

LION IN WINTER:
EDWARD M. KENNEDY IN THE BUSH YEARS
A STUDY IN SENATE LEADERSHIP
BY
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*For mom
who taught me the value of empathy
and to value it in others*

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I. Introduction

“[I]n the arrogance of our conviction that we would have done better than he did in a single case, we exempt ourselves from any duty to pay attention to the many cases where he shows himself to be better than us.”¹

— *Murray Kempton, New York Newsday, November 27, 1983*

EDWARD MOORE KENNEDY AND I share the same first name; we also share the somewhat uncommon nickname of Ted for Edward. And for the first two decades of my life, that was roughly the extent of my knowledge about the man who has been my state’s senior senator for my entire life, all but seven years of my mother’s life, and more than half of my grandmother’s life. Kennedy has been a member of the Senate for so long (45 of his 75 years) that it seems he could have been born in the cloakroom, though he was actually born in Boston on February 22, 1932, the youngest child of Joseph Patrick and Rose Fitzgerald Kennedy. The future senator grew up in a decidedly unique family, and young Teddy, as he was known, had a remarkable childhood. At age six he and his parents moved to London, where his father served inauspiciously as President Franklin D. Roosevelt’s ambassador to the Court of St. James in the years before World War II. At age seven, Teddy was the first Roman Catholic to receive his First Communion from the new pope, Pius XII. Teddy’s eldest brother, Joe Jr., was killed in action over Europe during the war, but his brothers John and Robert would go on to serve in Congress and, in John’s case, the White House. Ted attended Harvard University — where his football career stood out more than his

academic work; he was almost expelled for cheating on a Spanish exam. By the time he graduated from the law school at the University of Virginia in 1959 at age 27, his brother, then Massachusetts' junior senator, was beginning a run for the White House. After John F. Kennedy won the presidency in November 1960, he maneuvered to place a college friend, Benjamin Smith, in his soon-to-be vacant Senate seat until Ted reached the constitutionally-mandated minimum age for senators, 30, in February 1962. In November of that year, the youngest Kennedy sibling was elected to finish the last two years of his brother's six-year term,¹ and two years later he won election to a full term in his own right. Edward M. Kennedy has served in the Senate ever since, for a total at this writing of nearly forty-five years.

My own interest in Kennedy was sparked when I read veteran *New York Times* reporter Adam Clymer's exhaustive and authoritative 1999 biography of the senator. The scope of the man's career is astounding, both in its length — as of April 2007 Kennedy was the Senate's second most senior member, and the third longest-serving senator in American history² — and in its breadth. Clymer's book recounts Kennedy's decisive involvement in, among other issues, civil rights, voting rights, health care, education, foreign affairs, judicial appointments, national service, and federal assistance programs such as Meals on Wheels. All of this was impressive. However, what interested me most was the way in which, decade after decade, and no matter the prevailing political winds, Kennedy was able to remain a political actor who could — simply put — get things

¹ Since Kennedy was filling a vacancy, he was sworn in on November 7, 1962; Daniel K. Inouye — also elected in November 1962 and also still serving as of April 2007 — was not sworn in until the new Congress began on January 3, 1963, thus giving Kennedy the edge in seniority.

done. Furthermore, although he often works with Republican senators, his reputation for unabashed and passionate liberalism has never abated. (Nor should it; in all but two years of the decade spanning from 1995 to 2004 Kennedy received a 100 percent voting score from the AFL-CIO, and Americans for Democratic Action gave him a perfect score in half of them.³) This is likely because liberals realize that Kennedy's bipartisanship is not ideological apostasy, but rather a good-faith effort at crafting the best legislation possible. "He deserves recognition not just as the leading senator of his time, but as one of the greats in its history," concluded Clymer, "wise in the workings of this singular institution, especially its demand to be more than partisan to accomplish much."⁴ The success that Clymer praises is due to Kennedy's pragmatic "Senate style," meaning the way in which he navigates the institution's complicated mix of politics and personalities to advance his public policy goals. Kennedy is one senator with two styles: his conciliatory style of compromise and quiet negotiation, and his oppositional style of strong rhetoric and tactical maneuvering used to gain political advantage.

When I began this project it could have been titled "In Defense of Ted Kennedy," an answer to the many people who see him as a bloated relic of an age when politicians were made of equal parts bluster and debauch. Such opinions are silly and shortsighted, a product of limited knowledge and too many late-night TV one-liners. There is a lack of appreciation in America for both the substantive role Edward Kennedy has played in U.S. politics over the past half-century and his unique skill as a Senate leader. For the most part this is because Kennedy's Senate career has been overshadowed, at least in the public eye, by the

tabloid details of his personal life — particularly the infamous 1969 car accident on Chappaquiddick Island, still referenced regularly by pundits and Republican politicians after nearly forty years.⁵ The media can be blamed for this focus, but Kennedy brought it upon himself — something he admitted in a much-discussed October 1991 speech at Harvard’s Kennedy School of Government:

I am painfully aware that the criticism directed at me . . . involves far more than honest disagreement with my positions or the usual criticisms from the far right. It also involves the disappointment of friends and many others who rely on me to fight the good fight. To them I say, I recognize my own shortcomings, the faults in the conduct of my personal life. I realize that I alone am responsible for them and I alone am the one who must confront them. . . . [Still,] I am determined to give all that I have to advance the causes for which I have stood for almost a third of a century.⁶

President Bill Clinton explained Kennedy’s outlook further when describing the advice Kennedy gave him during the 1998 Monica Lewinsky scandal:

[Ted’s] a very tough guy and he understands that if somebody accuses you of something that’s true, maybe you’re your own worst enemy, and you have to hope that when people add up the score, there will be more pluses than minuses. And if somebody accuses you of something that is not [true], then it will probably get sorted out sooner or later, and there is very little you can do about it except do the job you asked the people for.⁷

Just as Jefferson’s presidency can be debated without focusing on his slaveholding, to study Kennedy’s Senate career and pass positive judgment on it is in no way to excuse his personal failures. It is, rather, an attempt to analyze and understand a long and consequential career.

Kennedy is a Senate leader now and has been for many years. To understand this, it is important to explain the distinction between a leader generally and a Senate leader specifically. As will be shown in the next chapter, scholars agree that a leader must demonstrate sound judgment, articulate policies to solve political problems, and then work to implement them. The leaders who inspire the most passionate responses from both supporters and opponents do so because they are the torch-bearers for the groups that they lead. Such qualities are required in a Senate leader just the same as in any other type of leader, but the Senate's unique structure and nature also demand specific additional skills. A present-day Senate leader must navigate the complexities of a paradoxical institution that remains by design remarkably intimate yet has also become exceedingly individualistic. Kennedy does so with consummate ease because of his keen understanding of an institution he has watched evolve for the last forty-five years. Using the celebrity originally bestowed upon him by his famous surname, Kennedy leverages his prominence to get heavy media attention for his views on a scale that other senators can only dream about. In the days of Senator Richard Russell — the courtly Virginian who ruled the institution from the cloakroom for almost forty years — the publicity Kennedy garners would have been disdained, and because of that Kennedy would have been disdained, as well. This is no longer the case. Nowadays, the effective deployment of a public relations strategy is part and parcel of every senator's tricks of the trade. However, Kennedy does not coast along on his notoriety, quietly biding his time as he waits for the end of a long career. Far from it. In fact, one of the key characteristics of Kennedy's career today is his continued engagement with the

most pressing issues of the day, such as the Iraq war and immigration reform. Indeed, instead of resting on his celebrity, Kennedy puts it to use as part of an arsenal of tools for constructing public policy — the other tools being his legislative prowess, his instinct for dealmaking and coalition-building, and his patience and enthusiasm for policy details. As a liberal senator achieving his legislative goals and shaping the policy agenda in the Republican-dominated Washington of the early twenty-first century, Kennedy's political success stems from a quality Robert M. Collins also noted in Ronald Reagan, an "unusual combination of ideological fervor and moderating political pragmatism."⁸

At no time has Kennedy's "unusual combination" been more tested than during the two-term presidency of George W. Bush. Though Kennedy was frustrated by the conservatism of the Reagan and George H. W. Bush administrations, which lasted from 1981 to 1992, the Democratic Party controlled the House for all those years, and the Senate for half of them. Furthermore, even in the minority Kennedy often had effective control of the Health, Education, Labor, and Pensions Committee, on which he was ranking member during Reagan's administration, because its membership included two liberal Republicans.⁹ The second President Bush, on the other hand, came into office in 2001 with a Republican House and a 50-50 Senate — and in the next two elections the Republicans made further gains. Thus the position of Kennedy and his party was extremely weak during the first six years of Bush's presidency.

Therefore, in 2001 Kennedy made the strategic calculation to work with Bush on the reauthorization of the Elementary and Secondary Education Act, later famously nicknamed (after a Bush campaign slogan) the No Child Left

Behind Act. Kennedy spent the year in negotiations with the White House, his fellow Democrats, and liberal interest groups. In this he was so successful that in May, when a Republican defection gave the Democrats a one-vote Senate majority, analysts agreed that education reform would nonetheless proceed along as it already had been — testimony to the strong imprint Kennedy had already made on the legislation. This patient, compromising approach is one side of Kennedy's Senate style: the conciliatory Kennedy, finding the middle ground on a contentious issue and then turning that into successful legislation.

As 2002 began, Washington wondered whether education reform would mark the beginning of a new era of bipartisan cooperation, fueled by the powerful national unity that swept the country in the wake of the September 11 terrorist attacks. This was not to be, and the cause was the crisis over Iraq. Intent on war, the administration embarked on a unilateral path anathema to Kennedy's dovish, multilateralist foreign policy views. His disillusionment turned to anger as it became increasingly clear that the war had been sold to Congress and the American people on trumped-up intelligence. His fury only grew as the war dragged on through the decade, with mounting evidence that the president and his aides had never formulated a realistic plan for the reconstruction and stabilization of Iraq. And so Kennedy fought back. In interviews, floor speeches, and public statements, he became one of the administration's harshest critics. Unburdened by political concerns — in 2006 he would win re-election with nearly 70 percent of the vote — Kennedy regularly led the Democratic charge against the administration, often as the first to launch new attacks against the White House and the first to propose new Iraq strategies. In doing so he helped

to make the political landscape friendlier to Democrats — and more importantly, to increase pressure on the president to change his policies. Kennedy also used legislation to raise the stakes for the White House, winning approval of amendments that required regular reports on the war from the Pentagon, reports which nearly always painted a bleaker picture of the conflict than the administration's. Yet Kennedy tempered his passionate anti-war activism with strong support for American troops, both in his soaring rhetoric about their valor and sacrifice, and in his work to increase funding for armor and other necessities. The approach Kennedy took on Iraq — as vocal dissenter and anti-war leader — was the other side of Kennedy's Senate style: the oppositional Kennedy, lambasting policies he views as misguided and using an array of legislative and media tactics to shift the debate and change the course of the war.

These two styles — conciliatory and oppositional — mirror the Senate itself in the years before and after 1958, when a new class of electorally-vulnerable liberal Democrats placed the institution on a path to assertive individualism. As a result, the pre-1959 conciliatory style — often known by the Senate's double-edged nickname, "the Club" — withered, and with it died a good deal of the institution's reputation for quiet negotiation and collegiality. Kennedy entered the Senate in 1962, a few years after that transition had begun. Nonetheless, he has said repeatedly that he believes the way senators' amiable relations in the Club era built confidence among the members laid the groundwork for legislative compromise, and thus remains a valuable and useful example for the Senate today. Still, the Senate and the Washington environment did change thoroughly in the 1960s and '70s, and in the newly individualistic body that Kennedy entered

hard work was not enough to get ahead. Senators now engaged in policy entrepreneurship and sought public prominence to find the mix that makes for achievement in the Senate. This prescription for senatorial success — combining collegiality and trust with partisanship and aggressiveness — is an enormously difficult one to follow, and today it seems that few senators possess the skill or the inclination to attempt to thread that needle. Kennedy does. Furthermore, almost none of them inherited a powerful dynastic heritage that engenders immediate respect (even awe) as Kennedy has. With a pragmatic Senate style that mixes legislative activity on a wide range of issues, skillful media manipulation, and bipartisan cooperation whenever possible, Kennedy is a Senate leader who can be effective even in the most challenging political environment.

II. What Makes a Senate Leader?

MAKING THE CASE FOR THE effectiveness of any individual political leader first requires defining effectiveness. According to the Merriam-Webster dictionary, being effective means “producing a decided, decisive, or desired effect,” a definition that is less than precise. For instance, how does one determine whether, having been produced, an effect is in fact decisive — let alone desirable? Judging the desirability of an outcome is inevitably a subjective exercise, based as it must be on the desires of the judge. A decisive effect, on the other hand, need not be something that the observer supports; many people disagree about whether or not the United States should have invaded Iraq in 2003, but hawks and doves would both agree that it would not have occurred without President Bush steering the country into war. On the other hand, Bush’s effectiveness was negligible when it came to producing the desired effect of a short conflict resulting in a stable, democratic Iraq.

Most political leaders are not faced with great questions of war and peace, however, and their effectiveness must therefore be judged based on the arena in which they are engaged. A president may demonstrate his effectiveness by winning a war or enacting his legislative program, while a small-town mayor does so by balancing the town budget or attracting new businesses to his community. Still, although the details will vary, all effective politicians must demonstrate leadership, and so evaluating them requires judging their leadership skills. This is

not to say that all politicians are equally effective, nor that they are effective on the same scale; quite the contrary. There is an obvious difference between securing the passage of legislation that changes citizens' daily lives and, on the other hand, having a district post office named after a prominent constituent. Both are examples of effective action, but they differ in scale by orders of magnitude. How a politician operates, and to what ends he directs his energies, depends on a wide range of factors, from the demands of his political base to the quality of his staff.

