EDWARD M. KENNEDY ORAL HISTORY PROJECT

INTERVIEW WITH NICK LITTLEFIELD

February 14, 2009
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Interviewer
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TRANSCRIPT

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Young: This is an interview with Nick Littlefield, in Boston, February 14, 2009. We're picking up, Nick, on some key events of 1997.

Littlefield: Right. I'm going to lead into 1997, Jim, if it's all right, by recapping the election of 1996, and then we'll head into 1997 with the children's health initiative.

When we were last together, I spoke about [Edward] Kennedy's great legislative achievements in the minority in 1995 and '96, over the objection of the Republican, Newt Gingrich–led majority. He was able to enact the Kennedy-[Nancy] Kassebaum health regulation legislation assuring portability of health insurance and minimizing preexisting condition exclusions, which also included the HIPAA [Health Insurance Portability and Accountability Act] legislation. That had to do with all sorts of rules regarding privacy of medical records, among other things, and was the first step toward widespread adoption of interoperable health information technology and electronic health records. He was also able to enact legislation raising the minimum wage.

I want to pick up at that point because just before the summer recess, on August 3, 1996, President [William J.] Clinton invited the Democratic leaders, including Kennedy, to the Cabinet Room in the White House for a meeting. At the outset of the meeting, he said he wanted to offer a special word of thanks to Senator Kennedy, who had been, as President Clinton put it, "superb as our leader on the floor in enacting the healthcare and minimum wage bills." "It's a very happy day," Clinton said. Then Senator [Thomas] Daschle reiterated the President's compliments and, overall, it was another triumphant day for Senator Kennedy because everyone recognized what he had done in this very difficult climate, in the minority.

There was considerable additional press that referred to the work Senator Kennedy had done, as well. In the *New York Times*, the weekend after the meeting with Clinton, Adam Clymer wrote, "When the legislative record of the 104th Congress is complete, the names of Republicans like Newt Gingrich, John Kasich, Bill Archer, Bob Livingston, Tom Bliley, Pete Domenici, and Bob Dole will dominate it—along with that of a Democrat whom most of them have battled or disdained during their careers. Probably not since Senator Everett Dirksen and Representative William McCulloch provided a critical balance in getting civil rights bills passed in the 1960s has any member of the Congressional minority influenced the agenda as much as Edward M. Kennedy has this year."

Everybody left Washington then and Kennedy went to the Cape. It was time for the conventions. There was the Democratic Convention in Chicago, at which Senator Kennedy spoke. I happened to have fun with Senator Kennedy in August because there were going to be the bill-signing ceremonies for the minimum wage and the Kennedy-Kassebaum bills. My wife and I had rented a cabin on the coast of Maine, up in a town called Brooksville. The cabin had no running water or electricity, but the Senator called me up in Maine, which he knew very well because he'd sailed up there many times. In subsequent years, he actually came up there when we were there and we visited with each other and sailed around the bay. I remember him joking with me that he assumed I'd come down from Maine for the bill-signing ceremony, but I told him I didn't think so.

Young: Why not?

Littlefield: Why didn't I come down? Because I was on vacation in Maine and there was no reason for me to be there for the bill signing.

The convention in Chicago was a very emotional time because some of the symbols of tragedy and triumph featured Sarah and Jim Brady and Christopher Reeve. I remember Jim Brady getting up out of his wheelchair to walk across the stage to praise President Clinton for supporting the Brady Bill, to limit the sale of handguns; and Christopher Reeve, motionless in a wheelchair following the horseback riding accident in which he broke his neck, talking about the importance of government and federal research that would someday find a cure for spinal cord injuries.

Kennedy's speech was on Thursday night and was a rousing pep talk for Democrats. The Senator brought the audience to its feet in laughter and applause when he attacked "the education-cutting, environment-trashing, Medicare-slashing, choice-denying, tolerance-repudiating, gay-bashing, Social Security-threatening, assault rifle-coddling, government-closing, tax loophole-granting, minimum wage-opposing, Republican majority that dominated the delegations in Chicago." He mentioned Bob Dole, the man he had driven from the Senate, who was now the Republican nominee for President, and described him as "the compliant partner in the so-called Gingrich revolution. Newt Gingrich thought it up but Bob Dole swallowed it hook, line, and sinker." It was a rousing and funny speech and a triumphant moment for Kennedy because he was the man who stood for Democratic resistance to what the Republicans had been trying to do.

In September, when Congress reconvened, Kennedy kept up the attack on the Republicans' extremism and hammered away on the Medicare issue, hammered away on the cuts to education, hammered away on the cuts to other social programs. Bob Dole tried to take credit for the passage of the Kennedy-Kassebaum health bill, which in fact he had resisted. Kennedy went to the floor to clear up the situation, saying Bob Dole had personally tried to kill the Kennedy-Kassebaum bill. In the end it was bipartisan, but without President Clinton's leadership it never would have become law. The bill languished on the Senate calendar for months with no hope of passage because Bob Dole refused to let the Senate act.

The back and forth between Democrats and Republicans continued through September and into October. Just before the Senate adjourned, Senator Kennedy introduced, with John Kerry as cosponsor, children's health legislation that would increase the tax on tobacco products and use the revenues to provide health insurance for ten million uninsured children in America. He was

laying down a marker and putting out in front, on the record, children's health legislation, which I'm going to describe in detail, and which of course didn't happen until the following year.

Other important legislation was still passing in October to which Senator Kennedy had been very committed. One of the bills Kennedy had been the force behind getting done was the omnibus parks legislation, which created national parks, including four national parks in Massachusetts: the New Bedford Whaling [National Historical] Park, the Boston Harbor Islands National Recreation Area, the Essex County Heritage District, and the Blackstone River [Valley National] Heritage Corridor.

Everything was looking very good about ten days out in front of the election for Democrats. They were ahead in the generic polls by eight to ten points. They were very confident, but as election day closed in, the press began to focus its election coverage on Democratic Presidential campaign fundraising. The story of foreign money going into the Democratic Presidential campaign dominated the coverage and led to the dissipation of the momentum that the Democrats had created leading up to the election. On November 5, election day, Clinton won a landslide victory in the electoral college, receiving a vote of more than 49 percent to Bob Dole's 41 percent and Ross Perot's 8 percent, but the Republicans held control of the House by 20 seats and actually increased their control of the Senate by two seats, to 55 to 45.

Kennedy talked to Clinton on the night of the election, and they talked about the agenda going forward. Clinton said he needed to get together with Kennedy and the Democrats after the election and put together an agenda that everybody could support. As I think about that call from Clinton, it brings me back to the two years before, when things looked so desperate for Democrats. Here, Clinton had been reelected two years later in no small part because of Senator Kennedy's having defined the differences between the Democrats and Republicans. He led the charge to dramatize the difference, and then turned the public's interest in things like minimum wage and healthcare and education into legislative achievements, which of course President Clinton highlighted in his campaign.

Not the least of Kennedy's contributions to the reelection effort was his creating a situation where Bob Dole could not continue to stay in the Senate and have any chance, because he had lost control of the agenda to Kennedy. Once Dole left the Senate in April of election year 1996, he flailed around for five months before the election, having no base from which to operate, and never pulled it all together. His notion was to demonstrate his leadership by how he managed the Senate, but Kennedy made that impossible because Dole couldn't support health reform or the minimum wage increase and hold the support of the Republican right wing that he needed to be elected President and even to get the nomination. He couldn't support these popular initiatives that Kennedy was pushing, but if he was seen as opposing them, there would be nothing but gridlock in the Congress. He also would be exposing himself as someone a) who couldn't get things done and b) who was opposing things that seemed to be very popular and which the general electorate really wanted. So Kennedy played a very crucial role in that election in many ways.

Now we're going to go to the story of children's health insurance because it's probably one of the most important legislative achievements of Senator Kennedy's career in healthcare. There were many key players, mostly Senator [Orrin] Hatch, but it was essentially a Kennedy invention

and a Kennedy achievement from beginning to end. Once again, he was in the *minority*, don't forget. He was in a Senate where there were 55 Republicans who didn't want to add new spending programs to cover health insurance and certainly didn't want to have Kennedy driving the agenda, and yet Kennedy was able to do that. The other aspect of the children's health bill that's so important is, of course, that it's been a great success over the last 12 years since it was originally enacted, and millions of children, more than ten million, have health insurance who wouldn't have without it.

Coincidentally, today is February 14, Valentine's Day, 2009, and President [Barack] Obama has been in office for just about three weeks. The first bill that President Obama insisted on the Congress delivering to his desk, and which he signed, was the reauthorization or the continuation of the Children's Health Insurance Program. Senator Kennedy was in Florida; he was not there for the bill signing, but it was a triumph for Senator Kennedy because here was his program, which a wide group of Republicans and Democrats supported and which Obama used as his first signature legislation.

I want to tell one little story about the children's health insurance bill, and then I'll get into the details of how it came about, because it was an extraordinary example of Senator Kennedy's genius at creating legislation, even in a very unfavorable climate.

As the story will unfold, this was very much a Senator Kennedy, Senator Hatch bipartisan partnership to get the bill through the Senate and to craft the bill in the first place. It was referred to, in 1997, when it was being enacted, as the Hatch-Kennedy Children's Health Insurance Program or the Kennedy-Hatch bill. When we introduced it, we called it the CHILD bill, after Children's Health Insurance and Lower Deficit Act, because Senator Hatch had insisted that some of the money we raised by increasing the tobacco tax would go to lowering the deficit. The bulk of it would go to paying for children's health insurance, but a portion of it would go to lowering the deficit, but it fast became known as Hatch-Kennedy children's health insurance.

This was '97 or '98, and I may not have the years exactly right. The subsequent Congress, Republicans still in control, hadn't passed any other health legislation, and they were very concerned about this Children's Health Insurance Program, which was very popular and was known still as Kennedy's bill. They actually wrote legislation to order that the bill only be referred to subsequently as the Children's Health Insurance Program (not Hatch-Kennedy). They wrote legislation that said anybody who was submitting applications, or states that were participating in the program, must refer to it as the Children's Health Insurance Program. It was too much for the Republicans to have a health bill that referred to Senator Kennedy in the title or was referred to as a bill that Kennedy had something to do with.

In that next Congress, the only health legislation was to insist that the bill be called the Children's Health Insurance Program. Then, however, they got the idea that this wasn't good enough, because people might think that this was a *federal* program, which of course it was. This was a *federal* program. It was *federal* money for the states to provide health insurance for children. The states would have to put up some money as well, but it was a federal program with federal funds.

The Republicans were so concerned that it would look like it was a federal program and not a state program—because of their commitment to the idea that all federal power is bad and state power is good—that in the next Congress they did no health insurance legislation except to *again* change the name, this time to call it the *State* Children's Health Insurance Program, or S-CHIP. They ordered anybody applying for grants and the states to refer to the bill as S-CHIP, or the State Children's Health Insurance Program, which was absurd since it was a federal program and not a state program, although the states certainly did contribute their share and they did run the programs locally, but it was under a federal rubric. That was the contribution to healthcare that the Republicans made in those two next Congresses.

In the next Congress came Medicare prescription drugs, which of course was a massive, important piece of legislation despite the contentiousness of it at the end. Again, this was a Kennedy production. It was a bill that Senator Kennedy was responsible for getting through the Senate, initially, with 75 votes.

I even understand now that the Democrats put in a change to the law as part of the budget, now that they've taken over again, to call the bill CHIP once again, as opposed to S-CHIP. I'm not sure that that's true, but that's what I heard, that we're gradually retreating and that the next step will be to call it the Kennedy Children's Health Bill, I hope. [*laughing*] I haven't proposed that yet, but maybe I will at some point.

It's just an amusing saga, but the point is, this is one of the great achievements. When you talk about health insurance coverage in America today, you talk about Medicaid for poor people, CHIP or S-CHIP for children, and Medicare for seniors and the disabled. The CHIP bill has taken its place as one of the three great pillars of government-supported healthcare. It's privately delivered through insurance companies, but it's government supported and it's a government program. The Children's Health Insurance Program will be one of the underpinnings of universal health coverage if and when it ever comes. The idea will be to expand the children's health insurance model, so it has created a model that has been replicated with the Medicare drug benefit and is likely to be replicated if there's a universal program à la Massachusetts, say, which is modeled after CHIP.

Young: Could I go back a minute and ask about the idea of a children's health insurance program? Did that idea originate after the failure?

Littlefield: Yes. I'll go back now to the beginning of the whole thing.

Young: All right.

Littlefield: As the defeat of comprehensive health reform in '93 and '94 was the prologue, and maybe even the cause, of a Republican electoral sweep in '94—the Republican revolution—the children's health legislation was essentially the epilogue. The defeat of healthcare in '93 and '94 ushered in a Republican election sweep in '94, and the successful enactment in 1997 of the Hatch-Kennedy children's health program, the largest government-sponsored social program since 1965, showed how the tide had turned away from the Republican revolution.

The story of the Children's Health Insurance Program is that after the election in 2006, Kennedy went right back to work and two days after the election, on November 8, Kennedy met with two

friends in Boston, in his office, and I was present for the meeting. The two friends were Barry Zuckerman and John McDonough, Barry Zuckerman being the chief of pediatrics at the Boston Medical Center and John McDonough being a leading proponent of health reform, who, just coincidentally, today, in 2009, works for Senator Kennedy in Washington doing healthcare. Senator Kennedy wanted to talk to them about the children's health legislation in Massachusetts, which had been enacted two years before. The idea of the Massachusetts initiative was that health insurance would be provided for uninsured children and it would be paid for by increasing the tobacco tax by 25 percent. Kennedy really loved this idea, so he had set up this meeting.

From a lobbying standpoint, the idea was that there was a coalition of groups that would support this, bringing together the children's advocates and the anti-tobacco healthcare advocates, creating a very powerful legislative advocacy team. Once the healthcare reform failed in '94, when '95 came about, Senator Kennedy met with Senator Kassebaum, and with other people who had been involved in healthcare, to see which of the pieces of healthcare they could try to move, even in this new climate. They started with the places where there was the most bipartisan support, which was around the issue of regulation of health insurance so that people could take their insurance with them if they changed jobs, the so-called portability provisions, and the preexisting condition exclusion problem. That's what Kennedy and Kassebaum worked on.

Once they had achieved that in '96, Kennedy then looked to another area where there was bipartisan support—children. That's why he had put together this children's health initiative, which he introduced with John Kerry in October of 1997, and that's why, right after the election, he met with the leaders of the Massachusetts effort, because he had learned about it and thought it made a very powerful combination and one that he might try to do nationally.

Young: Do you know whether Massachusetts was unique?

Littlefield: It was the only state that did it. And it had been an interesting political struggle. The tobacco industry had opposed it, various Republicans in the state Senate opposed it, and Bill Weld, who was the Governor, had opposed it and had vetoed it, but the veto was overridden, even getting a lot of Republicans to vote for the override. It had proven the magical power, the compelling power, of providing health insurance for children and paying for it by discouraging people from smoking, which is a major cause of health problems for people.

Kennedy was back in Washington after the election and was doing his usual planning. He was talking about education, talking about all sorts of typical Kennedy agenda items. He met with Senator [James] Jeffords of Vermont, who was the new chairman of the committee because Senator Kassebaum had retired; she was gone. The era was very different from 1995, when the Republican "Contract with America" was in sway. There was no Contract with America anymore. Now the overriding issue was trying to reach agreement on the budget and protect the priorities of Medicare, Medicaid, education, minimizing Republican plans for tax breaks for the wealthy, student aid, FDA [Food and Drug Administration] reform, and Kennedy's passion, which was this children's health insurance bill.

