

VII
ANNUAL DINNER REMARKS

By The Honorable George J. Mitchell
Former United States Senator from Maine

By The Honorable Olympia J. Snowe
Former United States Senator from Maine

By Roberta Cooper Ramo
President of The American Law Institute

*The Annual Dinner
of The American Law Institute
was held in the Ritz-Carlton Ballroom,
Washington, DC,
on Tuesday evening, May 19, 2015.
President Roberta Cooper Ramo presided.*

President Ramo: Well, it takes two United States Senators to get me a gig in which I get to sit down, having stood all day to do our work.

This is an evening that I have looked forward to for a very long time, I can tell you both, because of all the people that have waylaid me to say, how did you get them, it was sheer intimidation. I think that was it.

As I know both of the Senators know, The American Law Institute is an organization that reveres two things above all: honor and integrity and great intellectual ability. And so I thought what could be a better discussion for the wonderful members of The American Law Institute than a discussion between two lions of the Senate, two magnificent American citizens who have worked in every way to make this a better country, who embody our values, one a Democrat and one a Republican.

Let me tell you just a very brief little bit about them, because they are so famous that we all know who you are.

First of all, they both have written books that I have right here. Senator Mitchell's newest book is *The Negotiator* [(2015)], and Senator Olympia Snowe's book is actually about the basis of our discussion today, and that is *Fighting for Common Ground* [(2013)], which is what we do at the ALI in every project, Senator Snowe. Sometimes it's easier than others, as I'm sure you've found.

Senator Snowe was in the Congress for 34 years, I think, in total, 18 years in the Senate. I didn't know they let two-year-olds in the Senate.

Senator Olympia J. Snowe: Oh, thank you.

President Ramo: It's amazing to me.

And *Time* magazine, in a very thoughtful and critical article about the state of the United States Senate, said that she was one of the 10 best Senators. And I know that Derek Langhauser and Brock [Hornby] would say one of the 10 best Senators ever.

Since she left the Senate, she continued her pressure on the American people and the American political system to do what's so desperately needed, and that is to understand that you can be partisan and still be effective. And we are going to talk about some of those things tonight.

I had the lucky break of actually working on a committee chaired by Senator George Mitchell a few years ago. As everybody in this room knows, he was a federal judge, which is why when he called me on the phone, I always stood up. He was the majority leader of the Senate during an incredibly productive time in the life of that body. He is a master negotiator who is undaunted by anything. Which I saw as I watched him work as we were investigating the United States Olympic Committee, which I thought was pretty daunting, but maybe that's because I'm a klutz and he's probably a secretly really great athlete.

As everybody knows, Senator Mitchell went to Ireland and somehow managed to broker conversations first and then the peace. He's been to the Middle East for the United States again in search of any common ground. In business, he's been at major companies, including Disney, during times in which being the chair of that board was a full plate, particularly since everybody looks at Disney in such a wonderful way.

What is obvious—and I felt kind of badly about this—I thought I ought to wear a plaid shirt, flannel, boots—is that there is something about Maine that has given us the most extraordinary public citizens including both of you, Brock Hornby, Derek Langhauser. And we started our meeting, you should both know, with Derek’s moving tribute to Vince McKusick, who was a hero to all Americans, not just the people from Maine. So I don’t know if it’s the cold. I can’t quite figure it out.

But we are tonight gifted with these two wonderful people and a conversation about what has happened, particularly in the Senate, but in the American political process as a whole, and what we need to do to try to make things better.

So let me start out by just asking Senator Mitchell to make an opening remark or two and then Senator Snowe, and then we’ll start with some questions.

Senator George J. Mitchell: Well, thank you very much, Roberta. It’s a great honor for me to be here. As a practicing lawyer and a former federal judge, I’m very familiar with the work of the Institute and have admired it for a long time and, of course, have admired you personally for a long time. There are many distinguished people here.

I do want to mention my former colleague in the Senate, Paul Sarbanes of Maryland, who is here, a truly great Senator. (*Applause*)

And the former Governor of Maine, Olympia’s husband, Jock McKernan, right over here as well. (*Applause*)

I entered the Senate by appointment. I was serving as a federal judge when a vacancy occurred in Maine, and the Governor appointed me to the Senate. And when I came down, we had the small delegation from Maine, two Senators and two House members, and I was the only Democrat. Olympia was there. Her husband later was the other Congressman, and Bill Cohen was the Senator. So I had to learn very early in life how to get along with Republicans. (*Laughter*)

And we've been good friends before, during, and since. And it's a great honor for me to be here with Olympia.

I do want to begin with one story. Your introduction was very generous, for which Olympia and I are both grateful. I speak often, so frankly for me, the introduction is the highlight of the program. (*Laughter*)

The danger, of course, is that if you hear this kind of stuff too often, you begin to believe it. So I like to tell a story about an occasion when I was introduced but brought back down to earth.

