Heininger: This is an interview with Michael Myers on October 16, 2009, in Washington. As I was saying to you before, one of the things that we really didn’t get to talk to you about last time was about labor issues.

Myers: Right.

Heininger: What were [Edward M.] Kennedy’s labor priorities? If you had to take the constellation of labor issues, where would you rank them?

Myers: Really, minimum wage far and above everything else. It was minimum wage.

Heininger: Way up here. Important but of lesser priority, were things like workplace safety, job training, things of that sort, but the minimum-wage battle was one that he waged constantly, and it was a decade-long fight from the time that it was raised, I think in 1996, to the time that we finally were able to enact a law to raise it again, I think in 2006 or thereabout.

Heininger: Two thousand six or early ’07.

Myers: Yes.

Heininger: It had taken 12 years to get the previous one, so. Why is it so difficult to get through minimum-wage legislation?

Myers: Well, we had Republicans who argued that it was a job-killer, that if you raised the minimum wage, then a lot of those low-income jobs at McDonald’s or other low-wage businesses would disappear. Employers, small businesses, and employers of low-income workers simply couldn’t afford it, they said, and we had the restaurant association saying it would put restaurants out of business and so forth because of the kitchen help. They wouldn’t be able to afford the kitchen help.

Heininger: Did they have any data to back that up?

Myers: There are always studies that either side can produce to support their position, so they did produce their studies about how it would result in the loss of X thousand jobs if you raise the minimum wage. What Senator Kennedy always did was go back through history. He had us go back and look at every time we had increased the federal minimum wage, and then crosswalk
that with what happened to the labor market in America with each of those increases. We found that the labor market didn’t go down and in many cases it went up, because people would be willing to go out and take those jobs if they paid a living wage. And so that’s what Senator Kennedy was always saying on the Senate floor, in speeches, that we’ve done it all these times and it’s just made America stronger.

**Heininger:** It’s not like they’re going to close those McDonald’s.

**Myers:** That’s what Senator Kennedy would say too.

**Heininger:** And they didn’t, either.

**Myers:** It was always cloaked in arguments about how “Small business is the backbone of America, and small business is where most of the job creation is in the United States, and we can’t harm small business.” You’d have Chambers of Commerce from around the country who were joining in that argument, and so that carried weight with Republicans but also with some Democrats who were concerned about what it might do to their states.

**Heininger:** Did minimum-wage battles invariably come down to party-line votes?

**Myers:** Pretty much. Every time Senator Kennedy would reintroduce a new minimum-wage increase, we’d always have to do some missionary work with the more moderate members of our own caucus and then reach out to just a handful of Republicans that we could get to support it. I can’t remember what the vote was in 2006 or ’07, whenever it was, that Senator Kennedy last achieved an increase, but my memory was once it was clear that it was going to win, then we had Republicans, more Republicans coming our way.

**Heininger:** I guess at that point you get voters.

**Myers:** Right.

**Heininger:** All right, so minimum wage.

**Myers:** I should also say that part of the strategy was to do things in the states and to get—in this last round, where it took a decade to get it renewed—first we started out just kind of doing almost the traditional political action of moving a piece of legislation, of pounding away, working the media, getting as much grassroots support as we could, and sure, that made it a very effective issue. But then we added a component in the latter years of getting minimum-wage ballot initiatives going in individual states, and those we found, I think almost all of them won overwhelmingly, and so that really reinforced that this is a popular issue and people understand it and they get it and they can put a face on it. I really felt that when we started doing the ballot initiatives, it gave the issue such force that we were able to get the votes we needed at long last.

[laughter]

**Heininger:** Who knows what $200 million is? But you sure do know the difference between $6.75 and $7.15 an hour.

**Myers:** Right.
Heininger: It resonates. Well, that’s raising an interesting issue, because we’ve raised this with previous staff directors, and so I’m going to detour a little bit here; there’s an important thing to explore. How did you generate support for issues that Kennedy wanted to get passed? How did you use the press? How did you use grassroots organizations? How did you use the Internet? How did you use the satellite studio? Things like that.

Myers: As the years went on, the way we’d reach out to the American public changed. It was no longer just giving speeches or interviews. It was working the new media, the blog world, the Internet world. Senator Kennedy was one of the first ones to have a website in the Senate.

Heininger: I remember.

Myers: I think he was one of the first ones to really begin tapping into this new media. Stephanie Cutter, when she came onto the staff, brought in a familiarity with all of this, and I felt really moved our communications capacity up several notches through her abilities to tap into all of that.

Heininger: Was she brought in specifically for that purpose?

Myers: She was brought in simply because she was good.

Heininger: Oh yes, we do know she’s good.

Myers: I don’t think any of us, including Senator Kennedy, had an idea that, Oh, there’s this blogosphere thing and then there’s this Internet thing. I mean it’s not as if he personally dreamed up all the components of a modern media campaign. He just knew that Stephanie Cutter knew how to do it.

Heininger: Knew how to do it.

Myers: She came in, set it all up, and through her, Senator Kennedy became familiar with modern media. Vicki [Reggie Kennedy] is very attuned to the modern media too, and so she was very knowledgeable and instantly understood how powerful and quick that medium is. And so we added that component to our legislative campaigns.

Heininger: You could argue that this was done even late, that all this stuff was really out there, probably a good five years before that, before she came in. The Internet came in ’93 or so, really started infiltrating, but Congressional offices obviously have been much slower to adapt to it. Kennedy had identified a need, wanted to move in that direction, and she was hired in part because there was a recognition that she knew how to do this stuff?

Myers: As I said, I don’t think it was because Stephanie—there was foreknowledge that Stephanie knew all the modern media. It’s just that we all knew she was fantastic. She knew how to drive a message through the media, and once she got here, then we began to see all these different new avenues for communicating with the public.
Heininger: Did that become part of your function too, to be constantly aware of all of this, and selling the message was a key part of the strategy of how Kennedy was going to get everything through?