“Politics in the modern nation-state,” observes Robert C. Tucker, “has always been based on the assumption that ‘effective leadership’ is that which serves the interests of the national political community.”¹⁰ Once again, however, this broad statement leaves much room for disagreement. Only the most uncontroversial policy decisions are widely agreed upon as serving the interests of the national political community — winning World War II might make the cut, but that’s about it. This makes the study of leadership not nearly as straightforward as it may seem — indeed, the topic has intrigued and confounded scholars for more than a century. Much of the literature on leadership looks at the officially-designated leaders within institutions, particularly executives (such as presidents or prime ministers) and parliamentary officers (such as the House speaker or Senate majority leader). However, many of the broad arguments outlined by political scientists over the years can be applied to individual legislators who, like Senator Kennedy, have not done their work from a defined leadership post within their institution.

IN THE 1968 EDITION OF the *International Encyclopedia of the Social Sciences*, Cecil Gibb wrote, “The concept of leadership has largely lost its value for the social sciences, although it remains indispensable to general discourse.” Two decades later, however, political scientist Aaron Wildavsky questioned Gibb’s dismissal of the topic. “If all of us (including social scientists) find this term indispensable . . . why has it been so unsatisfactory in social research?” he wondered. “Some say leadership is so general a concept that researchers cannot tell what it refers to; others say the term is too specific to cover the vast range of possibilities.” Wildavsky argued that “the tendency of the concept to engulf the very factors that are supposed to distinguish it is what makes it an amorphous, indefinable subject.”¹¹ Indeed, when reviewing the abundant literature on leadership, what becomes most apparent is the continued frustration of academics at their inability to describe it effectively.

This phenomenon, and its longevity, is illustrated in the long career of Lewis J. Edinger, an eminent political scientist of the twentieth century’s second half and a leading scholar of political leadership. In 1964 Edinger noted that political scientists in the U.S. had been “inclined to avoid the study of individual leadership,” leaving such study instead to more historically-minded biographers. This was despite the fact that in the era of Roosevelt, Churchill, Hitler, and Stalin, individual leadership was clearly a major factor in political life — and possibly the determining one.¹² Eleven years later, in 1975, Edinger expressed his belief that the “study of political leadership appears to be ‘an emerging field’ of political science in the United States after a long period of neglect.” Edinger speculated that, having been weaned on the republicanism of Hamilton, Jefferson, and

Locke, American political scientists had previously tended to dismiss the subject. However, “of late the realization that . . . the actions of governmental decision-makers can be critical determinants of political developments” had led academics to rectify this “cultural lag.” Nonetheless, Edinger acknowledged that political science remained “a long way from producing a persuasive general theory of political leadership.”¹³ Yet even Edinger’s limited mid-’70s optimism proved unfounded. “Much if not most of the contemporary literature on political leadership,” he complained in 1990, “consists of biographical accounts that neither fit current social science paradigms nor provide material for autonomous theories of political leadership.” Edinger despaired of “salvag[ing] the study of political leadership from the prevailing disciplinary and cultural parochialism.”¹⁴ Little had changed in Edinger’s nearly four decades of study — decades that witnessed the rise of Castro, Thatcher, Reagan, and Gorbachev.

Reviewing the accumulated literature in 1990, Edinger observed, “Even the most cursory examination of studies that involve the comparative analysis of political leadership confronts the reader with three basic issues.” The first of these is the lack of a definition of leadership agreed upon by most political scientists. The second is the difficulty in determining to what extent one powerful individual’s actions affected developments. (Reflecting on the latter, Edinger wrote that “some scholars have concluded that sooner or later there would have been a Second World War with or without Hitler; but how can one ignore Hitler’s leadership when it comes to the Holocaust and its far-reaching international consequences?”¹⁵) Finally, there is the “counterfactual test,” which takes the political scientist far from the realm of empirical reality. It asks, what would have

happened if leader X had failed to accomplish Y in situation Z? Edinger saw the clear drawbacks to this approach: “It lacks scientific precision and demands imaginative speculation about what would have happened (i.e., postdiction) or could happen (prediction) with or without a particular leadership action.”¹⁶

Though problematic, the counterfactual test can be useful, since the study of leadership consists of an attempt to measure the effects of one’s individual actions; if nothing else, it serves as a reminder that without a certain leader’s actions, it is possible a situation could have developed in a different direction. But the flaws in such an approach further illustrate the difficulties inherent in analyzing leadership from a political science, as opposed to historical or biographical, standpoint. It is nearly impossible to measure leadership empirically in a manner that satisfies the majority of scholars. Analysts must therefore rely largely on a well-reasoned, well-argued approach that combines anecdotal evidence with those factors which are measurable — meaning not just statistics, but also success in the attainment of expressed goals.

“POWER IS A CENTRAL CONCERN of political science,” observed Harvard Professor Carl Friedrich in the early 1960s. “It is a phenomenon which is universally recognized, but difficult to understand.”¹⁷ Such widespread acknowledgment of the importance of leaders and leadership was not always the case. In the nineteenth century the Scottish writer Thomas Carlyle portrayed history as the consequence of the actions of consequential men. That idea was fiercely contested by historicists — men like Karl Marx, who believed that history moves in its inexorable path regardless of which individuals exercise political power.¹⁸

But the historicist position was largely abandoned in the decades which followed, because, as Lester G. Seligman noted as early as 1950, “Politics by leadership is one of the distinguishing features of the twentieth century.”¹⁹ Seligman attributed this to a variety of factors, including the increasing centralization of power in executives, the rise of the professional politician, the development of mass media, and the growth of interest groups. Seligman also pointed out that the record of prominent leaders was far from stellar: the first half of the twentieth century had witnessed epic failures of leadership alongside its successes. Individual leadership, Seligman argued, was one of the most important factors in political science but also one of the least understood, and it was a mistake to have “left to the proponents of authoritarian and aristocratic-conservative politics the elaboration of a political theory of leadership.”²⁰

One of the earliest scholars to attempt a general theory of leadership was the pioneering German sociologist Max Weber. Weber classified leadership into three categories: traditional authority, where a leader’s authority is legitimized by its long historical roots; rational-legal authority, where authority rests on a legal regime based on reason; and charismatic authority, where a leader’s authority comes from the magnetism of his or her personality. The last type, charismatic authority, proved particularly fashionable, since in its sweep it can encompass everyone from Jesus Christ to Adolf Hitler. But Carl Friedrich, Arthur Schlesinger Jr., and other scholars argue that Weber’s typology is fundamentally flawed. Schlesinger’s critique is particularly relevant to political scientists analyzing democratic systems:

Weber's typology neither derives nor applies to a study of democratic society

The concept of charisma is perhaps the most mischievous of Weber's contributions to the concept of authority [because] . . . charisma is for him a specific feature of the world of myth and sorcery Charisma, in short, is prophetic, mystical, unstable, irrational, and, by Weber's definition, incapable of dealing with the realities of modern industrial society.

Schlesinger also makes another key point, noting that "most contemporary usage of the word charismatic is metaphorical; the word has become a chic synonym for heroic or even just for popular."²¹ This is even truer today than it was at the time of Schlesinger's writing in 1960. With the ubiquity of television and other media in modern politics, most democratically-elected leaders today must have at least some of that modern "charisma" — and many of the most successful are blessed with it in abundance. But the current understanding of charisma, as Schlesinger notes, is much more limited and rational than Weber's. Friedrich therefore suggests that charismatic leadership, primarily associated with religious faith, should be differentiated from secular political leadership, and he divides the latter into two types:

first that stemming from the personal dynamism and rhetorical skill of the leader who is felt to be inspiring, characteristic of the Churchills, Roosevelts and other masters of democratic (demagogic) leadership, and secondly, that stemming from the belief in a particular ideology for which the leader is the spokesman and executor as exemplified by totalitarian leadership.

Seligman also points out that these can be combined, as in the case of Hitler, but need not be, as in the case of the uninspiring Stalin.²² One could also find

examples of the latter in democratic politics — for example, the popularity of Democratic presidential candidate Howard Dean in 2003 had more to do with his clear evocation of liberal values than his electrifying personality.

BEFORE DETERMINING WHAT TYPE OF leader an individual politician is, however, one must determine whether or not he is one at all. “This is a relatively simple matter when leadership is considered the inherent attribute of predetermined political positions,” writes Edinger, but it becomes more complicated “when leadership is made to depend on evidence of followership. In that case, the identification of leaders calls for proof of a cause-effect association.”²³ Edinger goes on to give a definition for the latter situation: “Individuals are said to be the leaders in an interpersonal relationship when it can be shown that the behavior of the other participants is a response to their stimuli, and not random, routine, accidental, or attributable to other factors.”²⁴ This is a particularly true in studying the Senate, where key players within the institution can have no formal title yet be widely recognized for their influence over colleagues. A thorough outline of leadership is given by Cecil Gibb, who writes that

‘the act of leading’ . . . [leads] to the identification of four basic elements in the relationship: (1) the *leader*, with his characteristics of ability and personality and his ‘resources relevant to goal attainment . . .’; (2) the *followers*, who also have relevant abilities, personality characteristics and resources; (3) the *situation* within which the relationship occurs; and (4) the *task* with which the interacting individuals are confronted.²⁵

Gibb sets out the context in which the act of leadership, and the demonstration of effectiveness, take place. The concept of “defining leadership as the exertion of power or influence” is “an advance,” writes Aaron Wildavsky, who is critical of many other attempts at studying leadership. Wildavsky further fleshes the idea out:

Leaders are those who make things happen that otherwise would not come about. The criterion can be strengthened by adding that power wielders get their way against opposition. . . . Power might vary also with the difficulty of the attempt or the importance of the issue.²⁶

In addition to this, Robert C. Tucker writes that another “central function of leadership is the defining of situations for the group and the devising of policy responses designed to resolve the problem in accordance with the group’s interests as perceived by the leaders and others.”²⁷ Taken together these definitions establish two important concepts: leadership must be evaluated in the context of the arena in which it is being exercised, and its presence must be demonstrated by evidence of others following it. Another researcher, Ralph M. Stogdill, summed up the field’s major findings in the mid-1970s:

Strong evidence indicates that different leadership skills and traits are required in different situations. The behaviors and traits enabling a mobster to gain and maintain control over a criminal gang are not the same as those enabling a religious leader to gain and maintain a large following. Yet certain general qualities — such as courage, fortitude and conviction — appear to characterize both.²⁸

Yet Stogdill’s assertions are hardly earth-shattering; his trio of “general qualities” sound like they were plucked from a boy’s adventure novel.

ROBERT TUCKER HAS REFLECTED EXTENSIVELY on the attributes needed for someone to become a true leader. A leader, he writes, must understand the situations in which the body politic finds itself, analyze it, and then come up with viable, broadly acceptable policy proposals to address them. The first such quality Tucker identifies is one which he believes has been undervalued in many studies of leadership: “trained and sophisticated insight, the capacity to judge situations accurately that comes from experience and intellect.” Tucker adds that this must be tempered by “compassionate feeling for people,” or else even the smartest leader could fail to act in accordance with the common good.²⁹

The next piece of Tucker’s thoughtful analysis is the essential concept of “creative leadership,” meaning both the ability to perceive new ripples in a familiar situation and the capacity to cast aside old ideas and embrace new ones when necessary. “Without such an ability,” Tucker warns, “a leader is likely to rely on the repetition of policy responses that have proved successful in the past but may not be so in the present because they fail to take account of the elements of novelty in the situation currently confronting the political community.”³⁰ With many senators now serving for a quarter-century or more, this point is particularly salient in the context of the Senate. The most effective senators are those who practice Tucker’s prescription for creative leadership, and manage to adapt their policies as they encounter new information. But Tucker minces no words about how rare this trait is, or how difficult it is to cultivate:

At bottom it is a gift bestowed on some individuals by nature and life circumstances in combination. . . . An inner security, the freedom from self-

absorption which enables a leader to keep his mind sensitively attuned to what is happening outside himself and to empathize with the feeling of those who make up the political community, is a necessary prerequisite for highly creative leadership³¹

Such qualities are rare in any age, as Tucker notes. Another reason a leader needs such a personality is because to be effective he must allow himself to learn. “Not even an intellectual prodigy in power,” Tucker writes, “could possibly command in person all the specialized understanding required for leadership in the many fields of internal and external policy” today. Thus they must turn to “experts, academics included, as a source of the trained insight that they recognize as a requisite for effective and especially for creative leadership.” But once multiple points of view are presented, “the leader’s own trained insight becomes crucial in the choice of which advice to follow and which advisors to employ.” The modern political leader is a bit like a corporate C.E.O., setting a broad agenda, surrounding himself with a team of talented aides, choosing the best options presented, and then working toward their implementation. To accomplish that, Tucker writes, the leader must be “an outstanding educator,” someone who can explain a complicated issue to others in a way that wins support for his proposed course of action.³²

Clearly, becoming — and remaining — an effective leader in a democracy is no easy task. It requires an individual to accomplish a wide range of complex tasks, from balancing competing interests to winning (and retaining) the support of voters. J. Roland Pennock summarized the purpose of leadership by creating four categories:

[I]n concentrating on the means or abilities of the leaders we might have four categories: (1) insight-empathy — ability to sense the problem; (2) intellectual ability — ability to analyze problems and find solutions; (3) organizing ability — ability to get people to work together; (4) ability to dramatize — to appeal to loyalty, ideals, etc., to override conflicting self-interest.³³

Lewis Edinger characterizes this as a requirement that a leader fill certain defined roles. The idea of a role, Edinger writes, is

a sociological formulation encompassing distinctive forms of interpersonal behavior associated with people in particular types of positions. In this sense, an individual in high political office may play numerous roles in a position of many parts and the exercise of leadership by such a person depends more or less on his or her performance in these roles.³⁴

A truly effective leader understands the roles he must play, masters them to a great degree, and uses them to accomplish his goals.