Again, in a Republican Congress, the idea that the tax on tobacco products would be increased—when you had half the Republican Party who would fall on their swords on that because they came from tobacco states—and that the funds raised would be used to provide health insurance

for children, people would have said was impossible, just as impossible as it was to pass the minimum wage increase in the first two years of Gingrich.

In any event, when he got back to Washington in the fall of ’96, although it was a long shot, Kennedy took his lead from the example of Massachusetts. He put together legislation that would raise the tobacco tax by 75 cents a pack, and would raise the billions of dollars needed to pay for health insurance for all ten million uninsured children. How you pay for it was the tobacco tax, and the model was that it would be a partnership between the federal government and the states. The federal government would put up the money and set the parameters of what needed to be covered. The states could then decide exactly how that would be done, at what level of income kids would be eligible, and it would be a private insurance program. The states would receive bids from private insurers and families would choose from among a list of approved health insurance programs, for which they would sign up, then a combination of federal money and state money would subsidize the cost of the insurance.

That was the model, and the first thing Kennedy did, of course, when he turned his attention to this, was to work on the *substance*. As we’ve talked about before, we always start with the substance. He really examined the Massachusetts model, the work they had done in ’93 and ’94 with the Clinton plan, and the Kerry-Kennedy bill that had been introduced in early October.

As a digression, one of the reasons that Kennedy had worked with Kerry on this in October was that Kerry had a very tough reelection against Governor Weld. It was a useful contrast for Kennedy and Kerry to be working on health insurance modeled after the Massachusetts program after Weld had vetoed that bill. It provided Kerry with a nice edge on the issue in addition to giving Kennedy the chance to put a bill out there so people in the community could look at it and get enthusiastic about it.

We started by getting the substance under control and then obtained bipartisan support for the legislation—the inside game, the politics. The outside game was the coalition, which would include the children’s lobby and the Children’s Defense Fund, and then healthcare groups like the National Cancer Society and the American Heart and Lung associations. Kennedy started giving speeches about this and started building the momentum, but the question was who was going to be the Republican cosponsor, because Kennedy didn’t have a Republican cosponsor yet. He drew up a list of possible Republican targets, Senators who had supported children’s issues in the past, were active on healthcare, had shown independence, or might be willing to work with Kennedy even though it would be difficult for them because Senator Trent Lott, the Republican majority leader, was determined not to allow Kennedy to create any more bipartisan alliances to dominate the agenda of Congress. *He* wanted to be in charge of the agenda. He didn’t want Kennedy to be in charge of the agenda.

Young: He, of course, was Dole’s successor.

Littlefield: He was Dole’s successor. Kennedy drew up a list of Republican Senators: Jeffords, [Michael] DeWine, Hatch, [John] Chafee, [Christopher] Bond, [William] Frist, [Arlen] Specter, [Olympia] Snowe, and [Susan] Collins. He called each of them to set up one-on-one meetings so he could appeal to them to see if they would be the cosponsor. Everybody was very friendly, said they supported his goals, but they refused or they were noncommittal.

By the end of January we didn't have a cosponsor and Jeffords—who would have been our most likely cosponsor because he was from Vermont, was close to Kennedy, and was very much a moderate—was having to struggle to hold on to the chance to be the chairman of the Labor and Human Resources Committee, because the right-wing Republicans didn't trust him anyway. They certainly didn't want him anywhere near Kennedy, so he didn't feel that he could support this bill. He was in fact being challenged by Senator Dan Coats of Indiana, inside the committee, to be the chairman.

At that point, Senator Kennedy had several meetings with Senator Hatch, who was always one of the top choices for the bipartisan team, and Hatch and Kennedy had done things before. I always got a kick out of the idea that it made sense for Senator Hatch to support this, because he was a devout Mormon and the Mormons have strict rules about tobacco use, so we knew he hated tobacco. There are more children in Utah per adult than in any other state in the country, possibly because of the high birthrate among Mormon families, so Kennedy and I joked that this legislation provided the perfect double hit for Senator Hatch: reining in tobacco use and providing health insurance for children. [*laughing*] It seemed like he would be a logical choice, and in fact they had a great time talking about it, but Hatch, as usual, was very difficult to bring along because he had his own views on how the bill would be structured.

Young: Were you in on those meetings with Hatch?

Littlefield: Yes.

Young: How did they go?

Littlefield: I'll get to that. They were probably among the greatest stories that I would ever be able to tell about how the Senate worked. I'm surprised I haven't told them already.

Young: You've had some things to say about it. You did talk about how Kennedy introduced you, when you came on the staff, to Senator Hatch.

Littlefield: In any event, we started meeting—Hatch gave the go-ahead to his staff to meet with Kennedy's staff—to talk about the possible outlines, and we had endless meetings. David Nexon was Senator Kennedy's chief health staffer. Have you met with him yet?

Young: Yes.

Littlefield: He's probably told the story of children's health insurance. Anyway, he was Kennedy's staffer, and a wonderful woman by the name of Patricia Knight was Hatch's chief staff person for health. Those were the most tortured, long, night-after-night, day-after-day meetings, to try to identify what possible common ground there would be. The bill would have to be in essentially block grants to the states, with the states using the funds from the federal tax increase on tobacco, but with the states managing the program. It would have to be private insurance, which we had already agreed to. It would have to be a tobacco tax of less than 75 cents a pack. It couldn't reach for *every* child, but would be just a down payment on covering children.

As usual, Hatch was very hard to get and it was a long, drawn-out discussion. As we approached March, Hatch still seemed to be willing to continue the talks, and Kennedy and Hatch's staff actually had narrowed down the differences to four or five key issues. There had been numerous meetings between the two Senators on this, but now we had to intensify those meetings and try to settle on the four or five big issues to see if it was possible.

Young: Hatch authorized his staff to talk to Kennedy's staff after the initial approach between the two?

Littlefield: Right.

Young: Did the two Senators, at that point, leave it to their staffs?

Littlefield: No. There would be occasional meetings where we would all get together in Hatch's office, but the staffs were working it through and trying to narrow the issues down. I'm sure that Hatch's staff was talking to Hatch and Kennedy's staff and I were talking to Kennedy, so each side knew what the other side was doing. But now we get to the key meetings between Hatch and Kennedy.

Young: Was it general knowledge in the Senate that this was going on?

Littlefield: No. It was general knowledge in the Kennedy and Hatch staffs, but Hatch didn't want Trent Lott to know and Kennedy wasn't exactly looking for other Democrats to be the lead; he was going to be the lead. Usually when Kennedy and Hatch meet, they meet in Hatch's office, which at that time I think was on the first floor of the Russell Building, just around the corner from Kennedy's office, which was on the third floor of the Russell Building. Hatch's office had a fireplace. His desk was in front of the window, which was at the long end of the office. It was a rectangle, opposite the entrance from the Russell corridor, and behind his desk was an elaborate sound system of tape players and speakers. Piled on the table next to the system was a stack of compact discs and tapes that contained recordings of songs for which Senator Hatch had written the lyrics.

Hatch was very enthusiastic about country music and about songwriting. It may be apocryphal, but I understood that he would write his lyrics on his way in from his house in Virginia to the Capitol every day. He was driven by an FBI [Federal Bureau of Investigations] agent and, on occasion he, the Senator, would drive the car and compose the lyrics while the FBI agent transcribed them. Now, that may be apocryphal.

He wrote religious and patriotic songs, country music songs. He had a collaborator who wrote the music. The songs would be arranged professionally and performed by various groups of country music performers. They would then be produced in a cassette, tape, or disc with ten or twelve songs each. I recall that as this process of meetings between Hatch and Kennedy got into high gear, each time, as we would come into the meeting, Hatch would want to play one of his songs for Kennedy. Frequently when we went to meet with Hatch, he would play a song called "Freedom's Light." We started learning some of the songs, and I was assigned by Kennedy, at one point, to learn "Freedom's Light," Hatch's big bravura tribute to America. I learned the tune and lyrics, and Kennedy and I prepared for when we would surprise Hatch by my performing "Freedom's Light."

In front of his desk was a series of wing chairs and a couch opposite the fireplace. When we would arrive, Senator Hatch would be seated in one of the wing chairs in front of his desk. He would not be behind his desk. Senator Kennedy would sit next to Senator Hatch, on a wing chair, and then the staff—We weren't facing each other, but were facing the center of the room. Trish Knight and Hatch's health staff and David Nexon and I would sit in other chairs facing the Senators. There would always be teasing back and forth among Kennedy and Hatch and the staff: politics, bills on the floor, news that had caught the fancy of one or the other, and then Senator Hatch would always ask us to listen to one of his songs. It was great hilarity and great fun and Kennedy, as I've said before, loves music, so it wasn't unpleasant for him. It's all part of the process of working with your friends in the Congress. Hatch loved Kennedy and knew that Kennedy loved music and would get a kick out of this.

It came about that Kennedy, having learned that I liked to sing—Kennedy and I had done some singing together at various occasions at his house—decided that if Hatch was going to have his performance, then he, Kennedy, was going to have his performance, and that it was going to be me singing. He had me sing "The Girl That I Married," to Hatch's health aide at one of these meetings. That's one of the songs that I happen to know from a musical called *Annie Get Your Gun*.

We got the music thing going, but Kennedy needed to find a way to bring these discussions to closure. With Hatch it just goes on and on, week after week: music, hilarity, and then just endless not getting to yes, but getting closer, and groaning and moaning on the part of Senator Hatch about how Kennedy was trying to take him to the cleaners and he couldn't let that happen because what will they think in Utah. It's wonderfully charming watching these two friends interact.

We determined that on March 11, there would be a big day for children's advocates in Washington. The Children's Defense Fund, which was the Marion Wright Edelman organization, was having an annual convention, and the Child Welfare League [of America] was also having its convention the same day. There would be 1,000 delegates at each of these, with daylong meetings and banquets at night. Kennedy had the idea that it would be advantageous to reach agreement on the children's health bill and announce the agreement at those conventions, so that there would be press and public support and all the rest of it.

Kennedy went to Hatch the week before and said, "Here's the perfect occasion for us to announce that we've reached agreement," which we hadn't done yet. "Why don't we work all weekend and try to announce this next Thursday?" Kennedy said. Hatch was very skeptical that they could ever reach agreement that quickly, but both Senators agreed to stay in Washington over the weekend, and the staffs prepared draft outlines of the areas of agreement and the areas of disagreement, and these drafts were exchanged by the two Senators. It was agreed, I think under our pressure, that it would be best to conduct these final negotiations in writing, so that there could be no misunderstanding, because we'd also had the history of staffs thinking they had agreement when they didn't.

The two Senators decided that they would write letters back and forth to each other, which we would then have hand delivered to their houses. There was a series of letters listing the open issues. We would prepare a letter on Friday night or Saturday and it would be hand delivered to

Hatch, and then he would prepare a letter and it would be hand delivered to Kennedy, and this went on, back and forth, over the weekend. By Monday there were only two issues left. One was how large the program was and how big the tobacco tax was.

Hatch had recommended that some of the money raised by the tobacco tax should go to deficit reduction—so he could have something to talk to his Republican colleagues about, because deficit reduction was their prime issue—and the rest of the tobacco tax money would go for children's health. Hatch initially proposed a $20 billion program, with half the money for health insurance and half for deficit reduction. Kennedy said we needed to cover five million children at $1,000 per child per year. That's $5 billion a year over five years, so we needed $25 billion. Hatch wasn't willing to go that high; he needed more deficit reduction and he couldn't go with a tobacco tax that was more than 30 cents a pack. They talked about what they were going to name the bill, which was when this CHILD—Children's Health Insurance and Lower Deficit Act—title came up.

Then Hatch dropped down to $18 billion and Kennedy said he'd settle for $20 billion for children's health, plus $10 billion for deficit reduction, whereas Kennedy thought he needed $5 billion a year for five years, which was $25 billion for health insurance, and if Hatch wanted deficit reduction, that had to be on top of it. Kennedy was one-third deficit reduction, two-thirds children's health. They were back and forth, and Hatch asked what the tobacco tax would have to be to raise $30 billion, which Kennedy had proposed: $10 billion for deficit reduction, $20 billion for health. Dave Nexon calculated it would be 41 cents a pack to raise the $30 billion. There was more music; there was singing; I sang "Freedom's Light" for Hatch; they agreed on the bill; and the Senators shook hands.

Young: After the weekend.

Littlefield: Yes. This was all on Monday, after the weekend, back in Hatch's office. Kennedy was elated; he couldn't believe that the bill had finally been worked out. He then asked Hatch to go with him in two days to announce the legislation at the Children's Defense Fund and the Child Welfare League. Sure enough, Hatch was now on board. Kennedy and I were driving to the Hilton Hotel in northwest Washington on Thursday, to the Children's Defense Fund, and were talking about what the Senator would say about Senator Hatch in his introduction of Hatch as they were jointly announcing, in front of this massive thousand-person convention of the Children's Defense Fund, that they were going to cosponsor children's health.

I happened to have in my pocket the lyrics to "Freedom's Light." I showed them to Senator Kennedy. The part of the song that leads into the chorus read, on this little copy of the lyrics that I had gotten off the back of the CD, this way: "In this dark day of discontent, so many feel despair, as poverty and dissidence cause sadness everywhere." The song goes on and goes into the chorus, which is very uplifting, so Kennedy thought, *Well, that is great. I'll use those lyrics to introduce Senator Hatch and show that children's health is going to deal with "this dark day of discontent where many feel despair, as poverty and dissidence cause sadness everywhere."*

Kennedy went to the Hilton Hotel, and he and Hatch were out in front of the audience. Marion Wright Edelman introduced them and talked about this great partnership. Senator Kennedy began his talk by describing the passion and compassion of his great friend and colleague and

partner in children's health legislation, Senator Hatch. Kennedy quoted from the song, "Freedom's Light," which thrilled Hatch. There was a thunderous ovation for the two of them and the legislation got off to a great start. Then Hatch and Kennedy were going to do a press conference in the Senate Press Gallery at 3:00, and then that night they were going to the Child Welfare League Convention and do the same thing all over again.

That's how the bill was put together and how it was introduced. And that's how Hatch got locked into it, because we had these events and because he was on board and it all got worked out. At this point, of course, no one would imagine that it could get passed, but we now had a bipartisan bill, Kennedy-Hatch, that would cover five million children a year of the uninsured, about half of the ten million uninsured.

Then we settled into the next part of this, actually drafting the bill. We had the outline of the terms, but that's just a small part of getting the bill ready, because we had to draft the legislative language, and that took weeks and weeks. We couldn't introduce the bill until we had the bill. They had announced their partnership; they had roughly described the agreement, but they hadn't gotten into the details yet in terms of what the public knew or what the other Senators knew, so there were hours and hours and days and nights of work between the two staffs to get the legislation done, with Dave Nexon and Tricia Knight as the two negotiators.

The next task was lining up Republican cosponsors and Democratic cosponsors. Kennedy was assigned to obtain Democratic cosponsors and Hatch was looking for Republican cosponsors. The issue here was that we didn't want to get out ahead and have too many more Democrats than Republicans. We wanted it to be roughly parallel, but it was much, much harder, of course, for Hatch to get Republicans than it was for Kennedy to get Democrats. [*laughing*] At points along the way, it looked as if the whole thing might collapse, so we had to go back and have more meetings in Senator Hatch's office.