When I returned from my experience in Northern Ireland, where I spent five years, I wrote a book [GEORGE J. MITCHELL, MAKING PEACE (1999)]. And when I did the book tour promoting it around the country, I received many invitations, including from a very large number of Irish American organizations. In that process, I learned that in the United States, there are more Irish American organizations than there are Irish Americans. (*Laughter*) And they all invited me. I couldn't go to all of them, but I went to many.

And as I traveled the country, there developed among these Irish groups an informal competition as to who could give the longest, most fantastic, often somewhat ridiculous introduction. The proper reaction, of course, would have been to show humility, to urge them to keep it short. I had an improper reaction. (*Laughter*) I loved it. (*Laughter*) I encouraged them. I scolded them if they left anything out. (*Laughter*)

One guy out in Chicago spent 35 minutes describing every incident in my life, including many with which I had not previously been familiar. (*Laughter*) When he finished, I got up and I pointed out that he left out that in my junior year in high school, in a small town in Maine, I had the highest grade in the science class. (*Laughter*)

So by the time I got to the last stop, the Stamford, Connecticut Irish American Society, I was overly impressed with myself. I entered the building, and the first person I encountered was an elderly woman

who rushed up to me, very excited and nervous, vigorously shook my hand, and she said, "I don't live anywhere near here. I live way on the other side of Connecticut. I drove three-and-a-half hours just to come here to shake your hand, to tell you what a great man you are. You've done so many wonderful things all over the world," she said, "and I ask you please, would you sign my poster?" She handed me a poster with a photograph on it and a pen. I looked at the poster. I said, "I'm happy to sign your poster, but before I do, I think there's something I should tell you." She said, "What is it?" I said, "I'm not Henry Kissinger." (*Laughter*)

She was shocked. She said, "Well, who are you anyway?" (*Laughter*)

And when I told her, she said, "Well, that's just terrible. I drove three-and-a-half hours to meet a great man named Kissinger, and all I've got is a nobody like you." (*Laughter*)

I said, "Well, I'm sorry you feel so bad. I wish there's something I could do to make you feel better." And after a pause, she said, "There is." I said, "What is it?" She leaned forward. I leaned forward. Our foreheads were nearly touching, and in a conspiratorial whisper, she said, "Nobody will ever know the difference." (*Laughter*) She said, "Would you mind signing Henry Kissinger's name to my poster?" (*Laughter*)

So I did. And today it hangs in a living room in eastern Connecticut, a daily reminder to me not to take myself too seriously.

Now there are probably a lot of people who know Kissinger. So I'll tell you probably the best part of the story, as they say, the second page.

About a year ago, I appeared with Henry at an event very similar to this in New York, at a business conference. It was in a private club in a high-rise building. And I thought it would be a good time to tell this story, which I did. The crowd laughed and he appeared to like it.

And then the program went on and we were asked about, and commented on, China and the Middle East, all world affairs for an hour.

When it was over, I found myself in the elevator with Henry going down to the ground floor. And he said to me, "I've heard you speak so often." He said, "We've been together many times. And when you were Senate majority leader, I heard you speak often." He said, "But I have to tell you, I've never heard you give a better talk than you did tonight." (*Laughter*)

And I said, "Really?" I said, "Was it my answer on China? Was it the Middle East?" "No, no, no," he said. "It was that story you told at the beginning." (*Laughter*) He said, "You should tell that all over America." (*Laughter*)

And I do, and I keep a list. And every time I see him, I hand him the current list, and The American Law Institute will be on the next list I hand him.

So thank you all for having me here. (*Applause*)

President Ramo: So, Senator Snowe, I have to say that I was so thrilled when I first read in New Mexico that there was going to be a woman Senator from Maine, sort of a storied place there. And when I saw you, I have to confess I thought there must be deceptive packaging, because I was expecting a much bigger person. I didn't realize, until I heard you talk, that all the big part was in the brain.

Senator Snowe: Thanks.

President Ramo: So tell us a little bit, Senator Snowe, about how you came to the Senate.

Senator Snowe: Well, first of all, I appreciate your beautiful introduction and saying that I started at the age of two. That is actually true. (*Laughter*)

But, you know, when you're thinking about age, I always get nervous about introductions because, like Senator Mitchell, I've had many during the course of my public career. And it always reminds me of the story about our former colleague. It was two years after George left the Senate, but our former colleague in Maine, senior Senator Bill Cohen, announced his decision not to seek reelection to the United States Senate. And shortly thereafter, I was attending an event where I was introduced by the emcee, and he said, "Ladies and gentlemen, it's a pleasure to introduce you to Olympia Snowe, the next senior citizen from the state of Maine." (*Laughter*)

It's true. I said, "Well, that's true, but do we have to advertise it?" (*Laughter*) In any event, so that was how my career sort of began.

