was, "That would be great, come on down." At that point, and there were even some senior leadership staff who had heard of this idea and weren't too big on it either, they just spring into action, "We need some buses." So the decision was made, we're going down.

We had the proceedings, we had the votes, the President was impeached. Last vote. The buses are outside, we're going down. So that happened. I didn't realize until afterwards that there was going to be news coverage and helicopters filming the buses going down, how big a deal it was. The reception, the meeting, ended up being in the East Room, which was in the middle of being decorated for Christmas. I think it probably looked more like when Abigail Adams was hanging out wash than anything else. Christmas trees, ornaments lying on the floor or in the corner, and I don't know how many members ended up coming down, 60, 70, something like that. No cameras, no pomp, no microphones, no podium, ended up in one corner, the southeast corner of the room in a big semicircle. The President in the corner, a few speeches. I think Gephardt, Max Sandlin, who was then a freshman from Texas who had been, not a Judiciary Committee member, but really had done a whole lot, he gave a speech. So that was the rally.

Having been on the Hill the whole day, I was not aware that there was a post-rally public event. I'd been part of the private—and again, the real focus for it was to bolster the President and to send the message, "Okay, he's impeached, but he's still the President, he's going to be here." It didn't work. Then there was the public press event over by the Oval Office.

**Jones:** Outside.

**Brain:** Outside, Gore introduced the President and said, "He will go down in history as the best President ever." But we're not here to talk about Al Gore. Quite frankly, I think that was the beginning of the end for Al Gore, that he went over the top saying he's the best President ever. Then right through the election felt at some level, directly or psychically, he had to distance himself from the President; he had gone too far. I've told folks, that rally is important not for what it did for Bill Clinton but what it did for Al Gore. That's how the—

**Riley:** We'll talk about Gore a little bit later. I have one other question about this period and then Chuck, I'll turn it over to you. There was at least one foreign policy intervention of great consequence during this period, the bombing—

**Brain:** Kosovo?

**Riley:** No, this was the bombing—

**Brain:** Not our bombing. The *Cole*?

**Riley:** No, our bombing. It may have been a reaction to the *Cole*. I was trying to remember—

**Jones:** I think this was into Afghanistan and the Sudan, wasn't it?

**Riley:** Just before, right. Just before the impeachment vote, there was concern about a "wag the dog" scenario. Can you tell us anything about that? Was there internal discussion that you're aware of or would have been privy to about the timing of this with respect to the impeachment?

**Brain:** Yes, I'd have to check, we were bombing in Afghanistan. It was a couple of days and there were the "wag the dog" observations, discussions, whatever.

**Jones:** The President came back from Cape Cod, as I recall.

**Riley:** [reading] "On December 16th, which is three days before the impeachment, Britain and U.S. launch four days of air strikes against Iraq. In a televised address, Clinton says the attacks come as a result of Iraq's failure to cooperate with UN weapons inspectors."

**Jones:** That was the Iraq thing, not the—

**Riley:** The Sudan bombings occurred three days after his Monica Lewinsky testimony, so there were a couple of these.

**Jones:** That's the one you're—

**Riley:** So my question was, do you remember being privy to conversations about the timing of these things internally and did you have to deal with congressional concerns over the timing of these things?

**Brain:** I wasn't involved in any discussions of the bombing or what to do. All of those military actions, you don't need someone from legislative affairs to be involved and that's just as well. We did hear a little bit about it in public, but two things. One, there's an absurd charge or characterization that they would do this to delay impeachment. I don't think any President would do that. But the other thing is, we knew what the result was going to be. You could predict it within a handful of votes what was going to happen, so it wasn't going to change anything.

**Riley:** Sure. If anything, you don't want a destabilizing event when you feel like—

**Brain:** Yes, when you know what's going to happen. So that I do remember. I was surprised when it was announced, Okay, we've done this, or are about to do it.

**Riley:** Chuck, you've got a few things.

**Jones:** I do. First, I'm going to list them for you because I can't be here tomorrow. I'd like to have them talked about. One is the use of poll numbers generally, not just in regard to impeachment, but otherwise. How you thought about them in the legislative affairs office, but also how members processed them. So that question.

The second area is executive orders and your role in regard to executive orders. Whether you're consulted as to what will be the effects on the Hill if we go ahead in an area where we may not have been successful legislatively. That's another.

The third is the press and press relations, and the extent to which you interacted with the press and so forth. Anyway, that general subject.

The fourth one being Gore. Since you've mentioned him I'd kind of like to start, if that's okay, with that. The Vice President's role in regard to your job, because we've have Vice Presidents in the past where they were very important on the Hill. [Walter] Mondale's role with Carter is famously looked at. Just talk about it in general and then issues that come up, we can ask specifically about that.

**Brain:** I get the impression that the Vice President's role and involvement changed over time, evolved over time. Earlier in the Presidency I think he spent an awful lot of time there in the West Wing, in his West Wing office. It was not unusual for him to be in meetings and policy discussions. He was there, leading some issue areas, a real presence.

**Riley:** In the Oval Office too, or are you just talking about West Wing and his own—

**Brain:** Probably in the Oval Office too. Again, I'm recollecting that he was a presence in the West Wing and all that was going on in there.

**Riley:** Okay.

**Brain:** My three years of '98 through 2000, I very seldom saw him in the West Wing. He was off running for President. Certainly Cabinet meetings, big meetings with congressional leadership, he might come to. There'd be a specific role for him to do at a meeting like that. But by the time I got there, his staff had been institutionalized. His Chief of Staff was always part of whatever senior meetings. As I mentioned earlier, a meeting in the Chief of Staff's office after the senior staff meeting, and his Chief of Staff was always there. His counsel was part of the team. So he was institutionalized into it. But was he himself physically there? That was gone by the time I got there. He didn't play that sort of visible role.

**Jones:** So he wasn't, as far as your job, even in the House job or the in-between job or the director's job of legislative affairs, he wasn't judged to be an asset, a resource, apart from staff assistance for you in Hill relationships?

**Brain:** As I said, most of the time he just wasn't there, wasn't around. There were probably instances that, "Okay, we can get Gore to do this or that." Probably more times that I had to think about Gore and the legislative process were times when you expect a potential tie vote in the

Senate, which would be an enormous headache for anybody. Where is the Vice President? Do you get him back?

**Jones:** And that did happen some?

**Brain:** Oh yes. Do you have him come down from Massachusetts Avenue at 10 o'clock at night? That puts a premium on your vote count; let's not get him if you lose 54-46. [laughter] But you lay that off on his staff to get him there. As I say, you get the feeling that there were folks in the policy shops or even budgetary matters, he was at the heart of it, running the team, doing the calls, helping to make decisions. He just wasn't there as a physical presence while I was there.

**Jones:** What about in regard to the impeachment process and the Senate trial? Here's a guy who had been both in the House and the Senate.

**Brain:** I'm trying to think. I don't recall him playing a visible role in that either.

**Jones:** And not being there, where was he?

**Brain:** I would presume either up at the residence or off making a speech somewhere, doing some of his own politicking. There was a similar phenomenon in my tenure there, the role of the First Lady, who also had an office in the West Wing, had it for eight years. At times came to the office, I believe, was there every day, conducting meetings, doing things. That was over by the time I got there in '98. Her office was on the second floor of the White House, her staff was there. I don't recall seeing her maybe but once or twice up on the second floor.

Again, that's not to say that neither one of them was playing a role, but a different role or manifesting in different ways.

**Jones:** Do you have any recollection in '93, when you were in the Ways and Means Committee, of a legislative role for the Vice President?

**Brain:** It was presumed that he was behind the BTU [British Thermal Units] tax. We've got to tax carbon.

**Jones:** Mr. Green Jeans and all of that.

**Brain:** Yes, and in the conventional wisdom, the House got "BTU'ed." The House took the tough vote on the broader tax, the higher tax. The Senate caved to the 4.3-cent tax. That was part of losing the House, which I have always said, in sort of a contrarian view, that the Senate's always going to exercise its right to amend. You had to expect that something like that was going to happen, shouldn't be surprised.

**Jones:** Of course, he broke the tie in the Senate.

**Brain:** He broke the tie twice, on the conference report too. So I think the congressional view, to go back to my view on that, was that he was the prime mover behind those parts of the bill.

**Jones:** This is probably not something you can respond to, but I'll ask it anyway. Whether you have enough impression of the legislative, congressional role again of the previous Vice Presidents. You were in the House with Carter for what, two years?

**Brain:** Yes.

**Jones:** Two years. So there was Mondale, and then Reagan and Bush, and then Bush and [J. Danforth] Quayle. Comparing general impressions—if you don't have any, fine—but general impressions of Gore compared with those, as far as congressional role is concerned.

**Brain:** My general impression is that Gore, when he was involved, was much more involved in policy development and to some extent sales. Again, the earlier period here, I trust that the Vice President was on the phone too during the '93 vote and actively trying to line up votes. More fully engaged. Never saw anything like that in the Bush administration. I'm trying to think back to the Reagan administration.

**Jones:** You've mentioned the Bush-Rostenkowski. Was that true also when he was Vice President?

**Brain:** The two big bills that I remember that we worked on most intimately from that period, Social Security '83 and then tax reform '85, '86. Certainly tax reform, we dealt with Jim Baker, Nick Brady, the Treasury team, and the President and his team, and not so much Bush. Anyway, impressionistically, I think leaving aside the current administration, of those I had some general awareness of as Vice President, that Gore was more involved in policy development and sales than those others. I really can't go far back enough to judge Mondale.

**Riley:** Let me ask you one corollary to this question. Again, this would be important for somebody coming at the record 50 years from now. Comment on Gore's reputation as a legislator, from your perspective on Capitol Hill. How did people view Gore before he became Vice President, as a Congressman and member of the Senate?

**Brain:** Solid, not overwhelming. He left the House, in the House served on the Commerce Committee and the Science Committee. Active, really solid. Who knows what he would have turned out to be as a legislator had he stayed there, probably pretty good. But didn't have the seniority in the House certainly back in, I forget when he would have left. Probably four terms, something like that, might have been my guess.

Again, solid Senator from Tennessee, but it would take time for him to see if he'd turn in to be the next—I'm drawing a blank on the Senator from Tennessee.

**Riley:** [Estes] Kefauver?

**Brain:** No, Kefauver is most recent, but before that, Cordell Hull, who became Secretary of State and won the Nobel Peace Prize, also had been a House member.

**Riley:** Chuck, you want to go ahead and pick up with your line of questioning?

**Jones:** Since you mentioned the First Lady, talk something about her as well and your relationship. You said similar kind of role, but of course obviously very early she was very much involved in legislation. Anything at all where you had contact with her in this later period when you were there?

**Brain:** It's tough for me to judge anybody's role in the process if you don't see it.

**Jones:** Sure. That's all we're asking. [laughter]

**Riley:** The difference is striking, when most of our interviews thus far have been with people whose experience is in the first year or two of the administration, and to now be listening to a respondent whose experience is completely different is quite striking.

**Brain:** There was a bankruptcy bill, a bankruptcy reform bill that wended its way through. We pocket vetoed it. I remember sitting around in the Chief of Staff's office, having a debate of whether or not we would sign the bill if it were sent to us. Is it a good bill or a bad bill? There were different views. I remember Secretary [Lawrence] Summers saying, "On the whole it's probably a better bill than not, we'll probably sign it." But even recently I had someone on the Hill, a Republican, say to me, "Well, we knew you were going to be against bankruptcy because the First Lady was against it." Well, it's nice that *you* knew that.

I can't say that she wasn't or that she was, but if she or her staff voiced an opinion on the merits of this bill, it was in another forum than where I was. I think on the bankruptcy bill, the issue was when it had passed, the conference report had passed—this is sort of an aside issue—

**Jones:** [Charles] Schumer amendment, right? Abortion amendment?

**Brain:** That's still lingering out there. But they had a conference report. They hesitated, the Republicans, Trent Lott hesitated sending it to us before the election because they were sure we would veto it and use it as an election issue, "They're bailing out credit cards and hammering little people," and things like that. They failed to act, failed to send it, on presumption they knew what we were going to do, where internally we didn't know what we were going to do. Had they sent it to us, there was a 50/50 chance we would have signed it. So they acted on misinformation.

But if she played a role in that—and certainly could have—it wasn't part of the formal discussions. Again, as I said, she just wasn't there in the West Wing.

**Jones:** Did you ever brief her on something?

**Brain:** I think as part of briefings. Only with the President there, and more event-type things. Here's what's going to happen, here's what we're doing at this event, here's the speaking order, here's what needs to be said, et cetera.

**Jones:** Like a bill signing?

**Brain:** Yes, or a public discussion, or building support for something.

**Jones:** Of my other topics, the one I'd most like to hear you talk about is executive orders, whether you played any role in executive orders, especially the political side, or effects side, of executive orders on the Hill.