He was nervous that he couldn't get Republican cosponsors because Lott had caught wind of this thing and was telling everybody they couldn't be cosponsors. But after about a month, Hatch saw Kennedy on the floor and said he was now ready to go forward. This was a surprise to us. We were thrilled, but we didn't expect it on that day. He wouldn't tell us how many cosponsors he had, but he said he hoped to have several; we had given him names of Republicans to whom Kennedy had spoken. That night, we had gotten the bill ready to introduce it, but we still had no idea who or how many cosponsors Hatch had gotten because he wouldn't tell Kennedy; he wanted to surprise him. Trish Knight suggested there might be as many as eight, and we were astounded. We couldn't imagine that he could have gotten eight cosponsors.

On April 8, the Senators went to the floor together with their statements, announced the introduction of their legislation, and did a press conference in the Senate Gallery. At the press conference, Hatch announced the names of eight Republican cosponsors, and Kennedy had his eight. He had more than that, but he was going to stop at the point where Hatch was. The next day, the *Times* was so impressed by this show of bipartisanship around this issue, that they put the introduction of the bill on the front page. They never do that with legislation, because just introducing a bill—There are thousands of bills introduced every year. The *Times* understood that when Hatch and Kennedy got together, it was a very powerful combination. This was the biggest thing they'd ever tried to do, and there was a whole group of cosponsors. In the context

of the failure of healthcare reform in ’93 and ’94, the children’s health bill represented the second major step to move forward, “incrementally” as the description went, to improve healthcare in America.

Young: Did Hatch ever waver or get cold feet?

Littlefield: Yes. He was always getting cold feet leading up to this introduction, and then he got cold feet after the introduction, because it turned out that several of the individuals who had been listed by Senator Hatch as cosponsors indicated that they wanted their names withdrawn because Lott was pushing so hard. Various Senators withdrew, so Hatch’s eight didn’t stay eight. Even Bob Bennett, Senator Hatch’s colleague from Utah, withdrew his name from both parts of the bill, the tobacco tax and the children’s health part. He had been apparently sharply criticized by Utah Governor [Michael] Leavitt, who felt that the legislation had too many federal strings attached to it, but the real story is that Bennett was not prepared to take the heat from the Republican leadership.

Some Republicans stayed on it: Senator [Gordon] Smith, a fellow Mormon of Oregon; Senator Jeffords; and I’m not sure—I’d have to go back and look exactly how many stayed on. Even Senator Chafee, who was such a champion of progressive healthcare legislation, said to Kennedy that he couldn’t cosponsor an initiative with Kennedy because the Republican Party would be too hard on him. But the fact that these people had originally supported this bill gave it a bit of an impetus, and their pulling off made less news than their having been on originally. That’s the inside game.

As to the outside game, we were working with the advocacy groups, and we also had to deal with the Finance Committee, because, since the bill had the tobacco tax to pay for the insurance, it was going to be referred to the Finance Committee. It was not going to be in the Labor Committee, in Kennedy’s committee, so we met with Senator [Jay] Rockefeller and Senator Chafee, who had been the leading activists on the Finance Committee to increase children’s health insurance. They had been working on expanding Medicaid to increase health insurance for low-income children.

About three weeks after the Kennedy-Hatch bill introduction, Rockefeller and Chafee announced a legislative proposal whereby Medicaid would be expanded by $16 billion over five years to provide healthcare to low-income children. We now had the Kennedy-Hatch proposal, which was $20 billion, for private insurance through the states; and we had a Rockefeller-Chafee initiative, to expand Medicaid to the tune of $16 billion to provide coverage for children through Medicaid.

The Finance Committee, which had jurisdiction over this, was taking an interest because the momentum had really built. The liberals preferred the Medicaid approach to the private insurance approach because Medicaid is a government-run health insurance program, essentially. The government pays the bills; the government sets the rules; the government pays for the coverage, pays for the health insurance; and the liberals like the government doing that. We made the compromise, to secure agreement from Hatch, that it would be private delivery through private insurers. There were people who liked the Medicaid approach and some of them were critical of the Kennedy approach. But another advantage of the Kennedy approach was that it

raised the money to pay for the program by increasing the tobacco tax, whereas expanding Medicaid, unless you paid for it somehow, which Rockefeller and Chafee hadn't done, just put more money out there without paying for it.

With the concern about the deficit and balancing the budget, the programs that were going to have a chance of passing needed to be essentially budget neutral and needed to be paid for. But many Republicans were opposed to the Medicaid expansions, so because they were in the majority, we didn't have much of a chance, still, on that. The big fight in the Congress was still over trying to create a deficit-reduction program and a budget. That was all left over from the wars of the previous two years. Kennedy's focus, now that the inside game was under control, was to get the outside game going and to mobilize the grassroots.

The Children's Defense Fund and the American Cancer Society agreed to co-chair the coalition. Kennedy met with his friend Ken Duberstein, whom he knew because Ken was on the board of the Kennedy Center along with Senator Kennedy, and Duberstein had been Chief of Staff to President [Ronald] Reagan. Kennedy talked to him about which Republicans might be interested in supporting this. Remember, we were still at 45 Democratic Senators, 55 Republican Senators. Hatch only had a few cosponsors left, so we didn't have—Even if we got every Democratic vote, we didn't have 50 votes, let alone 60, which was what we needed.

The other question was what we would do about the House, because there was no activity in the House. Kennedy went over to the House to meet with Bill Thomas, who was chairman of the Ways and Means Committee, and Nancy Johnson, a Republican Congresswoman from Connecticut who had been interested in children's issues. Duberstein, I think, told Kennedy that he should go talk to Thomas and may even have put in a good word with Thomas on behalf of the legislation. Kennedy and I went over and met with Thomas and then we met with Nancy Johnson. At the time, Thomas told us that he didn't think he could be a cosponsor, and Johnson was noncommittal, but she listened also.

After the weekend, Monday, April 7, just before it was time for Kennedy and Hatch to introduce their legislation, which they were going to do the next day, Johnson's chief of staff called me to say that she wanted to introduce the legislation in the House. That was an *enormous* break, because it created momentum in both branches, and Nancy Johnson was known to be close to Gingrich and Bill Thomas. The feeling was that they must not have forbidden her from doing it. The day after the Hatch-Kennedy legislation was introduced in the Senate, the companion bill was introduced in the House, with Johnson as the lead.

Now Kennedy was back: He had the House in line. He had the inside game in the Senate in line as best he could. He had the two committees in line. He now had to do the outside game. We needed to create a drumbeat of public activity, so we worked with the Children's Defense Fund and with the cancer groups and the Heart Association to get free press, as much of it—We had no money of course. Nobody had any money to do this, but we organized op-ed pieces and letters to the editor and participation in talk radio, press conferences to announce the coalition's founding and the bringing in of all the different sectors: the community health centers, the nurses, the Heart Association. We wanted to have as many press events as possible, on and off the Hill, to begin to create a buzz.

Coincidentally, on June 26, several months later, there was a big settlement in the tobacco litigation that the state attorneys general had brought, suing tobacco companies for the health consequences of their products. There was a big settlement of about $360 billion, which was going to be paid to the states for the expenses to state health programs caused by tobacco smoking. That announcement was very helpful because it made the point—There had been an admission by the tobacco companies that tobacco causes negative health effects. Raising the tobacco tax would have an impact on smoking among teenagers and young people, so we had a good handle on the tobacco issue.

The Children's Defense Fund deserves the lion's share of credit for the grassroots work, much more than anybody else. We had no funds and the tobacco lobby and other conservative ideological forces began to fund negative ads. They ran a series of ads in the states of Senators who had agreed to cosponsor the legislation, including Utah. The ad that ran in Utah, funded by the tobacco lobby and conservatives under the rubric of Citizens for a Sound Economy, the organization that was running the ads, mimicked Senator Kennedy's voice praising Senator Hatch for signing on to the new big children's health government initiative. A similar ad ran against Gordon Smith in Oregon.

Gordon Smith was great. He said that for each day the ads ran, he would encourage Senators Hatch and Kennedy to add a penny to the tobacco tax they were supporting. That was great. Gordon Smith (who just lost his bid for reelection in 2008) was gutsy standing up against these ads. Hatch seemed, outwardly at least, unfazed, but Kennedy said we needed to raise some money; we had to have some ads back in D.C. He had a friend in California, a very wealthy head of one of the movie studios, retired but active in progressive politics, Lew Wasserman. Kennedy went out to have lunch or dinner with Lew Wasserman in California, and Wasserman agreed to contribute $100,000 to the Children's Defense Fund for ads to support the education campaign on behalf of children's issues and children's health.

We couldn't afford the *New York Times*—each ad was at least $25,000—and we were dealing with the negative ads from the other side. We settled on daily, one-page ads in *Congress Daily*, one of the news sheets that everybody reads on Capitol Hill. We decided to focus in on Capitol Hill. It's an eight- to ten-page daily, eight and a half by eleven inches. We had the idea to run a full-page ad on the back page of *Congress Daily* for as many days as possible, once the legislation was going to be considered by Congress.

The idea for the theme of the advertisements was that the ads would consist of two pictures: one a mockup of Joe Camel, the advertising icon of Camel cigarettes; and the other a photograph of an all-American child, who we decided to call Joey. The headline on the ad ran, "Senators, who do you stand with? Joe Camel or Joey?" "Whose side are you on" became the mantra: Are you on the tobacco companies' side or are you on the side of children? We had posters made up and plastered around everywhere, and the ads were run in the cheapest possible fashion. We had our own little public relations campaign, even though it was run on the very cheap. Now we had the Hatch-Kennedy bill and the Chafee-Rockefeller bill both gaining momentum.

Young: Where was Clinton in all of this?

Littlefield: He wasn't really part of this at this point. We had never really—

Young: Silent?

Littlefield: He was focused on balancing the budget. However, at the behest of Rockefeller and Chafee, they did include, in the *budget* agreement that was finally worked out between Clinton and Lott, $16 billion over five years for children's health insurance. There was no tobacco tax increase, but now with the $16 billion in this budget deal, we knew there was some money for this program, no matter what it ended up looking like. The White House did insist on putting the $16 billion in, so the President gets credit for that. He hadn't been involved in the instigation of the Hatch-Kennedy bill, but once that went in, in April, and when he was able to work out his balanced budget deal, he did include $16 billion for children's health and $35 billion to assist families in paying for the cost of college. These were the new big investments that Clinton had insisted on.

What we didn't appreciate at the time, but which we learned afterward, was that there were other provisions in the balanced budget agreement that would have *cut* Medicaid funding for healthcare for low-income families. In fact, the net gain in the budget was only about $5 billion over five years, much less than we needed to do the job. The Medicaid solution wasn't going to work and the Hatch-Kennedy forces escalated their efforts. At this point, the White House kept saying to Kennedy, "Well, why don't you just go for the $16 billion? That's a big victory; it gets you much closer to your $20 billion target," and Kennedy said, "Wait a second. It really isn't $16 billion, and I need $20 billion to even make a dent," so there was some rough negotiating back and forth. Kennedy tried to get Hatch to move the legislation through the Senate, but we didn't have a vehicle yet because Kennedy knew we couldn't introduce the bill and get Lott to take it up on the floor to debate it for five days.

The only way he really had a chance of getting it done was to do it as an amendment to some other piece of legislation, and he needed to get Hatch to agree to this. Kennedy approached Hatch three or four times to try to persuade him to allow the CHILD bill, the Hatch-Kennedy bill, to be offered as an amendment to the budget resolution. We sat with Kennedy and organized all our arguments, marshaled them all and wrote them all down, so that Kennedy would be prepared to make the case to Hatch, but the Republicans didn't want to add new programs at a time when they were all about cutting the deficit.

The White House was not clear on what it was doing. They were for the $16 billion, but they had taken away from the same people, the same hospitals, the same healthcare system, $11 billion in budget cuts. It didn't seem as though they were out there for a big new increase, and they certainly weren't going to walk out there on a limb on the tobacco tax. We wanted to see if we could get the Hatch-Kennedy bill attached, in its entirety, to the budget resolution, because we thought that we'd get the tobacco tax in as well as the program to provide insurance. It was very difficult because there were a whole series of budget hawks, people rigid on the budget, in the White House at this point, so we didn't feel we'd get a lot of support.

Young: Who were they?

Littlefield: Well, people like John Hilley, by then the legislative chief for the President, and others whose priorities were not on new social programs but were on balancing the budget. We

started talking to Mrs. [Hillary] Clinton and her staff about this because we had a feeling that she would be supportive.

Young: Was she?

Littlefield: Yes. She had nothing to do with the crafting of the bill or getting it introduced or anything, but when we went to her later—There was an episode that triggered our going back to her, I think we were probably just touching base and I don't think anything happened, which I'll describe in a moment.

We concluded that the Administration would not support the addition of the children's health insurance bill, the Hatch-Kennedy bill, to the budget resolution because their position was that they had agreed to this budget resolution with Lott. Children's health was not in the agreement, and therefore they could not support adding the Hatch-Kennedy bill to the budget. They weren't saying flat-out no, because that would be too awkward, politically, for them, but they were sending every signal that they were locked into the deal with Lott and couldn't change anything.

We were running ads every day on the back of *Congress Daily* and it cost $2,000 or $1,000 to do it, $900 maybe. Whose side are you on, Joe Camel or Joey? Then on May 21, Kennedy went to the floor to offer the amendment. He wasn't absolutely sure that Hatch would be with him, but Hatch was and gave a very rousing speech to go with Kennedy's speech. At this point, Senator Lott, the majority leader, and Senator Domenici, the Budget Committee chairman, came to the floor and just *attacked* the bill, saying that the amendment would break the budget agreement, that the whole budget agreement would fall apart if this went forward, and that the President and the White House, if they were going to be true to their word, needed to oppose it. Now we had a Democratic President being urged—and we were getting all the signals that he was going to—to oppose an increase to children's health, which looked very much like a part of what he had proposed in '93 and '94.

Lott was counting Republican votes, in the meanwhile, to see whether he could defeat the CHILD amendment. He kept hearing that there were people who were up for reelection who would have to support it, because it was just too popular. As Lott knew, if the Democrats who had already committed to the bill all voted for it, and five or six Republican cosponsors voted for it, it would pass, and Lott simply could not tolerate a Kennedy victory in the context of the budget agreement. Lott was not going to let Kennedy run the Senate. He had learned what had happened to Dole only one year before and was not going to let it happen to him. Lott called President Clinton and told him that the President needed to officially pull off the Hatch-Kennedy amendment, and that he needed to pull off Democratic votes from the amendment or else—We heard that Lott told Clinton that the budget agreement would be sunk.

A whole group of Senators received calls from the White House, urging them to vote *against* the children's health bill. We heard at least Senators [Joseph] Lieberman, [Dianne] Feinstein, and [Kent] Conrad, but it was apparently nine Senators. Nine Democratic Senators received calls from the White House that they had to back off being supportive of this on the budget. Nine Democrats received calls; five of them agreed to vote against the CHILD health bill on the strength of Clinton telling them they had to.

By noon of May 21, Lott was on the floor saying that he had talked to the President and that the White House and the President opposed adding the CHILD bill to the budget resolution. We were taken aback, the Kennedy staff—Why at this point would the President pull the rug out from under us?—but we could not hold the five Senators and the bill was defeated 53 to 47. We got 53 votes, but we needed 60.