Myers: Yes. With Senator Kennedy’s—I call them legislative campaigns, and I use the word campaign deliberately, because that’s how I envision them and I think that’s how he envisioned them. It wasn’t just writing a cool piece of legislation and that if I sit down with someone one-on-one they go, “Oh yes, I agree.” It was important to get the policy right, but that in itself was like the tree falling in the forest that no one hears. We organized campaigns around Senator Kennedy’s major legislation. It would be lining up the interest group support behind it. It would be getting experts who would validate the particular legislation. We might get Governors or mayors involved. And we would organize the media strategy for getting the message out around the country and sparking a national conversation over the legislation that Senator Kennedy proposed.

Heininger: When did you pick up on doing things like the ballot initiatives?

Myers: I don’t remember where the idea came from, but I think we were the first to use them as part of a legislative campaign. I think some of it was we were—on the minimum wage for example—we were working with a lot of low-income poverty groups and they were active in the states, and were trying to think of ways of getting things going in the states. Who first proposed doing the ballot initiatives, I don’t recall, but it definitely was something we worked deliberately and I thought it worked.

Heininger: To go back historically, with the previous staff directors, I do know that one of the things that Tom Rollins did when he came in was figure out that there was this thing called the Senate Satellite Studio. If there were individual members who needed to be persuaded, he and the press secretary would start beaming stuff into that member’s state, and certain local television stations would say, “We’ve got a clip for you.” Not that Kennedy necessarily always knew what they were doing, but it would then circle around when another Senator would come up to Kennedy on the floor and say, “Well, there are these things on my local TV stations, and I’m getting all this mail about this stuff.” It struck me as a real change in direction of how you sell legislation.

Myers: Right.

Heininger: It used to be you write a bill, members talk to members, staff talk to staff, you negotiate, that’s it. It’s different now. Under you, things have shifted into a whole new generation of techniques, different media, et cetera.

Myers: It’s a lot of the same things you see in Presidential campaigns over the last 12 years.


Myers: Yes. Presidential campaigns are very different in that same way—very sophisticated media operations. It’s almost real time all the time, and you’re having to make sure you’re on top of the 24-hour news cycle. That’s true with legislative campaigns too, not to the intensity maybe and the constancy of a Presidential campaign, but we definitely would have to do quick
turnaround, within an hour or two on issues, because of the 24-hour news cycle. As I said, a lot of the techniques that you see come up in the Presidential campaigns, like with Howard Dean and [Joe] Trippi, and tapping into the Internet and the blogosphere and all of that. I think we were also doing that here on Senator Kennedy’s legislation.

Heininger: How much of your time would get taken up with doing that?

Myers: I can’t measure it. We would have a press secretary who would—

Heininger: This was not a traditional staff director function, but my sense is it has become more and more a component of things that you had to pay attention to and focus on.

Myers: If I’m the campaign manager for the legislative campaign, it necessarily includes that component. It doesn’t mean that I do it.

Heininger: Right.

Myers: I just make sure it’s part of the strategy and it’s fed into the strategy and that our substance people are giving the media people the materials they need to market the product, the legislation, and we’re getting feedback that this is how it’s playing in the media, and therefore we need to adjust. So it was my job. Senator Kennedy had me stay on top—try to stay on top—of all of that, and of course he was the mastermind himself and would have an acute sense of how to present something and who to talk to and some notion that maybe if we do it this way, that Senator X would come onboard. In everything he would be heavily involved and just had an inexhaustible appetite for feedback. He would want to know what’s being said around the country, what are we hearing around the country. When we would have a bill on the floor, he would want updates. He’d be sitting down there on the floor managing the bill, but he’d want us to come in every two or three hours with updates on how many emails had come in today and what are the groups doing around the country to elevate this and to pressure Senators to vote with us.

Heininger: Did you see this sophisticated a campaign being used by other Senators?

Myers: No.

Heininger: That’s what I thought.

Myers: No, I think this was a unique opportunity. This is kind of a side story and I won’t name names on this one, but there was one—the staff of one of our majority leaders or minority leaders, I can’t remember which, whether we were in the minority or majority at that time, stayed on top of me all the time and was always trying to keep tabs of what I was doing. I remember one time just getting angry and erupting at this person and I said something like, “I hope you do this to the staff of other committee chairmen like you do to me,” and the person shot back, I think in kind of an honest statement and said, “Yes, but Senator Kennedy is the only one who can drive an agenda.” [laughter] The words were exchanged in anger, but I thought, Wow, that is a compliment.

Heininger: Yes, it is.
Myers: That is a compliment.

Heininger: It’s a horror for a majority or minority leader.

Myers: For a majority leader, trying to keep control of the agenda, that here’s this one figure, Senator Kennedy, who can drive an agenda all on his own.

Heininger: Do you think as newer, younger Senators come in who have had more experience with these media venues, that you’re going to see more of this, or is this just a Kennedy phenomenon?

Myers: I don’t know; we need to see. As I look today at the newer Senators, they’re an impressive bunch. I think there’s a lot of hope for the future with those newer Democrats. [laughter] We’re talking about Democrats here.

Heininger: Yes.

Myers: But whether they will have the whole package that Senator Kennedy had, I don’t know. I can see elements of the package in individual Senators, and maybe they come together to really do great things, but we’ll have to see whether any one individual Senator has the complete package that Senator Kennedy brought to the table.

Heininger: But why did he have that package?

Myers: I think it has to do with his unique skills. He could operate on so many different levels at once. He had the love of the policy. We could not give him enough reading material, substantive reading material, on the issues. He just ate that stuff up in the briefing books, and he’d send them back with notes in the margin and questions that he’d want us to answer. He loved the issues and was a real wonk himself on those, so that is one thing. He had the personality of a legislator, in which he loved to be around his colleagues, talk to his colleagues, socialize with his colleagues, so he could work the Senate and work the Congress on his issue through his personal charm, his ability to make friends, and people just liked him. There was that element of it.

