THE AMERICAN SENATE

AN INSIDER'S HISTORY

NEIL MACNEIL AND RICHARD A. BAKER

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For my gallant daughter,
Tara MacNeil Veitch
NMN

For Pat
For a half-century of caring
RAB

The Senate was the home of compromise, the fount of compromise, the citadel of compromise. It wore down those who refused to compromise. With some, the process took longer than it did with others, but in time it conquered them all—if they wanted to stay, and if they really wanted to accomplish anything in the Senate.

—Allen Drury, *Mark Coffin, USS* (1979)

PREFACE

IN THE LIFE OF THE American republic, the Senate of the United States has played an extraordinary role. Unique among legislatures, the Senate over the past two centuries has developed in ways that would have surprised the framers of the Constitution. Yet it has also stayed true to their intention that it stand as a "necessary fence" against the "fickleness and passion" that drives popular pressure for hasty and ill-considered lawmaking. Today, the US Senate continues as the most powerful upper house of any legislative body in the world. Highly visible nationwide via cable television and twenty-four/seven news coverage, and immediately accessible through the Internet and e-mail, the Senate is more familiar to Americans than at any time in its history.

Ever since its creation, the Senate has been a source of national pride—and national frustration. It has risen to meet enormous challenges and, crippled by its inherent flaws, has fallen periodically to a state of functional paralysis. The current Senate is a legislative body in transition, as it has always been—from the framers' early pretensions; through its Golden Age of constitutional debates; and on to the corruption of the Gilded Age spoilsmen, the Millionaires' Club, the progressive reforms that followed in the 1910s, '30s, and '60s; and finally down to cacophony of our own times. Its nearly two thousand members since 1789 have included statesmen and politicos, brilliant legislative tacticians, fiery demagogues, time-servers, and

lots of former high school class presidents—a genuine cross section of the nation's political class.

Most US senators have been conscientious individuals doing their best to meet the demands of their times; firm in their convictions, but also—among the best of them—individuals willing to seek compromise in preference to the gridlock that comes with the pursuit of rigid ideological orthodoxy. Media coverage, however, of a single recalcitrant senator or a small minority of senators, doggedly working to sabotage the legislative machinery of the great American government—a senator perhaps from one of the nation's more thinly populated states, or a small group of senators with a determined ideological purity—can render the Senate contemptible in the eyes of frustrated Americans.

At their best, senators have functioned with a live-and-let-live philosophy that was more than a vulgar or amoral indifference to ethical considerations. They have displayed a tolerance toward opposing views, a willingness to have those views voiced and voted, and recognition of the fundamental right of disagreement, which lies at the heart of a free society. For decades, senators, and House members, too, acted largely within those views, performing much like lawyers, as many of them were, representing their client constituencies as best they could but avoiding personal animosities with those in opposition. Of course, there have been periods of great one-sided bickering, as in the years before the Civil War, when pistol duels and physical and verbal abuse were not uncommon. In our own time, with the ugliness of election campaigns and the growth of bitter ideological commitments, much of the comity required of all legislative bodies—if they are to operate rationally—has been lost across the Senate chamber's ever-widening center aisle. This is clearly a low point within the broad historical cycles of boom and bust, growth and retrenchment that have defined the evolution of the Senate—and the nation.[1]

The history of the Senate demonstrates its fundamental power to respond to the never-ending problems and crises of government. That has been the history of the Senate from its beginning, a process of ceaseless change, not always obvious even to those making the changes. Most of the changes arrived at a glacial pace, measured in decades. Pick any major feature of today's Senate—committee operations, floor leadership, the manner in which members are elected, investigations, relations with the House of Representatives and the president, debate management, public access—and one will find the product of struggle; setbacks; and tireless, grinding, calculated determination.

This book explores areas, some scarcely touched by others, that give special meaning to the Senate's life. One book can hardly pretend to be a comprehensive history of a nearly two-and-one-quarter-century-old legislative body with many hundreds of members, past and present. What the authors hope it will do, however, is satisfy the reader's basic curiosity about what one astute observer called "the one touch of authentic genius in the American political system,"[2] whose actions—and inactions—shape the lives of countless millions at home and across the globe. We hope this work will also serve as a filter for the torrent of information and opinion about modern political and governmental affairs that cascades into the daily consciousness of discerning Americans.