But, you know, I've served 34 years in the House and Senate and six years in the state legislature. In fact, my husband, Jock, was serving in the legislature at the same time. And I can remember the very first moment when, shortly after I was sworn in, I was standing outside the state legislative chamber, you know, pondering my future, taking it all in. And I get a tap on the shoulder by the State Senate majority leader. And he said, "Olympia, I know what you're thinking." And I said, "You do?" He says, "Yes, you're looking around this chamber wondering how you got here." He said, "But I can guarantee you, in six months you'll be looking around this chamber wondering how everybody else got here." (*Laughter*) And I have to admit that did occur to me on a few occasions.

But in any event, Jock and I—when Jock was Governor and I was in the House of Representatives—we used to say our quality time together was listening to one another's speeches. Unfortunately, he's getting the short end of the stick on a few occasions these days.

But it's a pleasure, Roberta, to be here tonight with the ALLI. You're indispensable in the role that you play in the legal landscape nationally, and of course, Maine has had a great impact within this organization. I just want to give a shout out this evening to Judge Brock Hornby. (*Applause*)

Actually, my husband showed good judgment in appointing him to the Maine Supreme Court before he became a federal district-court judge.

And, of course, Derek Langhauser, who was Jock's legal counsel when Jock was Governor and then became mine in instances in the United States Senate, such as impeachment, the last four nominees to the U.S. Supreme Court, as well as when I was an intervenor defendant to *McConnell v. FEC* [540 U.S. 93 (2003)], a Supreme Court case on campaign-finance reform. So I describe Derek as my legal 911, and he certainly has been. (*Applause*)

And finally, the late Chief Justice Vince McKusick. Vincent McKusick was legendary and certainly a giant in Maine and across this country. He was just buried, as you know, this last week in his hometown of Parkman, Maine.

And I also want to welcome Senator Paul Sarbanes, with whom I had a great working relationship in the Senate, as I had with George Mitchell, although I was in the lower chamber in the House of Representatives, but we worked for 15 years together, and George was a real champion on issues. He set a standard of excellence. And so it's a privilege to be here tonight with him and with all of you.

President Ramo: Well, let me get started by saying that in my naive way, I always thought that because the Senate didn't have districts, that whatever happened in the House from time to time, that the Senate would save us, and the fact that we had six-year terms, so that you didn't have to spend your entire life on the plane and raising money, would give time for people to be thoughtful, and that we could see a kind of growing relationship among all the Senators of both parties and many different views that would make things happen.

So let me start out by asking Senator Mitchell, when you were the majority leader and you worked very effectively in your own party and across the aisle, what were the elements of the dynamics that made it possible to be effective then?

Senator Mitchell: Moments after I was elected Senate majority leader, I called Bob Dole, who was the Republican leader in the Senate at that time, and I asked if I could come to see him. I went to his office, and I told him that he had been there much longer than I, knew much more about the Senate than I. But I had been there long enough to realize that if the leaders did not trust each other, a difficult task would become an impossible task.

And so I said to him, “I’ve come here to tell you how I intend to behave toward you and to ask you to, in turn, behave that way toward me.” I set out really the most basic, simple standards of fairness, courtesy, fair dealing. He was delighted. We shook hands, and to this moment, not once ever has a harsh word passed between Bob Dole and me in public or in private. (*Applause*)

We disagreed daily. We negotiated endlessly on procedural matters in the Senate, and when we couldn’t reach agreement, we left it for the Senate to decide. Sometimes my view prevailed. Sometimes his view prevailed. But it was never personal. There was never any effort to embarrass or diminish the other. And the Senate functioned reasonably well, although I must say at the time, I thought it was very difficult. I thought it was extremely hard. There was a lot of contention. However, in retrospect, in comparison to now, obviously, it’s much, much worse now.

But I think many Americans look back with rose-colored glasses. There never was a time in American history when our politics were free of contention, difficulty, often rancor.

A professor at the University of Maine recently published an article describing the presidential campaign of 1800 [Amy Fried, *Political hyperbole from Jefferson to Limbaugh*, BANGOR DAILY NEWS, July 3, 2012, <http://pollways.bangordailynews.com/2012/07/03/national/political-hyperbole-from-jefferson-to-limbaugh/>]. Two national icons were the candidates: John Adams, the incumbent; Thomas Jefferson, the challenger. And much that was written and spoken about them was worse than anything Obama and Romney said about each other or in recent

years. The difference, of course, is they didn't have the power and ubiquity of electronic communications, especially television, and they didn't have the billions of dollars that are poured into the American process now that have such a huge distorting effect. Olympia has written a book on the subject [OLYMPIA SNOWE, *FIGHTING FOR COMMON GROUND* (2013)], and so she can talk in much greater detail and with better knowledge than I have.

But I think several things have happened. The first is, of course, redistricting. We've always had gerrymandering. But technology has allowed it to be enhanced to the point where we've gone from district lines based on counties, county lines, to municipal lines, to ward lines now, to streets and houses. And as a result, three out of four House seats are predetermined in terms of which party will win. Only a handful, 40 or 50, are competitive between the parties, which means that in the House of Representatives, the political fulcrum turns not in the general election. The pivotal moment is the primary process. And as we know, we have an abysmal record of participation in our democratic institutions in this country, and the number of people who participate in primaries for congressional seats is infinitesimally small, which gives a hugely disproportionate weight to the most rigid, partisan, passionate, ideological people in both parties.