A third was an acute political sense about the country. He had an instinct that even he couldn’t always articulate, that now is the time to do something on a particular issue, that it would really resonate with people at that moment. We’d have 20 different ideas of things that we could do at a particular moment, but he had the ability to figure out, “Well, idea number three is really the one we should pursue right now because I think that’s where the country is and we have a good chance of getting it done.” And so all of those combined together, and his own personal communication skills with the media. He does interviews and they’re exquisite, and the people listened to what he had to say. Even if they disagreed they’d listen. All of that combined in one person meant that he really was the total legislator.

Heininger: One of my favorite stories is when he went out to Iowa and campaigned for John Kerry and captured the audiences by saying, “You didn’t vote for my brother, you didn’t vote for me, well, now you can pay me back by voting for Senator Kerry.”

Myers: Yes.
Heininger: Which they did, as a matter of fact. His antenna was good.

Myers: That’s the way to put it, his antenna was good.

Heininger: His antenna and his radar were good, and anyone who has spent any time around the Senate knows that so much has to do with timing, and it’s timing of when something is going to resonate with colleagues, when something is going to resonate with the public, when you’re going to be able to capture the President. He knew how to do that.

Myers: Yes.

Heininger: He knew how to do that.

Myers: He knew how to get things done, what are the steps, what are the pieces. I remember I was talking to Jack Reed’s chief of staff one time a few years ago, and Senator Kennedy and Senator Reed were on an airplane together, going up to Providence. On the plane Reed raised an issue with Senator Kennedy, and Kennedy instantly said, “Well, Jack, what you’ve got to do is this, and then you do that, and you do that and that,” and just right there on the plane mapped out the whole strategy. Reed apparently went back to his chief of staff just saying, “Wow, now I see why this guy gets so much done.”

Heininger: How did he fit all that he did in the hours of the day and attend to his extended family?

Myers: He was always in motion, always doing something. Whether it’s sailing with his family or working, it was constant motion. In the car, driving from one place to the other, he’d fit in five phone calls. He was just always, always, always doing something. He might leave the Senate to go home for dinner at 6:30, but by 8:00 that evening he was back at it again, at his desk at home, going through the materials in the bag and going through his phone calls. Almost every evening I would get at least one phone call from him during that period of time. I knew it was safe to kind of punch out the clock about 10:00 or 10:30 at night, but until then I’d better be attentive to my cell phone, because he’s very likely to call.

Something I cannot do but he always did well was to be able to mix business and pleasure so that even in his leisure time, such as when he’s sailing, he would be sailing with a colleague or he’d bring some other person along and they’d end up talking about a piece of legislation while they’re sailing. Or while he was sailing he’d have an idea, so he’d pick up the cell phone on the boat and call with this idea.

Heininger: Oh, I’m so sorry, wow.

Myers: But for him there was the relaxation of sailing, and the sea always was reinvigorating for him, but he still had this ability to mix the work and the relaxation in ways that I can’t do. I need to segregate the two, but he would do that. That’s just the way—

Heininger: And I’m skipping ahead again, but let’s talk about the last year, much of which he spent on his sailboat. You probably were closer to him than anybody else in terms of the day-to-
day, how he was handling things. How did he spend his last year, and was there ever a discussion about how do I spend whatever time I have left?

**Myers:** He definitely was focused first and foremost—when it comes to the legislative, his Senate duties—on health care reform. Because of the chemotherapy and battling his illness, he would have to rest periodically through the day. He wanted to make sure that during those hours when he was up and about he was using that time productively. For example, during his time down in Florida or later on in the summer up at the Cape, he would always want to make sure that if there are people he should be talking to between, say, the hour of 10:00 and 12:00 in the morning, when he’s likely to be free, that I would have phone calls lined up for him so that he could push the health care agenda along.

While he couldn’t work the 18-hour days anymore, the hours he could work he always wanted to make sure that they were used productively. I can remember a number of times he would call me and say, “I need more to do. I’ve got this time. I’m most alert late morning and then I take a nap and then I’m alert again later in the afternoon. I want to use that time, so you’ve got to make sure you’re sending me stuff.” Then I would often hear through other people that as always, he made calls on his own. I’d bump into a Senator over here and he’d say, “Oh, you know, Senator Kennedy called me last night and he said—” And I didn’t know that he was even pushing that button and I’d think, *That’s pretty good, that’s pretty good.*

**Heininger:** Did you send him a bag every night?

**Myers:** Maybe not every night, but I made sure that it was a few times a week. I started trying, toward the end of each week, to send him something that kind of summarized the week so he could get the total picture. I didn’t write very many memos for him anyway, because we always talked, and so it obviated the need for a lot of memos going back and forth between him and me. Other members of the staff maybe didn’t see him quite as much, so the memo was an important way to communicate. But even through his illness, we would be talking, so it wasn’t always necessary to write a memo.

**Heininger:** Were you talking to him every day?

**Myers:** It kind of depended on where he was in his chemo cycle. After a heavy round of chemo, it might take two or three days to come out if it and be ready to really tackle work again, and so then we would resume the conversations almost daily. And then of course as it was getting closer and closer to the end it was less and less frequent.

**Heininger:** Did you have a sense Vicki was protecting his time?

**Myers:** She had to, because he would push himself to exhaustion if she didn’t. That was a vitally important role in all this, to make sure he didn’t get too tired.

**Heininger:** Hard to hold him back, though.

**Myers:** Yes, it is, and she had a tough job, because he would just say, “No, I’m doing this,” even though it would push him to exhaustion.
**Heininger:** How important was the sailing to him over the past year?

**Myers:** Really important, because I always found with him that just getting fresh air, being outside, would help give him a jolt of energy, and the sailboat was a way to do that.

**Heininger:** I had always figured that one of the benefits that the Mya had for him was it was the one place where the press couldn’t be, where he wasn’t on the world stage. It’s discouraging to hear that he had a cell phone with him and he’d pick up the phone and call you with an idea. It’s like wait a minute, no break here, no break at all. Did he take more of those breaks in the last year when he would go out sailing, or would you still hear from him from the sailboat?