IT IS CLEAR THAT ALTHOUGH political science has gained considerable insight into leadership over the years, scholars remain far from reaching general agreement about the concept. Setting out parameters for measuring an individual leader's effectiveness remains, by and large, a task with few established rules to follow. Still, some basic concepts have been set out for guidance. "The basic theoretical question for an empirical investigation," writes Lewis J. Edinger, "is . . . whether it can be demonstrated that what happened did happen because supposed 'leaders' made it happen."³⁵ Carl Friedrich attempts a more mathematical expression of the same idea. "[T]he most general formula for power is: the amount of power (p) corresponds to the amount of coercion (cc) plus that of

consent (cs),” the idea being that effective leaders have at their disposal both coercive tools and consent-building abilities, and the combination of the two produces power. There is, of course, no settled mathematical way to calculate “coercion (cc)” and “consent (cs),” and so Friedrich’s formula cannot produce numbers. But the basic idea holds.³⁶

Edinger, however, is more realistic about the possibilities for leadership analysis. “Statements about good or bad, great or mediocre leaders,” he writes, are based on qualitative standards of comparison. . . . Such statements may represent summary judgments about various groups of leaders — say legislative or governmental elites — or about the career of a single individual. Then, again, they may concern specific leadership episodes, such as the formulation of winning coalitions, electoral defeats, and efforts to implement particular objectives.³⁷

Edinger goes on to write that “the assessment of variance in the quality of political leaders is informed by the foci of observation and the nature of evaluative criteria” — a fancy way of saying the observer chooses what to emphasize in order to argue for or against a leader. Edinger also distinguishes between analytically intrinsic and analytically extrinsic criteria. “Analytically intrinsic criteria are in this sense dictated by explicit theories and methods that allow for replication and falsification of qualitative interpretations,” he writes. “Analytically extrinsic criteria, on the other hand, are independent of the specific mode of comparative inquiry. Qualitative assessments . . . are based on explicit or implicit normative preferences rooted in an investigator’s philosophical beliefs and values.” The effect of using the latter method is obvious:

[L]eaders who are perceived as heroes by some will be considered mediocrities by others; one man's saint will be another's devil; and leadership means and ends that are fully acceptable to some scholars will be entirely unacceptable to others.³⁸

Thus it is up to the scholar to marshal his arguments and make his case, and then the reader must decide whether or not they are convincing.

THOUGH IT LEAVES MUCH TO BE desired, these scholars have reached a broad outline of what is required for effective leadership. Such a leader must demonstrate wisdom and sound judgment, particularly in the face of changing circumstances. He must articulate reasonable solutions to problems, and then he must possess the power to push for their implementation. A leader will also carry the banner for a particular cause or ideology with his words and his charisma (as defined in the more common modern sense, rather than the Weberian one).

While these qualities may seem elementary, they can be quite unusual. Sound judgment, for example, is not always a prerequisite for political success — and sometimes it can be a hindrance, as when a public figure voices unhappy truths too publicly or too often. Furthermore, although most people who enter public life do so to serve their own deeply-held ideals, many do not possess the skill or the patience to engage in the hard work of patient coalition-building that is required for success in a democracy.

If leadership is difficult to grasp generally, it is even harder to pinpoint in the Senate. Constitutionally limited to just 100 people, the Senate's mandated exclusivity has made it simultaneously a place for formidable individualism but

also close cooperation. Out of the full membership, three types of Senate leaders emerge. First there are the official leaders — the Majority and Minority Leaders and their Whips, who assume a more prominent Senate role both within the institution and outside of it by virtue of their position automatically. Others are institutional leaders — men and women who, usually after serving for many years, possess clout after gaining reputations for wisdom, integrity, and their knowledge of the Senate. A small but potent clique of leaders are prominent due to their outside celebrity — in the current Senate, people like Hillary Clinton, John McCain, and Barack Obama are all well-known outside of the Senate and official Washington, strengthening their position within the institution. (And some senators, of course, are not leaders at all.) In the Senate, leaders must not only fill the roles political scientists have outlined for all leaders, but also prove their effectiveness by showing legislative ability. The qualities that make certain senators into leaders are not eternal, however; they are a product of the Senate's evolution over more than two centuries, and they are also a product of modern Washington culture. The most effective senators are those who combine a mastery of the institution and its present environment with a passionate but pragmatic temperament.

THE SENATE WAS BORN DURING the summer of 1787, when the Constitutional Convention in Philadelphia stalled over the question of how to apportion seats in the new American legislature. In July the Connecticut delegation proposed “the Great Compromise,” a blueprint for a bicameral legislature: in the House of Representatives each state would receive a proportion of seats based upon its population size, while in the Senate each state would have two senators regardless of its size. Thus “the House of Representatives was to represent the ‘national principle,’ while the Senate was to be an expression of the ‘federal principle.’”³⁹ The two sides accepted.⁴⁰

Federalist No. 62 describes senators as “requiring greater extent of information and stability of character” than members of the House, due to their longer tenure and responsibilities in foreign policy.⁴¹ The point of the Senate, according to the *Federalist*, is to create a “stable institution in the government,” composed of men who will have “due acquaintance with the objects and principles of legislation.” The House, with its frequent elections and expected regular turnover, would be subject to public passions, but cooler heads could prevail in the Senate.⁴²

The Constitution requires that a senator be a resident of the state he or she represents; at least 30 years old; and a U.S. citizen for at least nine years. A senator’s term lasts for six years, triple that of a House member, and until 1913 senators were chosen by state legislatures rather than the people. (A constitutional amendment ratified that year mandated that senators be directly elected by popular vote.) The compromise that created the Senate has also led to a breathtaking disparity in the number of constituents represented by senators from different states. Bruce I. Oppenheimer notes that “from the perspective of the one-person, one-vote standard, the Senate is now the most malapportioned democratic legislature in the democratic world.”⁴³ Indeed, if each senator is calculated to represent half the population of his or her state, in 2005 a senator from Wyoming represented just over 250,000 people, whereas a senator from California represented more than 18 million people.⁴⁴ Put another way, in the Senate a Wyoming resident has 72 times the representation of a Californian. Such is the price of the deal the Founders struck 218 years ago.

THE DEFINING CHARACTERISTIC OF THE Senate is its small size. During its first session, the Senate's membership numbered 22. It reached its present total of 100 members in 1960. (By comparison, the U.S. House of Representatives has 435 members, and the British House of Commons has 646.) The population of the United States, on the other hand, has increased a hundredfold since the Constitution was ratified, from three million citizens and slaves in the 1790 census to an estimated 300 million citizens today.⁴⁵ But the size of the Senate is based on the number of states, not the cumulative number of people within those states, and so the Senate has remained an extraordinarily intimate legislature. That has led to its being nicknamed "the most exclusive club in the world," a term that would take on greater significance in the 1940s and 1950s.⁴⁶

The Senate's small size has a major impact on its internal structuring and the actions of individual senators. Burdett Loomis observes,

The Senate is unique among legislative chambers; no other legislature grants its members as individuals so much latitude in the legislative process. Extended debate allows any senator to hold the floor as long as he or she wishes unless cloture is invoked, which now requires a supermajority of sixty votes. The Senate's permissive rules enable senators to offer any and as many amendments as they please to almost any bill, and those amendments need not even be germane. Senators' prerogatives have their origins in decisions made — or more accurately, not made — in the nineteenth century. Yet, as the Senate's membership and its political environment have changed, so has the way senators use their prerogatives and consequently the legislative process.⁴⁷

Indeed, although many of the Senate's rules and norms date back more than a century, the history of the body shows that the way senators behave has changed

enormously over the years. Senator Edmund Muskie, Democrat of Maine, who served from 1959 to 1980, described the Senate this way in 1976:

The Senate is a body of equals. That means a hundred equals, not even divided into two parties. Every Senator has equal rights. Only when the Senate as a whole works its will has the Senate spoken. And no committee rules the roost. All Senators, all committees, have duties and responsibilities, and if you're going to get things done you've got to work together. You've got to accommodate.

On this constant curiosity of how Senators deal with each other individually, on a personal basis, the principles are no different in the Senate than in life as a whole. Yet in the Senate it's more difficult than that, because you've got people with vested power. So you have not only the personal relationship to accommodate, but you have their power prerogatives to accommodate. People don't give up power easily or casually. So, one, you have to assert your own rights. But, two, you have to respect the other fellow's. You accommodate on little things, giving up your back seat or your front seat to someone else, but not on the essentials. And around here there's only one essential thing — and that's power. I don't mean that in an invidious way. I mean that the Senate and the House together have the power to legislate policy for a great world power. The United States of America is a great power. I'm not saying that in the sense of selfish power. I'm talking about very real, practical power.⁴⁸

Muskie's comments — particularly, "Every senator has equal rights" — go a long way toward explaining why over the years senators have done little to change the body's rules in order to increase the power of the Majority Leader, to take one example. That makes the Senate quite different from the House of Representatives, where most of the power is centered in the leadership, the Rules

Committee, and the committee chairmen.⁴⁹ Most senators want to be more than backbenchers, and therefore they jealously guard the power they wield.⁵⁰

THE ROLE OF THE SENATE and its members evolved quickly from what the Constitution's framers had planned. During the first few Congresses the Senate was largely overshadowed by the House of Representatives, which was popularly elected and blessed with such eminent figures as Kentucky's Henry Clay. But primarily due to its executive functions, small size, and less frequent turnover, the Senate soon became the dominant of the two chambers.⁵¹ Clay himself left the House in 1825, and entered the Senate in 1831.⁵²

From its earliest days, the Senate left much of its operation up to the agreement of the individual senators. The body was originally governed by just 20 short rules, expanded to 40 in 1806. Due to the weakness of its presiding officers (the vice president and, in his absence, the president pro tempore) and the lack of an institutionalized leader like the House speaker, "the mantle of legislative leadership soon fell upon individual senators . . . and more importantly upon the executive branch."⁵³ Indeed, as the country edged closer to civil war throughout the first half of the nineteenth century, it was in the Senate that the great debates over slavery and union took place. It was also during this time that the Senate earned praise for its high-minded deliberation and oratory — and regardless of its modern applicability, to this day that reputation remains an important part of the institution's identity. In 1830, echoing Edmund Muskie a century and a half later, Senator Daniel Webster of Massachusetts called the

institution a “Senate of equals, of men of individual honor and personal character, and of absolute independence.”⁵⁴

Another important development in this era was the formalization of the committee system, which would remain a key cog in the Senate machinery. The original four standing committees were expanded to 11 in 1816. In 1846, after a long period of tussling between the vice president and the Senate, party leaders were given the right to appoint committee members. “By the time of the Civil War,” Diamond writes, “the committee structure of the Senate had changed from a loose aggregation of ad hoc committees appointed for the occasion to a formal system of standing committees, whose members owed their appointments to the party organization and their advancement within committees to the seniority system.”⁵⁵ This process has changed little in the century and a half since, although the number of committees has grown.⁵⁶

IN THE DECADES AFTER THE Civil War, the character of the Senate changed multiple times. The days of Webster, Clay, and Calhoun first gave way to an era of “party bosses” filling the seats. Then the Senate became a “millionaires’ club,” whose members were charged with buying their seats from corrupt state legislators.⁵⁷ By the turn of the century, “The Four” — a group of pro-business Republicans who battled with the progressive president, Theodore Roosevelt — dominated the institution.⁵⁸ Their power was an example of senators exercising major influence without holding an official party leadership position. “Both Republicans and Democrats for many years had elected chairmen of the party caucuses, but the caucus chairman was not necessarily the most effective leader of his party in the

Senate,” writes Robert Diamond. He notes that Senator Nelson Aldrich, Republican of Rhode Island, was the Senate’s most powerful member until he retired in 1911 even though he never held a position more senior than the Finance Committee chairmanship.⁵⁹

This is one aspect of the Senate that has never changed; with a membership of just 100 people certain senators become known as powerbrokers, regardless of their title. In any event, the power of “The Four” waned as the tide of progressive reform washed over them, a wave of change that included the ratification of the Seventeenth Amendment in 1913, which provided for the direct election of senators by popular vote. Although senators had not necessarily been completely oblivious to public opinion prior to 1913, henceforth those who desired re-election would need to remain in the good graces of their constituents.⁶⁰

An early example of that new accountability came in 1917, when a group of 13 senators defeated the Armed Neutrality bill requested by President Woodrow Wilson. An angry Wilson responded with a famous attack: “The Senate of the United States is the only legislative body in the world which cannot act when its majority is ready for action. A little group of willful men, representing no opinion but their own, have rendered the great government of the United States helpless and contemptible.” Wilson’s charges ring down through the decades; to this day, senators must always weigh the value of killing disagreeable legislation with the hazard of being labeled as obstructionists. And just a few weeks after the Armed Neutrality bill dustup, the Senate adopted Rule 22, marking the first time the body provided for the forced ending of debate.⁶¹

THE NATIONAL CRISIS OF THE Great Depression, and the resulting election of Franklin Roosevelt to the presidency, permanently altered the relationship between the federal government and its citizens. For the Senate as an institution, the redefinition of the role of the president and his relationship with the legislative branch was a long-term change that would have a profound impact on the body. Senators had balked when Lincoln sent them proposed legislation; now they received such messages from Roosevelt almost daily, and during FDR's first term many of those bills were enacted.⁶²