President Ramo: Well, Senator Snowe, let me ask you really two questions following on what Senator Mitchell said. First of all, one of the things that you did, toward the end of your career, that was so remarkable is that you participated in the "Group of Six" that negotiated through the Affordable Care Act [the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, 124 Stat. 119 (2010), amended by Health Care and Education Reconciliation Act, Pub. L. No. 111-152, 124 Stat. 1029 (2010) (codified in scattered sections of the U.S. Code)]. And if you could tell us a little bit about the dynamics that made that possible.

But also, Senator Mitchell pointed out the issue of gerrymandering. I don't think the Supreme Court today made a decision about the Arizona case [*Arizona State Legislature v. Ariz. Indep. Redistricting*

Comm'n, 135 S. Ct. 2652 (2015)]. We're all waiting with great interest. But you've been both in the House and the Senate, and so also could you discuss what impact having an extremely partisan House has on the Senate even though you don't have the gerrymandering problems?

Senator Snowe: Well, to Senator Mitchell's point on the redistricting, absolutely. I mean, that's a critical necessity for states to establish. You don't even have to have a number of states. I mean, it's just a significant amount to change the equilibrium in the House of Representatives. There are so few competitive seats. For example, Charlie Cook estimated, in the last election, perhaps there were seven toss-ups. Others have estimated 21 or 68. But nevertheless, very few competitive seats remain in the House of Representatives because of the redistricting. And frankly, as a result of that, gerrymandering has contributed mightily to the polarization.

So hopefully the Supreme Court doesn't accept the challenge by the state of Arizona on the question of independent redistricting commissions [see *id.*] because that's something the Bipartisan Policy Center, which actually George co-founded and where I'm senior fellow—we issued a report last year that provided those recommendations, as well as open primaries, again because there are so few people participating in primaries.

In fact, in July of last year, *The Washington Post* estimated there were about 123 million people who could vote in a primary and only 18 million had at that point. So you really have a small minority of the population that is really participating in these primaries, and they are ultimately determining who serves in the House and Senate. I mean, there was only a 36 percent turnout in the last election. So that just, I think, illustrates how severely people feel about their institutions and their elected officials.

And that should concern all of us—the alienation and the disaffection—because they feel like they perceive no benefit in participating in democracy. They feel powerless to influence. And I hear that all the time when I travel across the country. People say, you know, I turn off

the news. I don't want to know what's going on. I can't do anything about it. I can't make a difference. They're not listening to me.

And so when you are talking about 36 percent, I mean that's a serious problem for the country. We are a representative democracy, and we need to have the consent of the governed. So it is critical.

Secondly, when I came to the Senate, Bob Dole was the majority leader. In fact, I just read an article where he was giving an interview praising Senator Mitchell and saying they had a great working relationship, friendship, and trust. They never surprised one another. And he described Senator Mitchell as brilliant and had great admiration for him, the way he worked. So if Senator Mitchell was there, the Senate would be functioning in the way he did in the past.

And when Senator Dole was majority leader when I came, he would put everybody in a room, on both sides, on a number of big issues that we were dealing with in 1995. He would ask people who were working on an issue, on both sides, to go into his conference room at 8:30 in the morning, and he would say, work it out and let me know what you've done about it. And that's the way he did, and he did consistently time and time again. And so that's the way it was.

And then, ultimately, much changed. And a lot of that has to be attributed to the party realignment that's occurred in America that's been evolving over the last 30 years. We began to see it materialize in the House of Representatives when I was serving, and then, of course, in the Senate. But if you think about it, the South shifted from the Democratic Party to the Republican Party. When I came into the House of Representatives in 1979, there were a number of southern conservative Democrats representing Mississippi, Georgia, Alabama, and Texas, and the list went on. But when the Republican Party began to dominate both the South and the West, they became a more monolithic party and certainly less ideologically tolerant.

So the Republican Party lost a number of so-called Rockefeller Republicans, Northeast Republicans, who either went to the Democratic Party or became independents, and you had the red

States and the blue States. And that certainly was epitomized in this last election. The Republicans won nine Senate seats, but six of those nine occurred in states where Democrats were holding—were in red states, and where Mitt Romney had won by more than 10 percentage points in the last election. Well, all of that really is reflected—that shift is reflected in the United States Congress in both the House and Senate.

I came across a statistic, a few years ago, that I think speaks to this point. In 1987, there were 57 Senators who were of one party affiliation, but their states voted for the presidential candidate of the opposing party. Today, there are only 16 Senators in that category. So for 84 percent of the Senate, there's really no benefit to working across the political aisle because it incurs the risk of a primary challenge. They perceive no benefit, that there's no reward for compromising because of the risks that are involved in facing a primary challenge. So everything is focused on the primary, hence all the messaging, all the legislating, all the votes.