**Myers:** No, he would still—I mean not every time.

**Heininger:** Not every time.

**Myers:** I don’t mean to make it sound like every time he goes sailing, he’d call.

**Heininger:** No, but still—

**Myers:** I definitely got calls from the sailboat during the last year.

**Heininger:** Wow, I mean that’s dedication, shall we say.

**Myers:** Well, he’s got an idea, an idea comes up and he thinks, why wait? I can call right now and get people going on it.

**Heininger:** How did the committee conduct its business over the past year?

**Myers:** Senator Kennedy set up the way he wanted it done. Even before he had his surgery he delegated certain responsibilities to members of his committee. We had a higher ed bill that was kind of halfway there and needed to be finished that summer, so he asked Barbara Mikulski to take the lead on that, for example. He delegated in that way, and then once we were getting really into the thick of the health care debate and it was pretty clear that he wasn’t going to be able to handle it all himself, at least not in the way that he would want to handle it and expect, then he delegated pieces of that to different members of his committee. That worked out pretty well, and the members really took that mission, that instruction, very seriously. It’s like, OK, Ted asked me to do this and so I’m going to get it right and I’m going to hold my hearings and I’m going to pull together the experts and I’m going to draft that portion of the legislation just like he would want it done.

**Heininger:** Wow, that’s quite a tribute.

**Myers:** Yes, and they really felt like they were doing it out of allegiance to him and a real affection for him too.

**Heininger:** Were your staffers then working with these individual members?

**Myers:** Yes.
Heininger: So it wasn’t a case of the education staffer for Mikulski basically taking the lead. It was still the committee staffers who had the lead in terms of dealing with the legislation?

Myers: Right. Of course it would be with the member’s staff, together.

Heininger: That always would have been the case?

Myers: Yes.

Heininger: Your staff were kept busy over the past year?

Myers: Yes.

Heininger: It was not as if he was almost here, but there wasn’t a void. There wasn’t the void that there might have been. Let’s put it that way.

Myers: We felt it. We all missed him, and there’s a presence and a gravitas that he brings to it that we had to work without, or at least that gravitas had to be inserted into it from afar, by phone or a videoconference or by some other means.

Heininger: Was he doing a lot of videoconferencing?

Myers: He did some. Not a lot, but he did some.

Heininger: Enough so that it was clear he was still there.

Myers: Yes, and there was no doubt, through those videoconferences and phone calls, that he was still Mr. Chairman.

Heininger: How did the Republicans react?

Myers: They missed him probably as much as the Democrats did, and you’ll see quotes in the media, I think, from some of them on this health care bill, about how if he were here it would be different. There were some Republicans who said, “We miss having someone to talk to on the Democratic side,” because he would listen and he always gave very serious attention to ideas, whether they were Democratic or Republican ideas. I can remember a number of times in which some Republican he would be talking to on the floor about their idea of how we handle a particular issue, and he would come back saying, “You know, Republican So-and-So had what sounds like a pretty good idea.” He would be open to it and see ways of working with it, and Republicans missed having that figure on the Democratic side.

Heininger: OK, so the HELP [Health, Education, Labor and Pensions] Committee comes out with a bill in June.

Myers: Yes.

Heininger: How much of that was Kennedy’s bill? How much did it reflect him?
Myers: All of it reflected him, and I think even though he delegated different titles or portions of it to other members, they all wanted to know when we, the Kennedy staff, were staffing them, what would Senator Kennedy want in here. Sure, they brought in their ideas too. I don’t mean to say that they were just robots. These are Senators and they’ve got ideas of their own, but they all wanted to make sure that what they were doing was consistent with what Senator Kennedy wanted done in those areas.

Heininger: But neither did they simply take it and run with it and say, “Haha, it’s mine.”

Myers: No.

Heininger: That’s a real tribute.

Myers: Yes.

Heininger: I don’t know that that would have happened with anyone else around here. Maybe, but—

Myers: I think they considered it an honor to be asked to be leaders in that way. The reason I think that’s the case is every one of them did media in their home states about being asked to take the lead on a particular issue in the health debate.

Heininger: That’s a pretty good indicator. So you were then, even more so, working with all these individual Senators than you would have been had Kennedy been here.

Myers: Yes.

Heininger: What was that like?

Myers: It was good and it was sobering at the same time. It was good in that, at least for me personally, it gave me a chance to get to know those Senators even better. I already knew all of the ones on our committee, obviously, but I worked with them more closely than I had in my years as staff director, and so that I enjoyed getting to know them so much better and to see their strengths. It was good also because they really bought into the legislation. They felt like the bill that this committee, the Kennedy committee, passed that summer was theirs too, and so there has been this real sense of ownership by our committee members with the product, and a real sense of pride.

Over the August recess, when they had town hall meetings, some members on our committee had nine, ten, eleven town hall meetings. These were the early beginnings of the Tea Party, so they were all volatile meetings. But our committee members felt like they walked in there with something to talk about. They were proud of that bill and they felt like it gave them an anchor in dealing with the mob and these town hall meetings, and they came through it feeling good about their bill and themselves. So all of that was very good. The downside was none of them—

Heininger: Were Senator Kennedy.
Myers: None of them were Senator Kennedy. They all had their strengths here but their weaknesses there, and so it was sometimes a challenge to bring together the whole vision for the committee to move forward. Senator [Christopher] Dodd really helped it. He really pulled that all together in a very effective way.

Heininger: Who was in an extraordinarily difficult race himself—

Myers: Yes.

Heininger: —that is creating all sorts of political problems because of so many insurance companies being headquartered in Connecticut.

Myers: Yes.

Heininger: So he’s got problems, very tough. OK, we’ll leave health for a minute and go back to labor, because we still have lots more to talk about health, but I wanted to get some of the last year pension reform.

Myers: Yes.

Heininger: A big issue.

Myers: Yes.

Heininger: Tell me about the process.

Myers: This one, pensions—each issue has its own culture and personality. The education world is different from the health care world, is different from the pension world. Pensions are really a unique culture, and its laws are unique.

Heininger: That’s a good observation.

Myers: The pension laws are so different from everything else we do that the pension experts speak a completely different language than everybody else in the country. So when it comes to legislating on pensions, there are very few people in Congress who really understand the pension laws in the country.