Roosevelt won four terms in office, but his mastery of Congress did not last nearly as long. "Between 1934 and 1941," writes historian Lewis J. Gould, the emergence of the coalition of southern Democrats and northern Republicans in response to the New Deal opened a fresh chapter in the history of the Senate. In the process, the Senate gained another legendary institution that shaped its history and perceptions of it: a group of insiders, most of them resolute conservatives, who controlled the upper house in the 1940s and 1950s and came to be known as the Club. The Club-dominated Senate would stand as a roadblock to legislation to implement racial justice and social reform for more than a generation.⁶³

The Club's members adopted a "Conservative Manifesto" in December 1937, which Gould identifies as "a sign that the conservative members of the Democratic side were coming together to solidify the Club that would dominate the Senate into the late 1950s."⁶⁴ Particularly after World War II, the Club stood as a roadblock to those senators outside of it, in terms of both advancing their

policy goals and establishing independent reputations. Most work was done behind closed doors and in committees — and not all committees are created equal. Barbara Sinclair writes, “Although every committee position gives its possessor privileged access to the making of certain decisions and thus is potentially a resource of value, committees vary in the breadth and significance of their jurisdiction and, consequently, in their value to senators.” Donald Matthews found that four of the Senate’s standing committees, Appropriation, Finance, Foreign Relations, and Armed Services, “have long been considered the most prestigious.”⁶⁵

The Senate of the Club era was defined by an unofficial code of conduct, which, as long as it remained accepted by the majority of members, strictly limited a senator’s room to maneuver without being ostracized by his colleagues. Many look back on this era as a second “Golden Age” for the Senate, although the truth is certainly more complicated than that. As Gould observes,

In later years, after 1960, the Senate of the postwar era would be seen through a nostalgic haze as a time when the institution was less partisan, less obsessed with fund-raising and continuous campaigning, less devoted to the interests of publicity-seeking members than would be the case in the last four decades of the twentieth century. Like much human experience that becomes infused with nostalgia, that verdict had many elements of truth to it. In the age before jet travel facilitated regular trips to the West Coast, senators spent much of the time during the sessions in Washington. Thrown together by circumstance, they formed friendships outside of partisan alignments. . . .

Partisan warfare, which was one of the purposes of the Senate, existed in abundance during these years. However, it was not the all-consuming pursuit

that it became by the end of the [twentieth] century. There were not the majority and minority staff members who stoke the passions of the members in the modern Senate. On issues of national defense and in areas of domestic policy, it was possible to find elements of consensus beyond partisanship. Had senators been told that their chamber would in time evolve in the direction of the House of Representatives, where partisan majorities ruled and minorities had little voice, they would have been shocked and dismayed. The Senate, they would have said, was set apart from the hurly burly of the lower chamber. They believed that the Senate was timeless in its place in the government.⁶⁶

The Senate would be transformed from the late 1950s on, but the collegial, less partisan Senate of the Club era remains the idealized version of the institution which even today many senators still revere — often in spite of their own, far different behavior. Still, the example of the collegial Club-era Senate made a deep impression on Edward Kennedy. “At that time, I think, there was less partisanship,” Kennedy recalled a half-century later. “There was less pettiness, and there were stronger personal relationships that stretched across party lines. Now [in 2002] we’re so evenly divided that little things become big things. That demeans the institution and demeans our relationships, and, anyway, I think the public sees through that.”⁶⁷

DAVID MATTHEWS, IN HIS CLASSIC 1960 study *U.S. Senators and Their World*, identifies six norms that guided the behavior of senators in the years between 1947 and 1957, when he studied the body. “The Senate of the United States, just as any other group of human beings, has its unwritten rules of the game, its norms of conduct, its approved manner of behavior,” he writes. “Some things are

just not done; others are met with widespread approval.”⁶⁸ Indeed, such unspoken rules are key to the functioning of any group. “How an institution functions is determined by the behavior of the individuals within it,” explains Senate expert Barbara Sinclair, “but that behavior is molded by the institution’s rules and norms.” Some of these are official Senate rules, such as the number of votes required to invoke cloture. But many of them are long-established norms, enforced through a mix of peer pressure and institutional patriotism (which itself is one of the norms Matthews found). “An institution like the U.S. Senate molds the behavior of its members because it is such a salient part of the environment in which those individuals pursue their goals,” Sinclair writes. “That is, behavior is a function of individuals’ goals and of the salient characteristics of the environment in which they pursue those goals.”⁶⁹

The six norms Matthews identified in 1957 are:

- *Apprenticeship*: “The freshman senator’s subordinate status is impressed upon him in many ways,” from his committee assignments to his office space, Matthews writes. “According to the folkways of the Senate, the freshman is expected to accept such treatment as a matter of course. Moreover, the new senator is expected to keep his mouth shut, not to take the lead in floor flights, to listen and to learn. . . . Freshmen are also expected to show respect for their elders . . . and to seek their advice.”
- *Legislative Work*: “The great bulk of the Senate’s work is highly detailed, dull, and politically unrewarding. According to the folkways of the Senate, it is to those tasks that a senator *ought* to devote a major share of his time, energy, and thought.” Matthews differentiates between “show horses,” or

publicity-seeking senators, and “work horses,” who fulfill their duties without making waves. “Some of the men most highly respected by their colleagues are quite unknown except on the Hill and in their own states; others whose names are household words are thought to be second-raters and slackers.”

- *Specialization:* A senator is expected to have specific areas in which he becomes an expert. He “should not try to know something about every bill that comes before the chamber nor try to be active on a wide variety of measures. Rather, he ought to specialize, to focus his energy and attention on the relatively few matters that come before his committees or that directly and immediately affect his state.” Matthews goes on to note that the sheer amount of legislation on which a senator must vote makes specialization the only viable option.
- *Courtesy:* “A cardinal rule of Senate behavior is that political disagreements should not influence personal feelings.” The relatively small total number of senators, and the immense power each one wields, increases the importance of collegiality and relationship-building for those legislators who want to advance their policy agenda: “avoiding personal attacks on colleagues, striving for impersonality by divorcing the self from the office, ‘buttering-up’ the opposition by extending unsolicited compliments — is thought by the senators to pay off in legislative results. . . . Courtesy, far from being a meaningless custom as some senators seem to think it is, permits competitors to cooperate.”

- *Reciprocity*: When a senator is in a position to help another senator, particularly at no cost to himself, he does so. Matthews writes that “reciprocity is a way of life in the Senate.”
- *Institutional Patriotism*: Senators make “an emotional investment” in the institution, Matthews writes. They “are expected to believe that they belong to the greatest legislative and deliberative body in the world. . . . They are expected to revere the Senate’s personnel, organization, and folkways and to champion them to the outside world. Most of them do. . . . Senators are, as a group, fiercely protective of, and highly patriotic in regard to, the Senate.”⁷⁰

These norms, Matthews writes, “would be very ‘interesting’ but not particularly important to serious students of politics if the Senate folkways did not influence the distribution of power within the chamber.” But on the contrary, he explains, adherence to Senate norms is a key indicator of a legislator’s effectiveness: “The senators believe . . . that without the respect and confidence of their colleagues they have little influence in the Senate.”⁷¹

Matthews does, however, note that these norms are by no means permanent. “It would be a mistake to assume that the folkways of the Senate are unchangeable,” he writes. “Their origins are obscure, but sparse evidence scattered throughout senatorial memoirs suggests that they have changed very little since the nineteenth century. Certainly the chamber’s small membership and gradual turnover is conducive to the transmission of such rules virtually unchanged from one generation to another.” But he also foresaw that change was coming. “[T]he trend in American politics seems,” he correctly predicted in 1960,

“to be toward more competitive two-party politics; a greater political role for the mass media of communications and those skilled in their political use; larger, more urban constituencies. All these are factors which presently encourage departure from the Senate behavior.”⁷² In fact, even as Matthews wrote his analysis, a tidal wave was starting to wash over the Senate.

INSTITUTIONS DO NOT CHANGE EASILY. When they do it is a sign that powerful forces are at work. “Political scientists, journalists, and Senate insiders agree that between the 1950s and the 1980s the Senate changed immensely,” writes Barbara Sinclair.⁷³ “The Constitutionally determined characteristics of the Senate suggest that change will occur when old arrangements become a barrier to goal advancement for a significant number of members. . . . This seems most likely to occur with a sizable influx of new members who differ from more senior members in goal relevant ways.”⁷⁴ That is precisely what happened in the Senate beginning with the midterm elections of 1958.

Sinclair describes the changes in her aptly titled 1989 study *The Transformation of the U.S. Senate*, which updates Matthews’ postwar analysis. In 1958, 12 northern liberal Democrats were elected to the chamber. Their ideology and region of origin made them quite different from many of their party colleagues, four in 10 of whom were from the South and only half of whom were liberals. Furthermore, the influx of a new cohort of more liberal senators was no anomaly. The trend continued in the elections of 1960 and 1962 — the year in which Edward Kennedy was first elected — and in the Democratic landslide of 1964.

Between 1959 and 1965, another 23 northern Democrats entered the Senate. Abraham Ribicoff, Birch Bayh, Edward Kennedy, Robert Kennedy, George McGovern, Gaylord Nelson, and Walter Mondale entered the chamber during this period. This group tended to be even more liberal and even less electorally secure than the class of 1958. . . . In each of the three succeeding congresses . . . northern Democratic freshmen were more liberal than senior northern Democrats even though the senior group itself became increasingly liberal.

These men had little in common with their senior Senate colleagues, even those with whom they shared a party affiliation. “As liberals, the new members’ notions of what constituted good public policy differed, often radically, from those of more conservative senior members. . . . Most had run on a platform of progressive policy change, and, according to all contemporary accounts, many were deeply committed to that goal.” Often they had been elected by narrow margins, and thus did not have the luxury of spending a full term or more apprenticing to their senior colleagues. They needed results.⁷⁵

Many of the Senate’s preexisting norms were therefore untenable for these new members. In a Senate still dominated by committees, they could not receive key appointments so long as those assignments were based on seniority. In addition to that, there was a clear bias against appointing liberals to the most prestigious committees.⁷⁶ “But,” Sinclair writes,

most of the change that occurred . . . was the result of senators’ reactions to later changes in the external environment. During the 1960s and 1970s the Washington policy system underwent a major transformation. A variety of factors, including the expanded role of government and the social movements of the 1960s, produced a rapid expansion in the number and diversity of groups

active in Washington. . . . At the same time, and clearly related to this phenomenon, there occurred a major change in the issue agenda. . . . These changes, in interaction with factors such as the decline of political parties and the increased importance of the national media, especially television, disrupted a relatively stable, bounded, and predictable policymaking system that was characterized by a limited number of significant actors and relatively fixed lines of conflict.⁷⁷

As the policy agenda expanded, so did the need for more congressional advocates to give voice to the new issues and constituencies. But in order to do so effectively, the senators who arrived between 1959 and 1965 had to challenge Senate norms and the Club's supremacy.

Dominance of committee leadership positions and of the membership of prestige committees by senior senators meant conservative dominance. The result was frustration of the liberals' policy goals. . . . A speech by Senator Joseph Clark, one of the liberals who entered the Senate before 1958, attests to the liberals' discontent. On February 19, 1963, he took to the floor of the U.S. Senate to inveigh against the "Senate establishment" that, he said, was blocking President Kennedy's program.

Clark went on to decry the Senate's "archaic, obsolete rules, customs, manners, procedures, and traditions."⁷⁸ Even as Senator Clark expressed his frustration, however, the Senate was adapting in response to his and his allies' concerns. "The liberal northern Democrats who were elected to the Senate between 1958 and 1964 produced no institutional revolution in the Senate," writes Sinclair. But their arrival did cause the Senate to change in various ways in the decade after 1964.

The number of positions on good committees and the number of subcommittee leadership positions were expanded and distributed much more broadly. Staff, too, was greatly expanded and made available to junior as well as senior senators. Senators were able to involve themselves in a much broader range of issues, and they did so. Senators also became much more active on the Senate floor, offering more amendments and to a wider range of bills. . . . Senators exploited extended debate to a much greater degree, and the frequency of filibusters shot up The media became an increasingly important arena for participation and a significant resource for senators in the pursuit of their policy, power, and reelection goals.⁷⁹

These changes “offered individual senators opportunities to become involved in more issues and in a great number of consequential decisions, opportunities useful in pursuit of their goals.”⁸⁰ Still, Sinclair writes that the new northern liberal Democrats’ influence was felt most in the changes in the Senate’s policy agenda:

Their most obvious and dramatic impact was on the institution’s ideological center of gravity. The influx of northern Democrats between 1959 and 1965 altered the membership from predominantly conservative to highly polarized with a large liberal contingent. That membership change made possible the burst of progressive policy change that occurred in the mid-1960s.⁸¹

Indeed, the results of these changes were apparent in the Congress of 1965-1967, which Sarah Binder calls one of history’s “most productive Congresses” for enacting President Lyndon Johnson’s Great Society program. “Landmark health care, environment, civil rights, transportation, and education statues, among many others were enacted by that Congress — a total of 22 major laws, a record

met only two other times over the past 26 Congresses.”⁸² And this activist Congress was the one in which Edward Kennedy cut his teeth as a senator.