We believe the Senate, from its start, has been under constant, if not always obvious, revision. Webster, Clay, and Calhoun, who dominated one phase of the Senate's life, could hardly have recognized the place a half century later and, needless to say, they certainly would not today.

—Neil MacNeil
—Richard A. Baker

ACKNOWLEDGMENTS

THIS PROJECT EVOLVED AS A logical extension of Neil MacNeil's 1963 history of the US House of Representatives, *Forge of Democracy*. He spent seventeen years, until his death in 2008, pursuing his research like a bloodhound in search of a culprit. His work would have not made it this far without the tireless support of his daughter, Deirdre MacNeil. An attorney by day, she became his typist on evenings and weekends, transforming his virtually indecipherable scrawl into manageable documents.

US Senate historian Donald A. Ritchie is the godfather of this project. He convinced Neil and Oxford University Press executive editor Nancy Toff to begin a conversation. Neil, Deirdre, and Nancy convened for lunch at Washington's National Press Club and a contract soon followed. In 2008, Oxford sent MacNeil's preliminary manuscript to several reviewers. As one of them, I responded that there was a very good book lurking in the submitted document, but it needed to be carved out and reduced to a size that would appeal to general readers as well as congressional specialists. After Neil's death, Deirdre invited me to lunch and succeeded in convincing me to implement my own recommendations. None of that would have been possible without the guidance and sustained effort of Deirdre and Nancy Toff, and Nancy's colleague Sonia Tycko—a master of making the editorial trains run on time.

The timely completion of this project also owes much to a generous Robert H. Michel Special Project Grant from the Dirksen Congressional

Center in Pekin, Illinois. The Center had honored MacNeil in 1980 with its inaugural Everett McKinley Dirksen Prize for Distinguished Reporting of Congress and is now the repository of the papers documenting his nearly sixty years in political journalism.

I am particularly indebted to the deeply knowledgeable staff of the US Senate Historical Office, including Don Ritchie, Betty Koed, Karen Paul, Stephen Tull, Beth Hahn, and Mary Baumann. Senate photo historian Heather Moore worked her special magic to help select the illustrations in this volume. In the US Senate Library, truly one of the world's finest legislative research facilities, a talented team of reference librarians found constructive answers to even the vaguest of questions. Specifically helpful on this project were library director Leona Faust and librarians Brian McLaughlin, Zoe Davis, and Nancy Kervin, along with Meghan Dunn, Natalie Sager, Melanie Jacobs, and Tamara Elliott. My thanks also go to Secretary of the Senate Nancy Erickson and to Senate curator Diane Skvarla and her able colleagues Scott Strong and Rich Doerner. In College Park, Maryland, I spent countless hours in the stacks of the University of Maryland's McKeldin Library, a well-managed and richly stocked research facility, indispensable to my needs.

Had he lived to complete the project, Neil surely would have added names of family members and sources helpful to him over the decades. Any of those who read these pages will know who they are and should accept his silent appreciation.

My own family members have put up with my preoccupation with "the Senate book" for three intense years. Special thanks go to Chris, Dave, Michelle, Tony, Matt, Lauren, Drew, and Bob. Most of all, I extend my love and deepest appreciation to my alter ego for the past half century, Dr. Patricia K. S. Baker.

Richard A. Baker
Kensington, Maryland
January 2013

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Prologue

Entering the Contemporary Senate

FRESH FROM THEIR VICTORIES IN the senatorial elections of 1996, fifteen very pleased women and men filed into the tightly secured chamber of the US Senate. Their purpose, on December 3, was to hear one of a dozen lectures in a three-day orientation program. Members of this largest freshman class in sixteen years were allowed to sit in the prime front-row, center-aisle locations usually occupied by senators heavy with seniority. Simultaneously gleeful and awe-stricken, these soon-to-be senators acted like third graders at the start of a new school year, impishly opening and closing the hinged tops and drawers of the highly polished mahogany desks. In those drawers, partially obscured by notepapers, documents of State, and candy wrappers, they saw the names—carved by penknife or written in ink—of a dozen or more senators who had once worked from that particular relic.

With the gallery doors bolted shut and the floor-level entrances carefully monitored against the intrusion of curious onlookers, a staff member introduced the coming hour's speaker. The Senate's most senior Democratic member, seventy-nine-year-old Robert C. Byrd, had represented West Virginia in this chamber for nearly four decades. Over that span, his party had awarded him every one of its elective offices: conference secretary, party whip, and floor leader—both in the majority and minority. Until recently, Byrd had also served as Senate president pro tempore—third in the line of presidential succession following the vice president and Speaker of the House. His immaculately styled silver-white hair, his dark blue three-piece suit framing a carefully chosen silk necktie, and his dignified bearing conveyed the modern image of an ancient Roman senator.