**Brain:** If I could enlarge your question, because executive orders I think is an example of unilateral action.

**Jones:** Yes.

**Brain:** Which also includes recess appointments and maybe is a subset of a specific kind of executive order, or a third topic, which is the designation of monuments. The President says—

**Jones:** "This is a monument."

**Brain:** "This is a monument, you can't do anything with it."

**Jones:** Especially if it's all of southern Utah. [laughter]

**Brain:** Just before the election. [laughter] I'm trying to think, executive—do you have any controversial one in mind?

**Riley:** The monuments are good ones, but you want to deal with those in a separate—

**Jones:** The most controversial were probably at the start.

**Brain:** Right.

**Jones:** You weren't there.

**Evans:** Was the ergonomics executive order during your time there?

**Brain:** Yes.

**Evans:** It generated reaction on the Hill.

**Brain:** Yes, I think it was the only use of the congressional disapproval process, whatever it is. That was simply—

**Evans:** Nobody called you up and said, "Is this thing going to fly? What's the reaction going to be on Capitol Hill if we do this?"

**Brain:** No, we knew exactly what we were doing. We knew these regulations—

**Riley:** These are the accomplishments from 2000. [showing paper]

**Brain:** Yes, I thought there was also a gun one. These regulations had been held up forever. Much of the criticisms of executive orders at the end of the administration were in subject matters and the ergonomics would be a prime example, where for an extended period, through appropriations riders, we were precluded from doing anything. So being criticized for just getting them out at the end, rushing them at the end—where for a year or two Congress had said you can't do anything, you can't issue them—struck me as a little hypocritical.

The ergonomic one took effect on January 16, 2001. There was a real process, a tension in the last months, three months I'd say, of the administration to what regulations were out there that needed to be promulgated, that hadn't been done for whatever reason. Then, what could be done. We got through the process, came to final resolution, and the logistics, the pragmatic demands of the process informed the timeframe. As I said, even printing—when was the last time you could make a decision, promulgate a reg, get it printed to then start the clock running? The process is largely done through OMB, who do the work with the agency to get them done.

I think it was some sort of combination of doing your work, cleaning up things. We need to get these out. And an appreciation that with a new administration, things were just going to slow down, and there'd be some more delay of things that should be out there to provide guidance. But there was also a certain measure of, okay, let's get it out our way. We didn't know the results of the election until fairly late.

**Jones:** Yes.

**Brain:** So it wasn't all a rush to beat the Republicans coming in, but a good dose of, "We're tidying up the administration, get your work done."

**Jones:** Are there any other cases where it isn't a question of worrying how members of Congress are going to react to an executive order or a recess appointment, but rather the other way around, that rather members of Congress want this done because they can't act?

**Brain:** Yes. I think, looking here, the Smith & Wesson agreement, which wasn't so much—refreshing my memory as we speak here—an executive order in the true sense of the word. You can't get gun legislation through. We fought potential loopholes and waiting periods and things like that, so anything we could do to be helpful on the issue of gun safety, they'd be urging us to do it, Smith & Wesson in particular.

I think there was a lot of support for some of the monument dedications; less so support amongst Republicans, especially the western state Republicans, but they couldn't do those things legislatively, set them aside through legislation. I also think that once some of these were done—and these weren't all at the end, but in the last year or two a fair number of monument designations—legislatures, even Governors who had concerns initially, realized they couldn't undo them and didn't try to undo them based on public support for what had been set aside as a monument.

But recess appointments is an interesting one to me. Again, it's the constitutional balance. We had an agreement with the Republican leaders in the Senate, largely at their insistence, that while we reserved the right to recess appoint anybody we wanted, they wanted to be informed before the recess of who we were thinking of doing, the range of possibilities of recess appointments. The fairly explicit threat was that if we recessed anyone that we hadn't told them about, in essence asked permission to recess beforehand, then the whole nomination approval process was shut down. There would not be another one, forget it.

We by and large went along with that arrangement and let them know. Not that we did all that many of them, but we informed several of them, "We're going to do so-and-so, we're thinking of doing this couple." There was a not too subtle threat that if you did some others, ball game's over. You contrast that with the current Bush administration, who I think comparatively speaking has been very aggressive in recess appointments, even doing judges. They are reasserting constitutional prerogatives that eroded a little bit in our tenure, I believe. I'm trying to be nice to my—

**Riley:** You're being too polite.

**Brain:** We would cave on subpoenas all the time, requests for documents. The stuff we gave them far exceeded anything that I think is going up right now. The threat ultimately was to be held in contempt. You can argue in principle that we shouldn't have to give them this stuff and we shouldn't cave in, but then someone says, "Yes, but it's me who is going to be held in contempt of Congress. I'm going to have to go up, and is it worth it?" More often than not, we decided not.

**Riley:** Of course, by the time you got there, there had been a long history of this administration dealing up those kinds of requests. The battle had actually been lost.

**Brain:** Yes, it had been institutionalized. I mean, I think they continued to push it. We had subpoenas, it almost seems like weekly. Institutionalized a process by which you would certify to the counsel and attest that you had searched your files. We realized that the head of legislative affairs—this was before I was head—would send a letter to the chief counsel saying, "We've checked the files, we don't have anything." Then we realized there was really no basis for the head of legislative affairs to say that, because how does he know what I did with my files and what I've got in my files?

So we developed a process for everybody in legislative affairs. When there was a subpoena, and the notice that goes around to everybody, okay, preserve documents, produce whatever related to whatever. So everybody has to sign that you've done it. That's in the form of a memo to legislative affairs, who then in essence staples it all together and sends it in, "Okay, we've checked." It was a routine occurrence such that on a couple of occasions I'd say, "Now, we're a co-equal branch of government, right? Nobody has any more power than the other one, right? If they're asking us for our documents, why don't we ask them for theirs? What's to stop us?" I think it was more in levity than it was anything else.

**Jones:** I'd like the minutes of the Ways and Means Committee. For six of your eight years, those were Republicans running things down there, whereas it would be different now, for this administration. Ultimately the chairs are Republican.

**Brain:** Another topic could be vetoes.

**Riley:** I've got that written down.

**Evans:** I'll ask you about that tomorrow, I've got a lot of questions on that.

**Riley:** We can come back to that. Chuck, have you got anything else since you're not going to be here?

**Jones:** I don't think I want to open anything else.

**Riley:** I think we've probably exhausted both of our Chucks.

**Jones:** Well, one Chuck is older than the other Chuck.

**Riley:** Thanks, we've done a lot of work.

**Brain:** I hope it was useful.

**Riley:** It's not just useful, it's interesting. We've got a good addition to the record thus far, we've got three more hours in the morning, and we'll put you through the ringer again.

**March 23, 2004**

**Riley:** There were several things that were on the agenda yesterday that we didn't get to, a couple of things that Chuck Jones had mentioned. One of the things that both Larry and I had on our list of things to talk about related to the use of presidential vetoes, which was touched on just a bit. I thought what I would do is start us—actually, no, that's the first new business. There's a piece of old business and that is, it's not uncommon for people who come in and spend a day with us and then have a night of sleep to think, *Oh, I wish I'd said this,* or *I wish I'd said that,* or *there was something that I meant to cover.*

Maybe we wore you out too much, but I thought the first thing I would do is come to you and see if there's anything that occurred to you last night or this morning that you wished we'd talked about yesterday that we didn't get to.

**Brain:** Not new topics. Two things that I've thought of overnight, though. One of them last night, going back and looking again at some of the briefing materials. Because there was a question, I think Chuck Jones asked yesterday, what else was going on during impeachment? I drew a blank, what else was going on? Looking at the CQ Review last night of 1998, it confirmed my memory, which was nothing was going on. They billed it as "the year of failures."

Both the aggressive agenda that Chuck had laid out, that Chuck mentioned that the President made out in the State of the Union, none of that really happened. Similarly the Republican budget plan, the Republicans being in charge of both houses at that point, they didn't win anything either. In fact, it was an early example of no complete budget action. I don't think we had a budget resolution conference that year, so there really was nothing going on, which interestingly enough, I think, is part of what became one of the Clinton success stories or legacies, which was balanced budgets. We didn't get what we were aggressively laying out, but they didn't get what they were pushing either, and the fortuitous result was no real tax cuts, no real spending increases, and in light of the economy growing, eventual budget surpluses.

The other thing that I mentioned and I think you took notice when I said "feeling the weight of the Constitution" in some instances, but not during impeachment. That sounds, on the face of it, silly. You have the weight of one branch of government. Really, what it felt like was a crisis. Not solely a political attack, but partly a political attack, and some mistakes. You can go anywhere from mistakes to lies that resulted in the situation. But the issue of Congress attacking the President is not new. This one just happened to go much further and resulted in the vote of impeachment and the trial in the Senate. As I said, it felt more like political brinksmanship that got out of control, rather than the weight of the Constitution, where you could really feel that these words that were written in the Constitution. You can get sappy and say, "James Madison . . ." and there you were, the President exercising the power, either the pocket veto, the veto, or pardon.

So it sounds incongruous, but there again, I mentioned a little bit about how quickly the impeachment went in the Senate. There was, I think, a credible offer in the Senate to almost avoid the trial; many in the Senate wanted to simply censure the President. If I recall, Phil Gramm was the one who stood in the way of censure. The joke on the Hill afterward, "But for Phil Gramm in the Senate, or Charlie Johnson, the House parliamentarian, who ruled"—we talked about it yesterday—"that a censure or anything other than impeachment was a not germane amendment to the resolution, but for those two people, history might have been different," when it came to impeachment.

By the time, as I said, in the House, it eventually hit a point where we knew we couldn't win. Couldn't argue the facts, the law, whatever, so it was a foregone conclusion. One side was going to be against us; one side was going to be for us. In the Senate, it was going to be an acquittal. Almost in the Senate, Trent Lott being at his best in terms of deal-making, accommodating the interest of Senators. Trent Lott was looking for a way out. That's part of it, that's a little more on impeachment, but part of it didn't feel like that you're down in the archives.

**Riley:** Might the perception have been different had there been significant Democratic peeling off in the direction of opposing the President on this? Obviously you're working with Democrats

through this whole period to sustain your support within your own party. Do you recall any periods when you were deeply concerned that you were going to lose somebody significant on the Democratic side who would have given additional constitutional and partisan gravity to the impeachment process?

**Brain:** Probably in the month-long period from mid-August to mid-September. That was the period where it wasn't clear, first of all, what the public reaction was going to be to Clinton.

**Riley:** This was after the President's public pronouncement.

**Brain:** The public pronouncement, after the grand jury testimony in the middle of August, the trip to Worcester, Massachusetts.

**Riley:** The turning point.

**Brain:** The Brain-manufactured turning point. We can clear that up.

**Riley:** But there was some concern in that interval.

**Brain:** Absolutely.

**Riley:** Who would you have been looking at as bellwethers among the Democrats at this time?

**Brain:** Largely the House leadership, especially House significant liberals who, as I said yesterday, really never had the affection they might have had for the only re-elected Democratic President since Franklin Roosevelt: "Okay, guys, this is good." A name I think I used for the record, George Miller, even to some extent Nancy Pelosi, more on trade issues, international issues. Pelosi was chair, then ranking, of the Foreign Relations subcommittee on Appropriations. Those, as I said yesterday, folks in the leadership who were advising folks, "Go slow." In my view, those were decisions that they were making with regard to their party's political interests on into the future. It's a separate issue—and not disparaging them—a separate issue from the legal matters of the case.

I mentioned yesterday I think that I've never read the Starr documents. I venture to guess that other than some members of the Judiciary Committee, they haven't either. If the members were to go through, "Okay, what were the details of the four articles of impeachment," and the evidence for or against those, there was the potential there in that period surrounding Labor Day, where if the public support for the President had eroded, we would have had significant Democratic defections. In personal conversations, I think I alluded yesterday to conversations I had with some significant Democrats, saying, "We may have to have a conversation at some point." By that he meant possibly urging the President to resign. After all, Nixon was the only experience with impeachment anyone had lived through. One of those in particular will go nameless, but I actually sat with on the bus ride, after the impeachment vote in the House, down to the White House. I just put my hand on his knee and started talking generally and I said, "You know, there were some people who really thought that we might have to have a conversation." He just looked at me and said, "Can you imagine that."

As I said, that trip to Ireland, which was personally very poignant, the contrast between 20,000 screaming, adoring Irishmen—not just for the President personally, but for our country—and at the same time I knew there were conversations going on in the Capitol amongst Democrats saying, "He may not be able to make it." What would have ever happened? I don't know. Bill Clinton's a fighter, and in fact, his approval from the public for the job he was doing increased in this period.

**Riley:** Last night over dinner you made the comment that you frequently refer to members of Congress as "human Geiger counters." In this particular case, you're indicating an instance of this. I guess in August and September of an election year, they're back in their districts.