KENNEDY ENTERED A LEGISLATIVE BODY that already gave more latitude to its individual members than any other in the world, just as it was becoming even more individualist. The results of these changes became apparent in the 1970s, by which time the Senate had evolved into “a more participatory and less committee-centered institution than it had been in the 1950s.”⁸³ These changes occurred because senators wished to take advantage of the opportunities presented to them by the expanding policy agenda. “The new system [was] much more open, less bounded, and less stabled; it [was] characterized by a much larger number and greater diversity of significant actors, by more fluid and less predictable lines of conflict, and, consequently, by a much more intense struggle to gain space on the agenda.”⁸⁴ Sinclair describes the typical senator of the 1970s as a “policy entrepreneur — Democrat or Republican, liberal or conservative — pursuing his cause singly or with a few allies on the Senate floor, aggressively using nongermane amendments and extended debate as his weapons.”⁸⁵ He is “well endowed with resources and little constrained by norms in their use, [and] highly active across a number of issues and in a variety of areas.”⁸⁶ Senator Gary Hart, Democrat of Colorado, put it more succinctly: “If [as a freshman] you’re of a mind to be kind of a front bencher, moving up and introducing legislation, you can.”⁸⁷

This was a far cry from the typical senator of the Club era just two decades earlier, whom Sinclair describes as a “courtly older gentleman . . . working in

committee behind closed doors.”⁸⁸ The norms of the Senate changed in this period, as well. “Senators no longer do the ‘highly detailed, dull, and politically unrewarding work’ [described by Matthews], nor are they expected to. Such tasks have been universally delegated to staffs.”⁸⁹ And even within this new framework, some senators stood out as what Sinclair describes as “hyperactive senators,” who proposed a high number of amendments on a wide range of issues — a category in which she includes Senator Kennedy. But she also emphasizes, “The development of the hyperactive senator, while dramatic, should not obscure the across-the-board increase in activity. The typical senator of the 1970s and 1980s is much less likely than his earlier counterpart to engage in restrained activism on the floor (that is, to offer only one or two amendments). . . . Throughout the 1970s and 1980s . . . the great majority — 68 on the average — offered three or more amendments.” In another sign of a move away from the norm of specialization described by Matthews, “most senators now offer floor amendments to measures from committees on which they do not sit.”⁹⁰

But not everything changed. The importance of knowledge and the (albeit less stratified) importance of seniority still counted. In 1976 Senator Muskie described how

real power [in the Senate] comes from doing your work and knowing what you’re talking about. Power is the ability to change someone’s mind. That is power around here. . . . The most important thing in the Senate is credibility.

Credibility! That is power. . . . When someone gets up to say that something is so, and if you can have absolute reliance that he’s right, *that* is credibility. And that is power. If you’ve done your homework and know what you’re talking about, that is

power. It takes times to build up. Over the years that is one thing that has not changed in the Senate.

On the other hand, Muskie observed, “One thing that *has* changed is that the floor is not the place it used to be for changing minds.” With little time to spend on the floor and an enormous number of issues up for debate, senators would rarely make a snap decision to change their vote on an issue because of another senator’s floor speech.⁹¹

Other changes were institutional. In 1970, the Legislative Reorganization Act altered the federal budget process, increased congressional research resources, and reworked the committee system, further migrating power from the committee chairman to committee members and further reducing the importance of seniority in securing key committee assignments. The 1973 War Powers Act, which began in the Senate, attempted to place constraints on the president’s power to order military action by requiring that he give Congress information within a specified period of time. In 1975, reformist senators finally succeeded in reducing the number of votes required to invoke cloture from two-thirds of the senators present to three-fifths of all senators, or 60 votes.⁹²

The trends apparent by the 1970s continued in the decade which followed. “In the Senate of the 1980s,” Sinclair writes,

influence is much more equally distributed and members are accorded very wide latitude; the Senate has become an open, self-dependent, outward-looking institution in which significant decision making takes place in multiple arenas. The typical senator no longer specializes; he becomes involved in a broad range of issues, including ones that do not fall into the jurisdiction of his committees.

He is also active on the Senate floor and often makes use of public arenas as well. He is less deferential to anyone and much less restrained in using the powers granted to him by the rules of the Senate.⁹³

These changes and others brought with them significant drawbacks, particularly after the election of conservative Republican Ronald Reagan to the presidency in 1980, the same year that Republicans retook control of the Senate after years of Democratic majorities. “The capacity of the Senate to play a constructive role in national politics . . . significantly slipped during the 1970s,” writes Lewis Gould.

The increasing effect of outside money on campaigns and the resulting emphasis on the “money chase” meant that legislative business often took second place to the insatiable demands of fund-raising and reelection. Leaders in both parties discovered that it was more difficult to discipline their members and produce coherent programs. Having come to the upper house usually through their own efforts rather than the support of their parties, senators operated as freelance politicians. Republicans, however, resolved to be more disciplined, to assist the presidency of Ronald Reagan. That collective determination [was] tested during the 1980s, when the Senate experienced the consequences of the polarization and partisanship that the 1970s had brought to the upper house.⁹⁴

The Republican Senate majority, opposed by a Democratic House majority, lasted for three congresses. In this era, the Senate began its march toward the hyperpartisan period of the 1990s and 2000s, although there were still a sizable number of liberal Republicans and conservative Democrats who voted with members of the other party in the 1980s. Senators continued to uneasily balance their individualist impulses, their partisan loyalties, and the need for bipartisan collegiality to keep the institution from slowing to a halt. But the 1990s would see

that balance fall apart as partisanship consumed the Senate, just as it previously had the House of Representatives.

THE REPUBLICAN ROUT IN THE midterm elections of 1994 altered more than the balance of power on Capitol Hill. Governing in a highly partisan manner from the right wing of the party, the new G.O.P. leadership's struggles — both with opposition Democrats and internally — changed the atmosphere in the Senate. That hardening of partisan and ideological identities had been taking place since the late 1980s. But Barbara Sinclair describes the way changes in the Republican Party affected the political ideology in Washington:

[T]he Republican Party's move to the right . . . accounts for much of the ideological polarization of the parties since the 1970s. To be sure, the Democratic Party moved left in the 1960s and early 1970s on race and on some cultural issues such as women's rights; one can argue that on some other cultural issues — particularly gay rights — the Democratic Party has continued to move left. But on many major issues, particularly economic and social welfare issues, the Democratic Party position did not shift left. The Republican Party, in contrast, moved right on the entire spectrum of issues that animate political activists and a considerable number of ordinary voters as well.⁹⁵

This change presented a serious challenge to senators of both parties who wanted to work across party lines to advance their policy goals, particularly if those goals were not in step with the ideology of the ruling Republicans.⁹⁶ Despite this, Kennedy looked for any available opportunity to enact legislation, and scored some major successes. On August 2, 1996 alone, for example, Congress passed both the Kennedy-Kassebaum health care reform law and a Kennedy-supported

increase in the minimum wage. Adam Clymer calls it “the biggest lawmaking day of [Kennedy’s] life,” and it represents even more of an accomplishment considering it came under Republican control of Congress.⁹⁷

Although Thomas E. Mann and Norman Ornstein note that “the individualistic nature of the Senate helped to contain its [Republican] leaders’ exuberance” after their 1994 victory,⁹⁸ Sinclair observes that “the Senate at the beginning of the twenty-first century is very different from the 1950s Senate, which fictional and some journalistic accounts still often depict as current, and appreciably different from the 1970s Senate.” Indeed, just as Sinclair’s description of a typical senator in the 1990s is quite different from that of his or her archetypal predecessor in the 1970s, she describes a turn of the century senator as a “partisan warrior, acting as a member of a party team, dueling with his opposing party counterparts in the public arena and on the floor, using all the procedural and PR tools available.”⁹⁹

Indeed, Mann and Ornstein argue that since the 1990s that Senate has showed clear signs of institutional decline. Among other examples, they point to the Republican leadership’s consideration of using the so-called “nuclear option” in 2005, which through a simple rule change would have enacted a revolutionary departure: the elimination of the use of filibusters on judicial nominations. This, they write, “was a sign of a breakdown in comity that could easily fracture any remaining bipartisan cooperation” in the Senate.¹⁰⁰ In an even more important development, Congress produces fewer major laws than it once did. Noting that almost half of all major legislation is now regularly subject to an “extended-debate-related problem,” Sinclair labels the Senate as “now the most frequent

graveyard of major legislation, the stage in the legislative process where legislation is most likely to die.”¹⁰¹

But the picture remains a complicated one. Sinclair writes that the “contemporary Senate performs certain important functions well,” such as “agenda setting, debate framing, and policy incubation.” Its rules also give “the Senate a bargaining advantage over other political actors.” Bipartisanship remains the rule in Senate scheduling, for without it the Senate’s ability to conduct its business would evaporate. And although they are less frequent, there are still many examples of senators working across party lines. The “nuclear option” was avoided by a group of 14 senators from both parties who compromised to avoid a Senate shutdown over the filibuster issue. Senator John McCain, Republican of Arizona, specifically referenced the Senate’s history when announcing the compromise, saying the agreement was “in the finest traditions of the Senate: trust, respect and mutual desire to see the institution of the Senate function in ways that protect the rights of the minority.” McCain could just as easily have been speaking of Donald Matthews’ Senate of the 1950s.¹⁰² In another example, the Senate freshman orientation in 2006 opened with a presentation by Senator Ted Stevens, Republican of Alaska, and his old friend, Senator Daniel Inouye, Democrat of Hawaii, in which they described their cooperation on defense matters. Senator Lamar Alexander, Republican of Tennessee, called them “two World War II veterans who put the Senate and the country first,” and he expressed the goal of the presentation as demonstrating to the incoming senators “how the Senate is supposed to work.”¹⁰³ Clearly, then, there are still elements of Donald Matthews’ 1960 Senate in today’s institution. But since the middle of the

last century the body has been under increasing pressure from changes within and without.

MORE THAN ANY OTHER SENATOR of his generation, Edward Kennedy demonstrates what it means to be a modern-day Senate leader, and two instances of his leadership in the early twenty-first century provide vivid examples of Kennedy's pragmatic Senate style. They occurred during the most trying period his party had ever experienced during Kennedy's years in office. From 2001 through 2007, for the first time in Kennedy's career, the Republican Party controlled the House of Representatives, the U.S. Senate, and the White House, except for a brief period from May 2001 to January 2003. This left the Democrats with no institutional power of their own with which to fight back against Republican initiatives, let alone to advance their own. In the first case study — the year-long negotiations over the No Child Left Behind education reform law in 2001 — Kennedy's hand was strengthened after a Republican defection in May gave the Democrats a one-vote majority. Despite Washington's poisonous partisanship and the capital's Republican tilt, however, Kennedy managed to pass an education reform bill for which he received widespread credit and which managed to win the votes of large majorities in both houses of Congress. The way in which Kennedy accomplished this demonstrates one side of Kennedy's Senate style: the conciliatory side.

The other case study — the Iraq war — is a polar opposite from the No Child Left Behind debate. Not only did Kennedy fiercely oppose the president and his party on their war policy, he sought to leverage his criticisms to partisan

advantage before the elections of 2004 (unsuccessfully) and 2006 (successfully). Yet as was clear as early as the fall of 2002, Kennedy's opposition to the war was far from a partisan maneuver. He saw, long before most of his colleagues, the disastrous impact the war would have on America's national security, its military, its foreign relations, and its fiscal health. He also saw the strain it would place on America's soldiers and their families, and worked both in public and behind the scenes to assist them. Although on Iraq Kennedy faced an enormous challenge in doing anything to stop the administration from continuing down its ill-advised path, he used the range of tools available to him as a senator and a well-known public figure — from public appearances to backroom legislative maneuvers — to force the administration onto a different path. Most importantly, in the end his dire warnings were proved correct — and as so many scholars have noted, such wisdom is the key test of leadership.

III. No Child Left Behind: The Conciliatory Kennedy

THE GREAT SOCIETY WAS AT its height when the U.S. Senate passed the Elementary and Secondary Education Act (ESEA), the first major federal legislation dealing with K-12 education, on April 11, 1965. In the two years following the bill's passage, the Department of Education's annual budget for the nation's 27,000 school districts soared from \$1.5 billion to \$4 billion. The heart of the bill — Title I, "Education of Low Income Families" — provided federal money to fund poor children's schooling. "Title I was clearly one of the most significant provisions of ESEA," said Gordon Ambach, an education aide to President Dwight Eisenhower. "That legislation was designed so that children in need at both public and nonpublic schools were served. That central concept is [still] on the books today, 40 years later." Other sections of the bill provided money for school libraries, support services, research, and state Departments of Education. Ted Sizer, a former dean of the Harvard Graduate School of Education, pinpointed the key to the bill's success, which itself was a hallmark of President Lyndon Johnson's presidential (and Senate) style. "ESEA was a political masterpiece, outside of its effect on education," Sizer said. "Everybody had a finger in the pie."¹⁰⁴

ESEA became the cornerstone of federal education policy, and the law was reauthorized in 1972, 1978, 1983, 1989, and 1994. Congress made changes each time the bill came up for renewal — some effective, some less so. At the same

time, ESEA also became a political football; in the 1980s, Democrats blocked attempts by the Reagan and George H. W. Bush administrations to turn the program into a block grant to states. The Clinton administration rewrote ESEA in 1994, and also got enacted Goals 2000, a program that placed a new emphasis on creating benchmarks for state school systems to reach.¹⁰⁵

ESEA was due for renewal again in 1999-2000, but election year politics prevented Congress from making any significant progress on the bill. “The Three R’s,” a centrist proposal to boost both funding and accountability measures, sponsored by Democratic Senators Evan Bayh of Indiana and Joseph Lieberman of Connecticut, received just 13 votes on the Senate floor in 2000. (Although Lieberman later rightly pointed out that “having 13 votes in an evenly divided Senate meant we would be taken seriously.”) During that year’s presidential campaign, the law became, as *National Journal* put it, “the vehicle for an ideological showdown between Democrats and Republicans on education.”¹⁰⁶ Polls showed voters evenly split between the education plans of the two candidates, Texas Governor George W. Bush and Vice President Al Gore. Democrats and Republicans in Congress crossed their fingers that their preferred candidate would win, thus giving their side an edge in the coming reauthorization battle.¹⁰⁷

When Bush took office in January 2001, liberals in Congress were bitterly disappointed at the disputed election’s outcome. Most were in no mood to negotiate on an education bill with the new administration. But Senator Kennedy felt differently. In 1992 he had dismissed President George H. W. Bush’s overtures on education. “All Republican presidents want to increase the federal

investment in education in election years,” he scoffed.¹⁰⁸ Now, in a closely divided Washington under Republican control, Kennedy saw an opportunity for bipartisan education reform with a new president who had made education a priority. For Kennedy, working with Bush on education reform represented a two-for-one deal — he would win an increased federal role in K-12 education *and* get the Republican Party to sign on to it, less than a decade after ascendant Congressional Republicans had been advocating the abolishment of the Department of Education. Kennedy’s actions during the year he spent negotiating an education reform bill with a conservative White House shows the key elements that make the senator such an effective legislator: his principles, his pragmatism, and his negotiating prowess.