The *National Journal* conducted a survey starting in 1982, and what they determined was that there were 58 Senators who came between the most conservative Democrats and the most liberal Republicans. So that's more than half the Senate that was willing to work across the aisle. In the last Congress, the number of Senators in that category was literally zero.

And in the House of Representatives in 1982, there were 344 members between the conservative Democrats and liberal Republicans. In the last Congress, there were only four.

And as the *National Journal* indicated, the ideological swing by party is virtually complete. And that's the point.

So there is no impetus to want to work across the aisle. There are very few people left. And that's what basically occurred into my final years in the United States Senate, when I realized that the polarization and the partisanship wouldn't diminish in the short term. And so you had the increasing use of the filibuster, for example. I mean, that was a

serial employment of the filibuster and then denying the minority the ability to offer amendments. So it's shared responsibility on both sides, but it really basically locked down the process in the United States Senate.

And you're right. People used to say about the Senate, "Oh, we look to the Senate to correct the deficiencies in the bills coming from the House of Representatives. Thank goodness for the Senate." But that no longer is occurring because we became more like a parliamentary system. Each side put up their position, and when they didn't prevail, they just took it to the next election because they weren't interested in overcoming their differences. It's not a question of being nonpartisan. It's a question of transcending the partisanship, and that's what they weren't willing to do anymore.

Senator Mitchell's book is named *The Negotiator*. You know, he's a listener. He worked to make it happen. That's not what was occurring in the Senate.

President Ramo: So what happened when you got together the Group of Six?

Senator Snowe: Oh, in the Group of Six.

President Ramo: Because that was counter to—

Senator Snowe: It was. Well, it turned out to be the "gang of one" on my side. (*Laughter*)

But that's all right. I was the party of one. Well, that's true. As George will tell you, Maine people won't countenance the fact that you're going to sit on the sideline when there's a compelling problem. And so I was willing to work on the Affordable Care Act.

And so there were three Democrats and three Republicans in the Finance Committee. And we were working every day. The Senators were there every day, never missed a meeting. We had more than 30 meetings.

And then it came July when all of a sudden the whole issue of death panels came up. And you know, that ignited a firestorm across the country in those town meetings. But we were still meeting as the “Gang of Six.” And Chuck Grassley actually was one of the members of the Gang of Six at that time. He was the ranking member of the Finance Committee. And he made a comment about the death panels and got everybody’s attention across the country.

And shortly thereafter, we had a conference call because we were in August recess. And I said, “Well, Chuck, why did you mention that about death panels? We don’t have death panels in our bill, now everybody thinks we do.”

So, unfortunately, from that point forward, just in general on both sides, there were so many bills. It really became infinitely harder to separate what was in various bills.

But I continued that process to the end, and I worked with the President. I voted for the Finance Committee version, because I thought that it was important to give the President an opportunity to build a bipartisan coalition. And it wasn’t until it left the Finance Committee that the wheels came off, because it was melded with another bill behind closed doors and it became a 2700-page bill.

The President called me after I voted for it in the Finance Committee, and he began the conversation by saying—reiterating a statement I had made in the Committee when I said, “When history calls, history calls.” He went on to say, “Well, Olympia, you can make history by voting for the health-care bill when it comes to the floor of the Senate.” He said, “You could be the modern-day Joan of Arc.” (*Laughter*)

I said, “Well, Mr. President, she burned at the stake. I don’t know.” (*Laughter*)

He said, “I’ll be there with a fire hose.” (*Laughter*)

I said, “I’m not sure that will be enough.”

President Ramo: So, Senator Mitchell, let me ask you this, and I'm going to ask Senator Snowe the same question. If we could give you a magic wand but a more practical one, let me ask you two questions. One is, what would you do, if anything, in the Senate about the rules, if there is such a thing, that might make a difference? And maybe the answer is nothing. And what would you do in the country to try to focus us, especially on the Senate issues, so that we could be more productive in our questioning of people running for office?

Senator Mitchell: I think what recent history demonstrates is that no matter what the rules, if people don't want to work together, they won't work together.

Just one comment on it. Olympia mentioned the word "filibuster." According to Harry Reid, in Lyndon Johnson's tenure as Senate majority leader, he faced only one filibuster. In a comparable period, the most recent Democratic Senate majority leader faced over 400 filibusters. Basically the same rules.

There was, throughout most of our nation's history, some degree of comity, some degree of recognition that loyalty to the nation and the institution of the Senate transcended loyalty to your party, although loyalty to party is important.

So I don't think the rules changes are going to make people work together who don't want to work together. I think you have to change the process on getting to the Senate and the House.