**Brain:** Yes.

**Riley:** I don't remember the calendar very well. You got an interesting situation where these things are breaking, not when they're cloistered together in Washington, but when they're dispersed and dealing with their constituents. Is my memory on that correct, Larry? I don't know whether you recall.

**Evans:** The human Geiger counters? No, absolutely.

**Riley:** No, whether they were in—

**Brain:** Yes, they were, we were making phone calls. As I said, I was on vacation but we were making phone calls to members on vacation.

**Riley:** Exactly, so they're in their districts.

**Brain:** In their districts or traveling with their families. But the human Geiger counters, all of the resources that members use to gauge public opinion, be it the national media reaction, print and electronic, talking to people back home, they just develop an intuitive sense. This is more of congressional studies insight, but it relates rather poignantly to the case of impeachment.

I always joke and say that when the members of Congress are gone for an extended period, a longer recess, the August recess being the best example of it, it takes them about three days to develop a conventional wisdom of what they learned on their summer vacation. It's frequently the change of season. Maybe you're closer to the November elections or you're just past the beginning of a Congress. It's something different. The seasons change, they've been away, they've been talking to people. It takes, as I said, a couple of days of some votes, hanging around the cloakroom, on the floor, and all of a sudden, we were worried about energy before but we're now worried about healthcare.

**Riley:** So after they come back, the three days after they come back.

**Brain:** It sets. They say, "Okay, this is what we think about the issues, what the issues are." So they were away during that period and then they came back. I think this Irish trip was just as they

were coming back, maybe just before. But they came back and they were very quick to say, "People aren't—what's sex, what's not sex, what's between a husband and wife? We're basically happy with the economy, the country, the government. What are we doing?" So that set. But in that period, I remember—this was a Republican member of the House, not anyone who was particularly close to the President, but someone who had worked with him on some issues—called me into his office, shut the door, handed me an envelope and a handwritten note and said, "I want you to read it." I did, and it said, "Mr. President, I've prayed, I've searched my soul. I wish you the best, but it's time for you to leave. You should resign."

He said, "I want you to take that and give it to the President." I thought, *This is great, I don't think I signed up for this*. So I took it back to the White House and I gave it to Nancy Hernreich and said, "Nancy, this is a letter from a member of Congress that he wants personally delivered to the President. It's a bad one." She said, "I understand. We'll make sure he sees it at the right time." I left it at that. But again, I think in some conversations with Democrats on the Hill subsequently, I was struck by how little we appreciated how widespread that concern was. I mean, I knew it had the potential.

**Riley:** How widespread the concern for—?

**Brain:** That at some point, if this started unraveling, they could be talking to him about resigning.

**Riley:** Chuck, did you get communications like this very early in your time there? My sense from having lived in Washington in '98 was that the months of January and February, maybe into March, were awful. There was a lot of press speculation, even among people like George Stephanopoulos, who had been there before, who said, "If this turns out to be true, the President can't survive, he's going to have to leave." Were you getting communication from members of Congress at that point saying, "This is ugly. The President really needs to say this. . ."?

**Brain:** No, my recollection is that it was much later. As you said in the question, "If this turns out to be true." Nobody knows. At a staff level you wonder what's next, but is this true? The President says no, that's okay with me.

**Riley:** You don't get confirmation and the DNA evidence and all that stuff until—

**Brain:** You go forward. It was in the media, but it was somewhat later, not solely around that period.

**Riley:** A couple more questions on this. Larry, if you have any, please jump in. One is a hypothetical question. That is, in your judgment as a Congress watcher for a long period of time, had they been in session and in Washington at the point at which this crucial period is happening—maybe it wouldn't have been a crucial period if they'd been in Washington, I don't know—but if they'd been in Washington the day the President makes his address and there's a kind of press backlash because the President is not deemed to have been sufficiently contrite, might things have turned out differently? Or is it your judgment that things would have turned out differently?

**Brain:** I can't say that they would have, but they could have. Once something takes hold it spins out of control very quickly. So if they were here and for an extended period, who knows how hysterical things could have been. It's almost coincidental, but a period you cite as an example of things getting out of control very quickly, it happened to be the day of the impeachment vote, when [Robert] Livingston had to step down. Again, it's just coincidental that that happened to be the day of impeachment, but you could feel the Capitol shake that day. I mean, it was dumbfounding. There we were about to vote on impeachment of the President of the United States and the office of the Speakership is shaking and rattling. *What is going on?*

We were up there from the White House for the vote, and were in and around Gephardt's office, which we always were, integrated into the flow there. There was some speculation, some members talking about, "We, the Democrats, should give Livingston enough votes that he'll be Speaker." I think that swirled around for a half-hour or so, "We need to do it just so we have some stability." It wasn't we like him as opposed to Tom Delay or something like that. Eventually some cooler heads said, "Wait a minute, this isn't our problem. This is theirs." But that's an example. He had gone while they were around, while they felt something dramatic happening.

**Riley:** That was actually going to be one of my subsequent questions. Larry, have you anything else on impeachment?

**Evans:** Not really on impeachment, no.

**Riley:** Vetoes, you want to ask about vetoes? If I think about something else on impeachment I'll come back, it seems like I had one other question.

**Evans:** Veto, obviously, is the most significant procedural lever the President has. A lot of the game gets played at the threat level, via the SAPs [Statement of Administration Policy] and cleared testimony and so on and so forth, the public statements. What kind of role did the congressional affairs office play, particularly in the development of SAPs, veto threats, as opposed to when they get the actual veto decision?

**Brain:** A fairly significant role in a couple of regards. First of all, process-wise, OMB takes the lead in putting SAPs together. Does some background on the bill, and then formulates a position. Then circulates that among two groups. One, a fixed list of people, which would include legislative affairs, policy shops, Chief of Staff's office, things like that. Then a subject-specific list of people. If it's an interior bill something, the folks over at Interior would get it too, with relatively short timeline, depending on what's going on. This is the ideal process. You've got time, you're anticipating.

Any differences of opinion usually get worked out almost through the email process. Usually it's all routine and hunky-dory. When you get some controversy to a bill—and I was surprised at the whole SAP process, because my work on Ways and Means, I don't think in 13 years, I don't think I ever saw a SAP.

**Evans:** Is that right?

**Brain:** The bills we were working on, we knew where they stood. They didn't have to put it in a letter. So this whole SAP thing was new to me, this is interesting. But the process, ultimately in my experience there, could get resolved in the Chief of Staff's office, sitting around. Again, the Chief of Staff, frequently Secretary of Treasury would be in there too. I think that's more far-reaching jurisdiction than anyone else. But Director of OMB, Sperling, Reed and us. Part of it is the policy evaluation. Is it good or is it bad, or how bad? I think I mentioned yesterday about a bankruptcy bill.

**Evans:** There must have been 12 veto threats on that over the year, '99-2000.

**Brain:** Yes, but I think if you look, they're probably all nuanced fairly significantly. On bankruptcy I do remember sitting around, Podesta asking the question, "Okay, if they send it to us, what would we do?" There was no consensus. "Well, it's not a great bill, but there are some good things in it. Some stuff we don't really like." So it's an evaluating process. That, as I said, the Hill miscalculated. They thought they knew what we were doing, when we didn't know what we were doing.

Part of it would be, what's the Hill's reaction going to be, policy-wise, substantively? I remember coming into that office one morning, Jack Lew reporting that Senator Byrd had stuck a provision, a bill in essence, subsequently known as the Byrd amendment, but relating to the use of tariffs imposed in dumping cases. The Japanese were dumping; we impose tariffs. Money used to go into the Treasury; Bob Byrd said that money should go back to the affected domestic industry. So at 9 o'clock in the morning, I hear, "Bob Byrd did this last night at 2 o'clock. We think it's terrible. Can you get it out? Chuck, can you get it out?" I said, "No. What are you, crazy? I'm going to tell Bob Byrd to drop—no, it's not happening." I don't even think we mentioned the veto word. Would we veto the Ag Appropriation bill over that? No. Some things are bad but beyond the pale.

Two things I want to cover, don't let me forget. The nuanced words.

**Evans:** Just along those lines, I went to the SAPs just for grins and typed them for those three Congresses. The same code words come up again and again. The presidential veto threat, senior advisors, Secretary's threat, and then so on and so forth. And there are more nuances than that. I know OMB has more refined coding. Then those are some of the—

**Brain:** And this, we'll talk about this, but then the second thing is the role of the votes in Congress on an override.

First of all, there's no codebook. No list that anyone has of, okay, here we go from mild disagreement to veto. My experience was that every situation was different and you had to craft the words for that situation. The one bright line you would have would be when we said, "If presented with this legislation, the President will veto it." *Would veto*, see the tense. That we used sparingly and only instances when the President had publicly said, "I'm going to veto this thing," before he got it, when it was in process. That's the only time we crossed that line.

Below that, you've got the senior advisors' veto threats. You've got various levels of Secretaries. The possibility goes, senior advisors would recommend a veto. But say one Cabinet member wouldn't, only one of them really felt strongly about it. So you put, "The Secretary of State would recommend a veto in this instance," reading into that, "Well, where's Treasury, where's the White House staff? What do you say on that?"

When it comes to initial passage by one House, as opposed to a conference report, you're sending signals to the other body of what you want, as much as indicating what you would eventually do, knowing that there's a conference coming. You may not want to alienate. If it's a bill just before the House, you may not want to alienate the House committee chairman: "While the administration has concerns, it looks forward in an attempt to move legislation in this area, we note that we would support amendments in the Senate which would. . . ." things like that. That's very nuanced.

There's also probably a whole subset of Rules Committee SAPs where you actually come out against amendments.

**Evans:** Making them in order.

**Brain:** Making them in order. It tended, I guess, going back and looking at it, not to tell them "make it in order or not," that's an internal House prerogative. But, "strongly support an amendment which would. . . ." Not to cross the line of their prerogatives to talk about whatever they want to talk about. On the floor you could support a bill but oppose amendments and things like that. But it's almost a Talmudic art of getting the words right.

It's funny, I'm going to have to go back and figure out this instance. There was only one instance, dramatic, that I can recall, directly involving the President in making a decision about a veto threat. I think they were all, by and large the Chief of Staff would have gotten the President to sign off on it. But at the end of seven years, you can anticipate it, especially a conference report. We've got a track record there, so you could anticipate where the whole administration was going.

**Evans:** But if there was a presidential threat to be issued via SAP or anything else, the Chief of Staff would talk directly to the President, unless they were just so obvious.

**Brain:** I don't know. I think, as I said, the obvious—

**Evans:** Partial birth abortions.

**Brain:** When he had said it, when he had gone out to the Rose Garden and said something about partial birth abortions. He was on the record, he said it. He concentrated very carefully on it when he said it, okay. But again, a conversation between Chief of Staff and the President. I presume a lot of that went on with some level of formality or informality, probably more informal, but I don't know. But there was one—and as I said, for the record, I'll try to go back and figure it out—it was while the First Lady was running for Senate. So it was probably the

middle of her campaign, relatively early on, but it was 9 o'clock at night and we had to go over to the residence.

Jack Lew, Podesta, myself, get the President, explain the situation. He knew the bill, knew the substance, but we explained the situation and said, "We think you should recommend a veto on this." He kicked it around, talked about both the substance and the politics, and said, "Okay, good, go for it. Go ahead." And you'd think, seeing I remember all of the setting, that I'd remember the bill. I'll find out. But what did strike me that night, again, I remember the First Lady wasn't there, she was off campaigning. So he's all alone in the residence and was about to go upstairs and work out on the third floor. Looking down the hallway there, with the Lincoln Bedroom, his office, all the historic stuff down there, with very few hallway lights on, just enough you could see, but it was murky.

I thought to myself, *I can see why Richard Nixon ended up talking to the portraits. I wouldn't want to be here. This is the White House? I wouldn't want to be here alone. Give me my playroom and my kids*. But there we were at the end of the hallway. It was almost eerie, spooky. But that's how I remember the setting. So that was one instance we involved him. The prospects were, what's going to happen once you threaten a veto? To inform the decision, what to say in the SAP, in the veto message.

Clinton was overridden once, before my time, on a securities litigation reform. Chris Dodd, close friend, helped engineer it and just beat him. We never lost another one. When I came to the White House—again, this is in the House, certainly Republican control—David Bonior, as the whip, impressed on me very directly and vividly that when you say the veto word, we take it very seriously. So don't throw that word around lightly, because when you say it, we're going to move heaven and hell to protect you on that. Again, it struck me, and I don't know if I feel the weight of the Constitution, but it was what we were doing, they were doing, was coming together.

Consequently the role, especially of legislative affairs, on a close call was, "Can we sustain it? Can we keep our 145?" If you can, okay, then you can throw it around, because you can make it stick. You didn't want to lose the value of that currency by being overridden.