We now had a majority of the Senate, however, so it ended up that we must have lost a few Democrats and we must have picked up the five Republicans, but we now had a majority because we saw that we had 53 people who had been willing to vote for it in this context. We asked reporters to call the offices of the five Democrats who had voted against the bill, to ask whether they would be for it if it were in a different context than on the budget resolution. Many of them said that they would be, so now our message was a positive one: a majority of the Senate is now prepared to vote for the Hatch-Kennedy children's health insurance bill, and we knew that we would ultimately prevail. Everybody was furious with the White House and Kennedy decided, with the coalition, to keep working to see if we couldn't get a commitment from President Clinton that he would support the CHILD bill at the next opportunity, as long as it was in a different context than in the budget resolution.

The Finance Committee was going to be marking up its budget resolution and reconciliation bill in mid-June, so that would be our next target. The question was whether we could get the children's health insurance bill included in the Senate legislative effort in June.

Young: Through the Finance Committee.

Littlefield: Yes, through the Senate Finance Committee.

Young: Because previously it had been in the Budget Committee.

Littlefield: No. The budget resolution was in the Budget Committee, but the children's health bill and the Medicaid expansion were in the Finance Committee. We knew we needed to step up our pressure to obtain additional commitments on the bill and pin down the Democrats who had voted against it: that they would vote for it if it were in a different context. We were very upset that Clinton and his Chief of Staff, [Leon] Panetta, had actually called Democrats to tell them not to vote for a children's health insurance bill. That was Clinton's flat-out opposition, but in Clinton's defense, it was because he had a deal with Lott. Now we never believed that that would have blown up the deal if he had taken the $16 billion that they had and eliminated some of the cuts to these same institutions, and beefed the $16 billion up to $20 billion or what have you. We would have been okay.

On June 18, the Finance Committee had its executive session to report the budget reconciliation, and we had our amendment still pending in front of the committee. The question was whether it was going to be $16 billion and what was going to happen to the other cuts, or would it be $20 billion? Would it be a private plan like the Kennedy-Hatch bill or would it be Medicaid? Hatch, however, was on the Finance Committee as well as on the Labor Committee, so it was crucial, because he was there during these negotiations. Kennedy was not included. In fact, we were having a hard time finding out what was happening that night because the Finance Committee was still in session late, late, 10:00, 11:00, 12:00, 1:00 a.m., 2:00 a.m. We didn't know what was

going to happen. We didn't know if Hatch was going to offer, as an amendment, the tobacco tax, as a way of paying for it; we didn't know whether he would do that.

At midnight, however, word seeped out that Hatch had struck a deal with other members of the Finance Committee. They would approve a 20-cent tobacco increase, $15 billion, and $8 billion of the $15 billion would go to children's health. That's where we were, and the advocates were furious with Hatch. He had unilaterally agreed to cut the thing down to $15 billion, from the $30-plus billion that we'd had when he had his bill. Hatch, however, saw it a different way. We had the $16 billion already, and Hatch felt that he had been able to add to the $16 billion.

What Hatch had worked out was that $8 billion of the $15 billion would go to children's health and the other $7 billion would go to deficit reduction, so Hatch felt that they'd held on to the $16 billion and had added $8 billion, making the total $24 billion. He said that that was more of a concession by the Republicans than he had expected and that Senators Lott, [Donald] Nickles, and [William] Roth were furious with him; they would never support a tobacco tax.

We were upset because Hatch had basically given away the store. He had first reduced the tax by more than half, which would undercut its effect as a deterrent against teen smoking. Secondly, he had reduced the funds for children's health by agreeing to use some of the tobacco tax money for other priorities. But once the Finance Committee reported the budget reconciliation legislation, I think the next morning, there we were, a 20-cent tobacco tax, raising an additional $8 billion for children's health and $7 billion for other programs.

It's fair to say that what drove the Finance Committee to deal with this at all, in a Republican era with a Republican majority, was that we created such a stir that it was very difficult for Republican Senators to be against it. At this point we had the children's health bill, potentially included with the Finance Committee budget reconciliation, but we now saw that Hatch had essentially agreed to pull that back in return for the additional $8 billion. This is getting very complicated. The Finance Committee was trying to decide exactly how the money would be spent. We didn't know it, but it turned out that Hatch had insisted that it follow the model of the Hatch-Kennedy bill, which was grants to the states to purchase private health insurance. We thought that there was too much flexibility to the states, too much discretion for the states, but we had to live with what Hatch had worked out.

Kennedy was upset with Hatch, that he had made these concessions without talking to us. Hatch defended himself by saying: "It was this or nothing. I got the amount of money up to $24 billion for children's health, the $16 billion that was already there plus the $8 billion, and I got the whole of our program as the means for distributing the money." In addition, there was no tobacco tax at that point. They were going to find the money some other way. Once this Finance Committee work was over, we had to figure out what were we going to do with the tobacco tax and all the other work we'd done. We learned that they were going to raise $15 billion using the 20-cent tobacco tax, but only $8 billion of it was going to go to children's health and the other $7 billion to other things. We and the coalition decided that we couldn't get more than the 20-cent, $15 billion fund, but we would take the position that any funds raised by the tobacco tax should be dedicated to children's health.

Young: Not to deficit reduction.

Littlefield: Right, and not to these other programs. In the meanwhile, by the way, we were working behind the scenes at the White House with Mrs. Clinton, hoping that she could help us work behind the scenes. She and her staff provided real help at the White House.

On June 25, the Senate passed the Balanced Budget Act, which included $16 billion for children's health. On June 27, they passed the Revenue Reconciliation Act, which included a 20-cent tobacco tax, which raised $15 billion, but we would only get $8 billion for children's health, but if you add the $8 billion to the $16 billion, you get $24 billion. We were at a level that was indeed $4 billion more than the original Hatch-Kennedy bill, even though we weren't getting *all* of the tobacco tax money, which we thought we should get. The House Republicans hadn't agreed to any of this, so we still had to deal with the Republican House leadership. We knew the only way to do that was with the White House, because they would be at the table and negotiations would probably be among the Senate Republicans, the House Republicans, and the White House.

Young: This is at conference?

Littlefield: Right. The budget hawks in the White House were still smarting over the tobacco tax and the fact that they had opposed the Hatch-Kennedy bill; the House Republicans were for doing none of it; and we didn't know what the White House would do. But we knew we had to focus on them because they were now going to be our only seat at the table, so we directed all our efforts toward the White House.

This was ironic, because you would have thought it would have been obvious that Clinton would have been supportive of it, but we didn't know that that was the case at all, so we talked to Mrs. Clinton and to Chris Jennings, who was the White House Chief Health Advisor at that point and a good friend of all of ours. It seemed as if Mrs. Clinton and her allies were very committed to the $24 billion, so there was negotiation. Finally, we learned that the White House had insisted on the $24 billion in the negotiations. We also got an increased comprehensive benefit package and eligibility standards set as part of the program, so we liked that. It wasn't going to be totally left to the states.

On July 31, the Senate passed the conference report for the Balanced Budget Act and the Revenue Reconciliation Act, which had the $24 billion and the 20-cent tobacco tax. However, we weren't done yet, because as the conference papers were being drawn up, the tobacco companies prevailed on Republicans in the House to reduce the size of the tobacco tax from 20 cents to 10 cents, so the revenue wouldn't cover the $8 billion or any of the $16 billion, but the conferees, the Republicans, in their sleight of hand, just looked the other way and said, "We'll leave the money the same, but we're cutting the tobacco tax to 10 cents a pack, starting in 2000, and 15 cents in 2002." They had cut the size of the tobacco tax in half, obviously in response to their tobacco allies.

To make it even worse, they had included an additional provision that directed that any funds raised by the 10- or 15-cent tobacco tax increase in this legislation would be subtracted from the final settlement level of the overall state attorneys general tobacco settlement, if you can believe it. Whatever money the government was going to get from an increased tobacco tax it would lose

out of another pocket, because it would come out of the government settlement with the tobacco companies.

What started out as a 43-cent Hatch-Kennedy tobacco increase was reduced to 20 cents in the Senate, ultimately to 10 and 15 cents in the final package, but wouldn't amount to any additional funds for the government because it would be taken out of the settlement. This showed the power of the tobacco industry, the tentacles of the tobacco industry.

We tried to get some press attention on this, and during the August recess, *USA Today* started writing about it. By September, one of the first orders of business for Congress was to repeal the provision that would deduct the revenue raised by these tax increases from the ultimate settlement level. Initially, no House member was willing to acknowledge responsibility for including the deduction provision in the bill, but ultimately we traced it to the Ways and Means Republican staff and the provision was repealed. For the moment, that appeared to be a major setback to the tobacco companies, so we won something back on that, although the tax was still only 15 cents.

On August 5, 1997, the President signed the Balanced Budget Act, which included the children's health initiative. The legislation, as it was finalized, provided that the program would run for ten years and the funding for those ten years would be $24 billion for five years, plus another $24 billion for the second five years. What Kennedy and Hatch had achieved was essentially a $50 billion program.

That was big money in those days, not big money today with what the government is doing, but in a Republican Congress, in the face of the Gingrich revolution, this $50 billion new social program was the largest new social program enacted by the Congress since Medicaid and Medicare in the '60s. In fact, in its first year of operation, the program was four times larger than Medicaid was in its first years of operation. What had started with the Kennedy-Kerry health bill being introduced in the Senate in October of '96, before the '96 election, ten months later had turned into a health insurance program that could provide the resources to ensure that every child under 18 would receive health insurance. The comprehensive approach that we tried in '93 and '94 had failed, but step by step there were some important achievements in '95 and '96 and '97. First the Kennedy-Kassebaum bill, enacted over the opposition of the Republicans and the Republican leadership, and a year later children's health.

We then focused on what would be next. What would Kennedy move to next on healthcare? One idea was to allow people 55 and older to buy into Medicare so that they would be able to get insurance. Another was health insurance for the temporarily unemployed. Another was a patients' bill of rights so that patients would have some rights in relation to managed care. We had already, in '96, passed a bill to require managed care companies to provide at least a 48-hour hospital stay for a mother after the birth of a child. Then we wanted overnight stays following mastectomies, and we wanted access to specialists, clinical trials, emergency rooms, and the right to prompt appeals. We began putting together what a patients' bill of rights would look like.

Then we had the idea that if we could get Medicare expanded or opened up to people 55 and older, even if they had to pay for it, that would be a step toward expanding health coverage. We'd have the children, we'd have Medicare—Kennedy and I joked that, if we could start with

children and keep pushing up the age and bringing Medicare down, we could gradually move to provide subsidies for everyone. If we kept closing in from both ends, the last person to be uninsured would be 37½ years old, if we could just keep going. [*laughing*]

What was fun about the children's health bill was the reaction around the country. It was wonderful to see Republican Governors—I think of [Pete] Wilson in California, [Paul] Cellucci in Massachusetts, [George] Pataki in New York, [John] Engler in Michigan—all taking credit for *their* new health insurance program. *They* had done it. The Republicans, and their states, had done this new health insurance program.

It was frustrating, to me at least, that the press would cover Acting Governor Cellucci in Massachusetts heralding his program to provide health insurance. It was as if the funding had appeared mysteriously, out of thin air, from the states. It became one of the central themes of the Republican Governors' achievements in 1997, when they had nothing to do with it. The only thing we'd heard from the Republican Governors was from Senator Leavitt, who had insisted that Hatch shouldn't cosponsor it and got Bennett to come off it, in Utah. But it happened and politics is politics.

This was very exciting for the children's health advocates. They'd achieved the biggest breakthrough from the federal government for children perhaps ever. When you look at CHIP now, twelve years later, you can see that they were right.

The tobacco wars took a different route. The tobacco companies appeared to be losing momentum because we had actually gotten a tobacco tax in, even though it was much smaller than we'd wanted and they had lost the business with the settlement. But by the spring of '98, when the tobacco legislation that was going to implement the tobacco settlement finally got to the floor, the tobacco companies came back with a full-scale campaign and the whole tobacco issue seemed to vanish out of sight in '98.

As an epilogue to Kennedy-Hatch, in the fall of '97, having succeeded with children's health, Hatch and Kennedy began discussions about a Hatch-Kennedy bill to enact the tobacco settlement. Kennedy and Hatch agreed on a $1.50 increase in the tobacco tax, with the funds to be spent on biomedical research and anti-smoking programs directed at children. We had another long run-up to this with the staff of Kennedy and Hatch meeting to try to draft the bill. Senator Lott got wind of this and put enormous pressure on Senator Hatch not to join with Kennedy on this bill. At the end of the day, we had one last meeting with Senator Hatch, when we were going to try to seal the deal, as we had sealed the deal on children's health six months before. Kennedy and I talked about the meeting beforehand and Kennedy said, "Is there any lyric or song that you could learn, that you could perform, that might affect Hatch's feeling about this and might set the tone for the meeting?" I found a song by Hatch called "One Voice," and the lyric reads:

Let there be one voice that sings people's spirits,

just one voice and others will hear it.

And that one voice that starts out all alone

will start a grand chorus and the world will come along.

So be that one voice that starts out all alone.

Sing the songs of heart and heaven

and the world will sing along.

I started the meeting with that, hoping it would have an impact on Senator Hatch, and he said, "Senator Kennedy, I am not going to be able to do it." It didn't work and life in Washington continues. That is the full saga of the children's health story.

Young: That was very good, very good. I have a question to ask you about this children's health bill after our break.

[BREAK]

Young: This is a resumption of the February 14 interview with Nick Littlefield.

Littlefield: Okay, Jim, you've asked me to fill in a little more on the Clinton part of this. After Clinton's office had called the Democratic Senators to pull them off the bill and not vote for Hatch-Kennedy, which a whole number of them did do, we lost. Kennedy was very upset, so we went back to the White House and complained. One of our strategies was to go and see Mrs. Clinton privately, in her office in the East Wing of the White House. We met with her, along with her aide, Melanne Verveer. Have you interviewed her?

Young: For the Clinton project.

Littlefield: The other person who was present, of course, was Chris Jennings, the White House health aide, and they all agreed that they would help and do everything they could. By the end of the day, the White House helped to keep the $16 billion and the $8 billion intact and doubled it to cover ten years. We obviously needed the full support of the Clinton forces in the budget negotiations, because they were the only Democrats included at the table. They had to be part of it because Clinton still had the veto. This budget deal was supposed to be a big deal with Lott, and this was now a part of it. This was one of the two spending initiatives that Clinton supported.

One was the education scholarships, I think it was called the HOPE Scholarship, and the other was this. I don't doubt that Mrs. Clinton, behind the scenes, with the health staff, had a role. I'm sure that Bill Clinton would have always supported children's health if he felt that he could have done so, but he had this deal with Lott. It always surprised Kennedy and me that Clinton didn't find a way to work with Lott around it. It was a two-party negotiation. You would have thought he could have figured a way around it so that he wouldn't be in a position of killing children's

health insurance, which it looked like he had done at the point in time that we lost the vote on the floor.

Young: Was there any direct communication between Kennedy and Clinton?

Littlefield: I don't remember. There was some money in there already for children's health insurance, the Medicaid expansion. It was unclear how that would have panned out, with the Republicans being so much against it. It was part of an agreement, and of course *that* had been spurred by all of this attention being paid to the Kennedy-Hatch children's health bill and to the work that Rockefeller and Chafee were doing in the Finance Committee.

There's another side to the story. The Clinton side would be, "We got the $16 billion in and had a deal on the overall budget, and we couldn't break our word, but then we engineered that you got the money at the end." That's a perfectly credible story, a perfectly accurate story.