THE EDUCATION REFORMS THAT GEORGE W. Bush embraced in Texas were developed by other politicians and community leaders in the years before he became governor. They placed a heavy emphasis on testing, requiring students to be evaluated every year from third grade to eighth, and then again in tenth. Schools received ratings based on those test scores, which were then publicized in local newspapers. Teachers and principals at schools which consistently failed to achieve a solid rating could be fired. At the same time, Bush had increased the state’s education budget by more than 50 percent, and also agreed to a pay hike for teachers. One of Bush’s initiatives had not been successful, however; the Texas legislature rejected a voucher system, an idea unpopular with teachers’ unions that Bush had borrowed from his brother Jeb, the governor of Florida. Nor was the emphasis on testing universally popular or praised; one Boston

College researcher dismissed Bush's claims, declaring, "The Texas miracle in education is a myth."¹⁰⁹

Education reform then became a centerpiece of Governor Bush's 2000 presidential campaign, during which he frequently pointed to improvements in Texas schools in order both to establish the efficacy of his "compassionate conservatism," and to press the case for his vision of reform. "I want to take that attitude of reform to Washington, D.C.," Bush told voters. "We're witnessing [in Texas] the promise of high standards and accountability. We require that every child read by the third grade, without exception or excuse. And every year we test students on academic basics."¹¹⁰

Senator Kennedy was listening, and intrigued. As the ranking Democrat on the Senate Health, Education, Labor, and Pensions (HELP) Committee, he had long been a leading Democratic voice on education issues. When President Johnson signed the original ESEA in 1965, Kennedy had been in his third year as a senator. That same year he and Senator Gaylord Nelson, Democrat of Wisconsin, had successfully sponsored a bill to create a National Teacher Corps to educate children in poor areas. In 1987, as HELP Committee chairman, he held extensive hearings on aiding the nation's schools, saying, "We must seek ways to stretch education funds, so that every dollar is used effectively." After President Clinton was inaugurated, Kennedy named the 103rd Congress of 1993-94 "the Education Congress," and it passed direct student loans, job training programs, Goals 2000, and the EASA reauthorization. Kennedy supported Goals 2000 with words that could also have applied to his vision for education reform in 2001, saying he wanted "a framework for high academic standards, locally developed

and implemented with our support.” However, his experience in 1994 had also taught him the importance of winning extra funding; *New York Times* reporter Adam Clymer wrote that the reauthorization of EASA spread its authorized \$6.6 billion “so thinly that the law had more legislative support than real impact.”

During a 1998 debate Kennedy had expanded on his philosophy of public education and his frustrations:

We ought to give a helping hand to the local communities. We are not interested in superimposing some federal solution, some “new bureaucracy,” those old clichés. I have listened to the same clichés for thirty-odd years. You would think they would all have some new ones, talking about “the new bureaucracy,” “one size fits all,” “Washington doesn’t know everything.”¹¹¹

Now, in Bush, Kennedy had a president who shared his vision for reform, at least in part. That was enough, as Senator Tom Daschle, Democrat of South Dakota and a close Kennedy ally on health and education issues, made clear in summing up the senator:

For all his reputation as a diehard, intractable liberal, Ted is also a person who likes to get things *done*. Achievements are important to him, and he is a skillful legislator. Ted Kennedy has been around a long time. He understands that sometimes you may not get all that you want in a certain situation, that in some cases it’s better to settle for all you *can* get rather than fighting to the bitter end and winding up with nothing. Call it the art of the “doable,” and there’s no one who does it better.¹¹²

The negotiations over the reauthorization of ESEA offers a powerful example of Kennedy practicing the art of the doable.

A few days before Christmas 2000, President-elect Bush invited a group of lawmakers from both parties to the Texas capital to discuss the prospects for a major education reform law. He “talked about the need to move a bipartisan education bill,” said Representative John Boehner, Republican of Ohio, a participant in the meeting who was also the chairman of the House Education and the Workforce Committee. The gathering served notice that the president planned to make an overhaul of the federal role in K-12 education one of the centerpieces of his first-term legislative agenda. This reflected both Bush’s campaign promises and also the public’s wishes; many Americans cited education as their top priority for lawmakers.

But Bush did not include Kennedy in the Austin gathering, a strange snub considering the senator’s leadership on the issue within the Democratic caucus. It should have been clear even then to the president-elect and his advisers that no deal on education reform would win broad support without Kennedy’s backing, both from a logistical standpoint — as ranking member he would be a major voice in HELP’s deliberations — and from an ideological perspective — his liberal credentials were impeccable. (It is possible that Bush’s Texas advisers did not yet understand who wielded real power in Washington.) Kennedy made that clear himself: “I was the odd man out,” he later said, laughing, of the Austin meeting, “and I’ve [since] reminded them regularly that I need a lot of hand-holding.” Behind the light-hearted comment was an implicit threat: keep me in the loop or kiss reform goodbye. The message reached the president-elect quickly, because shortly after the Austin meeting Kennedy received a phone call from Bush

inviting the senator to a White House meeting on the eve of the president's press conference unveiling his proposals.¹¹³

Bush's nominee for Secretary of Education, former Houston Superintendent Roderick Paige, also put forward a bipartisan stance on education issues during his three-and-a-half-hour January 10th confirmation hearing in front of the HELP Committee.² Kennedy pressed Paige on the issue of school vouchers, a nonstarter for the senator and his liberal allies, but a cherished goal of many conservatives. The nominee attempted to placate both Democrats and Republicans, downplaying vouchers as "not a priority" for him without explicitly disavowing them. Paige also expressed support for popular Democratic policies such as smaller class sizes and after-school programs. "It seems that we're much closer [to the Bush administration] on this issue than we are on many other public policy issues," said Kennedy, whose support, as one observer noted, "Republicans will need to move education overhaul efforts in the evenly divided Senate." The senator praised the administration for getting "off to a really good start on this one," adding, "I think we'll be able to get something done." The Senate confirmed Paige on January 21.¹¹⁴

In negotiating the education reform bill, Kennedy would lean heavily on his relationships with Republicans — not the media portrait of him as an intractable liberal, however, but his institutional reputation. That strategy was helped at a luncheon following Bush's January 20 inauguration, when former Senator Alan Simpson, Republican of Wyoming, introduced Kennedy to the new

² The hearing was, in fact, chaired by Kennedy, since during the brief time between the January 3 opening of Congress and the January 20 presidential inauguration the 50-50 Senate's tie-breaking vote was cast by outgoing Vice President Al Gore.

president. Simpson summed up the view of many in the Republican Senate caucus: “He is an ornery S.O.B.,” Simpson told Bush, “but you can do business with him.” A follow-up meeting that week was a successful session and a promising start, though this reflected what was avoided as much as what was discussed; the pair agreed to focus on their shared goal of helping impoverished children, avoiding the topic of vouchers. Bush “said he was strongly committed to seeing the neediest children get the benefits of these reforms . . . and he was prepared to take on the forces in Congress and among the governors who just wanted to spread the money around,” Kennedy said afterwards. “I saw a real opportunity for common ground.” The senator, for his part, agreed not to take the bait when the waiting White House press corps asked him about vouchers. “The press is waiting out there,” Bush told Kennedy. “They’re going to want to try to divide us, they’re going to want to focus entirely on the voucher issue.” Bush asked Kennedy to focus instead on “what we can do together.” As Kennedy left the White House, he stopped at the driveway microphones to point out “the overwhelming areas of agreement and support” between the two when it came to education. Bush was grateful and reassured.¹¹⁵

On his second working day in office, January 23, the president unveiled a \$46.7 billion education reform plan with Secretary Paige by his side. The 28-page proposal, designed to appeal to both parties, called for:

- a state-designed annual testing program, with results broken down by race, gender, and socioeconomic status;
- a requirement that after two years of low test scores schools, implement an improvement plan, and if no progress is shown by the third year students

would receive a \$1,500 federal voucher to transfer out of the failing school to a higher-achieving public or private institution;

- a requirement that schools meet state standards in reading and math, and set “challenging content standards in history and science,” or risk losing federal funding;
- new funding for the Reading First, federal preschool, and Head Start programs;
- and a “charter option,” allowing a school to be exempted from some federal requirements if it agrees to raise its achievement rate to a certain level over five years.

The president also proposed giving bonuses to schools that showed major improvement; an expansion of the maximum annual deposit into education savings accounts allowed, from \$500 to \$5,000, which would make private school tuition tax-free for many families; expanding access to technology in schools; reducing the 50 ESEA programs to five targeted grants; improving school safety; reducing class sizes; and teaching all children to read by age nine.

On Capitol Hill Bush’s proposal was greeted warmly. “It has received very positive remarks in a bipartisan way,” said Senator Trent Lott, the Republican Senate Majority Leader, while Senator Kay Bailey Hutchison, Republican of Texas and a G.O.P. leader on education issues, signaled compromise by saying, “I don’t think we’re going to walk away if we don’t get everything on” vouchers. Democrats, for their part, praised Bush’s focus on poor students, safety, and increased funding. Senator Bayh, who had reintroduced his centrist “Three R’s” reform plan the same day, remarked, “Eighty percent of our proposals are

common ground.” The rhetorical bipartisanship that followed Bush’s announcement, however, masked deep differences in the two party’s approaches to education, of which voucher programs were only the most publicized. Many doubted if a bill could actually be produced, because the increasing partisanship of the Senate over the previous two decades had made cooperative legislating increasingly rare. Senate expert Barbara Sinclair has found that

the likelihood of a major measure becoming law is less in recent Congresses than in earlier ones; in the three 1990s Congresses that saw about half of the major measures subject to some filibuster problem, 45 percent of the major measures failed enactment; by contrast, in three earlier Congresses, characterized by lower filibuster activity, 27 percent of the major measures failed.¹¹⁶

The obstacles to major education reform legislation loomed large. It would take a significant amount of work on both sides to pass a bill.

Kennedy was pleased both with the president’s proposal and his attitude. The senator had been among a small group of congressional leaders at a 45-minute White House meeting following the announcement, and had been impressed with the president’s grasp of the issue. “Bush showed a sophisticated understanding of the testing numbers that only people like Kennedy who have spent a long time on the issue tend to be well-versed in,” reported one Democratic aide. “Kennedy was impressed with that.” As he left the White House, Kennedy continued to push the ball forward, making it clear to reporters he felt confident that an agreement could be reached: “It seems to me we can make very great progress,” he said. “The overwhelming areas of agreement and support are very powerful . . . I, for one, am interested in getting some action.” The latter

comment applied not only to the education bill, but also to any issue on which Kennedy could win Republican support and craft an acceptable piece of legislation. As he had promised Bush, Kennedy also minimized his opposition to vouchers, saying, “The areas which [Bush] pointed out where we are in agreement, I thought, were very substantial. . . . What is important today,” he added, “is that we have a president that wants to make this a strong priority on education.” Kennedy’s support delighted the White House, and gave the president’s proposal powerful early momentum, placing a bipartisan agreement firmly in the realm of the possible. The *Boston Herald* called Kennedy “an unlikely ally” for Bush.¹¹⁷

It was not in Kennedy’s style to go silent, of course, and as one reporter noted, during January he “alternated between booming blasts at Bush over his choice of controversial conservative John Ashcroft for attorney general, and pussycat-like praise for the new president’s education plan.” The juxtaposition of the two issues, and Kennedy’s polar opposite approaches, is a vivid illustration of his pragmatic style, which simultaneously mixes the conciliatory and the oppositional. One insightful Massachusetts congressman understood that, calling Kennedy’s a “good cop—bad cop political strategy,” and remarking, “It’s classic Kennedy. His liberal credentials are so strong that nobody can question it when he reaches out to Bush.”¹¹⁸ Indeed, in 2001 Kennedy would receive 100 percent ratings from both the AFL-CIO and the liberal interest group Americans for Democratic Action.¹¹⁹ For years, Kennedy’s effectiveness had depended on the trust his “liberal credentials” had built among groups like those, and others such as teachers’ unions, which could then support a compromise deal — or at least hold their fire. The education reform plan would be a major test of that strategy.