**Evans:** How would you discern that, typically, if this thing is bubbling up, this is early on in the process. Something has just moved out of committee probably at the time a SAP gets written, for instance. Would you do a count?

**Brain:** A bill coming out of committee, to the floor, you could have a SAP there. You could have a Rules SAP, ultimately a conference SAP. You be judicious and presumably wouldn't really even consider using the "V" word on House passage or Senate initial consideration of a bill. You could send your message, "Strong disapproval, looking for changes, deep concerns."

**Evans:** A lot of bills do get veto threats in the SAPs, even on House passage, even in the Rules SAPs. They've got the count there, it's not huge, but there's a decent number.

**Brain:** But when were—

**Evans:** This would be the SAPs that are sent to the Rules Committee or to the House, usually a week or so before the vote. It's not unheard of, certainly, for veto threats to be bandied about there, although I do think they are more common when you get to the end game in conference.

**Brain:** Right. Yes, I guess I'm surprised at the number. I don't dispute them at all, but say in the 106th, which would have been—

**Evans:** Ninety-nine to 2000.

**Brain:** That we did 21 presidential vetoes.

**Evans:** For instance, the reconciliation bill in '99, with the big tax cut that went nowhere. The President, he did veto it in September of '99. There was a presidential threat, I'm sure, in that SAP. There was I think one in bankruptcy reform. The Y2K bill in 1999, pretty sure there was a threat, probably not a presidential threat, maybe a senior advisors' threat. I'm just curious, obviously they had to gauge whether you could sustain it. How would you do that?

**Brain:** Not so much through a hard count. You'd look initially at the committee, what was the vote in committee.

**Evans:** So if the Dems are together—

**Brain:** If the Dems are together, that would be the initial indication that, "Okay, there's going to be some solidarity here." If they weren't, and the ranking member was for the bill, okay, this is getting shaky and you'd better start looking at it. Ultimately talking to the whip, the whip's office to see what his impression was, more than a hard count. A couple of trips to the floor, with the whip asking people what they're hearing, what they'll do, what we could do. That usually gave you a good feel whether or not you'd be able to sustain it. You quickly do the math again. We could lose 60 and still sustain the veto. My point is, you could lose a substantial number, a healthy minority of folks, and you probably would. The Ralph Halls and the Gene Taylors and a number of them. You'd get them, but you'd get a sense of it. So you had the substance and then you had the politics.

I think I also mentioned at dinner last night that Clinton's recall of a veto threat on a rider, Interior appropriations—it was either Interior or Water Resources—but there was a rider in there that affected the Army Corps of Engineers' ability to go ahead with regs that would change the water flow on the Missouri River. It affected everyone along the Missouri River, including the state of South Dakota and Tom Daschle. Daschle asked, "You guys have to help me out here. You've got to veto this thing." We said summarily, "We'll veto this bill." Many on the Hill asked incredulously, "You'd veto the whole bill for this one provision?" We said, "Yes."

They took care of it, they dropped it, because we would have done it for Tom Daschle.

**Evans:** That's interesting. Now, this is an instance where members actually went to you at the threat level and used the administration then to come back and influence their own process. I

think Schumer might have done the same thing with the abortion language on bankruptcy reform. Schumer went to you all and basically said, "I care about this." This is language having to do with people who do violent things outside abortion clinics, sometimes they would declare bankruptcy to get around the law. Does that happen very often where somebody would actually go to you at the SAP or the threat level and then try to influence the administration?

**Brain:** Not very often. This was relatively unique. Schumer being an example—and he may have come up yesterday too—a good example of working the administration, lobbying the administration, putting a budget together. I remember, I think driving north for Christmas and Schumer on the phone wanting to get a particular tax provision in the budget. He was going to use it. The thing, using that as an example, a member could say, "I stand here, represent a significant portion of the Democratic Party position and base. If you leave me on this, you're leaving not just me, you're leaving a whole bunch of people whom we care about and I talk to, and you'll hear about it."

Another veto scenario or process involved some of the appropriations bills. If you ever talked to John Hilley, pre-my time, might have been '96 or so, the first appropriations bill out of the chute was the Legislative Branch appropriations. Nothing else had been done. None of our priorities, none of the important work. Legislative Branch goes through. And the President vetoed it. The message at the time, repeated to me by some folks who were there, saying, "You just have to prove you're crazy. You're not going to get your bill, you're not going to take care of your budget before you do any other work." Boom, gone. We care more about the process than the substance. "Change a line, just send it to me later, but not first." I think we threatened some things during my time there, "Don't send us that now, because we'll veto it."

**Evans:** You mentioned appropriations bills, the SAPs on those are different. They do seem more subtle and nuanced. The gradations of language are quite extensive. You don't see as many flat out veto threats on the bill, at the SAP level, unless it's the Senate side and the House has already gone first and they're moving towards the end game. Is that your sense?

**Brain:** Yes, because a lot of the things that are problematic in appropriations bills are the riders, which we haven't talked a whole lot about. I mean, you stick in five or six riders, which go from maybe okay to real problems. But the underlying bill usually more or less fairly represents your priorities. So you want the underlying bill, but how do you get these riders off? That is a lot of the appropriations work. That's where you get the nuance in those SAPs, but that's also part of the governing is getting rid of those. Mexico City language, there's almost a litany of things that for a while came up every time. Hilltop Mining. Bob Byrd is another one, this Byrd amendment, on and on and on. That's where it's a small group of folks who are involved. It's a lot of face-to-face negotiation and bluffing.

Most frequently the appropriators themselves, the subcommittee chairmen, the full committee chairmen, their bills, they don't want to see these things. They're mucking up their bills. So you turn them into allies for getting this stuff out, except when Ted Stevens has one, or, as I said, Bob Byrd. So that's almost a separate legislative affairs world and approach, different from the authorizations, trade bills, everything like that, more substance. But it takes an inordinate amount of time. Usually, or at least there used to be, 13 of them.

**Evans:** Yes, not any more.

**Brain:** They come up every year. Another thing that would be interesting to me to look at is the amount of time—and it changes over time—that Congress chose in sending a bill to the President. It strikes me that increasingly, at least in my time, you presume as soon as the clerks scratch it out on parchment, ship it down, you get it. Bankruptcy being the most vivid example of that, where they just sat on it and sat on it. Didn't send it until after the election. But some of these, what made me think of it is appropriations bills. Okay, just don't send it to us. Do these other ones, then send it as part of a package and we could do it then.

So I think it would be interesting just to see where there's a significant delay, what's going on in those instances? Because if it takes two weeks to get a bill, they're sitting on it, and why.

**Riley:** As a novice on this, what are the grounds for sitting on it? How technically do they hold a bill up?

**Brain:** It sits on a desk.

**Riley:** It just sits on a desk. But I mean, after it's been enacted, again I'm trying to think of what Constitutional provisions—

**Brain:** It hasn't been enacted. It hasn't been presented to the President for signature.

**Riley:** And that's the point. There's not a Constitutional provision that requires them to present within, okay.

**Brain:** No. In fact, in the House—I don't know the Senate rules—but after '74 reforms and Southern committee chairmen sitting on things, I mean, you can jam something. You finally get the committee to meet on something the chairman doesn't want to meet on, you roll the chairman, and you pass it. Okay, the chairman just never files the committee report, or it takes a while.

The House has a requirement, "timely" report to the House of what the committee has done. But there's nothing in the Constitution, you never have to send the bill down. There are more points in the process than anyone knows or appreciates, for it to get snagged up. More signatures and things, "Okay, nobody's around to sign it." You don't get it. Another mechanical aspect of legislative affairs is actually getting the message down, getting the piece of paper down for signature. Quite often, you think these things just work.

**Riley:** That's for a presidential signature.

**Brain:** For presidential signature.

**Riley:** Any interesting episodes where you're trying to beat the clock on something?

**Brain:** The interesting ones are, where is the President going to be out of town, especially for something that's got to be signed in a timely manner. Again, using the appropriations. We had one, probably CR [continuing resolution], my guess it was in 2000, where the President was on a foreign trip. It happens, every President would have this. So there was just no way of presenting it to the President when he was here. On the Hill, everybody can sign their boss's name, or there's somebody in the office who can do a good Lee Hamilton.

**Riley:** Was this you?

**Evans:** No.

**Brain:** We had someone who did a better Dan Rostenkowski than Dan Rostenkowski.

**Riley:** Was this you?

**Brain:** No, I was a neophyte at it. In fact, I have seen letters from Dan Rostenkowski on people's walls with a hand-written note at the bottom of it. I look at it and I say, "I know Joe Dowley did that." But nobody even thinks about doing a presidential signature. I mean, even the form letters that go out, the Robo-pen does it, but it's just unthinkable. In contrast to working on the Hill, where it's fairly routine to sign even important documents.

So you've got to get somebody in the staff secretary's office to get on a plane. I think this was to Japan. We got Justin Coleman, and again, you think, *Okay, put him on a nice little military jet*. No, he's going in steerage on a Pan-Am flight or something like that, flying over. Get the signature. At that point it's done, it's the law, fine, the money can go out. Okay Justin, bring it back, too.

**Riley:** Which part of the International Date Line are you on if you're getting in Japan? Do you have to get down to that?

**Brain:** I don't recall that sort of conversation. But again, you get the mechanics of it. Back on SAPs, there'd be times when you're up in the Capitol. There's a bill that's moving through. You'd get into final passage and you haven't sent a SAP yet. People are looking for it just as you're getting to the vote. So I've taken SAPs off the fax machine in Gephardt's office, made one copy, and ran to the cloakroom door, "Here it is." "Okay, we've seen it in writing now." It really affects votes.

**Evans:** You think that's the case, that members on significant votes actually look at those in a serious way?

**Brain:** Yes.

**Evans:** Who's the audience, is what I'm saying, for a SAP, a formal, whether it's a threat or not? They're officially written to the House and it's not really clear what that means. Is it the leadership? Is it the relevant committee? Is it the whip's office?

**Brain:** It's all of that.

**Evans:** Okay.

**Brain:** And as I said with Bonior, it was taken very seriously. Democratic positions would then be formulated, would be hardened, just on the basis of what the administration decided. Sort of a trivial example of this, I mean the legislative affairs folks, the good ones, spend a lot of time just off the chamber.

**Evans:** In the Speaker's lobby?

**Brain:** Yes, and also right by the elevators, top of the steps, wherever there's a flow of members into the chamber. Members quite frequently say, "What do you want on this?" I say to them, "This is a yes," "This is a no," and they say, "Fine. It's okay with me. You want a no vote? Fine."

Other times you say, "We want you to vote no on this," and they say, "Really?" And stop and say "Why?" I'm sure they take that into account then at that point.

**Evans:** Would you always have somebody, when the House is in session and voting, would there be somebody from your shop right there?

**Brain:** Not as a rule. It's Tuesday, they're doing suspension bills. They might be up and around on that, but sort of casually. But any big votes, you're up there and it's all hands on deck, everybody all day. You have to be up there, you have to be talking to everyone. That's a difference between the House or Senate deputy's job and the number one job. The House and Senate deputies, as well as then the staff assistants, they get out of the White House more often. You're up on the Hill.

I remember an instance of somebody coming in for a vote, pulling out a letter and saying, "Here Chuck, here's a letter I want the President to have. My staff said that we should messenger it down to you, but I said, 'I'll see Chuck some time today. I'll give it to him.'" Thought to myself, *Okay, fine. I'm doing my job*. He knew he would see me that day and be able to communicate that easily. That's what you want. You want people, your communication is constant both ways. That's sending signals of what you wanted, and more often than not affecting their views, I think to a surprising extent.

The policy process down in the White House is sort of grinding out; they don't know what to do, what words to use, "Is this going to be senior advisors," et cetera. And you're up on the Hill and they're saying, "We need the SAP," they're getting anxious. Your sending the signals at the right time from the administration to members of your party is important to decide what to do. There are times when SAPs are taken to the well. You've got the one copy taken to the well and the ranking member says, "Here's what the President has said, I read you from the SAP," or they make copies of it and run it around. So you've got it there. It does have some weight.

**Evans:** Is it your sense that this sort of lobbying outside the doorway before major votes is more important on the House side maybe than the Senate side? Senators are more broadly staffed, have larger staffs, probably more expertise in-house. Is the House maybe more reliant on that kind of a cue than the Senate, or no?

**Brain:** No, you tend to work the doors both places, pretty heavily, or get Senators off the floor. House members seem to be easier to catch than Senators, on and off the floor. There were two principal doors and you cover them. The House doorkeeper's office seems to be more lenient in letting you hang around. Senate doorkeepers are pretty judicious, "You can't stand there, or only one of you." You might be there with an agency person, "There really only should be one person there." You say, "He's with me; she's with me." "Oh, okay." So it's easier to work the flow of traffic in the House than it is in the Senate. I tend to get Senators off the floor more so than House members.