I'm not a political scientist. I don't purport to have all the answers, but it seems to me two changes would have a significant effect. The first we've already discussed, gerrymandering. It will be an enormous tragedy if the Supreme Court in the Arizona case prohibits non-partisan or some form of reducing or draining out the intensity of partisanship in the redistricting process. I think Iowa, California, about 15 states in all are moving in that direction. If anything, the Court should encourage them, not prevent them from doing it. We've got to take out of the system the tremendously intense partisanship that occurs in redistricting in the House.

And what's happened now is more and more Senators come from the House, and rather than adapt to the historic mores and standards of the Senate, they bring with them the intense partisanship that prevailed in the House—a larger, more unwieldy body where the majority rules. The minority doesn't really have any say, different from the Senate.

The other change I would make has to do with money. I'm going to ask a question here that I've asked hundreds of audiences, in the aggregate many thousands of people. Who here believes that their elected representatives in Congress are more responsive to their constituents than they are to their donors?

(There was a show of hands.)

There are two hands. That's the most that have ever gone up—*(laughter)*—before tonight. All over America, only one hand had ever gone up.

President Ramo: We're an idealistic group.

Senator Mitchell: Well, it was here in Washington, and it was a woman who raised her hand. And afterward I went to her and I said, "I have to ask you—I don't want to embarrass you. A private conversation. You're the only person in America who's ever raised your hand. Can you explain it?" She said, "It's simple. My husband is a member of Congress." *(Laughter)*

Now I don't believe that corruption of the nature that says, "Senator Ramo, if you vote my way on this bill, I got \$100,000 in cash for you." I think that's fortunately very rare in our society.

The real corruption is in the answers that you gave to the question and that Americans give all over. The bond of trust between the American people and their elected officials has been severed, and it's been severed by money. Money has always played a role in leadership contests, not just in America but throughout all of human history. But never has it come to focus in the amount and intensity that now exists.

Twenty years ago, when I was Senate majority leader, I used to come into my office at seven o'clock in the morning, and I had a minimum of a dozen or 15 phone calls waiting for me. "Please don't have a vote at noon. I've got a fundraising lunch." "Don't have a vote at 4:00. I've got a fundraising meeting." "Don't have a vote at 5:00. I've got a fundraising reception."

I once got a group of Senators together and I said, "If I accepted all of your requests when not to have votes, the only time we could vote is between 2:00 a.m. and 4:00 a.m. on Thursdays." (*Laughter*) "Everybody else is tied up raising money."

And it's infinitely worse now. I want to offend no one here, and I'm sure there are many good lawyers who will disagree with this. But I believe that the Supreme Court decision in the *Citizens United* case [*Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010)] will go down in history as one of the worst decisions ever made in the history of American politics. (*Applause*) It describes a political process that exists only in some theoretical *Alice in Wonderland* world. It bears no relationship to the current American political process.

To be fair to the Court, they didn't create the problem of money in politics. It's always been there. It's been bad.

But basically they saw a fire and they poured gasoline on it. And now what we have is unrestrained amounts of contributions—unrestrained—combined with a reduction in transparency. The money is more and the transparency is less. And it's absolutely inevitable that there's going to be a horrific scandal in our country because this process is drowning in money. And it demeans everybody, most of all the men and women who are in office, who have to spend a very large part of their life going around begging for money and, at the same time, desperately trying to retain some sense of integrity and self-esteem in what is a very corrupting process.

So those two changes, I think, would go a long way toward helping deal with this issue.

President Ramo: Senator Snowe, is there anything that could be done, you think, inside the Senate to better things? And then would you also answer the question about what, as American citizens, we ought to be trying to do outside to make the process better, at least in the election of Senators?

Senator Snowe: Well, first of all, I think it's critically important to restore some normalcy to the legislative process in both the House and certainly in the Senate because the Senate is the best situated of any institution to solve problems. That's what it was designed for by our Founding Fathers. It was to build consensus. It's predicated on majority rule, but it accommodates the rights of the minority. And the entire legislative process has been virtually contorted and morphed to the point where it would be barely recognizable, even to George. I mean, going back to the Senate in my final years and in the last few years, I came off the least productive Congress, which was my final Congress, and the last Congress was the second-least productive in modern history.

Now the least productive Congress was compared to 1947. I think that was the 80th Congress, which was described by then President Truman as a "do-nothing" Congress. In that Congress, they enacted 906 laws, and we enacted 283. In the last Congress, it was about 296. So it gives you a dimension of how little had been accomplished. And if you thought, well, those were all significant bills, but most of those were naming post offices.

So it's restoring the normalcy to the legislative process, getting back the Senate to be the Senate, as it was under Senator Mitchell's leadership, and allowing an open amendment process. Amendments are bridge builders. And unfortunately, the amendment process was virtually shut down. As I look back comparing the records in the past—Senator Mitchell used—what you call "filling the amendment tree," which is denying—the majority leader has the prerogative of offering the amendments on behalf of the majority and the minority. Senator Mitchell only used that three times. In my final term, it was

used 70 times. So that means that Senators don't have the ability to express themselves.