Over the previous quarter-century, Senator Byrd had spent countless hours educating himself on the Senate's procedural rules, parliamentary precedents, cultural traditions, and political history. To that end, he would take a fresh copy of the 1,500-page manual of Senate procedure, and with a yellow highlighter, note text that he intended to memorize. When he reached the concluding page, he would start over with a clean copy. (An autodidact, he gave the same treatment to dictionaries.) Throughout the 1980s, the West Virginia legislator had worked with Senate historians to prepare dozens of chapter-length research studies that explored the Senate's past with a view to understanding its contemporary operations. He then delivered each of these works as a floor speech—one hundred in all. In anticipation of the body's bicentennial, the Senate in 1988 voted to have Byrd's addresses published in two extensively illustrated volumes.[1] Successive classes of freshmen senators adopted his work as their textbook.

Senate insiders saw the aging Byrd, if perhaps a bit of a throwback to an earlier time, as a repository of wisdom and experience, an ideal mentor for freshly minted members. He gloried in the frequent compliment that he would surely have been at home in any session of the Senate—eighteenth, nineteenth, or twentieth century.

Byrd began his 1996 orientation remarks by welcoming senators to "what I consider to be 'hallowed ground.'" "Make no mistake about it," he said, "the office of United States Senator is the highest political calling in the land."[2] Some of his listeners appeared unsettled by his overly deliberate and occasionally grandiose speaking style. A rumble of nervous laughter, discretely muffled, annoyed attending Senate veterans, conditioned to respect through long observation of this institutional patriot.

Within minutes, however, the entire class of senators-elect sat transfixed. Here, they realized, were words to be written down, thoughts to be remembered. Forty-five minutes later, Byrd received a heartfelt standing ovation. Years later, those present recalled the event as a personally defining experience. So impressed was party elder Edward Kennedy that he obtained Byrd's permission to have these private remarks published in the *Congressional Record*, and successive freshmen classes received his text in pamphlet edition for leisurely study.[3]

Behind those closed doors, Byrd explained to his soon-to-be colleagues that although the "Senate is often soundly castigated for its inefficiency, but in fact, it was never intended to be efficient. Its purpose was and is to examine, consider, protect, and to be a totally independent source of wisdom

and judgment on the actions of the lower house and on the executive. As such," he continued, "the Senate is the central pillar of our Constitutional system."[4] This member of the 1958 freshman class advised these incoming members to "study the Senate in its institutional context, because that is the best way to understand your personal role as a United States Senator." He followed with a prediction that engaged his audience, and resonated with seasoned senators who read it later:

> The pressures on you will, at times, be enormous. You will have to formulate policies, grapple with issues, serve [your] constituents, and cope with the media. A Senator's attention today is fractured beyond belief. Committee meetings, breaking news, fundraising, all of these will demand your attention, not to mention personal and family responsibilities. But, somehow, amidst all the noise and confusion, you must find the time to reflect, to study, to read, and, especially, to understand the absolutely critically important institutional role of the Senate.[5]

The fifteen senators-elect filed out of the chamber, most of them more somber and reflective than when they had entered, but soon to be diverted by more practical matters. "How do I get from the Capitol to my temporary office quarters?" "When can I start hiring staff?" "Why can't I use my cell phone in the Senate chamber?"

It is commonly observed that legislators tend to be either "workhorses" or "show horses." In the Senate, "workhorses" seek out companionable mentors, perhaps their state's other senator, a seasoned colleague of similar political orientation, or an elder in the style of Robert Byrd. They spend more time reading and listening than they do speaking. Those at the other end of the spectrum—the natural "show horses"—seek out media representatives and, continuing in campaign mode, quickly fill their schedules with public appearances. Active and restless by temperament, infused by the deep reservoirs of energy that promote success in modern-day electoral politics, they rarely have the time or inclination to master the Senate's complex floor procedures. Of course, most new senators fall somewhere between these extremes, but those seeking lengthy Senate careers and the incalculable benefits of rising seniority that come with several successful reelection campaigns—lifting them from the "baby senator" characterization reserved for first-term members—tend to cluster toward the "workhorse" regions on the spectrum.