**Evans:** So you get them in their offices maybe, or on the way in.

**Brain:** On the way in, off the floor, eventually you know how to catch people.

**Evans:** As the top person, are you less inclined to be involved in this off-the-floor stuff?

**Brain:** Yes, because you just have more responsibilities down in the White House, meetings with the President, meetings in the Chief of Staff's office, just a whole bunch of policy meetings that eat up a tremendous amount of time. You really want to be up on the Hill talking to people, but you're not. So that's the yin and the yang of the job.

**Evans:** Just a last question on the SAPs. You mentioned a couple of times a poker-playing side to this, a bit of a bluff, nuances. Any particular ones come to mind, issues where the role of legislative affairs was particularly important in developing the thread and how it was cast? Maybe a bluffing game going on, or at least we want to go so far but not too far in terms of language, and how clear it is?

**Brain:** I can remember talking to a member, alluding to the fact that we could veto Legislative Branch because of a pay raise issue. Pay raise issues, they get raises unless somebody turns it off. To make a larger point, "We're thinking about threatening to veto this and exposing the whole pay raise thing," and the member just went off on me. Where did we get off tampering with their internal prerogatives of a pay raise issue?

I'm trying to think—

**Evans:** Just a big substantive issue.

**Brain:** Every one is involved in that bit of poker playing, in trying to get—I don't recall ever wanting a veto for a political issue. But you usually want to refine legislation so you do get it into a form you can sign. In instances where it's so bad you're more than willing to veto it, but there's no great—they have their view, you have yours. There's the bankruptcy bill, Congress had adjourned when we pocket vetoed it.

**Evans:** Even the last one.

**Brain:** Yes. Had they sent it before the election, maybe we would have signed it.

**Evans:** Take the Y2K. I don't know if you remember that episode all that much, but there was a lot of flexibility in the President's position over time. I wouldn't say flipped on it, but there was definitely some movement. Was there a sense of framing the early threats in such a way as to allow that? I'm trying to get at the tactical side of this.

**Brain:** I think that was one where you're trying to shape it through the process to get what you want, ultimately it's a signable product. We needed to do a Y2K bill; there was going to be a Y2K bill. So, as I said, part of that process is sending the signals, "We don't like this, but we like this." You could have language, "We would support provisions that . . . We have concerns regarding. . . ." You send those signals very directly, sometimes in a SAP quoting testimony, quoting speeches: "As the Secretary of State has said," blah, blah, blah.

As I said, usually with a goal towards getting a really good SAP. Again, because most of them, the issue tends to be on an appropriations bill. Looking at '99, for example. Five vetoes total, four of them appropriations bills. Eventually you're going to sign the underlying bill or shut down the government. So you figure out what you can live with, which is an internal discussion, "Can we do this?" And you get thrown overboard what you can't.

**Riley:** You had mentioned earlier that you wanted to say something about the role of votes in Congress to override.

**Brain:** That was part of just the calculus. "We're going to use the word, we'd better make sure that we've got it." Just that checking, because again, especially being in the minority, having the Presidency but not Congress. When we said it, we want it to have some effect. So you know that you could follow through on it, make good on it.

**Riley:** Let me ask a more general question. Can you talk a little bit about the kinds of things that you have at your disposal in the White House to help persuade members? I'm thinking from the trinkets all the way up to the bigger items. Again, for somebody coming to this document 50 years from now, who may like to have a picture of the kinds of—

**Evans:** The menu of tactics.

**Riley:** Yes, a menu of preferment.

**Evans:** Kennedy Center tickets, all the way to, "Here's an open grave, stand over it."

**Riley:** What are the arrows in your quiver?

**Brain:** Almost endless and limited only by your own creativity to—I'm tempted to say the law, but nobody would get that far. I used to tell folks who worked for me, most of whom had been

on the Hill, came off the Hill—I'm like the one lobbyist there—that we had one client, that being the President. He was the best client that you could possibly have and the tools we had to advance his interests were almost limitless. I mean, they were limited, but almost limitless.

You start with White House tours. The White House tour office has an agenda and responsibilities other than the care and feeding of members of Congress. It's a subset, but they're maybe not as sensitive to it as I think they should be at times. Or members of Congress certainly think they should, so there are procedures. Maybe a member's or a Senator's office gets 10, 20, a certain number of tickets for a tour. And the tour situation I think has changed for security reasons.

Okay, this member's over the tour amount, but the mayor of an important little town in his district comes to town. He wants to take care of him. How do you do that? Can you get the social office to get you a couple of tickets to give to him? Maybe, maybe not. Would you want to arrange a West Wing tour, after hours? The West Wing has been opened up so people can walk through the reception area in the West Wing, through the Roosevelt Room, see the Oval Office, see the Cabinet room, maybe take a quick peak at the press gallery. That means somebody has to stay and do it, because you have to be accompanied by someone on the White House staff to do that, but a perk.

You could take a member, their family, to breakfast or lunch at the White House mess. You could impress someone that way. What you could do if you wanted to expend your time, you could get a White House pass, you could wave visitors in, beautiful stuff. I never did it, because it always seemed to be too much of a hassle, get some members down to play basketball on the White House court out in the back. So that's access to the facility, if you were creative and wanted to spend the time to do it.

A whole series of some gifts affectionately called "chum," which I think is a technical term from fishing, as I know it, where you just take ground-up fish and throw it in the water. So eventually you get the bait—but chum, that starts with M&M's from the White House mess. A little box of M&M's that has the White House seal on it; it's got the President's signature underneath it. People love 'em. All this, I believe, paid for by political funds, the party committees paid for things like that. I mean, presidential key chains, presidential pens—ballpoint pens, not a signing pen—but ballpoint pens. All sorts of little stuff like that, that are great. They love it. Give them a pen.

On this trip to Ireland with a member of Congress, we stopped in a little town and the President got out to greet people and this guy and I said, "We've got to hit a pub." The President stopped, we go over there. Folks knew we were with the President, et cetera, "Let's have a drink." So going in, big deal, I whipped out one of these pens, gave it to the barkeeper, who lit up. I'm sure it's still there, on the wall. It's a vivid example, but everyone's impressed with trinkets like that.

The Kennedy Center is another. To some extent in the Clinton White House, I think an under-utilized resource. I got there and the White House legislative affairs would get four tickets twice a month, something like that, to one of the presidential boxes. It seemed to be a system that evolved. A relatively low-level clerk there in the West Wing was in charge of the tickets. I got

there and I said, "No, no, this isn't the way we're going to do it. We don't get four tickets in the box twice a month. At least once a month, if not more, I want the entire box."

**Riley:** How big is the box?

**Brain:** There are at least two theaters there in the Kennedy Center, the Eisenhower Theater and Symphony Hall, from eight to ten people depending on which one. So you get the entire box for a Saturday night, and if you've got tickets, they say, "Box 00, the Presidential Suite." It's a little memento right there. You get ushered in, there's an anteroom separate from the public area, a refrigerator there stocked with little bottles of wine with the presidential seal, and those things. I doubt there's ever been a use of that box where every one of those wasn't taken. So you sort of mill around and then you go out. I used to take members of Congress and their wives. Even grizzled old veterans get a kick out of it and said to me, "We haven't been here in a long time." Made me think they really hadn't been used as well. The people look over, "Who's in the presidential box? Who's up there?" Things like that.

Riding with the President on Air Force One as part of a group. The President is going to your hometown, but you're traveling with the President, you come off with the President. That's of some utility. In one instance the President was making a trip, a member of Congress was late. We're in the plane, out at Andrews, call comes in, "Congressman's late, says he's ten minutes away. What do I do?" Looked at the President who was engrossed in a game of cards, seems to be happy. I said, "We've got to wait." He looks up, says, "Fine." I believe it was a freshman member of Congress and a relatively tough reelection—we flew into his hometown. He was there with the President, not only coming off the plane but at the events that morning. He remembered that; he remembered that.

**Evans:** That's a big deal.

**Brain:** Traveling with the President on foreign trips. Where he would go on a domestic trip. It's come to be, you go to a site, a school, a manufacturing facility, whatever. But especially in urban areas, where congressional lines and districts are all mixed up, sometimes it matters whether or not you're on this side of the street or that side of the street. You do the best you can in terms of the best site for the message, but also where this member or that member. That can get really testy.

One thing that we didn't do, which other White Houses have done, is hold "member hour," where any members can come down, have a quick meeting, get a picture taken, get a signature on something for a constituent back there. We never had, in my tenure, a block of time like that for the President to do just that. But letters—member of Congress has a child, a letter from the President to the child. Tell them what a big deal, how lucky he is, and things like that. You have to be creative. Sometimes those things are kind of lost in the process. You're too busy with day-to-day work to think; little things add up and seem to be helpful.

**Evans:** How important was help with fundraising? This is the 1990s, soft money kind of took off. The President often traveled around, appeared at fundraisers and the like.

**Brain:** Helpful, very helpful. Both in the big picture, but also more probably the little picture. By big picture, I mean help with the party committees or the congressional committees, things like that. Would the President do an event, show up at DCCC [Democratic Congressional Campaign Committee] or DSCC [Democratic Senate Campaign Committee]. I noticed in my time at the White House an increasing willingness to do things like that. But if the President is going to go to the retreats of both parties, and both bodies do every year, who pays for that? Because it's not official, it's political. There were some heated fights. The Democratic Campaign Committee should pay for that; the DNC's [Democratic National Committee] not paying for that.

So that's just a general idea; you try to be helpful, but it's diffuse. Where you really can be helpful, more specifically, is specific members who have huge campaign debts, let's say, and going to the district, having a big event can be very helpful. One member of Congress from Texas got himself in huge debt, had something in excess of half a million dollars worth of debt. Was constantly telling me that the bank was hounding him.

**Evans:** Foreclosing on his office?

**Brain:** Home. And the interest was something like $40,000 a month, things like that.

**Evans:** Wow.

**Brain:** So the President eventually went down to his district. He had a huge fundraiser, eliminated probably 75 percent of the debt. The President wanted to do it. The guy had been very helpful and supportive of him, but he certainly appreciated it. Things like that.

I'll stop, but even at presidential events, speaking. You work out the program. Members, if it's an education event, well, people who are involved in education policy think they should be there and want to do it. But sometimes, especially in an election year, you want to highlight someone else. You've got to convince people both on the Hill—I know that, say, Gephardt, to use him as an example, wants to speak at this. But wouldn't it be good if we got Member X to do it? You overcome that ego. So without hurting that relationship, taking care of somebody else.

I remember at an education event, we were going to have, in addition to "real people" as they're called, a Democratic Senator and a Democratic House member. The Democratic Senator canceled at the last minute, 20 minutes before the event. Another Democratic House member not scheduled to speak was there, tough reelection campaign situation, on the right committee. I approached him in the reception area with a pen and a blank sheet of paper and I said, "How would you like to introduce the President? Make some remarks, introduce the President?" He said, "Really?" I said, "Go for it." So there, three weeks before the election he got the bump for that. So, almost unlimited resources, just being creative is the challenge.

**Riley:** Great. Why don't we take a five-minute break here and then we'll come back and finish up.

[BREAK]

**Riley:** Chuck Jones had raised a question yesterday about press relations.

**Evans:** There was that series in the *Post,* must be a couple of years now, about Clinton's use of polls.

**Riley:** Polling, I'm sorry.

**Evans:** They featured his polls; I can't remember who it was. Somebody from out of town made the argument that he probably did more of that than recent Presidents, although it's hard to gauge how we would know, but pretty much on a daily basis, or at least a weekly basis, he'd be looking at these polls that had been run by, paid for by the DNC. Did you see much of that?

**Brain:** As far as I know, there was a weekly very senior staff meeting up in the residence where Mark Penn, the President's pollster, and sometimes his partner, would present findings for the week. The assistants of the President would go, not well known, but I went several times in the last year. The President either had a great facility for numbers and insight into polling, which I trust is true, or as someone once said to me, "He's already seen this before. Nobody could be that good." Being 30 pages into it and cutting right through it. I think he's that good.

**Riley:** You do think he's that good. You think he can read a poll that quickly?

**Brain:** Yes, I'm nodding. We haven't talked about it, but I mean the depth of his knowledge in general—

**Riley:** Let's talk about it now. That's something that I wanted to get back to, a little bit more about the President himself and your perceptions of him across the board.

**Brain:** I'll finish the polling question, so that was there. But I never recall any reference to that during the week, or reference to numbers. Having said that, we knew that the President's favorability numbers were high. From public polls, job approval rating, we knew it was in the 60s. Personal approval and behavior was not at that level, so we knew that. That's what you'd expect.