Heininger: Kind of like tax laws.

Myers: Yes, but at least with tax, it affects everybody.

Heininger: Everybody, but pensions—

Myers: And so everybody knows a little bit about tax law, but pensions, it’s very different. I don’t understand pension laws, but we have people on staff fortunately who do. Senator Kennedy is not a pension expert; it’s not something he’s spent a lot of time on. I felt like he got to know it as well or better than anyone, but there’s really no one in Congress to whom you can go and say, “Explain ERISA [Employment Retirement Income Security Act] and America’s pension laws. Boom, you’re on.” There’s no one in Congress who could do that.
**Heininger:** No 30-second sound bites.

**Myers:** No. I mean, you can do sound bites about “We’re going to protect your retirement, we’re out fighting for your retirement security.” But explaining how you’re going to do that, you get into a lot of arcana, but important details.

**Heininger:** And yet, the problem with pensions is that when you look at what’s happened over the past year, the fact that there are these huge pension funds that feed into the financial system and are what get manipulated—the consequences are enormous for mishandling them.

**Myers:** Right. That’s very true, and it’s kind of like with the home foreclosure issue. It’s hard to understand all the connections—what’s connected to what and how pensions are connected to the Wall Street situation, that are connected to the Treasury bond rates.

**Heininger:** The Federal Reserve and—yes.

**Myers:** And ERISA, the laws, the obligations under that and so forth, so it’s a very complicated and very technical arena. As a result, when we’re moving pension reforms, it’s really just a handful of Members of Congress who get involved. It’s an enormously important issue, but it’s so technical and so different from everything else that we do that it meant as a result that there were just a few people in the room able to deal with it.

**Heininger:** In some ways that’s a relief, I’m sure.

**Myers:** In some ways it is a relief, but it also means that one person—

**Heininger:** Can have a disproportionate voice.

**Myers:** —like Bill Thomas, can have a disproportionate voice in it all. So we, in the small pension world, were able to get agreement in the Senate on what needed to be done, and sure, we had to do our deals to take care of the airline industry and so forth as part of the pension bill, and some of the auto industry was at stake in all of that too, and that you do on almost every bill. You’ve got to take care of those to make sure you get certain home-state votes. But in the end, it was really just about four people sitting down in a room in the Capitol, and one of them was Bill Thomas, working out the final deal. It took a while, mainly because of Thomas, to reach that agreement.

**Heininger:** Difficult.

**Myers:** Pensions, while we did the sound bite of retirement security, it’s not the kind of issue where you organize a grassroots campaign and do all the sophisticated media work as with others, because it’s just not the kind of thing where you can go to the grassroots and say, “We need 7 percent of the 31.3 whatevers in order to smooth out your pension.” It’s not the kind of thing where the technical features of the legislation get people all jazzed up.

**Heininger:** How did Kennedy educate himself about it?
**Myers:** It was just briefings. He had us brief him on it. It took many hours over several weeks, really, to brief him up on it. He did all the homework and then we brought in a few experts to help. He always wanted to hear from a few outside experts to help explain it.

**Heininger:** Part of the reforms that took place here had to do with percentages of company stock that could be in 401(k)s, and that was an issue that did resonate—OK, with part of the public maybe, the part that had 401(k)s, I guess—but that got a fair amount of media attention. Were there other pieces that got media attention too, and what would trigger media interest?

**Myers:** The main thing was not so much what the bill did, because people would get lost after the first line, but more that we were doing something that would affect Delta Airlines people. The word went out that we’re going to try to take care of the airlines. The bill was happening right at the moment that all these airlines looked like they were going to collapse, and a couple of them did, but what the airlines wanted was some relief from paying into their pension plan so that they could spread out the payments into the pension fund over a longer period of time, because they couldn’t afford to do it all at once.

We included in the legislation some relief. I think United Airlines was one, Delta Airlines was another. That helped those airlines, so people would know. The headline would be, “Congress Acts to Save Pensions for Airline Employees,” but it wouldn’t always understand exactly how Congress was doing that, given that the issue gets so technical so quickly.

**Heininger:** Was that one that Kennedy enjoyed working on, or it was like, *Oh, I need to learn this whole—*

**Myers:** He would roll his eyes because it’s so technical; it’s the kind of thing you learn and then you don’t need to touch the issue again for another five years, unlike health care or education, where he would always be working on something related to that. On pensions, the issues just come and go. He just loved legislating, so he’d get into it and figure out how we need to work this out with [Michael] Enzi and what is it that Enzi needs. Johnny Isakson was from Georgia, where Delta Airlines is headquartered, so we made sure that he was in on whatever decisions were made, and you had [Richard] Durbin wanting to take care of United Airlines. So it was that part of it, putting all those pieces together and completing the legislative puzzle, so you get the complete picture. He relished that and was good at it, very good at it.

**Heininger:** What was his relationship like with Enzi?

**Myers:** Excellent.

**Heininger:** You’ve seen him with a number of Republicans.

**Myers:** Excellent, deep respect. If you read Senator Kennedy’s memoirs, there’s a section in there on Enzi and you know what deep respect he had for him and how Enzi did his homework. Enzi would go to conferences just to learn the issue. I think it was an OSHA [Occupational Safety and Health Administration] issue, how do you protect workplace safety in the modern workplace. In the book, Senator Kennedy raises a question about workplace safety and enforcement of our laws, some aspect of it, and Enzi says, “Well, I just went to a conference on that and talked to some experts and here’s the situation.” And then Senator Kennedy says, “Oh
yes,” and then raises another concern. “Well, I just read a book on that and there was an interesting way of looking at it.”

Enzi really did his homework, and Senator Kennedy admired that. Enzi’s not an ideologue. He really tries to look at the facts of the situation. He’s a numbers guy, always wants the numbers on things, because he’s a CPA [certified public accountant]. How do the numbers add up and how many of these equal that? He really would want to get into the nuts and bolts of issues, and then Enzi had the outlook, as Enzi would say so very often, that there’s 80 percent of the issues around here we agree on, 20 percent where we disagree, so why don’t we work on that 80 percent? Senator Kennedy bought into that and believed that that was a very productive way of looking at the business of the committee. And I think both of them would get in trouble with their own caucuses from time to time for producing so much bipartisan legislation.