And again, you had the threat of the filibuster which, as Senator Mitchell mentioned, escalated. In fact, it increased more than 71 percent of the time between my first term and my final term. So that, I think, gives you an illustration of how virtually the Senate was not functioning. So, yes, I think it, first and foremost, is that.

Secondly is reinvigorate the committee process, because that's really where you build the bipartisan relationships on the committees to draft the bills, and you engage the rank and file. And in the committees, you build the bipartisan alliances that allow both sides not only to craft the legislation, but they have a stake in the outcome and then the implementation, which becomes critically important.

And then as to Senator Mitchell's point, about spending time in Washington in the Senate and the House, is establishing five-day workweeks. Now that's very basic, but it's necessary. And so the Bipartisan Policy Center, in our Commission, in a political report that we issued last year, we recommended a five-day workweek for three weeks, and then the fourth week, they can spend time in their districts or their states.

But basically the legislative schedule is compressed into two-and-a-half days. You come back on Monday nights at 5:30 for a bed-check vote, and by Thursday, members of Congress are smelling jet fuel and they are putting pressure on the leadership, as George mentioned, and everybody leaves town. If there aren't any votes, there's no work. I mean, the place shuts down, and so virtually nothing gets done. So that, I think, is especially important.

Finally, I think that the Republicans and the Democrats should meet on a joint basis, once a month in each chamber, so they get to know one another. Instead of strategizing all the time against each other—there are a lot of lunches in the Senate, but they are always separate, so that you can plan and plot against the other side. So it would be nice to have them working together at least once a month.

And then the President should convene monthly bipartisan congressional leadership meetings. I mean, you cannot have the legislative and executive branches operating as parallel universes. It wasn't intended to work that way, and it certainly wasn't the intent of the drafters of the Constitution. And so clearly, we need to have the kind of communication so that you can break down some of the barriers.

So those are some of the recommendations that we propose and would work.

One more point, the campaign finance, which was actually my provision in *Citizens United* that was struck down, and then, unfortunately, they went even beyond that and stripped 100 years of precedent and undermined current law.

But we also say, at the very least, is disclose all of the donors to 501(c)(4)s, because we should know who is financing and underwriting these ads that we hear and see influencing these elections. More than a half-a-billion dollars spent by outside groups. A half-a-billion dollars. I mean, if you think about that. And they are playing a very significant role in these campaigns, and that's not even including candidates' expenditures. That's just these outside groups that are not accountable.

President Ramo: Thankfully, the Senators have very graciously agreed to answer questions. We have three microphones, and I think we have time, if people are interested.

Senator Mitchell: Could I just say, Roberta, when we were in office, we always used to say at this point, if you want to ask a question, ask a question, but no speeches please. But now that we're not in office, if anybody wants to make a speech—*(laughter)*—be our guest.

President Ramo: Well, I think people are more anxious to hear you. So let me finish with one question. You are both the exact kind of people in terms of personality, integrity, and intention that we need in public life. Being in public life is enormously difficult. Tell us what you think we might do to encourage more people like yourselves to run for office.

Senator Mitchell: Well, I think it begins in the process of education and opportunity. I was very lucky. My mother was an immigrant; my father, the orphaned son of immigrants. They had very difficult lives. But because of the openness of American society, I was able to get an education and become the Senate majority leader.

I think while our country continues to make enormous progress and while I think it is, despite its imperfections, still the most free and the most open society in all of human history, I think in the area of aspiring to opportunity for all, we are in fact moving backward.

One of the reasons I wrote my book is because I don't think a kid growing up today, in a rural area in the circumstances I grew up in, would have as good a chance as I did to get ahead. And I think because of the rapid advances in technology that have dramatically enhanced productivity, we are losing middle class—what I call middle-income, working-class jobs. And we haven't been able to replace them. And as a consequence, all across this country, there are tens of millions of people who are out of work, can't find work, or working at far below their capacity and for declining incomes, not only in relative terms adjusted for inflation but, in many cases, in absolute terms. And we've got to figure out a way to improve our system of education and the acquisition of skill and knowledge, and to enhance the creation of the kinds of jobs that people can fill and have productive work.

We know, in our society, men and women are defined by what they do. And they achieve a sense of self-esteem and self-worth, therefore confidence and productivity, through their identity. And if you don't have a job, you don't have an identity. You lack self-esteem and you become the opposite of a contributing member of society.

So I think that's by far the greatest challenge that we have as a society. And I believe it is an enormous challenge. I think that the information revolution, through which we are passing, will be seen by future historians as significant an event in the course of human affairs as was the industrial revolution. And so far, we are making great strides in technology. We are not making strides in trying to find new

work, to replace that for people to do, to meet the standards that they used to meet.

President Ramo: Senator Snowe, tell us how we can find women like yourself who will be willing to make the sacrifices that are necessary to live a public life.