I think I recall reading somewhere that in his personal remains, in his pocket, the night he was shot, President [Abraham] Lincoln had an editorial in there about him, talking about his conduct of the Presidency. So that, to me, a little bit of a student of this, before the advent—we talked last night about polling and public opinion—Lincoln was aware of his public standing. So they've always done it and it didn't ever strike me as a fixation or really informing judgment.

**Evans:** What kinds of questions, because you've got this huge quantity of public polling being done, you mentioned questions of favorability. What would be special about the polls that were conducted privately for the President, was it the way they were phrased? Was it more policy-oriented? I'm trying to get a sense of what he got from that information he wouldn't have got from reading what the ABC News poll produced that week.

**Brain:** You know, you'd almost have to talk to Mark Penn about it. It was just a blur of things. Some in-depth stuff on politics, not a fixation on him. I mean, nothing struck me. Some issues of the day, right track, wrong track.

**Evans:** Just for general stuff, I guess.

**Brain:** That was about it. So, on his abilities. I always had a standard on the Hill, where you're briefing someone, a member you work for or someone on the committee or the chairman. They appear to be distracted, signing letters, answering the phone, not paying any attention. I would say with regard to the good ones, "It would come out better than you put it in." They weren't distracted, they were doing three things but they got it, boom, and it came out better. With Clinton, and I forget the specifics, but this was early on in the Oval, briefing him on something. He said, "So, you mean if . . ." and he connected it with what I thought were wholly unrelated things. Drew the connection, came to a conclusion. I thought back to my comment about members, where it comes out better. I said, "With this guy, it comes out in a different universe." Just wow.

A little bit of a pet peeve. Look at pictures in the Oval Office, of books in the bookshelves that are by and large off to the left of the desk. That was his personal library, part of it. The Presidency and Presidents. I've seen people there in the Oval Office just look and comment. He'd go over and he'd pull out a book and he'd say, "Yes, this is a biography of Madison." Okay, we used to joke, the reason he can do all this reading is that he doesn't have a commute like we do.

One instance we were doing a signing ceremony for the summer home of Teddy Roosevelt, which is on Oyster Bay Harbor on Long Island, and there at the signing ceremony was going to be the member of Congress from Oyster Bay Harbor. So I went out to check in the reception area who was there, make sure he was there, and then go tell the President we're ready, what's going on, things like that. So I went out and there in the lobby is Senator Kent Conrad from North Dakota. He introduced me to the great-great-grandson of Teddy Roosevelt, Teddy Roosevelt IV. I went up to him and said, "Kent, what are you doing here? This is a Long Island bill. Why are you here?" He said, "Oh, Teddy Roosevelt had a long history with North Dakota." Okay, I got it.

I'm going to go in and I'm going to brief the President. I'm going to do my good staff work: "Mr. President, this is the bill. You know we're signing this for—you wouldn't mind if I got on the record Peter King of Long Island, a Republican. This is the ceremony we're doing for Peter King," blah, blah. "Sets up a national landmark of his home. I want you to know that Kent Conrad is out there too, and the reason that he's here—" and Clinton said—I'm making this part up—but he said, "Yes, in 1886 when Roosevelt's wife Mary died and he was despondent, he went to Elkhorn, North Dakota, and was on a farm out there for six months and that's when he . . ." and he's recounting Teddy Roosevelt's activities in North Dakota, founding the Rough Riders. I said, "What do you need me for? What am I doing here?"

That's a particular example. Also, seeing him in some instances, I mean, I saw it related to Northern Ireland, peace in Northern Ireland. This same trip, where he's got on his mind the

future of his Presidency, he knew all of the leaders on all the political sides, talked to them about their desires, the other person's views, what motivated them, how to move them. Not only among the Irish, but also the British. It was said somewhere, the Good Friday Accords, the President was willing to get on the phone at 2 o'clock in the morning and talk about streets and which was going to be where and he knew it. He know those dynamics as well as he would have Austin city politics, Little Rock politics. You could see, in the leaders, that it was appreciated. They knew, even parliamentarians in Northern Ireland knew he knew, he cared, he was willing to work, staked a lot of his reputation on it, but it wasn't a briefing.

I remember going up with him to the St. Patrick's Day luncheon, which the Speaker always has. The President, it goes back to Tip O'Neill inviting Reagan up for St. Patrick's Day lunch, bringing in Irish-American members of Congress, Irish-American leaders, Irish leaders of all sides. Talking to the NSC [National Security Council], I asked, "Do we need to arrange a briefing for the President going up to this thing?" "No, he knows it, he can do this cold. He can do it in his sleep." Sure enough, we went up there and there's Gerry Adams and others. He talked to them off on the side, just knew it cold.

He would even know the domestic politics of members of Congress, how much they won by, or the hot issues, things like that. Finally, and this is more telling stories, but people he would meet, I mean, I would see him meet people in the Oval Office. I remember the granddaughter of a deceased former Governor or Senator, it should come to me, and he said, "Where do you go to school?" Looked school-age. "Georgetown," she said. He said, "Have you had Professor Smith?" "Oh yes, I've got his class, right now, on ethics," or whatever.

Starts talking about things, lectures that Professor Smith gave 30, 35 years ago. She said, "Yes, that's right, that's what we're doing." So it was almost a never-ending stream of surprises to say this guy not only substantively knows more than anyone should about something, but also was able to process it, analyze it. The whole architecture and history of the White House. Members doing tours, hearing him say, "This is the old library. This is where William Howard Taft"—I don't know, see, I forget—"took the first telephone call to the White House." He went on and on and on. I do think at some point I speculated on whether or not he would do a book on the White House, its history and things like that. But just knew it as an avocation.

**Riley:** He didn't sleep much.

**Brain:** No. [laughs] And correspondingly, as a result, we tended not to see him in the West Wing until later on in the morning, in contrast to the stories you hear about George Bush is over in the Oval at 8, whatever. Clinton, you'd see him a little bit later. Most people would say you didn't want to see him at 8 in the morning.

**Riley:** You would get the late night calls occasionally?

**Brain:** On occasion.

**Riley:** How did you learn about his late night calls to the members? Because he clearly did that all the way through to the end. If you're trying to stay posted on that and he's not calling you directly. White House operator giving you a—?

**Brain:** Where we tended to have a better grasp of what was going on is when an elected official would cold-call the President. It would come in, "Senator So-and-so wants to talk to the President." Betty Currie most frequently would call you, saying, "Senator So-and-so wants to talk to the President, what should I do?" Sometimes you'd know what it was about and you'd say, "Yes, go ahead," or, "No, absolutely not. He shouldn't talk to the President at all." She usually wouldn't have them on the phone at that point.

It's delicate to call up a member or Senator and say, "What do you want to talk to him about?" Depending on who it was, "The President's busy doing something, can I help you?" To try to elicit, so you know whether or not you want to have that conversation. But I felt that I shouldn't be an iron wall between that member and the President. The other thing, you'd usually get it from the member. He'd tell you, call you, you'd bump into them or see them, or read about some congressional affairs operations. Or you'd get a call immediately from the President or the Chief of Staff, "I just talked to so-and-so." By the time I got there it was a much more open operation.

**Riley:** You traveled with the President a lot? When you went to Ireland, was that your only international trip?

**Brain:** My only international trip with him. Some domestically. Personally a favorite was going up to Boston with him. Being from that area, flying into Logan on Air Force One, you'd get sappy and say, "Where my grandmother came in on a boat 80, 90 years ago." And then the Colombia trip that I mentioned yesterday, down and back, had a certain amount of work to do with the Speaker. Flushing out the agenda, what we were going to do, where we could work together and where we couldn't. He did a good amount of schmoozing, visiting with the members, went down to where they were. They were generally sitting in one area of the plane, which is private, separate from the press, which is further back. So depending on the trip, the length of it, would spend some time talking to him.

**Riley:** Did he have any friends in Congress, people that he socialized with?

**Brain:** It's a good question. He spent an awful lot of time with members. As we talked a little bit about it yesterday, my perception is he didn't have the historic relations with members because he didn't, in essence, grow up with them on the Hill. He certainly had tremendous relationships with a wide variety of members who all got along well with him. But "buds," that colloquialism, I sense that other members have had longer-standing relationships. Who were his friends? Certainly an awful lot of them that he'd do a whole lot of work with and have over, things like that.

**Riley:** That's work rather than recreation?

**Brain:** They came out of work or even recreation.

**Riley:** But he liked to play golf?

**Brain:** He loved to play golf.

**Riley:** Who did he like to play with, was there anybody in particular? You mentioned there were occasions when you'd bring somebody in. We see him with Vernon Jordan on the golf course or something like that, but not typically members of Congress.

**Brain:** Steny Hoyer was a frequent golf pal. Chris Dodd was a frequent, and a close friend of the President. There was a whole list of folks that he would play with, some of whom he'd even call up on his own on Saturday morning. "It's bright and sunny, let's go."

**Riley:** Card playing, did you ever play cards with him?

**Brain:** Once.

**Riley:** Tell us about it.

**Evans:** What did you play?

**Riley:** For the record, that brought a broad smile on the respondent's face.

**Brain:** The President was going up to Princeton, New Jersey, and then on to a fundraiser in New York City, where he was going to be with Charlie Rangel. Members of Congress would be on the trip, therefore somebody in legislative affairs would have to be there with him. Bright and early that morning I decided that I didn't have anything I needed to do, that I was going. Just one day, up and back. Princeton, New York City and back. I was going to do it.

Normally the chief of staff for the trip—it wasn't necessarily the Chief of Staff, but whoever was going to be the senior person on that trip—would be the one person to go out from the Oval, go to the helicopter and go out to Andrews. I made the decision so late that I was going to go that I couldn't drive out to Andrews in the staff van. So, okay, I had to go on Marine One. I'm thinking, once in my tenure on the Hill I had taken a helicopter out of the Pentagon up to Memorial Bridge and down in between the Lincoln and the Washington monuments. A rather unique view of Washington. *Okay, I'm going to lift off from the lawn of the White House, going to get a great view. I just can't wait to see this, all of this*.

I get on the helicopter, sit down. The President says, "Come over here, we're playing cards." I think the name of the game was something like, "Oh Damn," a game I didn't know. You have to predict how many tricks you're going to take and gradually you've got to take more tricks or something like that, and if you take fewer something, so I don't know this game.

**Riley:** How many card players are there for this game?

**Brain:** Three of us. Somebody sitting at the table, the President sitting there and he said, "Kneel down."

**Riley:** Kneel down?

**Brain:** Meanwhile the pilot's saying, "FAA [Federal Aviation Administration] regulations require everybody be in their seat with a seatbelt on. The chairs have to be upright." He's saying everybody's got to be sitting down. Okay, I figure the President trumps the FAA regulations. I'm kneeling there, trying to concentrate on this game he's teaching me. I never saw the White House, never saw anything in Washington, all the way from there to Andrews Air Force Base. I saw my cards. Didn't look out the window once.

But we got up there and we kept playing all the way up to Princeton. Just kept this game going. We get up there, we're five minutes out. He took a look at his notes. As I said, this was Princeton and he was giving a featured lecture to a bunch of academics on a high-minded foreign policy issue. He spent five minutes with the speech. Playing cards the whole way up. Got there and knocked the ball out of the park. Another good example of that, but I do regret not seeing the view of the White House.

**Riley:** I can imagine. But it makes for an awfully good story, I'm glad we got it. Let me ask the reverse of the other question, were there people on the Hill that he particularly disliked dealing with?

**Brain:** [Chuckle]

**Riley:** "Oh my God, this guy's coming?"

**Evans:** Any obvious candidates?

**Brain:** You knew it and avoided it. You just wouldn't put him in that sort of situation. I mean, by and large, he could get along with virtually everyone. Rick [Enrico] Lazio, who eventually was the Republican nominee against his wife in New York, in a phase when they were both rumored to be running, but it was clear that if he ran there would be a primary. This guy could be running against his wife. He was down in the Oval Office for a signing ceremony and they could have been old buddies. Actually talking about New York politics as an analyst, and eventually he was the nominee and she beat him.

In legislative affairs there are some people who when they come to the White House, you thought they pushed the envelope a little bit too much, demanded treatment that went beyond. They were a pain in the butt to deal with. We had one member of Congress who didn't feel that she was accorded the respect due a member of Congress. I think she said the Secret Service insulted her and we had to do a little inquiry about what went on. Nothing like that happened, but she was a pain.

**Riley:** You said yesterday that you had never seen the flashes of anger that many have reported as part of the President's personality. Am I recalling that correctly?

**Brain:** Yes. If I have an explanation for that, I think by the years six, seven and eight, certainly the White House staff should know what he likes and doesn't like. How to organize, how to be prepared. It was a well-oiled machine.