We thought if he had been 100 percent with us we might have gotten even more and wouldn't have had that setback, when it looked like the whole thing could be derailed. But then Mrs. Clinton helped, without any doubt. This whole thing came up in the Presidential election. It was thought, erroneously, that Mrs. Clinton had been involved in the Kennedy-Hatch health insurance effort, CHIP, much earlier, so there was a little back and forth around that in the press. Then she stopped going back to the beginning on children's health, but I have always said, and I said it publicly, that she was undoubtedly crucial in that period *after* Clinton had turned it down. She was critical in getting the White House back on board in support.

Another point about this is that it's an object lesson in everything that I have described in my previous interviews about Kennedy as a legislator. First, he made an opportunity that didn't exist without him. He created a campaign, a crusade, a coalition, and an effort that didn't exist without him, even though we were down ten Senators on the Democratic side. The product is essentially the exact product that Kennedy and Hatch designed, this state-managed, federal money, federal rules, but a lot of state flexibility, private insurance for children. That was the Kennedy model. It was not Medicaid, which probably wouldn't have worked because it wouldn't have gotten support and it certainly wouldn't have the kind of support that we now have for CHIP.

In the [George W.] Bush term last year, we overrode the Bush veto in the Senate and couldn't override the veto in the House, and we just got 60 votes plus for doing it now, so it has broad bipartisan support. But the point is that without Kennedy there wouldn't be any Children's Health Insurance Program. It just wouldn't have happened. We'd be fighting for more healthcare now without that program in place, without the coverage of ten million children, which makes doing health reform easier because there's a big chunk of it taken care of already, so we don't have to include that in whatever we're going to do next.

The point is that in legislating you have a moment, and if you get something done, it's there forever, as if it were ordained and written into some predestination that it be there. But that isn't the case at all. It depends entirely on whether a person like Kennedy, with his skill, comes along and makes it happen. It's like the Ryan White AIDS [Acquired Immune Deficiency Syndrome] care bill, which I've talked about before, and which everybody celebrates. There would be no Ryan White bill without Kennedy having done it. There would be no program. If you look across

the universe of things that matter and say, "Gee, there's no program for that," well, it's true. That's what it would have been for children if Kennedy hadn't come along and done the Children's Health Insurance Program.

So much flows that seems inevitable. If you meet your wife in a train station, strike up a conversation with her, and she becomes your partner for life, it seems inevitable that that would have happened. But if you hadn't have been waiting at the train station at that exact moment, you never would have met her. Everything that seems so obvious now flows from the fact that Kennedy happened to be there and put in place this piece of legislation, this program, which so easily had no likelihood of being there. It wouldn't be there today if not for him.

Public policy legislation, social progress, is brought about by these moments when forces are marshaled and something happens. Usually they are led by somebody, and in the social program field for the last 30 years, there hasn't been a single one of these that hasn't been led by Ted Kennedy. It's important to reflect on that as everybody celebrates the Kennedy-Hatch Children's Health Insurance Program, that it's there because of him and it *easily* could *not* have been there, wouldn't have been there, if he hadn't have been so dogged and so smart about how to do it.

This episode with Hatch, where we tried to get him to strike a deal with Kennedy for tobacco regulation and raising the tobacco tax, that was during the final throes of my tenure with Senator Kennedy. We were now at the end of '97. I came in '89 and I stayed until '98, so I was there for a little over nine years. When I came, I didn't expect to stay so long. I expected to stay three years, but because it was so exciting and I was having so much fun and able to do so much, we stayed, the family stayed, I stayed. It was great. Over time, I became closer to Kennedy and closer to the decision making and the directing of the policy side of the shop.

Leaving was very difficult, but it was to be, because at that point I had been there a long time. I was not someone who was going to spend my whole life as a Senate staffer, and if I was going to leave I needed to leave, because I was 55 at that point. I didn't have retirement the way I would have had if I had been in the government all the way along. My three stepchildren were all in college or graduate school and I had a responsibility there, so I needed to come back to the private law practice. I wanted to move back to Boston and Jenny, my wife, was willing to do that, also. Although we all loved the time in Washington, we were looking forward to coming back home.

Jenny moved back in August—We rented a small house in North Cambridge—and I commuted back and forth to Washington during the course of the fall. I would go down on Monday morning or Sunday night and stay with friends in Washington, and then come back on Friday night. I finally left, officially, in February of '98. The Senator threw a wonderful going-away party at his house, at which we had great fun, with a lot of singing and dancing and good fun with all of our best friends. There were a lot of Irish songs, which he sang and I sang. Others are always stunned by this, but they seem to be good-natured about it. By then I had developed sort of a friendship with Senator Kennedy in addition to working for him, through the fun of the singing and the music and the tennis and the things I've talked about, as well as a friendship with Vicki Kennedy.

Young: That made a big difference, did it?

Littlefield: Vicki?

Young: Yes.

Littlefield: Oh heavens, yes. I've talked about it during my story of the '94 election. There's no question that she became a brilliant advisor to him. She's as good as anybody could be who would work with him on strategy, speeches, tactics, everything. They became a real partnership. She is great for him and has been from the beginning.

Young: Could I ask? Was anything different about the way he organized his life, work life and home life, from before?

Littlefield: Before Vicki and after Vicki?

Young: Yes.

Littlefield: Yes. She had two young children, so they had young children at home. They eventually moved in from McLean to D.C., so there wasn't as long a commute. That meant giving up the tennis court, because he had a tennis court in McLean, so there wasn't as much tennis in the morning. Much of our work before he married Vicki had been at night, in the evening—he had had issues dinners at his house maybe once or twice a week, where we would bring in all sorts of experts and there would be very serious, substantive discussions on all sorts of topics. When Vicki and the Senator got married, those dinners continued, but less frequently, and gradually didn't happen anymore, because they needed to be home to have dinner with the kids.

That was a change, but otherwise, his life was just much more orderly, as it would tend to be with a family, rather than living the life of a bachelor. It was obviously very grounded, because Vicki was such a voice—someone for him to talk things through with 24 hours a day.

Young: There wasn't anybody like that before?

Littlefield: I don't know whether there was or not.

I was back in Boston—The tradition in the Kennedy world is that if you work for Kennedy once, even if you leave, you still are available, and you want to be. For me it meant the world to be able to be available, because I'd loved it and loved him and working on these issues and fighting for these causes and being at the center of the action. It was hard to leave and hard to get away from that, so I tried to build a law practice that would allow me to continue doing things that I cared about, in the healthcare area particularly.

I stayed in touch with Senator Kennedy as a friend up in Boston. I was among several sets of eyes and ears in Boston, watching things happening and bringing opportunities to his attention. I did some sailing. He and Vicki came up to Maine a couple of times to visit their friends Lee and Diane Fentress, and we would all get together and go sailing up there and that was great fun. Occasionally, we'd go down to the Cape and go sailing there.

Jenny and I would get the chance to stay at the Senator's house in Hyannis Port, which was always a spectacular experience. You've been there, Jim. You know what it feels like to go into one of the "sacred" houses in all of American history. To be actually living there, eating and sleeping there, is quite an experience. It's also very good fun, because the Senator is so much fun and such a great host. He usually hires a pianist and we have dinner and then sing after dinner. There have been wonderful evenings when some of the Broadway stars who have become part of his orbit happen to be performing on the Cape or in Boston or something and come down, so we have these professional singers singing along with the Senator and the rest of us, which is great fun. Life has continued that way up until today, where it will continue, I hope, for considerably more time.

I don't have many more details about the last ten years, except to say that we've stayed close. I'm now working very actively on the creation of the Edward M. Kennedy Institute for the United States Senate, which will be built at Columbia Point, next to the JFK [John Fitzgerald Kennedy] Library. I've been working with the Senator and Mrs. Kennedy and the board of that organization for three or four years, since the idea first arose, and we're in high gear now. We met just a few days ago with the four finalists for the architect selection process, and we're closing in on the architect selection, which I hope will be resolved in the next two or three weeks. Then the design will start and groundbreaking will be the beginning of next year.

Young: That's fast track.

Littlefield: It's very fast track. The building will be built and finished, the schedule is, at the beginning of 2012. It's a two-year construction process. I've been working on the fundraising for that effort, along with Jack Connors, a leading Boston businessman who has taken on the assignment of raising the money. That's great fun and gives me a chance to think about how you best educate the public and students, particularly students from early school years through high school and college, as well as students from across the U.S. and from elsewhere, about the functioning of the U.S. Senate—the history of the Senate, the issues that come before the Senate—and at the same time represent Senator Kennedy's record and his extraordinary achievements in the Senate. The oral histories that you've been doing will be a central component of the institute and the record, because all of Kennedy's papers will be at his brother's library, which will be right next door to the institute.

The institute is being built as part of the University of Massachusetts at Boston, and will be very much an educational center. It's not a museum; it's going to have a replica of the U.S. Senate Chamber as the centerpiece of the building. The idea will be that people will be able to have the experience of participating in debates, watching mock debates and reenactments of debates, and working out public policy issues the way it's done in the Senate. The theory is that you learn best by *doing* as well as by reading about things. The idea is to study the great issues the country has faced, which have been debated on the Senate floor, in the context of literally standing up and debating them and discussing them in a chamber that looks just like the U.S. Senate.

Young: It's unique, really.

Littlefield: It is unique.

Young: So much of the education that goes on about public policy, or about governance and public policy, is oriented toward the executive, the President. Then you have your judicial wing that studies the Court. But the legislative way of doing things, the deliberative way, a place where one person has one vote and nobody can gives orders to anybody else, the experience of coming to a conclusion and making your policy through a deliberative and political process—people don't understand that at all well at this time. Years ago, a former Congressman wrote a book called *The Legislative Way of Life*. It's a marvelous book because it sings the praises of the process of arriving at policy by finding areas of agreement, the importance of arriving at more or less consensus solutions that the country would buy, which the President doesn't always have to do. I'm so glad to see this thing coming about, because you can train people in the substance of policy, which we do in spades—expert in this, expert in that. You have people who study Presidential relationships, all of this. Most of the work that's done on the Congress focuses on the House, remarkably little on the Senate.

Littlefield: There have been great House members, but the legislators you think about—the great Henry Clay and [John] Calhoun and Daniel Webster, [Hubert] Humphrey and Kennedy—have all been Senators.

Young: That's true, but I'm saying that the analysis, the teaching of how things get done, focuses on the House and focuses on the vote. There's more focus on the vote because you have all these large numbers—and modeling and all of this that goes on—so the human element tends to go out of the process.

Littlefield: That's true.

Young: I was trained in political science as well as in history, and I've long felt that political scientists don't know what to do with *people*. [*laughing*] They know what to do with votes.

Littlefield: That's what I've been trying to explain here, that it's all about people and chemistry.

Young: Yes, you have. Certainly, that's what oral history can do, but the center that's being established can do a lot more of that by exposing people to the experience of engagement with peers.

Littlefield: It was fascinating, dealing with these architects. What was nice was that when the University of Massachusetts put out the request for proposals, inviting architects to submit proposals to build this structure, we had 30-plus proposals. If you were to list the ten most famous architects in the United States, eight of them applied. In other words, everybody—architects from New York, from wherever—wanted to do this building, because they were so excited about doing a project that honored Senator Kennedy and focused on the Senate and would be built at Columbia Point, next to the JFK Library.

These intellectuals, who see things in terms of design and function and symbolism, grappled to prepare for the submission and then for these interviews we had last week with the four finalists. They all grappled, in an artistic sense, with what the institute represented in relation to many different aspects of the project, but in relation, particularly, to the Presidential library. There was a lot of talk: What is the relationship between Senator Kennedy and his brother? What is the relationship between the Presidency and the Senate? How do you put a building next to the

iconic I. M. Pei building, which is the Presidential library? It was riveting if one likes art, because they were talking about the two central components of the JFK Library. One is a circle and one is a triangle, and they were meshed together to create the building and its towers. One is a triangle; one is a circle; and the triangle and the circle are sort of battling with each other to create one whole.

One of the architects talked about doing a cube for the institute, because the Senate is such a solid institution. It's always there. That's the history of the Senate: always there, slowing everything down, being a big—It's a place that is always there, has to be dealt with, and doesn't blow with the wind, so it's going to be a cube next to this triangle and circle. Whether that's the best metaphor, every one of the architects had something to say about how you represent, in the design of a building, the relationship between the Senate and the Presidency, the relationship between Senator Kennedy and the Senate, and the relationship between the Senate and the sea, because this site is on Boston Harbor, Dorchester Bay, to be precise.

It was fascinating. It was very gratifying to hear one after another of them say that this would be the commission of a lifetime, to try to repay Senator Kennedy for all he's done for America and to capture what he and his institution, the Senate, mean, and to create a place where people could come to understand it. To have people from the architectural profession so excited about Senator Kennedy's career, and about the Senate and about what could be learned by working on the project, was a validation of what we've all been saying and what we all feel, but it's always fun to hear it from a completely different set of people. I've been doing that and occasionally chatting with Senator Kennedy about politics and campaigns and all the rest of it.

Young: You've been involved, after you left, also, in his healthcare work, on healthcare policy?

Littlefield: I have somewhat, but not to a great extent. A lot of my work involves health policy, but the Senate is one of many places where health policy is made. One of the lessons I learned when I was in the Senate is that if you're trying to do major transformative legislation, you need to have the private-sector enterprises that are most affected by it at the table; you need to work *with* them. It is very hard to force legislation in a particular area, particularly in a Republican era, into being over the objection of the affected industry. For instance, one of the key reasons we were not able to do health reform in '93 and '94, when I worked for Senator Kennedy, was that all of the affected industries were against the effort; that's what led to the "Harry and Louise" ads opposing the Clinton legislation. The proponents of health reform were outspent $100 million to $15 million, according to Tom Daschle's recent book on healthcare, and there was just no chance with the insurance industry, providers, and pharmaceutical companies all against it.

When we did the Kennedy-Kassebaum bill, we were able to get that enacted in part because we worked it out with the industry. The next bill that was introduced after Kennedy-Kassebaum, after children's health, was the Patients' Bill of Rights. I was there when it was introduced. I wasn't there when it was fought over, over the next three to five years, but it was never able to be enacted because the managed care companies fought it so hard, and they just could not make a deal with them. It was the same, really, with the tobacco regulation legislation. The tobacco companies were determined to kill it and they killed it. The track record is that if you don't have the industry and the proponents of the legislation on the same page, it's very hard, realistically, to get it done.

Medicare, prescription drugs, was one of the issues we worked on as another idea in this incremental strategy, to follow the failure of healthcare reform in ’93 and ’94, because everyone understood that you can’t have a Medicare program for seniors that doesn’t pay for drugs. Drugs were represented as a tiny portion of the healthcare budget when Medicare was founded, so it’s easy to understand that it was founded initially paying for hospitals and then expanded to cover doctors, Part A and Part B. But by 20 years ago, it became obvious that it needed to cover prescription drugs as well, and there was no coverage of prescription drugs.

The industry didn’t want drugs to be covered because they thought if the government was covering their products, the government would end up setting the prices. They felt the way the hospitals and doctors had felt before, but it seemed to Senator Kennedy, and I felt the same way, that if you could possibly make an agreement with the pharmaceutical industry, if you could strike some bargain with them that they would *support* Medicare drug coverage, you would actually have a chance of getting it enacted. You couldn’t get it enacted over their complete resistance, so I tried to bring parties together.