DURING BUSH’S FIRST FEW WEEKS in office, which Kennedy called “a hopeful time,” the new president made a concerted effort to court the senator. They were a particularly good match; both men had won over political foes by building personal relationships across party lines, a necessity in both the clubby Senate and the Texas capital, where the office of the governor is weak. Commenting on the two dynasties later that year, *The New York Times* speculated that “there must be something in at least a few Bushes and Kennedys that recognizes a similar species, chooses to sniff curiously and then pass on by, peaceably.”¹²⁰ Kennedy said he was “touched” when he noticed

that Bush's Oval Office desk was the one which his brother John had used during his own presidency. The new president, for his part, praised the veteran senator when the pair visited an inner-city D.C. public school. (When the president jokingly offered one teacher a White House job, only to have the teacher reply that he would rather work for Kennedy, Bush responded, "He's a good man. He'd be good company.") "It would be a mistake for Democrats to underestimate George Bush," Kennedy told the *Boston Sunday Herald*. "He's personable, he's intelligent, he's sort of feisty and he's engaged." He predicted that Democrats would "find ways to work with this new administration. I think a lot of people are going to be surprised." And he continued to downplay their differences: "For now let's just start getting the ball down the field. Then we can tackle these other things that could hold us up."

The courtship continued on February 1 over dinner and a movie. Bush invited the Kennedy family to the White House for a buffet and a screening of the Cuban Missile Crisis film *Thirteen Days* — the first movie night of the new presidency. The next morning the pair unveiled the New Freedom Initiative, a five-year, \$1 billion program to assist disabled Americans with home purchasing and job training. The program's title echoed JFK's "New Frontier," and Bush explicitly connected the program to the Americans With Disabilities Act, which his father had signed after working closely with Kennedy. White House Press Secretary Ari Fleischer joked that he had to remind people that Bush "also has friends who aren't Democrats." Asked about all this camaraderie, Kennedy's communications director said the senator "is not going to pass up an opportunity to be effective." Indeed, Kennedy often enjoyed friendships with his ideological adversaries — his joshing friendships with Trent Lott and Orrin Hatch, among others, were well-known. But such camaraderie also served a practical purpose, lubricating the wheels of the legislative process.¹²¹

The administration's public embrace of Kennedy, however, did not reflect the White House's legislative strategy. Just as had occurred with the Austin meeting, Bush and his deputies again tried to freeze Kennedy out of education talks by conducting secret negotiations for a centrist deal with the so-called "New Democrats," led by Bayh and Lieberman. Working through Senator Judd Gregg, Republican of New Hampshire and the second-ranking member on the HELP Committee, administration officials hoped to work around liberals like Kennedy and Republican committee chairman Senator Jim Jeffords of Vermont. "There was a moment early on when the White House and the Republicans might have been able to reach an agreement if they had been willing to jettison their insistence on vouchers and embrace the Three R's bill," Bayh said. "An agreement was quite possible." But near the end of February the secret talks stalled over both vouchers and funding levels.

Meanwhile, Kennedy had gotten wind of the discussions between the Republicans and the New Democrats, and he "decided he was not going to let Lieberman and Bayh take control of the process," according to Senator Gregg.

Shortly before the committee began meeting to mark up the bill in early March, Kennedy met with White House staff members and offered a deal to allow students at failing schools to use federal funds for private tutoring. In doing so, he slyly checkmated the White House; Bush's aides told the New Democrats about his offer, but then used it to push for a pilot voucher program. However, the White House's attempt to pit the Democrats against each other backfired. The nervous New Democrats decided to end their independent negotiations in the interest of party unity. (Kennedy, who earned a nearly perfect party unity score every year, practically defined the term.¹²²) Lieberman told White House aide Sandy Kress, Bush's point man on education, that Kennedy would have to be included in all future talks. "Now," *National Journal* later reported, "Kennedy would control decision-making on the Democrats' side." At first Senator Gregg was not pleased with this change. "We thought he would be a problem," the Granite State senator said, "but we hadn't read him correctly. Being the consummate legislator he is, he co-opted them and put himself in play." Indeed, as his biographer Adam Clymer observed,

Kennedy seems to thrive as much on the complexities of getting things done in the minority as on the partisan delights of thwarting the majority. . . . He has an instinct for the rhythms of the Senate, a special knack for finding a critical Republican ally (even if he or she ends up with most of the credit), and an optimist's willingness to settle for half a loaf, or even a slice, today and work on getting the rest in the next Congress.¹²³

In this case, Kennedy saw that his best chance for getting an acceptable compromise bill on education would come with him seated at the negotiating

table — a position not necessarily shared by liberal interest groups. One education lobbyist later recalled a session during which the senator's frustration boiled over: "Kennedy just read us the riot act. 'You may not have noticed,' Kennedy said, 'but we don't control the White House, the Senate or the House. I'm doing my best, but I'm not going to let you stop this.'" ¹²⁴ Kennedy's goal was getting the best bill possible, not maintaining ideological purity.

The HELP Committee began and finished its mark-up of the bill to reauthorize the Elementary and Secondary Education Act of 1965 (S 1) in just two days, reporting it out unanimously on March 8. Kennedy supported the truncated hearings. He agreed with the White House that the amount of time spent debating education in recent years made hearings unnecessary, and supported pushing the bill through the HELP Committee quickly. ¹²⁵ Although various amendments were offered, committee members for the most part used the two days of hearings to stake out positions and set the stage for the full Senate's debate. Most of the difficult issues, such as vouchers and increasing the \$8.6 billion Title I funding program for poor schools, were left to backroom negotiations and the Senate floor debate. ¹²⁶

By the end of March, pressure was mounting for the senators involved in the negotiations to reach a deal. Majority Leader Lott and Senator Daschle, the Minority Leader, made it clear to the senators they wanted an agreement. In early April, Kennedy and the HELP Committee's other senior Democrats and Republicans, along with Bayh and Lieberman, sat down at a table in the Capitol's Senate Library and ironed out a deal on the trio of key issues in contention. Republicans dropped their demand for a voucher program when Democrats

agreed to use federal funds to tutor students at failing schools. The group also agreed to a pilot program giving federal funds as a block grant to seven states and 25 school districts. Of the three agreements, the least solidified concerned the definition of a failing school; the senators agreed that the issue could be reopened in conference committee. Both sides expressed satisfaction with the deal, which cleared the way for the Senate debate to begin in May. Afterwards Senator Kennedy placed himself in the middle of the two sides, telling reporters, “We have made very substantial progress.” He again praised President Bush for placing the issue at the top of the national agenda, but added pointedly, “What is absolutely essential is having the kind of funding levels to make sure children who need extra help get it” — an example of Kennedy mixing the conciliatory and the oppositional within the same statement.

Kennedy’s last comment was a clear nod to the many Democrats who were nowhere near on board with his strategy; Senator Paul Wellstone of Minnesota, for one, said, “There are any number of us who have very major questions about this and haven’t signed off on anything.”¹²⁷ Wellstone was not alone. Others, including Senators Patty Murray of Washington, Jack Reed of Rhode Island, and Hillary Clinton of New York, all told Kennedy they were unhappy with his willingness to make concessions to the Bush White House to boost the chances of a deal. Yet their respect for Kennedy and his institutional clout was such that the senators refused to criticize him publicly — just as would be the case later in the Bush presidency when he worked with Republicans on Medicare and immigration. Kennedy, however, was unapologetic. The president “gets the reform and we get the additional resources,” he said later. Unlike Wellstone,

Kennedy believed he could get a good deal even while working with a mistrusted conservative White House.

The White House decided to rely on Kennedy to secure Democratic support for the bill early on. To keep the senator on board Bush relied on his aide Barnett A. “Sandy” Kress. Bush’s “sweet talker,” as Kennedy called Kress, was a political hybrid. The former chairman of the Dallas County Democratic Party, Kress became close to the president while Bush was governor. Kress and Kennedy developed a close relationship in the course of negotiating the education bill, exchanging daily phone calls and working together at more than two dozen meetings. Kress was instrumental in bringing together the two sides of the education issue. “As a loyal Democrat, it tickles me that the president has brought Republicans along so much on this issue,” Kress said. It was with Kress that Kennedy made important offers, including the substitution of tutoring money for vouchers. The aide later claimed he won “90 percent” of the president’s original proposals. But others gave the round to Kennedy — including right-wing *Wall Street Journal* columnist Paul Gigot, who penned a column headlined “Beltway 101: Teddy Takes George to School.”¹²⁸

AS THE NEW CENTURY DAWNED, Kennedy seemed comfortable in his new role as legislator, elder statesman, and opposition leader, despite Washington’s Republican domination. “[J]ust as in all those years when the Democrats were a distinct minority in the Senate and he was outwitting the Republicans, Kennedy is having a ball in this new 50-50 Senate,” *Boston Herald* columnist Wayne Woodlief wrote in early May. Indeed, the necessity of deal-making in an evenly

divided Senate created a situation that played to Kennedy's strengths. Before the Senate began its metamorphosis into a body of individuals starting in 1959, the Club style encouraged members to go along to get along. Kennedy's Senate style sought to blend post-Club individualism with Club-era fraternity. Throughout his nearly four decades as a senator, Kennedy had been among the most successful at balancing fierce partisanship with personal kindness. One example came during a heated March floor debate on campaign finance, specifically over whether or not unions should be forced to get members' permission to use certain funds for political purposes — a clear shot at a key Democratic constituency. Kennedy and his friend Senator Orrin Hatch, Republican of Utah, engaged in what *The New York Times* labeled as a “withering debate” over the issue:

[Kennedy] said it would emasculate organized labor. Mr. Hatch retorted that Mr. Kennedy was simply protecting labor. “I admire the way he supports his special interest,” Mr. Hatch said. “We don't have anybody on our side who does it that well.” That prompted Mr. Kennedy . . . to walk slowly over to him. The two hugged, drawing delighted laughter and applause from spectators sitting in the visitors gallery above the chamber.¹²⁹

The clowning hug may have been a bit much for Richard Russell, but the underlying affection harkened back to the old Senate style of bipartisan comity in spite of strong policy disagreements. Even Majority Leader Lott, a staunch Republican and steadfast conservative, wrote to Kennedy in 1998, “Your thoughtfulness truly amazes me. First the print from Cape Cod. Then the special edition of *Profiles in Courage*. I brought it home and re-read it. What an inspiration! Thank you, my friend, for your many courtesies.” Then Lott added,

“If the world only knew” — an allusion to the wide gulf between the senator’s controversial public image, whether as liberal or libertine, and his personal warmth.¹³⁰

Kennedy also found time to show the ropes to a new senator and old friend, freshman Hillary Clinton, who had won his brother Robert’s old seat the previous November. “I’m really trying to absorb and learn as much as I can from him,” explained the former First Lady, who served alongside Kennedy on the HELP Committee. He gave her the same sort of advice Richard Russell would have given a new senator in the 1950s: “know when to keep quiet, let more senior members speak first, and sometimes let others take the limelight.” This was the advice Kennedy had received from his first mentor, Senator Phil Hart, Democrat of Michigan. While serving together in the 1960s, Hart had told Kennedy that “you can accomplish anything in Washington if you give others the credit.”¹³¹ In Senator Clinton, Kennedy may have seen a reflection of himself. Clinton entered the Senate in the shadow of a family president, with a famous name and an expectation among senior senators that she would hog the spotlight, just as had been assumed of Kennedy in 1962. In G.O.P. attacks both had long been synonymous with ideological liberalism — despite the personal pragmatism with which even their most conservative colleagues begrudgingly credited them.¹³²

THE SENATE DEBATE ON THE EDUCATION bill began in early May. It would continue for six weeks, and Kennedy would spend almost the entire time on the Senate floor, working hands-on to secure passage. But he was pleased as the debate got underway. “We’ve got [Bush] where we want him,” the senator said of the

president, insisting that whether it happened in the Finance Committee, on the Senate floor, or through the appropriations process, federal education spending for fiscal 2002 would rise even more than the \$4 billion increase Bush had already offered, which in itself was higher than the record \$3.6 billion hike President Clinton had won the previous year. “We’ve exceeded the budget every single year in education appropriations and we’re going to do it again,” Kennedy declared.¹³³ Indeed, to the displeasure of many Republican senators, early in the debate Democrats managed to peel off enough Republican votes to win large increases for special education, aid to poor schools, mentors for teachers, community technology centers, and test development. “I think the administration’s kind of been caught off-guard,” Kennedy told reporters with a smile.

Kennedy played a key role in some of the Democrats’ early wins. On an amendment offered by Senator Larry Craig, Republican of Idaho, that would have limited Title I aid increases only to those poor schools which improved their test scores, Kennedy argued that schools needed to have the new funds in order to improve, not as a reward for doing so. The Craig amendment was defeated 27-73. Another vote count that came down in Kennedy’s favor occurred on an amendment he offered, to spend \$3 million in fiscal 2002 and \$28.5 million over the next six years to provide mentors for teachers, passed 69-31. Of course, none of this would matter unless the Congress actually provided funding during the appropriations process; otherwise the money, though authorized, would never be available to spend. Although the White House had pledged its support for more education spending, the budget resolution Congress adopted in the first week of

May only provided enough new money to keep up with inflation — failing even to include the increase Bush himself had suggested. Yet Kennedy was undeterred. “There is an enormous disconnect between what the people want and what their elected representatives to the Senate are voting to support, and what the Bush administration and the Senate leadership are committed to,” he said. He pledged to attach more money to the Labor-Health and Human Services appropriations bill later that year, or reduce some of the large tax cuts moving through Congress at the same time as the education bill.