**Riley:** You certainly don't get that impression from the first couple of years.

**Brain:** I could speculate, did he mellow over time? I don't know. But the place sure ran, it was a sure hand. You got the feeling adults were at the reins. When there was going to be an event, statements were done, we were ready, we knew what we were doing. I didn't see any real reason for that.

**Riley:** Let me probe on that just a second with respect to the President's temperament. Did you see any changes in his temperament after the impeachment vote had failed in the Senate? Was there a visible sense of relief at that point? I suppose my question presumes that there was some noticeable weight on him as President during the period of time when all the difficulties were going on in '98. So I suppose I should ask you if that assumption is correct, that you could visibly see the weight on his shoulders, and could you visibly see the weight lift after the impeachment vote?

**Brain:** I don't think so. I think there were times you could probably look at him and say, "Jeez, he looks tired, he looks rough." But it was probably more a reflection of you, yourself reading events into it. The President also had bad allergies, so quite frequently he could be all stopped up and red-faced, just not looking good from allergies. But, as I said, his ability to keep moving forward through all of it, almost disentangled, bipolarized, if that's a word, all of that from the rest of the job, was remarkable. He kept the rest of the White House staff who weren't involved in impeachment or those who were some of the time, just involved in, as you said at the time, at the job the American people hired us to do.

Even that event we talked about where the House members did come down, I guess you'd have to say it was a joyous event, clapping, et cetera, but it wasn't high-fiving. It was meant and did convey support and continuity, but not relief. I mean it was still in the middle of things.

**Riley:** Let's talk about heading into the 2000 election. You touched on Gore a bit yesterday. What was the dynamic like in the White House between the Clinton people and the Gore people during 2000 as the election is unfolding?

**Brain:** One thing to get in the record, going back a little further than just the legislative affairs perspective. I came in in the beginning of '98, the '98 elections looming, and I'm thinking to myself*, Great, Dick Gephardt and Al Gore are going to be running for the nomination*. So they're going to complicate my ability to do my job in the House. I'm using Dick Gephardt's office every day, he's the leader, we're working with him. This is going to be hellacious. Then we had the '98 elections, Democrats in the House pick up seats. The next day, I concluded that Gephardt would also conclude he had a better chance of becoming Speaker in 2000 than he did at unseating an incumbent Vice President for the nomination.

**Riley:** Right.

**Brain:** So that he would quickly switch and be running for Speaker, as opposed to President. I think within a matter of weeks it happened. I breathed a sigh of relief, saying, "Now we can get on with the job." Those two years—impeachment had a role to do with it too—were probably the most harmonious years that I think of in the Presidency with the Democrats. We were doing things to try to help them, which I don't think was the tone, it wasn't always present in the administration because they were trying to get things done, especially in those middle years.

**Riley:** Would that have been the case, would that have remained the case had Clinton been eligible for a third term?

**Brain:** Post-impeachment? Yes. We were sort of married. I don't remember anybody talking about it. I do remember George Miller, as I mentioned before, telling me that he had told the President that on a policy matter, "If you screw us on this, *I'll* move to impeach you." So that was sort of a bonding that occurred through the eight years and especially I think through that period.

The Vice President's staff had access, was around at most of the regular senior meetings. At the senior staff meeting, somebody from the Vice President's office, the Chief of Staff, Deputy Chief of Staff. Then subsequent policy meetings that there'd be. From my perspective, the legislative affairs perspective, it ended there. We weren't arm-in-arm with them throughout the day, throughout the week. It didn't necessarily change over the course of the three years. It was joined at the top, initial big decisions. We knew what they were doing, they knew what we were doing, but I don't sense it was coordinated all the way down. I guess there were instances of, "What do you want, what would be helpful policy-wise," but not an undue focus in on that. More sort of, "Do no harm."

**Riley:** I suppose that the pressing question, getting closer to the election, is the extent that the Gore people insisted on making that campaign their own campaign. There was at least a popular perception of people who were paying close attention to the President that there wasn't a willingness or desire to use the President during the campaign. You'll confirm that that was the case?

**Brain:** Yes, I don't think you can point to instances of him being used.

**Riley:** You think that was a mistake on his part?

**Evans:** Well, Arkansas went for Bush.

**Brain:** Yes, the proof's in the pudding. Who's sitting in the Oval Office right now? But I think from the standpoint of the working of the White House staff, everyone realized that but for some accident in personal history, we could have been one of them. We'd work together in different capacities. His Deputy Chief of Staff, I'd worked with her on the Hill. You also presume you're going to work together—so it's a pool of Democratic staff, operatives, whatever word, who at this particular point in time, this is where you sit and this is where I sit. So while they make decisions or that organization makes decisions you disagree with, okay, it's their race.

I think we were increasingly focusing on finishing out the term, because the work of the Congress wasn't done. I had for months told people that I can't wait for October 15th. On October 15th, I am going to be head of congressional affairs for a lame-duck President with the Congress having adjourned. It doesn't get any better than that. [laughter] It turned out that they came back in lame-duck session, in through the middle of December. In fact, we left the last meeting on the budget deal and went to the White House Christmas party. So they were there that long. So we had to focus in on the job. It was our job. They had another job to get the Vice President elected, in which we supported them 100 percent. We tried to help, but it wasn't our primary focus.

**Evans:** Just overall, if you look at those two or three years, anything stand out as the administration's biggest disappointments legislatively? This is above and beyond impeachment, obviously that wasn't a pleasant experience, but things that the President and the administration really wanted that they didn't get?

**Brain:** I think the President really would have wanted to deal with Social Security as an issue and related to that, deal with the whole issue of retirement savings. We had a proposal, "USA accounts," savings incentives for everyone matched at lower income brackets, dollar for dollar. He would have liked to have pulled off both of those, as well as Social Security reform. I think after the '98 elections, almost in and around the midst of impeachment, we had a weekend seminar down in the White House on Social Security reform, with some presentations and meetings in the Old Executive Office Building and across at Blair House. D's and R's, experts, all of that. I think he would have dearly loved to have done that. Couldn't.

He would have loved to have done minimum wage increase at the end. Long-term care insurance, which was a frustrating topic, I know, for him. On the trip back and forth to Colombia, he talked to the Speaker about it. Republicans on the Hill decided yes, long-term care as an issue, we need to address it. So we agreed on the substance; it was a problem with how to finance long-term care. They had an approach dealing with purchase of insurance to deal with it. We had a different approach in dealing with the expenses of doing it. How do you marry the two? So you think you're close, should be able to work it out, but never really could.

I have a feeling that left to the Speaker and us, we could have worked it out. The President was also so frustrated, we haven't talked about it at all, but the latest round of WTO [World Trade Organization] negotiations, the whole trip to Seattle, to get those negotiations going. He would really liked to have done that, but it wasn't to be. So it's a list of frustrations, both domestic and internationally. I think probably if you've seen his subsequent big focus in on Africa, poverty, AIDS in Africa. Direct flow, very predictable. People say, "What's he going to do afterwards?" One thing, he's going to focus in on Africa.

It relates back to the Africa Growth and Opportunity, that trade bill he really wanted. We can do this, should do this as a country, and I think that represents an approach to foreign relations that is typical of Clinton and whatever he stood for. This is important to do but not just the traditional foreign aid, but with trade. We're going to make how this works, together it's going to better—

I'm sure he's frustrated with lack of progress in Northern Ireland. Not as much involved, but also probably Middle East. Forget terrorism, which I don't know anything about.

**Riley:** We asked you yesterday at dinner if you knew [Richard] Clarke, the fellow who's just written a book.

**Brain:** I remember one night in the middle of the Kosovo bombing, a Saturday night, I was out with my family having dinner. Pager rang, and it said, "Congressman Mac [Michael Allen] Collins wants to talk to you." So I called Congressman Mac Collins, got him at home in Georgia, and he started yelling to me about bombing in Kosovo, "This isn't going to work." My initial reaction was, *I don't do bombings. This is not in my portfolio. I do taxes, I do trade. I don't do bombings*. But then I thought, *I guess I do. In this job, I guess I do.* So I started yelling back at him, "This is going to work, you stick with us. Don't second-guess the President. We know." I was making it up, but eventually it calmed him down, and the policy worked in Kosovo. Some big votes.

**Evans:** Yes, there were early on. There was one that went the other way, I think Hastert and DeLay dropped the ball, and they re-did it. It was probably over a supp [supplemental appropriations bill] and some Kosovo votes on that. I assume that you all were all over those.

**Brain:** Yes, yes. And that was one they didn't want to get on the wrong side. Yes, left to their own devices, they probably wouldn't do it, but the President's out there, leading. I mean, a little bit of at the water's edge, we're all one. Also a little bit of political calculation. It's easier to be with the President. If it fails, "Hey, we were with the President, he knew." So they're playing catch-up ball.

**Evans:** On a vote like that on foreign policy, you would have done a fair amount of work with the Republicans, or would you have relied on the leadership on that side?

**Brain:** No, quite frequently we were the only group that talked to everybody. There would be months when Gephardt's chief of staff didn't talk to Hastert's chief of staff.

**Evans:** Yes, I know at one point they didn't talk to each other for a year and a half or something absurd like that.

**Brain:** Right, whereas in my job, the four people I talked to the most were the chiefs of staff for the four leaders. More in the House than in the Senate, where they've got to talk to each other just to work out the schedule for the day. I would be relaying messages, tell them what was going to go on. So an issue where we were going to be working with the Republicans and needing their votes and things like that, we'd deal with them directly.

**Evans:** So how often would you talk to—I don't recall who was chief of staff to Hastert at that time—

**Brain:** Scott Palmer.

**Evans:** How often would you talk to him?

**Brain:** Daily.

**Evans:** Daily?

**Brain:** Oh yes, several times a day.

**Evans:** Along the lines of, what are you hearing? How many votes are they going to be for this? What's the schedule going to be like?

**Brain:** Yes, what are you doing? All of it, just constantly.

**Evans:** So those are conversations that he might have with you that he wouldn't have with his counterpart on—

**Brain:** Absolutely, no.

**Evans:** So you were going to talk to, you were sort of the conduit.

**Brain:** A conduit of that. Knowing when to respect confidences. It's especially difficult when you're working on something with the Speaker's office that the Democratic leader wasn't necessarily wanting to be party to. But again, you're working with him daily, using his office space, so you tread lightly on that, but talked constantly. I can remember I talked to him the morning of Elian Gonzalez. Again, one of those things, "I don't do—"

**Riley:** Immigration.

**Brain:** —immigration. He yelled at me, "Why, why did you have to go in there with guns?"

**Evans:** This is his chief of staff?

**Brain:** His chief of staff, who talked to the Speaker, I believe, about it. "Why did you have to go in there with guns?" It's an example of the job. I didn't know any more than I did watching CNN. We'd all seen. Nobody checked with legislative affairs to see if I thought Trent Lott would be okay with this. But at that point, you can't show any distance between you and the administration, what you had just done. So you just push back very hard. "Hey, listen, we had to go in there with guns. What would have happened if all of a sudden we get some INS [Immigration and Naturalization Services] agent blown away? Would that have made you feel any better?"

Again, just making it up, making up the argument at the time. Because the worst thing you want to do is say something indicating some uncertainty, lack of clarity, and then have it repeated. This is a side issue, but the number of times you would eventually hear what you say come back to you, "Well, Chuck Brain said—" Most of the time untrue, but then you'd say, "Why is

anybody quoting me? Don't they have better things to do with their lives?" But I was dealing with them all the time.

**Riley:** Did the NSC staff have their own congressional people?

**Brain:** Yes.

**Riley:** When you said you don't do bombs, literally you would typically rely on them to do congressional affairs when it related to foreign policy questions?

**Brain:** A lot of it. I mean, the day-to-day stuff, certainly. The first NSC congressional affairs staffer—this is the trivia question—was Madeleine Albright. So it's an upwardly mobile position.

**Riley:** She was for a Republican, wasn't she?

**Brain:** No, Jimmy Carter. She was in the Carter White House and had that job and convinced whomever at the time that she really should get to go to meetings and know some things.

**Riley:** [Zbigniew] Brzezinski.

**Brain:** Right.

**Riley:** This is now beginning to piece together.

**Brain:** So a guy by the name of Miles Lackey. Miles worked for Bonior, probably had for the last two years of the administration. So he worked for David, came down and did that. I'd known Miles for years, so I had no problem—

**Riley:** Did he report to you?

**Brain:** I'm tempted to say, "When there was a problem." He reported to [Sandy] Berger, but we had fairly close communication. We had a special assistant who really worked for both of us. A person in their discussions, in our discussions, so it was fairly harmonious, especially briefings on the Hill at times like the Kosovo bombings. You'd have to know when to have briefings up on the Hill, secure briefings, in part to impart knowledge and in part to diffuse pent-up pressure. A lot of those would be mutual decisions to do that, but they'd have their own staff.