Ultimately, Senator Kennedy took a lead in passing the Medicare drug bill through the Senate, I think in 2003. He was the cosponsor of the compromise bill, along with Senator Frist, who was the Republican majority leader at that point. It was a big success because, again in a Republican era, when the Republicans didn’t want to spend money on social programs, Senator Kennedy held out for a universal benefit for Medicare drugs. It was not perfect, by any means, but a universal benefit where anybody who was eligible for Medicare would have the opportunity to obtain an insurance program to cover their drugs. Low-income seniors, and that was close to 45 percent, would have very small copayments and no coverage gap.

The deal that Kennedy struck was that there would be a private delivery system, just like children’s health insurance. That is, private insurance companies would provide the drugs and seniors would pick from a number of plans, and the competition would be at the plan level. In return for what Kennedy called a Republican benefit structure—a private delivery system, which was a Republican idea—the benefit program and the coverage would be universal, which is a Democratic idea. It wouldn’t be a welfare program; it wouldn’t be just for poor people; it would be like Medicare and Social Security, for everybody. That was the deal that was struck.

Kennedy managed to get a program through that cost $300 billion or $400 billion, one of the largest—much bigger than CHIP was—and he got that through with 75 votes in the Senate in July 2003, one of the largest number of votes that one of these big health bills has had. Then the House Republicans got hold of it

As I’ve said, they hijacked the bill and twisted it so that there was much more support for the private health insurance plans overall, even beyond the drug benefit, to wean people away from Medicare into the private insurance market. They created subsidy programs through the private insurance market so that there wouldn’t be competition between private and public. The public would be subsidized; the privates would be subsidized and paid more by Medicare. The upshot of that was that Kennedy opposed the House bill and fought it very hard, but the Republicans pushed it through. The implementation was very difficult, but it was accomplished with some excellent work by some of the people at the Department of Health and Human Services, led by Mark McClellan.

The program was enacted and started in 2006. At this point, it's an enormous program. It doesn't work perfectly. There are issues with the coverage gap, the so-called donut hole, but you would not think of Medicare now without this enormous government commitment to funding prescription drugs. Kennedy doesn't talk a lot about his role in making this happen, but again it was Kennedy. He did it; he put this compromise together. He put the "grand bargain," as he refers to it, together. He led the fight to get it through a Republican Senate. He got it through and then he lost it in the House, but it happened. Gradually since then, most of the parts of the bill that he objected to have been pulled out of it, as Democrats have taken more control over the Congress. Now you wouldn't want a Medicare program that didn't cover drugs, so Kennedy, once again, on this massive issue, was the visionary and the force behind getting it done.

Kennedy has been the central legislator in the infrastructure for healthcare: the FDA and NIH [National Institutes of Health], the regulatory bodies, the educational programs, the training programs, the community health centers, the facilities, and the teaching hospitals. When it comes to coverage, Kennedy has been the single most important force, whether it was people with HIV [Human Immunodeficiency Virus]/AIDS, children, drugs, Medicare drugs, mental health parity. He's been the force behind all of these initiatives. Now the hope is that, before he dies, he will be able to see a universal healthcare effort succeed. You know, there's some chance that that could happen.

Young: A lesser chance today, with Daschle out?

Littlefield: It seems so at this moment, because I think Daschle was uniquely able to do this. Maybe this is a segue into Daschle, and Kennedy's relationship with some of these leaders. Is that okay?

Young: Fine.

Littlefield: When I got to the Senate in '89, the majority leader was George Mitchell. The number of bills, important bills, that were enacted during the first two years of [George H. W.] Bush One in Kennedy's committee, the Labor and Human Resources Committee, was unmatched by any committee going back to the Great Society. You remember Mitchell as running a very orderly process, a very lawyerly process, a very judicious process, but Kennedy was on his own. Kennedy would go to Mitchell and tell him what he was going to do and try to persuade Mitchell to include Kennedy's priorities in what Mitchell was doing on the floor.

They weren't going to do new social programs in the Reagan era, so Kennedy's committee had become—Senators didn't necessarily want to serve on it, because not much was going to be able to happen. But then, as the country turned and as Bush One talked about a kinder and gentler nation, there was this pent-up demand for education and jobs and healthcare, family, children issues. I've already talked about this, the litany of legislative initiatives that Kennedy got done.

He would keep Mitchell informed and Mitchell would be very cooperative. Kennedy was always very solicitous, very thoughtful, very focused on how he could help Mitchell, how he could make sure Mitchell knew what Kennedy was doing. He would always be there when Mitchell needed help, whether it was a policy issue or a campaign issue or supporting the other Democratic

Senators. Kennedy was always very hands-on in that regard, so he was perceived to be a good sport and a team player. He was also pushing, all the time, for more progressive action.

The relationship with Mitchell was very friendly, but they were not soul mates particularly. They certainly saw alike politically, but they didn't hang out together the way the Senator did with others of his colleagues, such as Jim Sasser, Don Riegle, Chris Dodd, Barbara Mikulski, and people like that, although he had great respect for Mitchell. He would include Mitchell in anything that he was doing that he thought Mitchell would be interested in. The relationship was very professional, I would say.

Then came the Clinton era and we had healthcare. Mitchell appointed Daschle to be the point person on healthcare from the very beginning of the Clinton Administration, so we all saw a lot of Daschle. This is when I think Kennedy came to know Daschle best, during this two-year period when Daschle was Mitchell's point person on healthcare. By the summer of '94, Mitchell had taken it back in terms of the substance, and we were on the floor with Mitchell trying to craft this centrist coalition. Mitchell himself and his staff were the focus of all this.

Mitchell had also been involved in what I described earlier, the effort to decide the jurisdiction of the Clinton healthcare bill, whether we'd go to the HELP [Health, Education, Labor, & Pensions] Committee or the Finance Committee. That was a big problem, that the thing couldn't be resolved. [Daniel Patrick] Moynihan was reluctant to do health reform and didn't believe that the Clinton approach was the right one, and was the chairman of the Finance Committee. If the bill went there, it would probably be dead, so there needed to be a structure to rewrite the bill.

Young: Was Mitchell playing the middle of the road here?

Littlefield: Well, there were two things. Mitchell was going to play it fairly to both the Finance Committee and Kennedy's Labor Committee, but he was going to play it straight. If the bill were written so that it was an employment benefit bill, so that healthcare was a condition of employment, then the bill would be referred to Kennedy's committee, because his jurisdiction included work and work conditions. If the bill were written as part of Medicare or Medicaid, or connected to a tax, then it would go to the Finance Committee.

The Clintons, knowing that Moynihan would not receive their bill well, decided to try to write it in a way that it would be an employer mandate. Employers would be responsible for providing health insurance, so at least that portion would go to the HELP Committee, to the Labor Committee as it was then known. Mitchell set up a process where he would be the judge of where the bill should go. The bill was drafted and then the Finance Committee and the Labor Committee wrote these long legal briefs, as if Mitchell were a judge. We submitted the briefs on why the legal case for the bill being referred to the Labor Committee should be the prevailing view. Mitchell studied all this stuff and had his top aide, John Hilley, working on it. Mitchell concluded that yes, it should go to the Labor Committee, but when Moynihan found out about that, he was so worked up that he put a hold on referring the bill and it was therefore held at the desk, and not referred. This was in the fall of '93, when the bill was finally produced. It was held at the desk and then the committees acted on their own. The bill was never actually referred anywhere. Each committee came up with its own bill *sua sponte*.

We got our bill through the committee in the spring of ’94. Moynihan did not get a bill through, and then the Moynihan process was taken over by Mitchell trying to get a centrist bill that Moynihan and others on the Finance Committee would agree to. Three or four Republicans were trying to be this centrist coalition. Chafee, [David] Durenberger, Jeffords, and a few others were meeting with Mitchell and with the White House to try to work something out. It never happened. Mitchell lost control of the debate over the course of the summer of ’94, and pulled the health bill down and said we’d keep working on it during the recess to see if we could come back with some compromise proposal. He worked very hard and Kennedy worked with him very hard, but by the middle of September it just couldn’t go anywhere. This was when we spent a lot of time with Mitchell and a lot of time with Daschle, as Mitchell’s deputy.

Young: You refer to him as a deputy, Mitchell’s point man.

Littlefield: Right.

Young: You used that word earlier. Tell the people what that means. Here was Kennedy, the head of the committee—

Littlefield: And Moynihan the head of *his* committee. Mitchell, who was the majority leader, was going to preside over the strategy of taking the bill to the floor. He asked Daschle to bring the parties together, to work with the parties, to work with the White House to try to strategize how to get health reform done.

Young: I see.

Littlefield: And that failed, obviously. It was not Daschle’s fault. The White House had its mind set in terms of how it was going to deal with this and it just didn’t work. The timing was all off; the drafting of the bill up at the White House, as opposed to having the members of Congress draft it, was all off. The failure to deal with the stakeholders, with the private businesses that were affected, was all off. Writing a bill that changed everybody’s health insurance, including that of the people who already had it, 85 percent of the population, set them up to be attacked for trying to change the health insurance that most people had, because most people like the health insurance they have. It wasn’t Daschle’s fault, but this was when Kennedy got to know Daschle a lot better. Mitchell left in ’94 and Daschle was elected leader after the election debacle of ’94. He beat Chris Dodd by one vote. I probably told you that story.

Young: I don’t think you did.

Littlefield: I know the story, but I don’t have any particular insight into it. It was part of the organizing of the resistance to the Republican revolution. As soon as we got back to Washington, after Kennedy’s successful election in ’94, when everybody else lost, the first thing that happened was that the Democrats selected their leader.

Kennedy was for Dodd. Originally Jim Sasser was going to run to succeed Mitchell, then he lost his bid for reelection. He was Kennedy’s friend, so Kennedy was for him. Then Daschle got into the race at some point over the summer. At the last moment, Dodd got into the race, drawing the older members, who had been friends with Sasser; the younger members were with Daschle pretty much. It was basically a dead heat. There were 45 Democratic Senators. I think it was 22

to 22, and one undecided. At one point it was 23 for Dodd, 22 for Daschle. They hadn't voted yet, but that was the way it was lining up. That night Carol Moseley Braun, the Senator from Illinois, took up Daschle's offer to take over his seat on the Finance Committee. He agreed to get off the Finance Committee and allow her to take his seat. She wanted that, so she switched to be for Daschle and he beat Dodd, 23 to 22. Kennedy was for Dodd.

Another hard piece of that was that John Kerry, who is Kennedy's friend and Dodd's friend, supposedly, and is from Massachusetts, obviously, voted for Daschle, which was not a happy thing for either Kennedy or Dodd, Dodd being Kennedy's best friend in the Senate for years. That was a big problem. The group that surrounded Daschle didn't include Kennedy, but Daschle had such respect for Kennedy, and Kennedy worked so hard at re-creating and building that relationship, that it turned out to be a very strong relationship.

But there are always issues with the leaders, whoever they are, because Kennedy is always pushing very hard. The leaders are responsible not just for the northeastern, liberal wing, but have to manage the whole party. They have southern Democrats and midwestern Democrats, Rocky Mountain Democrats—who aren't always seeing things the way Kennedy is: a new government program here, a new government program there—so there's always tension and a lot of pushing back and forth. The leader's staff tries to keep us at bay because the Kennedy people are always pushing for something more. The leader has to keep track of all the members, particularly when they're in the minority, when you have to hold the 40 votes to make sure you can stop something. He has to have relationships with the people, so he can deliver them when he needs them.

Young: The leader also has relationships with the White House if it's a Democrat.

Littlefield: Yes.

Young: It's a special relationship, isn't it?

Littlefield: Yes, very much so.

Young: That also goes into the mix.

Littlefield: Kennedy was a type of leader in his own way. Mitchell and Kennedy saw things alike, and Daschle and Kennedy saw things alike, usually more than any of them saw things the way Clinton saw them. Kennedy always felt he would have an ally, if he went and spoke to Mitchell or Daschle, on whatever the issue was.

Kennedy's relationship with the leader was strained in about 2000, when Kennedy supported the Bush—Well, first it was the Medicare prescription drugs, for which Kennedy went out on a limb, thinking he had an understanding about what the bill would look like at the end. He pushed it and pushed it, whereas Daschle didn't really, I think, want to have this done, because he saw that a) Republicans would take credit for it, and b) he didn't think that the House would allow a bill to get done finally that he could support.

But Kennedy wanted to do it in his fashion. He wanted Medicare to cover prescription drugs, worked on this grand bargain, and then went all out for it. Daschle, I think, voted for it, but he

was reluctant because he saw Kennedy giving Bush a big achievement. Then, as Daschle had predicted, the legs were cut out from under Kennedy in the House.

Once you've gone through the Senate the first time, the big power you have with the filibuster and everything else is lost to you. I think Daschle would rather not have given up that power by passing the bill as it was passed; he might have wanted to see what the House was going to do first. The upshot was that it happened, and I'm sure that Daschle and his staff probably complained: "Kennedy is not the leader. Why is he taking us across this bridge when we don't want to go on it? Why is he walking us out on this plank?" And then the plank was sawed off because of what the House Republicans did. Kennedy was badly burned by that, because he had trusted that if he did this, Frist would protect him and it would be okay, but it turned out not to be. That strained the relationship with Daschle and his staff, I'm sure.

Then came No Child Left Behind, which was the other big Bush signature piece. Kennedy made a deal, conditioned on a certain amount of money being available for the elementary and secondary schools in the low-income areas, with a fairly rigid set of standards that the schools had to meet if they wanted to keep their government funding: testing of students and setting of curricula, all of that. There were a lot of Republican ideas, but Democratic ideas too, mainly more money for schools that have poor kids in them, a lot more money. Then the Republicans reneged on that. Kennedy was the voice of the Democrats who made this compromise happen, and went around the country with Bush, going to bill-signing ceremonies and press conferences to champion the new education bill, and that made the leader not feel great about Kennedy, I think.

We had the leader not feeling great about Kennedy as a result of those two bills. If Daschle or somebody were being asked why they were not enthusiastic about them, at the time they would have said, "Well, look, we predicted that if Kennedy was for them and they passed the Senate, they'd get changed or they wouldn't get implemented properly." Of course that turned out to be the case with the drug bill; it was changed in the House. And No Child Left Behind never got funded. That left these schools with all these obligations and responsibilities to have their kids pass certain tests or they'd lose support, but they had no money to put into teachers or mentoring programs or tutoring programs or whatever it was that was going to be necessary.

Young: And Bush didn't go to bat for the funding.

Littlefield: He didn't go to bat for the funding.

Once again, you could say that Kennedy's legs were cut out from under him after he'd taken the process, the commitments that had been made, to heart. Many Democrats wished he hadn't done that. Those two big bills in the 2000s, which Bush talks about as his greatest achievements—Kennedy was the indispensable Democrat in making those bills happen, and that was over the objection of Daschle in some cases. In a way, Kennedy did have his legs cut out from under him, just as Daschle probably predicted he would, but in neither case do I think that Kennedy would say he wished that he hadn't done those bills, because we can fix both of them. We are fixing the Medicare drug bill step by step, and we can definitely fix the other one. The funding in the stimulus bill that just passed yesterday is going to help with No Child Left Behind. That's the relationship with the leadership; now there's his relationship with the caucus.

Every Tuesday there's a caucus lunch, and all the Democratic Senators go. They talk about the issues for the week and it's chaired by the majority leader or the minority leader. Kennedy goes to all those lunches, and there's much discussion about bills. Sometimes things get very passionate in there. There have been a number of sessions in which Kennedy went on one of his high tirades. Everybody goes, "Ooh," and looks askance, embarrassed, then they rush up to Kennedy afterward and say: "Thank God you care so much. You are our conscience. Without you, we wouldn't be doing any of this; keep it up." He gets into shouting matches sometimes with other members when he thinks they are being foolish or aren't supporting a progressive agenda enough or what have you.