[BREAK]

Heininger: This is a resumption of the interview with Michael Myers. It had to have been very helpful for Kennedy to have been able to work with Republican counterparts that he was able to develop a good working relationship with. You’ve seen a number of people through the years in the long time that you’ve been with him. How important was that ranking minority—or flip it the other way—relationship for Kennedy?

Myers: It was vital for getting anything done. Over the last 15 years in Congress, the margins between Democrats and Republicans have been so razor-thin that neither side had the ability to move legislation on its own. As a result, it was essential for Senator Kennedy to work with Senator Enzi as his ranking member, his counterpart, Senator [Nancy] Kassebaum, before that, Senator [Orrin] Hatch. He worked hard to respect that relationship, to respect his ranking member, because it really was the only way to get things done in a divided Senate.

Heininger: From what you’ve seen of other committees through the years, is this generally the way chairs and ranking minority members work together?

Myers: Not always so successfully, but I think there’s usually an effort to try to do that, because they recognize that they need each other in order to move forward on an agenda. You could have an agenda where your goal is just to stop everything, and then you don’t need to get along, but that’s no fun. You do want to be able to look back and talk not just about things you blocked, but things you go accomplished.

Heininger: Well, back to labor issues. Mine safety. Why was it easier to get mine safety through than tackling OSHA?

Myers: Because we had an immediate tragedy.

Heininger: Timing is all.
Myers: Yes. It was clear, from the Sago Mine disasters, the disasters in West Virginia and then later in Utah, that something had to be done. Congress just couldn’t sit here with those grieving families and do nothing, and so that’s why it was possible to move. I think we ended up doing it in six weeks or something like that, moving from—

Heininger: That’s astonishing.

Myers: From the point of first putting pen to paper, to the President putting the pen to the law and signing it into law, was about six weeks, and it was all because of the tragedy.

Heininger: Legislatively, is mine safety outside the bounds of OSHA?

Myers: Yes, it’s a separate safety regime.

Heininger: OK, well then switch it over to OSHA, which affects far more workers and far more different industries. This is a perennial point of controversy, anytime anybody tries to touch OSHA. Why is it so difficult, because it costs money to pay for worker safety?

Myers: And employers don’t want to do more than what they’re obligated to do now. It adds to the cost of doing business. Because OSHA affects a wide array of industries, you’ve got multiple industries lobbying against you in trying to do it. We didn’t make a lot of progress in strengthening the actual law. A lot of what we tried to focus on in recent years was the enforcement of the existing law, which was pretty meager under the last administration.

Heininger: Has it changed with the new administration?

Myers: Yes, it’s beginning to change, but it’s going to take some time to reverse the trends of the last eight years.

Heininger: Flipping to yet another issue. Regulation of tobacco.

Myers: Yes, another longtime battle.

Heininger: Shall we say this goes back a long, long, long time. So the most recent go-around was successful.

Myers: Yes.

Heininger: Why?

Myers: We’ve got a Democrat in the White House and Democrats in majority.

Heininger: But we had one under Clinton too.

Myers: Democrats in majority in the House and the Senate.

Heininger: Well, let’s see, there was a time under Clinton when there was—

Myers: There’s an interesting little story. Can I tell a little story related to tobacco?
Heininger: Yes, please do.

Myers: Back when the first time we were battling it, when Senator [James] Jeffords was chairman. Was he chairman or ranking member? He was chairman.

Heininger: He was chairman and then he was ranking member. It was a confusing time period.

Myers: I think he was chairman. It was when Jeffords was chairman, and we were pushing through the tobacco bill to give FDA [U.S. Food and Drug Administration] the authority to regulate it. Jeffords was supportive of the tobacco bill and there was a heated, heated markup in which Republicans on the committee just blew up in public at Senator Jeffords, right there on the record, and one Republican Senator even called him a “sorry excuse for a chairman,” right there in public. Senator Kennedy said to me that he thought that episode was what triggered in Jeffords’ mind the thought of switching parties, that from that point on, he always felt that there was something going on in Jeffords’ mind along that line. I remember once, when Senator Kennedy mentioned that, going back and looking at the transcript of that debate. It was ugly and I’ve always thought there must be something to it.

Heininger: And that’s extraordinary. Senate protocols say you do not attack Senators by name on the floor, at least, but it extends also to committees. That’s just behavior you just don’t engage in.

Myers: Right.

Heininger: It certainly would flip a switch in my mind if it happened to me.

Myers: Right.

Heininger: Wow. OK, so what had to be done this time to actually get it through?

Myers: Well, we had the stars lined up with President [Barack] Obama and Democrats in charge of the House and Senate. The President and the Democratic Leadership in both the House and Senate were looking for issues that were important but that were already kind of frontloaded and ready to go, and that was one. We had it all teed up, we had all kinds of co-sponsorship. There were key Republicans who were behind it, we had the religious community pushing it, including some of the evangelical and more conservative groups like the Southern Baptist Convention supporting it because they don’t want kids to be smoking. That helped us get people like Senator [John] Cornyn of Texas to support it. The time was just right. Senator Kennedy always said—you know the timing—the Senate is a chemical place, like it’s the Dow Chemical Plant, but what he was talking about is there’s a chemistry to it, and when the chemistry is right you had better take advantage of it, and it was right for this one.

This is an example too of Senator Enzi and how he approaches things, methodically and thoughtfully. He had opposed the tobacco bill all the way through. We brought it up for markup in two consecutive Congresses and he battled it, but in the end he had some ideas that he articulated that we were able to work with and accommodate. He voted against it in committee, and once we got it out onto the Senate floor, just before the final vote on final passage, he came down to the floor, gave a speech, and announced that he was going to support it.
Heininger: What caused him to change?