Senator Snowe: Well, we need to encourage them. You know, I visited numerous college campuses. So I have the opportunity to talk to many young people. And I'm encouraged by the future, because they are interested in contributing through public service. They are not sure that it should be political, and that's the sad part because they don't believe, given the current polarization partisanship, that they can contribute. They don't believe that they can make a difference or contribute in a way that they consider consistent with their goals and desires and their ambition. They want to serve their community or the state or their country, but they are trying to find other ways.

In fact, I had one student ask me, well, you left the Senate and you left public office, and now you are asking us to run. I said, well, that is a good point. (*Laughter*) Let me think about that one. But I said, I'm at the stage in my life when I made my decision not to seek reelection—and it surprised me more than anyone because I fully intended to run for reelection. But it occurred to me that it wasn't changing in the Senate. And I decided that I would take my fight for bipartisanship outside the institution, and to give voice to the millions of Americans who feel as I do that the process has gone seriously awry. And I wanted to reassure them that they can do something about it.

And so for young people, in the early stages of their lives, it's important for them to get involved. And I say to them, think of it this way. If the medical community estimates that you are going to live until you are 125, I mean, how many years do you want to put up with this, frankly? (*Laughter*) And so you've got to get involved, just like we did, start early in life and to make that contribution and change it.

The point of all of this is that there is a dramatic consequence to what has happened as a result of this polarization. We cannot underes-

timate it. And that was what was so frustrating to me because I loved the Senate. I loved public office. It was an enormous privilege to serve. And it wasn't working to the maximum, at a time that it should, to George's point about what's happening in America today, and creating the jobs and the kind of recovery that Americans deserve and we are not getting, because all of the issues that should be addressed by Congress that are so consequential are languishing on the sidelines. We are just wasting precious time in the life of America and Americans. And that's why it is so important that we make sure that this is an aberration in our nation's politics and it does not become the norm.

So that's what I try to communicate to people, that we've got to do something about it. We are a representative democracy. We get the government we demand. If we demand bipartisanship and reward it and insist that our elected officials compromise and work across the aisle, then we'll get it. But we are allowing a small fraction of the population to dictate the terms of our nation's political discourse and direction. And that's what's unacceptable.

And so I say to people we are empowered to do something about it. We are in the social-media age and technology, and we can use all of those means to drive change and to become involved. But if we don't and sit on the sidelines, then unfortunately we are going to have what we have today.

A Pew survey last year indicated that the number of those who were consistently liberal or conservative has doubled over the last 20 years, but there's the other 80 percent. And the point, as they said, is that most people are sitting on the sidelines, but those who are the more ideological, the more fractious are engaged at every level, in every facet of our political system. And so that's what has to change. And so rather than being on the sidelines and not voting, we've got to be engaged, and we've got to create networks and coalitions and demand a change, and reward those who are willing to work across the aisle and penalize those who don't.

President Ramo: Well, I don't know how to thank you both.
(*Applause*)

Senator Mitchell: We've had a gloomy ending from both of us. So I was asked earlier, by several people, would I tell a Maine story. Maine has a special place in people's eyes. So can I close with one true story?

President Ramo: Please.

Senator Mitchell: And it's a humorous story.

Many of you will know that in Maine, we have a national park, Acadia National Park, a beautiful place right on the coast. And there's a lovely spot there. Olympia and Jock have been there many times. It's a restaurant. It sits on a ridge overlooking a beautiful pond. And every afternoon, they bring out a picnic table and chairs, and you go and sit on the lawn and have tea and popovers. It's always crowded.

So years ago, I went there to meet two friends of mine. And one of them got there on time, and we waited, waited, waited, and the third guy didn't show up. So we decided to go call him to see if he was coming. So we went out—there were pay phones then—to the pay phone by the entrance, and we encountered a guy at the pay phone. He had a card up on top with a lot of numbers. And he was pumping quarters in and banging. And his wife was there, and he said a string of curses belittling the people of Maine.

And you know, part of the Maine myth is of the wily, quiet Mainer who outwits the fast-talking foreigner, usually from Boston.
(*Laughter*)

And so this guy was pumping in quarters and cussing out Maine people to his wife. And pretty soon a line formed, and everybody stood there in embarrassed silence at this spectacle.

The guy behind me tapped me on the shoulder, and he said, "Excuse me. Aren't you Senator Mitchell?" I said, "Yes, I am." He said, "Oh, I voted for you. I want to shake your hand." We shook hands.

And I said, "What's your name?" He said, "It's Bob." He said, "Are you here working or on vacation?" I said, "No, I'm on vacation. We're going hiking for a couple of days." I said, "What about you?" He said, "I'm working." I said, "What do you do?" He said, "I'm a telephone repairman." (*Laughter*) He said, "When that guy from Boston runs out of quarters, I'm going to fix that phone." (*Laughter*)

Thank you all.

President Ramo: Well, the lucky thing for our country is that we have two great Americans who have not given up in any way in their public roles. And so I guess the thing for me to say is hashtag, thank you from the ALI. (*Applause*)

So let me end the evening by reminding everyone we're back to work at nine o'clock. It's the Lord's work. See you then.