Young: But that does not lose him respect?

Littlefield: It doesn't. It's very interesting. People know that that's Teddy. On the minimum wage, I think I told the story of his explosion when he got back from the Cape after his mother's funeral and met with the Senate and House leadership on the minimum wage. Senator Kerry said: "I'm not sure we can do this right now. It's a Republican era. This is a poor person's program." Senator Kennedy then went on an eight-minute diatribe about who were we if we didn't do this, in front of the 25 leading members of the House and Senate and 50 staff. This was in a very tight room, not much bigger than the room we're meeting in now, with the Senators and House members huddled around the table and the staff packed in behind. Kennedy just let them have it, and at the end, everybody was extremely solicitous. There are those eruptions from Kennedy occasionally, but people are used to them; they don't mind them; and they know where they come from. It's a passion to get this stuff done.

Young: Back to Daschle a bit. In retrospect, on education and prescription drugs, do you think it was a case of Kennedy not having as good political intelligence at his disposal about the House as Daschle did? Daschle was predicting, as I understand it, that the House would do exactly what they did.

Littlefield: And Kennedy thought he had Frist's word and the White House's word.

Young: He was relying on Frist's word for the House?

Littlefield: Yes. It wasn't entirely Frist's fault. I think the House bullied Frist. They didn't pay any attention to Frist, either. They knew what they wanted to do. But we were asking the House to swallow quite a bit. It was an unpaid-for $700 billion program to fund prescription drugs. It wasn't exactly a Republican idea; it was a massive Democratic idea, so one might have expected that they wouldn't have just taken it all as if it were written in stone, but I think the politics led Kennedy to where he had to come out against it, because of his own caucus.

He had pushed them and then he was backstabbed by the people he had been working with, in part. At that point, it was a matter of pride as well as the relationship with his colleagues. He became a staunch opponent and then Senator [Max] Baucus was the Democratic version of Olympia Snowe in today's stimulus package for the Republicans. Looking back, history will—if it's accurate—report that Senator Kennedy drafted the bill, put it together, built the coalition just has he had on other bills, and got it through the Senate, this time with 75 votes. Daschle probably voted for it at the end, but he was very much on the fence.

I wasn't there then, so I don't know. There are all sorts of people, from Nexon and Michael Myers to Mark Childress you could talk to about what happened. It was certainly a great Kennedy achievement in the form it went through the Senate, and the changes that they made in the House are fixable, and are being fixed. Nobody would say, "We wish we didn't have Medicare prescription drug coverage."

With Daschle, again, it was a professional but very palsy relationship, because Daschle was very loyal to Kennedy and vice versa. There's no real inside story with Daschle. He had a son at Harvard Law School, so we used to see him from time to time up in Boston. I don't know if he and Kennedy ever got together up here when he came to visit his son, probably not. It was always a cordial, mutually supportive relationship. It's so sad that it's not going to be able to continue, that Daschle is not going to be at HHS [Health and Human Services], because there really was a chance. I think things may settle down, nobody is indispensable entirely. Kennedy is about as close as it comes to being indispensable, but we're learning to live without him right now.

[Robert] Byrd is an interesting case because—Well, Byrd is chairman of the Appropriations Committee. Because of Byrd's personality and his formal nature and his ironclad control over the appropriations process when he's the chairman, Kennedy worked out a very cordial and mutually advantageous relationship with Byrd. We've all heard the stories of Byrd challenging Kennedy for the majority leader post back in the '70s or '80s. It must have been the '70s, when Kennedy was briefly the whip.

Young: Sixty-nine.

Littlefield: As a member of Kennedy's staff, I was always aware that we were extremely formal and deferential back to Byrd. Kennedy liked Byrd, even though they'd run against each other, and they became friends after that. Kennedy worked with Byrd as a friend would do, very intently. They both painted on the side and would exchange their paintings. Kennedy would always go and visit Byrd and there would always be—Byrd has this big heart and big intellect, so Kennedy, whenever he went to see him, would either take a gift that would be very soulful, or he would learn a poem that he would recite, depending on what it was he was asking Byrd for, because Byrd was in control of all the earmarks.

Every Senator gets a certain number of dollars to divide within the state in terms of earmarks. That's changed, but that was the way it was when Byrd ran it, and with Byrd it was all a matter of respect. If he respected you and knew that you respected him, he'd take care of you. If you didn't, he wouldn't. He was all-powerful, so if you wanted to get anything from Appropriations, you'd better be on the right side of Byrd, and Kennedy worked very hard at that; he always went to Byrd's office. Kennedy almost always goes to other members' offices. He doesn't have members come to his office, because he has that sense of being polite. But the relationship with Byrd has been very good and is still very good.

To answer your question—How has your relationship with Edward M. Kennedy affected your life and career?—It's been pivotal, both professionally and personally.

For the first 20 years of my law career, I was either a federal prosecutor or I taught government lawyering and criminal prosecution or I was a defense lawyer. I was always in litigation, mostly on the criminal side, either as a prosecutor or as a defense lawyer, mostly as a prosecutor. I started at the U.S. Attorney's Office in New York, where I was charged with prosecuting organized crime and tax evasion and drug conspiracies, white-collar fraud and political corruption cases. I then taught those topics at Harvard Law School and worked as the chief counsel of the Massachusetts Anticorruption Commission, so my whole career had been as a lawyer in the criminal justice system. When Kennedy's office called, I started working for him on the then Labor Committee, and everything shifted. Up through my job on the Commission, I thought that *integrity* in government was everything and I wanted to spend my time enforcing that belief and setting an example and driving the system to support integrity. That was my passion.

When I started working for Kennedy, I didn't have any less passion for integrity in government, but I was not focused on rooting out corruption anymore. My focus, my energy, was on the little guy versus the powerful, the people versus the powerful: getting the minimum wage increase, getting civil rights for people with disabilities, getting treatment for people with HIV, freeing up research at the NIH from the right-wing constraints, improving the schools, providing childcare, fighting to get more power to the labor unions, working on job training, getting healthcare expanded to everybody, getting it to children. All of those things were working for the little guy against the odds, the obstacles that they face. That became the challenge of my professional career, and that was entirely because I went to work for Kennedy, for whom that was *his* passion.

It wasn't that I wanted to watch dishonesty in government around me—I wasn't going to tolerate that—but it seemed much less important to me to prosecute one wrongdoer than it did to get a million people an increase in their wages. That's been the ongoing passion of my life for the last 20 years. The first 20 years I was a criminal lawyer chasing down the wrongdoers. For the last 20 years, in my head, I've been—Certainly when I worked for Kennedy, I was chasing, on behalf of the little guy, the big guy. In my law practice, I would say I'm living the life of the big guy, but my heart is still with the little guy. I do as much of that activity as I possibly can, in whatever guise I can find to do it.

Young: He wanted you to go to the HELP Committee.

Littlefield: Yes. The tradition in the office is that if you're a success, you find your successor. Greg Craig was my friend, and had done foreign policy for Kennedy. He called me to ask if I wouldn't like to do foreign policy. I said I wasn't sure. Then the social policy job turned out to be open at the same time, the staff director of the committee. That was also a job where there *was* a job and a committee and a responsibility. The foreign policy thing—Kennedy wasn't on the committee, even, so it was more of a Kennedy-esque, Kennedy-centric thing. This was much more where my interests lie.

Young: Your movement was from integrity to social justice.

Littlefield: Yes. Well, chasing wrongdoers. I don't want to suggest that I left integrity behind.

Young: No, no.

Littlefield: It was cleaning up corruption, fighting corruption.

Young: Fighting corruption, but the place to do that is mostly on the Judiciary Committee, isn't it?

Littlefield: I suppose.

Young: It had been, with the [Richard] Nixon scandals, because that was a defense.

Littlefield: That was not of interest to me as a legislator. As a legislator, I was interested in fighting to get healthcare, to increase wages, and to improve schools. That was what I cared about.

Young: Yes, but you were hired into the natural place for that, and that was what Kennedy outlined to you in your initial talk.

Littlefield: Exactly. It's what caught my passion for the last 20 years.

Young: "Here's what we'd like to do."

Littlefield: Yes. I was sitting at the Harvard Club and I wrote it down on the back of a napkin.

Young: And that ignited you?

Littlefield: It absolutely ignited me. It was as if everything I'd done up to then came together. My lawyering, my politics, my theater, my singing, my advocacy, my public speaking, my strategy, all came together in this job.

I talked about how, in 1986, the office of district attorney in Middlesex County came open, because the incumbent district attorney, a man named Scott Harshbarger—who had been my college classmate, and I had been the chief of his finance committee when he was elected DA—decided to leave the office and run for attorney general. At that point, in the spring of 1986, I was a lawyer at Foley Hoag—where I am now—and I decided I would leave the law firm and run to be DA of Middlesex County, the biggest county in the state.

I organized my campaign, got into the race, and spent a month campaigning. I had built up a lot of support and I think it was widely assumed that I would win. Barney Frank and Paul Tsongas were the cochairmen of my campaign and everything was going very well. Then Harshbarger changed his mind, got cold feet about running for attorney general, because he thought he was going to lose. He came back and said, "I'm not giving up the DA's office after all; I'm going to run again for DA." There was no way I could unseat a sitting DA, so whereas my career easily, in 1986, could have gone in the direction of electoral politics—

That Middlesex County seat has been a platform to move from DA to attorney general to Governor. Although it was very difficult to give up the income and the security, I had decided I had watched people in government and knew that people who were good and had integrity needed to put themselves out, even if it was very difficult to do so if you didn't have private wealth. You needed to be willing to do it.

I just decided, I have to do this. This is the next step for me. I have to do this. I have to run because that's where you really put yourself on the line for what you believe in. I thought that the DA's position—I had trained my whole career to be the DA of Middlesex County in many ways. I taught for ten years at Harvard on how to be a DA. But then suddenly that thing that I had decided to do was taken away, or was lost to me as an opportunity. That's really what got me thinking, *I want to get back in public service*.

Then [Michael] Dukakis ran for the Presidency in '88 and I worked with him; I knew him. I might well have gone to Washington with him, but he lost. It was just at that point that, by chance, Greg Craig came to me and asked about doing this with Kennedy.

I didn't know Kennedy. I had never met him and had no inside track with him except through Greg, but it all turned out the way it turned out, that we got together and met each other. He offered me this job and I took it. That completely changed the trajectory of my career, utterly. It could have been that I was in electoral politics, but that didn't happen. In going to work for Kennedy, I gave up the chance of doing electoral politics. I made the choice. I could do more being Kennedy's chief of staff on all these issues than I ever could in electoral politics, realistically, and here it was. The opportunity was right in front of me. It was an absolute turning point when I went to Kennedy, because it meant no electoral politics. It meant I would be a staffer, but I was able to do these incredible bills and be close to him and help him achieve what he wanted to achieve, so how can I complain? When I think of the bills that I've had a hand in—As DA of Middlesex County you couldn't touch it in terms of the impact on people's lives.

That's how my relationship with Kennedy affected my life and career. Now look at me; my private law practice all grows out of what I learned, what I was exposed to with him: life sciences, biomedical discovery, the human genome project. My practice now is taking these new ideas, these breakthrough ideas, from a university to a teaching hospital to a company. I also help the start-up companies, the ones that are coming up with these new discoveries for tests and diagnostics and therapies and treatments, figure out how to work through the process of getting a product out into the market, because the government is such a key player in the development of health products. The government pays for half of the healthcare in America.

What I'm doing now grew out of what I was exposed to with Kennedy, so everything about my life is affected by this. It's given me the chance to do what I've done. What I came to see in him, which I didn't see at the beginning—Well, I had no idea about what he did and what he could achieve and what he would achieve at the beginning. I knew he was a big powerful Democrat who had run for President and was part of the Kennedy tradition—his brother was a big influence on me because I was a college student at that time.

Being part of that and learning—Everything I've talked about for these five sessions has been what I came to see in him that I didn't know originally. I didn't know about how he legislated or how the Senate worked or how much he got done or how he got it done or who he worked with or what they were like. I knew nothing about this. I had only visited Washington; I hadn't lived there since I was two, when my mother lived there during the war, because my father was in London. Everything I've talked to you about is what I learned about with him.

What distinguishes him from others I've known in public life? Again, it's what he's achieved. It's how hard he works at it. It's how shrewd he is. It's the bigger-than-life personality, how much people love him, how his colleagues love him. This isn't by accident; it's because he works at the relationships as hard as he does. It's all instinctual, but it's hard work. It's always having your eyes and ears open for what other people are going through. He's always there for people, and that goes for Republicans, Democrats, whomever. That piece of it is unique.

And then the big, funny personality is very engaging to me. He loves the outdoors. He loves the sports. He loves the competition. He loves the music. He loves the sailing. He's very sentimental about Maine, which I am also.

I have more fun when Kennedy and his wife, Vicki, are on their big boat and my wife, Jenny, and I get on the boat with them. He sails the boat and I run around trying to do whatever I do, because I don't know how to do very much on a boat. Vicki knows most of it and does a lot of it, but it was just the four of us. We'd be out on the Penobscot Bay or out on Nantucket Sound, and for four hours we'd be singing Broadway songs and looking around and being amazed. "Oh, what a beautiful morning; oh, what a beautiful day. I've got a beautiful feeling everything's coming my way." There's the whole sense of it, and he loves that stuff.

He has six or eight songs that he just loves and we do them over and over again every time. I always think I have to come up with new songs. He doesn't like the new songs; he likes the songs he knows and he's heard before; it's very sentimental and great. I've been so lucky to be able to share that side with him. It's the personality, the history, the politics, and, as I keep coming back to it, the music, the singing. I've described his singing voice, which is very strong and right on pitch. He has a number of songs he can just knock your socks off with, and that's still the case.

At the end of the day it's his ability to get things done, which I love, because you knew that by being with him and helping him and associating with him, and working on these things, you'd be part of getting these great things done that you cared about. But then the charisma and the energy and the personality and the passions for things just engaged my own emotions and intellect and feelings.

I suppose there have been other people in my life who have had this kind of an impact on me, in politics. There are people I've found along the way who were older than I was but were role models, and people I identified with and loved working with and wanted to be with and enjoyed every minute I was with them and we were going to get great things done. There was going to be a way I could get some great things done, and for the last 20 years, that person has been Kennedy. Before that, there were three or four others. I feel good when I think he's doing well and feeling good, and I feel bad when I think he's not. It's that much of an intensity, the way he's gotten into my being, because it's enabled me to have the sense of achievement that I've had. Now it could have gone a different way; it just happened to go this way. That may be as far as we go on that front.

[BREAK]

Young: This is a resumption of the February 14 interview with Nick Littlefield.

Littlefield: You asked what I thought someone trying to understand how the Senate worked and how Senator Kennedy worked in the Senate, and what somebody 50 years from now would want to know that we hadn't discussed. The team of people that Senator Kennedy assembled to work with him on his staff is worth talking about.

People always say, "Well, Kennedy had a great staff; he always had a great staff, the best staff in Washington," and then they stop there. That's point one. Point two is that in Washington, the staff is not supposed to exist. In other words, everything is done for the greater glory of the Senator; everything is done in the Senator's name, so the staff is supposed to be invisible. The Senator would, ideally, like it to be known that there was no staff, that he or she did everything, which of course isn't the case, but it is true that staff stays as invisible as possible.