Myers: There were some issues. I can’t remember what they were right now off the top of my head, but there were some concerns he had had, and we found a way to work with him. They were legitimate concerns and in the end he decided, Well, we can’t do nothing, smoking is a real problem.

Heininger: It’s not as if he’s got any tobacco growing in his state.

Myers: No. He struggled with it too, because both of his parents were smokers. He tells the story of one time as a teenager, getting a physical, and the doctor said, “You’ve got to stop smoking,” and he says, “I don’t smoke.” The doctor said, “Yes, you do.” And it was the secondhand smoke from his parents.

Heininger: Timing encompasses more than just the constellation of control of the Senate, control of the House, who’s sitting in the White House. It also has to do with the public, changes in public perceptions, and when the effort to regulate tobacco began, it really accelerated, particularly under Surgeon General [C. Everett] Koop and David Kessler, in the mid-’80s and subsequently. There have been major changes in behavior of people and smoking, but more important, there had been more changes done on local levels to regulate where smoking is allowed. How much of that do you think affected the ability to get this legislation done now?

Myers: I think it helped, because there’s this notion that smoking is bad, and all those helped create that. But what things like smoking bans in restaurants and so forth don’t accomplish is to stop people from smoking in the first place. You can’t smoke here, but that doesn’t necessarily make you stop smoking. I can’t remember the exact number, but something like 80 or 90 percent of smokers got started as teenagers, and it’s as we all know a very addictive product. The tobacco companies find very clever ways of marketing the products to teenagers and adding flavorings to cigarettes to make them even more attractive, make teenagers feel like it’s candy out of a vending machine almost. And so that’s what this legislation really focused on, trying to prevent kids from smoking, from taking up smoking to begin with, and minimizing the marketing to children by tobacco companies.

Heininger: Do you think it will work?

Myers: Yes. I rely on the public health community and their assessment of it, but they think it will work, so I do.

Heininger: It’s interesting, because if you travel overseas you see the warning labels on cigarettes are much bigger and far more explicit than they are on ours, like, “If you smoke this it will kill you,” not just “The Surgeon General has determined that smoking can be hazardous to your health.”

Myers: Right.

Heininger: It’s quite interesting. It’s a different approach, still for sale though, and smoking is now more prevalent overseas in most countries than it is here. Certainly, if you go into the less developed world, it’s very prevalent.
Myers: Right.

Heininger: A comparable piece of legislation was the food labeling, nutritional information labeling that was pushed through in the ’80s, that has really changed, in many ways, how people view food. Do you think that this legislation on tobacco and regulating tobacco is going to have the same effect?

Myers: Again, I rely on the public health experts who say that this bill will have a definite effect on teenage smoking. If only you get rid of the advertising that’s geared toward teenagers, that should have at least some effect on teenage smoking. I don’t think anybody’s saying that this bill suddenly is going to prevent all teenagers from taking up smoking. Teenagers are going to continue to take up smoking, but hopefully at not nearly the large numbers that we’re seeing today.

Heininger: But it might help to change the mindset.

Myers: Yes.

Heininger: Which would be a great benefit. Other labor issues. If you rank them in a constellation, of course with minimum rates up here, worker safety, pensions, and another one we haven’t talked about, which is union members’ rights, how would Kennedy rank those?

Myers: If he were still chairman today, the Employee Free Choice Act would be at the top of the labor agenda of the committee, and it is under [Thomas] Harkin now, because that’s the next big labor issue on the agenda. The next thing was going to be the Employee Free Choice Act.

Heininger: What are its prospects?

Myers: I think they’re good. As with every bill, it involves compromise, but I think we have a good chance of getting a compromise that will increase labor rights.

Heininger: Did he distinguish between union members’ rights, which Employee Free Choice certainly focuses on, versus unions’ rights? Did he see them as one and the same, or did he have different concerns about each?

Myers: I don’t know that he sees a big distinction. Senator Kennedy really saw all of his issues through the lens of people. He’s a real people person. So anytime he was looking at a policy, he would want to think of how it affects the single mom with two children, and think through how it affects real people like that. The same with the labor issues. He thought of it as the working families of America, the working men and women of America, how does this affect them. I guess that’s a long-winded way of saying it really was about the people and the workers first and foremost.

Heininger: There’s a difference between workers, because most of the population, at least of adult Americans, are part of the American workforce.

Myers: Yes.
Heininger: And there are workers’ issues and then there are union issues, and technically the committee has jurisdiction over the union issues, correct?

Myers: Not necessarily just that, no.

Heininger: How would you define the distinction between doing things that had to do with broad workplace issues.

Myers: If you increase the minimum wage, that’s broad workplace. If you deal with pension issues, that’s broad. Workplace safety, that affects everybody. OSHA even comes to look in my office once a year, and we’re not unionized here.

Heininger: True.

Myers: For better or worse. I think for worse, but anyway, there are lots of issues that have broad effect on working people in America, whether they’re members of unions or not. Senator Kennedy did have a strong belief, though, that strong unions were better for workers and for the overall U.S. economy, so he was a big promoter of unions as a result. And he felt, looking back at history—he would mention this often—that you look at the period, like after World War II, where there was more income equality, when the wages of the upper echelon of the workforce would go up, the lower would go up with it in tandem, so everybody was going up together. President [John F.] Kennedy would talk about the rising tide lifting all boats. Senator Kennedy felt like the union movement was a big part of that, in making sure that those at the bottom and in the middle were going up too.

As the union movement declined, we saw greater inequality, and whether there was a direct relationship there, from a scientific basis, who knows, but he felt pretty strongly that there was, and that one way of getting at strengthening the middle class, restoring the strength of the middle class in America, was to have stronger unions.

Heininger: Historically, we never would have had workplace safety had there not been unions who were able to organize some of these industries to have enough clout to push for it.

Myers: Right.

Heininger: But you’re right, as the whole American workplace has changed and unions have declined, there isn’t the organizational ability to put the pressure. I guess I’m trying to say it’s more diffuse, and that makes it more difficult to therefore make the changes that have a broad effect on everybody. That makes sense. What about job training?