**Riley:** Did you have much to do in the outward transition? Were you consulted much by the incoming people about things? I guess Nick Calio had already been there before, so—

**Brain:** Nick had been there before. The general rule came down, "There may be from time to time some incoming Bush folks coming around. Help them out, don't kill yourself, but be helpful to them." I probably talked to Nick once or twice, just generally laughing about it—and nothing changes, I mean physically. The desk was the same place that it was when Nick came to that job,

when he left it, all the furniture was still the same. Telephone numbers and all that. I actually left—and the whole departure is a scene unto itself.

First of all you had to manage, towards the end you have people who know the end's coming. I had told people throughout the fall, "Nobody here is assured of a job. We all hope Al Gore wins. Al Gore has no commitment, need to keep any of us. There are people out on the campaign trail right now who are helping him get elected. We're not, so start looking." It poses a problem if you have good people who are leaving in November. We wanted to keep the office running, be responsive, doing things right straight through to the end. Signals were sent from White House personnel that we'd have the resources to do that. You needed to hire somebody, people were leaving, and you need to replace them, fine. You need to keep doing the function, fine. So it posed a problem that way.

Then you get right down to the very end. In terms of discussions of Bill Clinton as a lame duck, we mentioned minimum wage. We were, over New Year's, engaged in discussions with Kennedy and Bonior about coming out, sending to Congress a message for a minimum wage increase. You get a new Congress coming in January 3rd, we're there until January 20th.

**Evans:** So you've got a couple of weeks.

**Brain:** You've got a couple of weeks. The question is, what sort of budget do you send, things like that. You're still President. I've always taken this as a sign of how responsible the administration was generally—not taking any personal credit for it—we were more than willing to ask Congress, the new Congress, for an increase in the minimum wage. Except that the most we could justify, being responsible and non-inflationary, was a buck. Kennedy and Bonior wanted a buck and a half. Even there, two weeks from leaving, couldn't do it. They said, "The President calling for a dollar increase is not going to be helpful. If you do a buck and a half, fine, this will be great." So we said, "Sorry, we can't do that."

That was the beginning of January. Monument designation continued. Up to even the pardons. A couple that got notoriety. I tried to get, on the 19th, Congressman John Lewis and Scott Palmer wanted a couple of things signed. The very last things, right down to Betty Currie. I said, "Betty, this is for the Speaker's chief of staff, picture from the Christmas party. And then two, these are from Congressman John Lewis. Beautiful picture of the President, reading with his reading glasses, from what's obviously a church's podium, reading from John Lewis's book, beautiful. Can you take them inside?" Normally, she would. She called me in a half hour, said, "Not going to happen, he's just busy." He was meeting with counsel, et cetera, and going through some of the pardons.

The scene now is that everyone's got to get out. Midnight on the 19th, you turn into a pumpkin, gone. It was a Friday. All through the day the pace was kind of building. More cars than usual out on the driveway. People taking out boxes, borrowing hand carts. You know everything has to be gone. The painters are going to come in, rip up all the carpet, paint all the walls, put everything right back exactly where it was. So you've got to get everything out. Gene Sperling, I think, didn't start until about 10 o'clock that night. Gene in fact said, "They'll let me come in Monday." We said, "No Gene, I don't think so."

But I never got around, was told, "Your computer's going to shut down," because the same computer's going to be there Monday morning as was there Friday night. Those steps had to be taken, for security—

**Evans:** Yes, hard disks removed.

**Brain:** Yes, from one Congress to another. I was still working and the computer just went [snaps fingers], went off. Control-alt-delete. Nothing. That was the end of it.

**Evans:** The administration was over.

**Brain:** The administration was over for me. Two other things. One the transition, and one the finality of it. In legislative affairs, there's a safe in the office. I finally said to somebody, "Who's got the combination?" We don't use it. It hasn't been used for a long time. I said, "Okay, somebody's got the combination. Let's figure out what it was." There were a couple of old secret documents in there, like five years old. I said, "Here, take them to somebody. Do whatever you do with secret documents."

So Nick being a friend of mine, I took a ream of Xerox paper, a couple of yellow pads, some scotch tape, scissors, pens, stapler, put them all in the safe, spun the dial and locked it. Then Monday morning I called and said, "Here it is." And also a telephone directory. There was a new press secretary, but the press office is still the same telephone number, so to take care of that. It kind of aggravated me, all the stories of the W's—I mean, if there were two or three or whatever, still that turned out to be a fiasco, where I think mine was not quite typical but was a smooth transition.

My sons came by the office during the last day, just to see at the end. The older one was going back to college the next day, Inauguration Day. My entire staff was there in the office, pizza, beer. This was an old-fashioned sort of party, playing charades, etc. I left, said, "I came to the White House with my dignity, I'm leaving with it." So left, got home. My son said to me, "Did you bring my coat?" I said, "What coat?" "On the coat rack in your office." I said, "Take my coat back to school, it'll be okay." He said, "My wallet's in it." Called my office, got my assistant and said, "John's coat is there. I've already turned in my White House pass." So she said, "I'll come out to the gate. I can't go outside because I've turned in my pass. But I'm in, they're not going to harass me right now, I'll pass it through the gate to you."

I had been what some people would call "a big deal" before I left, and now I'm going to have to have personal effects passed to me through the gate. My son said to me, "I can't do that to you." He said his brother Michael and he would go in, they'd get it. So they went and it was passed through the fence to them, but that's the finality of it, just gone. There are other stories from previous administrations that are even more vivid than that.

**Evans:** It switches.

**Riley:** I've got one final question, so my timing is good. About Clinton's legacy, have you thought much about how history will view him and ought to view him? In particular I'd be curious about your sense about his legacy for the Democratic Party, whether on balance it's been a positive one or not.

**Brain:** First of all, in general I think history is going to judge William Jefferson Clinton very, very well. While no administration can take all the credit or deserves all the blame for the broad economy, a $3 trillion economy, he initially made the decision way back as Governor that he was going to be for NAFTA, embracing international trade. Pushed that consistently through his term in office all the way, right through the end. The economists tell us that's part of economic growth. But similarly as we alluded to in talking about Africa, the President also saw that as a tool of economic development and foreign relations, engagement in the world. I think [John] Kerry recently quoted the President, referred back to him, the President said the United States was the indispensable nation.

I think his approach to the economy, international relations, we have a special place in the world. Partly as the world's only superpower—and it isn't to dominate, to control, to intimidate, but to inspire and bring along. Thus you have him spending all this time on Northern Ireland or South Africa. It doesn't take Bill Clinton, an American President, to get a favorable response in Ireland. He received overwhelmingly similar responses on other trips he'd been to around the world. I saw it in Colombia too. Foreign dignitaries knew they were dealing with someone they could trust, who had their best interests at heart, and they could work with.

A domestic agenda, again, whether or not this developed throughout the eight years or was a product of what we find ourselves in with a Republican administration, but having eliminated the deficit. I spent the '80s on the Hill doing a budget every year, a reconciliation bill every year, and every year used to joke, "Do a reconciliation bill, cutting the deficit by X." Before the members got to National Airport to take off, there was a new estimate that the deficits were worse had we not done it. And that's not a result of the economics of tax increases. We finally did it. He took considerable pride in that. That's how I think history will look back at those accomplishments in that period of governance.

Democrats still have a hard time with the Clinton Presidency. He's now sort of been rehabilitated, and part of it was self-inflicted with the pardons at the end, which left a very bad taste in the body politic. What could have been a very smooth transition out turned out not to be. We had continuing investigations after we were out of office. I was working on the Hill and I had to go to a few members of Congress, almost my old job, "Can you help out? There's going to be a hearing." Or they're looking for every gift the Clintons ever received and what they did with them; it's going to become public.

Right now, not one member of Congress, a Democratic member, wouldn't want him to come to their district. I mentioned, maybe it was at dinner, the President doing a Tom Daschle fundraiser a couple of weeks ago. Rousing ovation, reception. He's still got his game, hasn't lost a beat. I think the saddest legacy of the Lewinsky—I don't think we said this for the record yesterday—the Lewinsky affair wasn't what he wasn't able to do in those last years in office. It complicated it and Al Gore dealt with it, but in part, my analysis is, Gore didn't find a way to distinguish

between the Clinton agenda and program and the Clinton personal behavior, and didn't run on the former. Had he run on the former and won, then I think we'd have more continuation of the same, I'd say restrained, focused, activist, domestic government.

The President used to talk about prudent investments. Got to make investments for the future, be it cops, teachers, technology, which is different from a huge spending agenda. I quite frankly see—I don't think anyone has written about this—but the Kerry agenda doesn't look a whole lot different to me than the Clinton approach. Politics changed a little bit, but moving on the top bracket in terms of tax increases. Spending increase, yes, but it's a responsive government. It's less of a free trade agenda, because the politics of that are so changed for everyone but, he has talked about that. Trade and economic dislocation, fallout from that, is a fact of life. We can't do anything about it, but we should do things as a result of it. You could hear that coming out of Bill Clinton's mouth.

Not a surprising ringing endorsement from someone who was there at the end, although as we talked about, I wasn't there at the beginning. My job was going to continue on in the Ways and Means Committee process, whatever, work with whomever got elected, see if we could do this.

**Evans:** Just where we started. You came out of Rostenkowski's shop. He was influential, very charismatic, very powerful guy. He must have influenced the way you approached legislation and politics, a style that stayed with you. Is there anything to that? Lessons learned at the feet of Rosty?

**Brain:** Probably. Almost any approach, any reaction is embedded in there from Rostenkowski.

**Evans:** Because you were just out of school almost, most of your time was with Rostenkowski, sort of formative years professionally.

**Brain:** Yes, virtually, 13-14 years. I was probably 30 when I was hired by him, so I spent my 30s and early 40s working for him. I should probably spend some time figuring it out and writing it down. Not dissimilar from Clinton, you're in government or in these positions to get something done. Somewhat activist, but used government as a positive force.

The electoral politics of it, it's a different lobe of the brain for a different time. Clinton used to say it well, because it never really came up in the Rostenkowski context. He didn't worry about his district politics and didn't need to worry about it. He'd raised money for the DCCC, but he didn't have to worry about the bigger picture. But Clinton would say, "Let's pass what we can through the Congress. They'll be enough left over when we get to election time that we can have a fight over what wasn't done." Sort of different seasons for both legislating and politics and I think I learned that from both of them.

Understanding the other point of view. People on the other side aren't evil. Different views, different set of needs, backgrounds, goals. You've got to figure out what those are and how to accommodate them if you can. If they're willing to engage you on that same basis, well, you can sort of work it out. That's what I think much of our working together with Republican administrations—we were able to do it sitting down and working toward a common goal.

Similarly, and this is more a Rostenkowski thing, if someone is not willing to engage like that, they're just going to be against you. It's a Rostenkowski quote, "If you're going to be against me, I might as well screw you real good because you're still going to be against me." I never heard that come out of Clinton's mouth.

It's probably a time on the Hill before me really—I saw some of it—members fighting like hell on the floor and then on a bipartisan basis going out and having dinner. Rostenkowski traveled every weekend to his district, home. This was before members flew, three of them bought a station wagon. One would drive, one would talk to keep him awake, one was on an air mattress in the back asleep. This was every weekend. Bob Michel was one of those people. You work things out with Bob Michel. Eventually Newt Gingrich took him out, but we could work it out. Some folks don't want to.

**Riley:** How many Democrats would go to sleep in the back of a vehicle being driven by Tom DeLay now?

**Brain:** Can you imagine DeLay and Pelosi going to dinner? One final note from my behalf. We talked about the legacy. Without engaging the vast right-wing conspiracy, I do think at some non-coordinated level there was an instinct, a fear of Bill Clinton as a political leader and what he would be able to accomplish politically in this country. Folks early on decided, "Let's start the drumbeat, let's go. Go back into Arkansas days," and like that. But I believe the first impeachment, Bob Barr put in the first impeachment resolution, long before anybody knew the name Monica Lewinsky. Just, I don't like this guy.

It wasn't a personality thing, because he can get along with everybody. I think it was potentially, a transformational figure that impeachment—a Gore Presidency was stopped in its track. Do we pick it up in a Kerry Presidency? Do we pick it up in another Clinton Presidency? I don't know. I'm sure there are members, as we said, the Democratic Party, who haven't embraced it yet.

**Riley:** Well, that will be something for subsequent generations of interviews or interviewers.

**Brain:** We shall see.

**Riley:** We're very grateful for your time, Chuck.

**Brain:** I enjoyed doing it.

**Riley:** It's been fun for us, but I feel like we've learned an awful lot and you've done a splendid job of making contributions to our store of knowledge, and we appreciate your doing that. People will be looking at this for a long time to come.

**Brain:** Thank you. Some raw data in there, some stories we got on the record, maybe we also made some sense.

**Riley:** Thanks for taking the time.