You would never have your name in the paper, for instance, when you were on the Senator's staff, unless you were the press secretary, making statements on his behalf. Yet the successful staff work with the press all the time because that's how the stories get written and shaped in a direction that the Senator will like. If a story appears that talks about something any Senator has done, that Senator would be upset if it featured quotations from the staffer. Any Senator would love the piece if it described some great achievement of that Senator, but it's always a question of whether any Senator understands how much went into getting the story to come out right and how much staff work went into it. There's an interesting psychological thing that goes on between the Senators and their staff—how much is acknowledged and how much is unspoken.

That being said, Kennedy always had great people working for him. They worked very hard. People would say, "Well, it's just Kennedy's staff; they're the secret to his success." Of course, he did have great staff, but that was because he attracted great people. He knew how to pick great people and he knew how to get the most out of them. It wasn't an accident that he had good staff and that they performed well over the years, generally speaking. It had a great deal to do with the Senator himself and his ability to choose people, to inspire people, and get them to give up their lives, whatever they were doing in the private sector, and come to work for him at a quarter of what they were making before and live an anonymous life, working long hours very intensely, under a lot of pressure. That was because of *him*.

There's much to say about the staff, who are absolutely crucial. In fact, so much of what goes on is, at one level, contributed by staff. In the Senate there are several pockets of funding for staff that Senators receive. They first get an allotment based on just being a Senator, for the so-called personal office staff. The Republicans and the Democrats have x budget for personal office staff. Normally, the majority gets more than the minority and then it's divided up among members; the more seniority you have, the more staff you are likely to have.

The personal office staff usually sits in offices that are around where the Senator's office is, in one of the three Senate office buildings: the Dirksen Building, from maybe the 1930s; the Russell Building, which is the original building; and then the Hart Building, which is the newest, probably from the '70s. The Senators have an office in one of those buildings and their personal

staff is more or less located around them. The personal staff consists of the chief of staff, who used to be called the administrative assistant, or the AA; and a legislative director, who is in charge of all the legislative stuff. The AA is in charge of all the administration and the like. The legislative director and the other staff do everything that is needed to enable the Senator to achieve what he has to achieve: answer his mail, raise money, and relate to the press.

The campaign fundraising is done by separate staff who aren't paid by the government. They're a separate staff paid by the fundraising operation, but the Senator is allowed to designate one or two people on the government staff who can also raise money. Usually it's the AA, the chief of staff, who is also involved in that. That's one section of funding.

The other pot of funds goes to pay the salaries and expenses of the committee staff, staff who work through the committees. Each Senator is on usually three or four committees. Each committee has a budget and that budget is divided up among the Senators on the committee. That's used to hire committee staff. In the case of Senator Kennedy, he has three major committee assignments—Judiciary; Armed Services; and our committee, the Labor Committee, now the HELP Committee—and each committee has a budget. The rules and the practices within each committee are different, one from another.

In the committee we were in charge of, there was an overall budget. We divided it roughly two-thirds, one-third: two-thirds for the majority, one-third for the minority. Senator Kennedy held on to most of the majority money because he had to be responsible for having staff in all the different issue areas. Not most of it, but certainly the largest share of it stayed with the chairman. He then allocated funds to the other members and they were allowed to hire whomever they wanted with that money. On some of the committees, the chairman does all the hiring and just assigns people to Senators; it depends. At one point, the Senator would easily have 100 people on his two payrolls: the committee payroll and the personal office payroll.

Over the years, the key position has been the AA position, the administrative assistant or the chief of staff in the personal office. Starting out was David Burke, who is a very distinguished fellow who went on to be the head of CBS News and is very close to the Senator. He was one of the first chiefs of staff. There was Ken Feinberg, the attorney who made a name for himself; and Larry Horowitz, a doctor, who worked for Kennedy in the Health Committee initially and then became chief of staff. Ranny Cooper, a communications expert who had been in politics in Massachusetts for many years, was Kennedy's chief of staff for about ten years, from the mid-'80s to mid-'90s, following Horowitz, who had probably been there for ten years before that.

When you think of Burke and Feinberg and Horowitz and Cooper, and Paul Kirk, another chief of staff, they were all extraordinarily gifted, smart, dedicated, progressive people. They would normally do most of the hiring, in conjunction with the Senator, for the rest of the personal office and then for the committees. Although as the Senator moved up in seniority and took the key positions in committees, he would get more money from the committees and the staff director for the committee would often be the responsible party to look for people to hire and then to get them before the Senator for the final decision.

The person who has stayed with the Senator the longest, at the highest level, is Carey Parker, who has been the legislative director for the Senator for probably 35 to 40 years, and is

extremely knowledgeable about the Senator's entire record, sits near the Senator, and is involved in every decision. He's a brilliant writer and edits much of what the Senator works on and has handed to him for speeches, statements, reports, and the like. Carey is the all-purpose, closest advisor and has been since the late '60s. He was a law clerk to Potter Stewart in the Supreme Court, and went to work for Kennedy after that and has been there since.

In the personal office, the Senator has his AA and his legislative director. His office is in the middle and they're in the two offices on each side of that. Then the rest of those other two offices are divided with room dividers so that the scheduler, the secretary, and the assistant to the chief of staff are in one room and Carey Parker and his assistant and whoever else is involved in the political realm is in Carey Parker's office with him. As you go down the corridor, there would be the foreign policy people. Because there's no foreign policy committee that he serves on, the foreign policy people are in the personal office. Then the people who handle other issues that are not subsumed in one of his committees all have offices down there, and then there's the mailroom, which answers all the mail, and there are all the receptionists, who do the scheduling of rooms and greeting of people who come to visit the Senator, stop by, or have Massachusetts issues.

I'm going to focus on the committee staff, because that's what I know best. On the Labor Committee, we divided ourselves into four groups, or really five if you count the chief of staff's office. I was the chief of staff for the Labor Committee when the Democrats were in the majority. The people whose offices were near mine included the communications office, the press office for the Labor Committee. It included the investigations team, the team that was doing investigations for the committee. It also included the administrative group that ran the committee, ran the hearings, and did all the administrative work, and then the general counsel. I was the chief counsel and then I had a deputy chief counsel, or general counsel. Those people were located around where I was, and then we divided into four issue areas.

We had healthcare, education, labor and workforce, and then we had children and families; those were the four areas. Each area had a chief of staff and then anywhere between one to four or five people that we paid. There might also be four or five people who were there on detail or as volunteers who came from outside the office.

Young: "On detail"—you might want to say what that means.

Littlefield: "On detail" means that they worked for some other government agency and were assigned to work in the Senate, in Kennedy's office for a period of time, which people love to do. It's very standard. Sometimes people are on detail to Kennedy's office for 20 years. That's an ideal situation from Kennedy's standpoint, because they're being paid for by somebody else, but he's getting the benefit of them. It's useful to the agency because they have a representative inside the Congress, which is very helpful to them. That person I'm sure has dialogue with the agency more than they might have if they weren't hooked up with him.

How do these people get these jobs? In the olden days and up through the beginning of my time, the tradition was that when you left, you identified your successor. If you had been a success with Kennedy, he expected you, when you left, to find your successor and make sure that that worked. The successor had to be hired by the AA and by Kennedy, but nevertheless that was the

way they did the recruiting. There was no advertising for a job with Kennedy in the want ads. It was always very much focused on people whom people knew or who could get their name in front of the people who were going to be making decisions.

I interviewed and hired scads of people I didn't know, but usually when there was a job to fill, if the person leaving the job hadn't found the right person, I would just get on the phone and start calling everybody I knew in the subject area. People always loved to be recruited by Kennedy. It was very exciting to have the chance to work for him and very exciting to be interviewed by him and brought to Washington to work with him.

In the health area, David Nexon was the chief of staff. He had been with Kennedy probably since the early '80s. He earned a PhD in Chicago, an undergraduate degree at Harvard, worked at OMB [Office of Management and Budget] in the Carter Administration, and then went to work for Kennedy. He still is one of the most knowledgeable health policy experts in Washington. He's now working for a device trade association, AdvaMed [Advanced Medical Technology Association], but he was the liberal conscience of the Health Committee and the Labor Committee, because he was so smart and so focused on the progressive approach.

Then we had a series of people who worked with him, younger than he was, but policy experts in one or more areas. We always had a doctor on the staff, somebody who knew medicine, who often worked on the research issues, the NIH issues, FDA issues. We had policy experts in the children and families area, and we had lawyers who handled our labor issues and minimum wage and job training and all of that.

If you were in a particular issue, you needed to have had experience in that issue. In my case, I was in the British Cabinet model, in that I came in to do the job that was there and I didn't know anything about health policy, but I learned it because whatever other experiences I had had in life prepared me for it. But in each of the individual issues areas, you usually were looking for somebody who was steeped in that issue. We always found that people really responded when I called them and said, "Would you like to work for Senator Kennedy?" Everybody wanted to do that.

Nexon was great in health and we had a series of very good people in education, for instance Terry Hartle, succeeded by Clayton Spencer. Clayton is now top assistant to the president of Harvard; Terry runs the Association of American Colleges and Universities in Washington. Both of them have very outstanding experience and lifelong careers in education, and that's how Kennedy was able to keep his edge in terms of education legislation, college loans, college legislation. That's education.

In jobs, we had Jay Harvey and then Sarah Fox. They were both outstanding liberal labor lawyers who understood the labor laws as well as anybody and knew about the arguments behind minimum wage, et cetera. And then we had children and families, where I've mentioned Michael Iskowitz in connection with the Ryan White Act and childcare, and Terry Beirn. There was a group of very talented people down there.

Those were the main four areas on the Health Committee. We also, in the staff director's office, had an economic taskforce, with a guy named Jeff Teitz, who graduated from Harvard Law

School. He's from Rhode Island. While he was at Harvard Law School, he was elected to the state legislature in Rhode Island, from Newport, where he lived, so he worked in the state House and then the state Senate. I think he knew Patrick Kennedy, because Patrick Kennedy was in the Rhode Island legislature. Patrick got to know him and suggested to me one day that I should interview Jeff to see if he might want to work for Senator Kennedy. Jeff did the interview, loved the idea, and came down. He has been very successful for more than ten years now, I think. He was there at least three or four years while I was there and I've been gone for nine years, so thirteen. He's a very talented guy and a very smart lawyer who handles all the Social Security, complicated legal drafting, and legislative issues; he's very capable.

All of these people are willing to work very hard; are very dedicated to working with the Senator; get the drill, which is, as you know, to know more about the substance than anybody else in Washington, to write it all up in memos with action plans, to submit the memos for the Senator's review, which he always does and gets back the next day. They come from private practice. They come, occasionally, from other Senators' offices, but that's less likely. They're superstars on the outside, people like Steve Breyer, who was a professor at Harvard and now is a Supreme Court Justice, of course. David Boies, the celebrated litigator, worked for Senator Kennedy.

We had an event for the Senator's birthday; I think it was his 75th birthday. All the staff was invited, anybody who had ever worked for him, and we divided into decades; you got a pin that said "1960s," with a picture of him from the 1960s if that's when you worked for him. There were probably 400 people who came to this reception. Over the 40 years, he's had a lot of people working for him, and many of them have gone on to great things afterward; many of them have gone into other positions in government; and many of them have gone back to the private sector. Not that many have stayed forever, but some have.

I always have the idea that people on the staff become like their bosses, like the Senator they work for. You watch a staff member walk down the hall with a Senator—the staff member briefing the Senator on the hearing he or she is going to next—and I'm always amused at how the staff member walks like the Senator, gesticulates like the Senator, talks like the Senator. There's just something very powerful about the Senator in relation to the staff, and particularly the young staff are very impressionable. I think it's widely understood that Senator Kennedy attracts very talented people and people who are willing to work very hard and do the substance and the politics together. Part of the secret of his success is very good people.

Jim, if you can find some of them—They're all around. They're all reachable—you might just take a sample, which you probably already have. I know you have interviewed many staff people.

Young: Yes, I have.

Littlefield: It would be interesting to see how their experience compares with mine in terms of how they would describe the situation, but it is absolutely true, and the Senator would admit this, that the staff are the muscles that provide the energy and the substantive backup to what he's doing. He provides the energy; he provides the strategy. He's the face, the actor, the person who

translates thoughts into action, but to not understand the critical role of a large staff in each of these areas would be to not understand how the Senate works.

Young: Of course, he started out with a fairly small staff. Other Senators did, too, back in the '60s.

Littlefield: I imagine the '60s staff was much smaller.

Young: Very small, much smaller.

Littlefield: Even for the new Senators, today, the staffs are probably larger than the most senior Senators' staffs were 40 years ago.

Young: Yes.

Littlefield: The staff is bursting out of the office buildings; there's nowhere near enough room, so everybody gets a little desk and a cubbyhole with a little partition. Single offices are very few and far between, because there are so many people working in the Senate.

Young: Some people who have studied the Senate and the House, the growth of staff over the years, have commented about the growth in staff resources available to a Senator, the growth in the numbers of people, and the effect that has had on the Senate and on what a Senator can do or get involved in. One of the observations that some scholars who study this have made is that it allows the Senator to get involved in many more things than he was able to previously, with a small staff. Others have argued that the risk of this is that it stretches a Senator too thin and gets them involved in things that—

Littlefield: Things that he can't really know as much about as he needs to know.

Young: Yes. You might just comment.

Littlefield: The more staff the better would be my view. Look at the job of the Senate and the House similarly. We'll just talk about the Senate.

In the committee that I headed, we were responsible for health and education and labor and poverty and families and the arts and workforce issues, research, regulatory agencies, the Center for Disease Control, the Food and Drug Administration. We were responsible for all legislation that had to do with those agencies, but we were also responsible for oversight of these agencies. If you think of our health staff—say we had three or four paid positions, three or four intern types, maybe three or four detailees—we were responsible for overseeing, with that group of people, the performance of the entire Department of Health and Human Services, which is hundreds of thousands of employees, tens of billions of dollars of programs. We're supposed to oversee that with a staff of three or four or five? It's impossible. We're not going to have 100 people working on health oversight in the Senate, but it certainly seems to me that we're supposed to monitor.

That's the way that government is designed, that the Congress does oversight and the Congress writes laws. The oversight work informs the writing of the laws and is a check on what's going

on. The Congress set up the General Accounting Office and the Congressional Research Service and whatever else to do investigations for them, but the truth is, if the legislator can't cover at least some ground in terms of knowing what's going on in the executive branch, then the executive branch has all the power.

That's probably in part what happened with Bush. There was no investigatory oversight, in part because the Republicans didn't want to oversee or criticize the Bush Administration, but also it's just realistic that you can't do it without teams of people. We always did investigations, but we had to pick one narrow topic on which to do our investigations. When you think of HHS, you could have gone almost anywhere.

But the investigative function is a crucial function and that depends on lawyers and investigators and people who read documents and all the rest of it. I don't think we've reached a tipping point, where we have to start cutting back, yet. I think there's a lot more opportunity that we haven't fully exploited, or responsibility, I should say, for overseeing projects or programs that the executive branch provides.

Now we hear about the Inspectors General. They seem to be doing most of the oversight work. Well, that's fine, but they're part of the executive branch. Shouldn't the legislative branch have the capacity to do real investigations? The Inspector General at HHS probably has 500 people. We have three or four if we're lucky—and that's because we're the chairman—and two or three people just out of school to do administrative work and then maybe some detailees. With that we're supposed to write the laws and oversee the government. It's tough. The reality is that the government *isn't* overseen.