Myers: Important too. In fact, when he asked me to be staff director, we were right in the middle of reauthorizing the job training system, the Workforce Investment Act, WIA as it’s called. One of the things he did with the job training was JTPA, Job Training Partnership Act. Dan Quayle was on that and Quayle kept saying, “Look, it makes absolutely no sense for us to have all these different job-training programs all over the place diluting our job training thrust across the country.” Each of those job-training programs back then had a protector or they were created for this entity or that entity, and so there were vested interests in keeping it that way, but Quayle was the one who spoke up and said, “This just doesn’t make sense anymore.” Senator Kennedy
listened to that and thought Quayle was right, and as a result, he and Quayle then worked together on the JTPA, that began some consolidation of those job-training programs.

I remember when—this was before I was staff director—Quayle was chosen as the Vice Presidential nominee and everybody was saying how dumb he is. You look back at the record Senator Kennedy spoke up for him and it was as a result of the work on job training that they did together. Senator Kennedy was pretty impressed with the work that Quayle did on that.

Then fast-forward to the WIA reauthorization of 12 years ago now. We went to one-stop shopping on job training, really consolidated things so that if someone needed job training, they didn’t have to look up 26 different programs, it was one stop. They could go to one place and try to get the training that they needed. That was really the biggest feature in all of that. There are still those—it’s now 12 years since we consolidated it into one-stops—who want to chop it up again. That’s still out there, and we’ve been fighting to reauthorize it now against those interests, but that was really a vision that he and Quayle cooked up back then and that is now the law of the land.

**Heininger:** One previous staff director of the committee said to us that it was his sense that Kennedy believed in employment-based ways of improving people’s lives, working through the workplace, meaning things like ADA [Americans with Disabilities Act] has much to do with the ability to have the opportunity to work if you are disabled. Family Medical Leave, ensuring that those who have children are not penalized for having children but are able to return to the workplace if that’s what they want to do, et cetera. Have you seen that mentality carry through in Kennedy’s approach to the committee?

**Myers:** Yes. The way our culture and our political culture exists in America, as Senator Kennedy would often say, we’re really a conservative society compared to Europe and other countries, and as a result, we don’t have the social safety net, the welfare state.

**Heininger:** That is, of government.

**Myers:** Right. And so therefore the most logical place for Americans to get those benefits and those protections is through the workplace if the government’s not going to do it in a place like the United States. That’s just not in our culture, but it should come through your job. And so he really pushed that. On health reform, he’s introduced a variety of different approaches to it. He would joke about how you find a way to do health reform. He’s probably introduced a bill for every conceivable approach to the problem. He would joke, “I can teach it flat, I can teach it round, just as long as we get there, get the job done.” In recent years, one of his big pushes on health care was to promote that it should come with every job, thinking that’s the way we could get it done in America. That kind of resonates around the country.

**Heininger:** Yes, it does.

**Myers:** That it comes with your job. But then we had this opportunity up in Massachusetts, with then Governor Mitt Romney, to try something different. Senator Kennedy had always resisted the so-called “individual mandate” in which you require every person to buy health insurance, because none of the ideas made it really affordable for people to do that and it’s unfair to require people to buy it if they can’t afford it. But working with Governor Romney and the legislature up
there in Massachusetts, he saw that maybe this is a way of getting it done. Let’s try the individual mandate in Massachusetts. There seemed to be a willingness to try it. He felt, I should be open to new things and these concepts, so on the health care piece at least, in recent years, he moved away from his opposition to the individual mandate in order to make progress on the issue. It’s a lot of what we’re talking about nationally now, even though people don’t always say it was a Republican idea originally.

**Heininger:** No, they don’t.

**Myers:** It’s the Massachusetts model, and it really started with him and Mitt Romney working on it in Massachusetts. Can I give a footnote story on that?

**Heininger:** Yes, absolutely.

**Myers:** A lot of things that happen in legislative life are not always planned. They may seem like a brilliant strategy, but the brilliance comes from seeing an opportunity and grabbing it.

**Heininger:** It’s called serendipity.

**Myers:** But seeing it too; not everyone sees it.

**Heininger:** Yes, right.

**Myers:** And so up in Massachusetts, Romney was kicking around this stuff, and Romney issued a vague set of principles of what health reform should look like in Massachusetts. Senator Kennedy was asked: “What do you think?” He normally made a policy of not getting involved in state politics. His job, he thought, was to be the representative of the people in Massachusetts in the federal government, and he made a practice of not interfering in state legislative matters. But in this case he saw an opportunity, and I think it surprised a lot of people up in Massachusetts when he came out and said good things about Governor Romney’s principles. It made people on the left in Massachusetts, who normally instinctively would say, “Oh, it’s bad, kill it, kill it, kill it,” suddenly pay attention, and the legislature up there, which was predominantly Democratic, paid attention. I really think that had Senator Kennedy not seen an opportunity there and realized the impact that Massachusetts could have on the national debate, Romney’s plan would never have gone anywhere.

**Heininger:** It’s my understanding that in fact he put a great deal of time and effort into helping to see that it would come to fruition too.

**Myers:** That’s right, he did.

**Heininger:** To say nothing about the fact that his coming out and saying this is something that ought to be considered gave Democratic politicians in Massachusetts a lot of cover, not just to consider it.

**Myers:** It completely shifted the politics on the issue.

**Heininger:** It shifted the politics of it.
Myers: Overnight.

Heininger: And yes, there may be lots of problems with the Massachusetts plan, but think of all those people who have health insurance now who didn’t have it before it went into effect.

Myers: There are a lot of things that were first tried in Massachusetts that he would watch and then go national, like the Children’s Health Insurance Program. He said, “You know, I saw what was happening in Massachusetts.” Early childhood education, from zero to three, we looked at a lot of things that were going on in Massachusetts.

Heininger: Ah yes, the Smart Start that could have transformed Head Start but didn’t make it because of vested interests.

Myers: But we’ve gotten some things done on that, though, in recent years.

Heininger: Well, because of your schedule—this has been wonderful.