As Senate Democrats celebrated their successes, many conservatives questioned why a Republican president was supporting a process that was leading to less-than-conservative ends. They criticized Bush for working on the bill so closely with Democrats in general and Kennedy in particular. (Indeed, just a few months later Republican apostate John McCain would defend his own work with the Massachusetts senator by pointing to Bush’s partnership with Kennedy on education.¹³⁴) “I think it lost a lot of its energy for reform as it passed through Congress,” Chester E. Finn, Jr., who advised Candidate Bush on education issues in 2000, said after the bill had passed both the Senate and the House. He blamed that on Bush’s “insistence on bipartisanship.” House Republicans felt the same way, and Education and the Workforce Committee Chairman John Boehner had more trouble keeping his fellow Republicans on board than he did holding committee Democrats. “I’m committed to the president’s bill,” said Representative Bob Schaffer, Republican of Colorado, but Schaffer still voted against the bill in committee. “Republicans should be prepared to spend more money in exchange for reform . . . [but] the real reform has been stripped out of

the bill, and now we're just spending a lot of money," he argued, adding, "In the end, for the committee and the White House, appeasing Democrats was more important than sending the president's plan to the floor intact." Schaffer almost certainly had Kennedy in mind when he made that remark. Nonetheless, on May 23, the education bill won wide support when the House voted by a vote of 384-85 in favor of passage.¹³⁵ But within twenty-four hours nobody was focused on the president's victory.

ON THURSDAY, MAY 24, IN his home state of Vermont, Senator James Jeffords announced that he would leave the Republican Party, become an independent, and caucus with the Democrats. "Looking ahead, I can see more and more instances where I'll disagree with the president on very fundamental issues," Jeffords explained in a speech at a hotel in Burlington. It was the equivalent of an earthquake on Capitol Hill, and totally upended the White House's plans and calculations. His switch meant that when senators returned from the Memorial Day recess on June 5, Democrats would control the Senate, with all that such control included, from agenda-setting to committee chairmanships to subpoena powers. Senator Daschle, a Kennedy ally, would replace Lott as Majority Leader. "[It's] a different world now," a "buoyant" Kennedy told guests in his Senate office shortly after Jeffords' announcement. The Democrats had not held either house of Congress for more than six years. Their 51-seat Senate majority was the smallest since 1959.

"This is a historic moment," Kennedy declared. For him it meant that he would once again take the gavel as chairman of the Health, Education, Labor and

Pensions Committee. The party switch marked a major change in the Congress's focus. "Republicans had hoped to spend much of the rest of the year passing piecemeal tax bills to complement Bush's landmark cuts in tax rates," wrote *Congressional Quarterly*. "Now, the summer will feature liberal icon Kennedy leading the charge, first to pass a patients' bill of rights, later to raise the minimum wage." Republicans were not entirely distraught, however. Representative Johnny Isakson, Republican of Georgia, who would later join Kennedy in the Senate, noted that with Kennedy, "You're not dealing with a neophyte," adding, "Kennedy has already demonstrated . . . that he will make a deal."¹³⁶ The latter comment was another example of how Kennedy's reputation in Washington differed from the caricature of him known to many from the media — particularly since it came from a conservative Southern Republican who had spent less than three years in Congress, and whose constituents probably would have been surprised at his positive view of the legendary liberal.

Conspicuously absent from *Congressional Quarterly's* list of the new priorities that Kennedy would now bring to the fore was the education bill, despite its having consumed so much of Kennedy's attention throughout the first five months of 2001. In fact, however, this was a sign of how effective the senator had already been in shaping the bill despite lacking the springboard of a committee chairmanship from which to work. The power shift only served to increase Kennedy's leverage in negotiations with the White House over the bill's provisions. His new leadership role "certainly adds to the excitement on our side," said Representative Patsy Mink, Democrat of Hawaii. "The funding will be

there.” Mink’s confidence was a testament to the faith other congressional Democrats had in Kennedy’s legislative skill.

When the now Democratic-led Senate reconvened on June 4, Kennedy was the new floor manager for S 1, and the White House was quietly pleased. “When Kennedy took over, we were dealing with a consummate professional and a great staff,” a senior administration official later said, adding that Kennedy and his aides were “terrific” on the education bill. Senators’ personal staff size had ballooned in the second half of the twentieth century, and their importance had as well. As Barbara Sinclair observes, a

large, experienced, and highly competent staff make[s the senator’s] involvement in a broad range of issues possible. They monitor the process on a myriad of issues, alert the senator when his personal involvement is required, and provide him with the substantive and political information necessary to make that involvement effective. In many instances, an experienced staff member can act in the senator’s stead.¹³⁷

Kennedy’s staff had a particularly solid reputation on Capitol Hill, known for their professionalism and expertise. “Kennedy staff people get a reputation for being very pushy and obnoxious,” said one aide who worked in his office for three years in the 1990s. “You hear things coming out of your mouth at times that you can’t believe you’re saying. But the most respected trait on the staff is getting it done. No matter whose feathers you have to ruffle, just get it done.” Thomas Rollins, a former staff director of the HELP Committee, agreed. “He’s a genius at managing people,” Rollins said. Kennedy’s staff, both in his office and on the

HELP committee, would play a key role in crafting the final compromise that led to passage of the education bill.¹³⁸

“Our belief,” explained White House aide Sandy Kress, “is that it was a close Senate before . . . it’s still a close Senate. It’s just turned a bit the other way. We believe, not just as a matter of honor but as a matter of bipartisan achievement, that the deal will hold up and the bill will pass.” Even disappointed conservatives begrudgingly noted the senator’s success. When asked whether he expected to see major changes in the education legislation after the Senate’s regime change, Nathaniel Koonce, an education policy analyst at the conservative think tank Empower America, remarked, “I think the bill is pretty satisfying to Ted Kennedy already.”¹³⁹ Indeed, Kennedy’s biggest challenge to securing Senate approval for the bill came from the left, not the right. Bush had brought the nine Senate dealmakers to the White House for a meeting on June 5 to once again stress his commitment to the bill. But when one senator brought up funding levels Bush told the group it was not “a budget session.” Still, Kennedy told reporters he accepted the president’s position, and planned to continue the two-track process of compromising on the S 1 education overhaul bill while fighting through the appropriations process to boost Title I funding.

Kennedy, along with the others involved in negotiating the compromise, had agreed to vote as a bloc against any amendments that would have violated the compromise — or “deal-killers,” as they called them. One test came on June 7, when an amendment sponsored by Senator Wellstone, which would have suspended annual testing in grades three through eight unless by fiscal 2005 Congress upped Title I funding from \$8.6 billion to \$24.7 billion, was defeated by

a wide margin, 23-71. Another deal-killer, a proposal to cancel all testing unless Congress picked up the tab, was also rejected, though this one by just 43-55. Two more, both funding-related, came from one of the negotiators, Senator Christopher Dodd, Democrat of Connecticut and an old friend of Kennedy's. Dodd's amendments also failed, although not by much: 47-51 in one case, and 42-58 in the other. Still, by the end of the debate at least a dozen programs had been added to the bill, and its price tag had ballooned by 50 percent, to more than \$40 billion by some estimates. Kennedy did not mind.¹⁴⁰

On June 14 the Senate passed the final version of the bill to reauthorize the Elementary and Secondary Education Act of 1965, and it did so by an astounding margin for such a mammoth piece of legislation — 91 senators voted for the bill, and only eight voted against it. Of the eight, six were Republicans, and five of the six were staunch conservatives. Just two Democrats voted against the bill, and of the two only one was a liberal — Senator Russell Feingold of Wisconsin, who said “many of [its] provisions . . . undermine public education by blurring the lines between public and private, between church and State, and between local control and Federal mandates.” He did, however “commend the work of the Senator from Massachusetts, Mr. Kennedy . . . and others who have worked so diligently these past weeks to negotiate compromise language with the Administration on many of the issues that remained outstanding following the HELP Committee's mark-up of this legislation.” Losing just one Senate liberal on an education bill backed by a Republican president was a major political achievement for Kennedy, who had kept the coalition together and wound up with the support of nearly all his colleagues. “The reforms in this bill reflect the core principles in my education

agenda: accountability, flexibility, local control and more choices for parents,” President Bush said in a statement. “The message is that help is on the way,” Kennedy added. Some congressional aides, however, “sensed that both Bush and the Democrats were more interested in passing an education bill than in fighting over specifics,” which may have left the bill weaker. Still, it had passed, and for Kennedy that was the key: it meant he could continue to work for a better bill.¹⁴¹

THE HARDEST WORK WAS FAR from over. The bill now entered a 39-member conference committee to resolve the differences between the Republican House’s bill and the barely Democratic Senate’s. The conference committee was itself in many ways a hostage of the appropriations process, as Majority Leader Daschle made clear after the bill cleared the Senate. “I told the president . . . it was not our desire to complete this work until we have some understanding about the degrees of resources that will be made available for all of the issues that we’re confronting here,” he said. Senator Dodd told reporters that if Bush failed to offer a better funding deal, many of the Democrats who had supported the bill on June 14 would reject the conference report. Republicans, on the other hand, expressed concern that House and Senate Democrats would pressure the conferees to drop some conservative pet projects, including the “Straight A’s” pilot program, which would allow some states to receive their federal education money as a block grant. Yet there were also signs of flexibility, particularly on the part of key interest groups on either side. Education and business groups were united in their mutual displeasure with both the House’s and the Senate’s definition of what constitutes a failing school. “The House may be too high a standard, but the

Senate is too watered down,” said Susan L. Traiman, the education liaison for the Business Roundtable, a group of corporate CEOs. She recommended that the negotiators simply start over.¹⁴²

At a Rose Garden ceremony held the first week in July, Bush asked Congress to send him the education bill for signing before they recessed August 6; a spokesman called it the president’s “top priority” soon after. The president had not had a major legislative victory on the Hill since his tax cuts had passed in mid-May, and a senior Republican Senate aide said passing the education bill “would be a real shot in the arm.” Quick action was unlikely, however, considering the number of contentious issues on the negotiators’ agenda and the fact that the group did not meet for the first time until July 19. Boehner, the conference committee’s chairman, said he had “no doubt we will come to agreement on this sometime in the next month or so,” while Kennedy, the chief Senate negotiator, said differences were “manageable,” though they might take some time to resolve.¹⁴³

Few compromises had been reached by the time lawmakers left Washington at the beginning of August, and congressional and White House aides planned to continue negotiations during the recess. By that time it had been established that most of the negotiating would take place between the White House and the “Big Four” lawmakers: Senators Kennedy and Gregg, and Congressmen Boehner and George Miller, Democrat of California. An initial meeting between Bush and the Big Four took place August 2, one day after the conference committee made a few modest decisions. The five men discussed in detail the “accountability” system, the most contentious part of the bill, but no

decisions were reached. Senator Gregg said the meeting was primarily meant to lay the groundwork for the real negotiations that would begin in September. Boehner remained hopeful: “If we can reach an agreement on accountability quickly, the rest should fall into place,” he said.¹⁴⁴

As the summer drew to a close, Senate Democrats felt confident. Their wafer-thin majority was enough to put them in charge and give them a platform from which to put forward their own agenda as they looked eagerly toward the 2002 midterm elections. During the August recess Kennedy’s staff was busy preparing for an autumn push to raise the minimum wage. He also planned to hold HELP Committee hearings on providing prescription drug coverage for the elderly. “In the Senate, it’s a new day,” Kennedy happily told *The Boston Globe* as he laid out his plans. The House had given the president some small victories during the summer, but, he said, “our time is going to be in the fall.”¹⁴⁵

Then out of the blue, everything changed.

WHEN THE FIRST PLANE HIT ON September 11, First Lady Laura Bush was about to testify before Kennedy’s HELP Committee on early education. “He met me at the door of his office building,” the president’s wife told Oprah Winfrey a few days later. “We didn’t watch TV. We just talked. I’m not sure if he was trying to distract me or himself because of what he’s been through in life.” In the days that followed Kennedy met with representatives from the Arab-American community to reassure them that hate crimes would not be tolerated. He also told reporters that the nation should be prepared for what was to come. “It’s going to be very,

very serious and take a considerable amount of patience and resolution,” he said. “It will be a long struggle.”¹⁴⁶

Unlike most other domestic priorities, however, the education bill gained rather than lost momentum after the attacks. “On September 10th, I was the most discouraged I had ever been,” remembered Sandy Kress. “Inertia had taken hold. Another school year had begun without any change in federal policy. The partisan atmosphere on Capitol Hill was awful.” Bush had been promoting the education initiative at a school in Sarasota, Florida, when he was informed of the attacks on the morning of September 11. The next day the Big Four leaders of the conference committee released a statement saying, “We are all in agreement that despite yesterday’s tragedies, final work on the education bill will continue,” although a meeting scheduled for September 13 was postponed out of deference to members whose districts had been directly affected by the attacks. “We offer our most sincere condolences and prayers to the families of those slain in yesterday’s tragedy,” the four men said in closing. “They will be in our prayers as we continue to work for a strong, safe future for all of America’s children.” White House aide Margaret Spellings, who worked closely on the education bill and would later replace Roderick Paige as Secretary of Education, said, “I think they saw it as a way they could demonstrate to the country that Congress had not been immobilized.”¹⁴⁷

Indeed, the education bill quickly became not just a mammoth overhaul of federal law but also an important symbol of the government’s ability “to work on other issues besides terrorism,” said Representative Robert Andrews, Democrat of New Jersey and a member of the conference committee. “I think it is a sign of

strength in our democracy that we can disagree without being divisive.”

Representative Isakson of Georgia agreed, despite the continuing disagreements over accountability, flexibility, and funding. “I think a lot of those differences will pale in significance to how they would have appeared at a more normal time,” Isakson said. The Big Four met on September 19 in order to begin working out compromises on those issues. Although there was some speculation that Democrats would have to sizably decrease their funding requests in light of the attacks, Kennedy disagreed. “The president will have to make a decision on this,” he said after the Big Four’s meeting. “Obviously things have changed because of this crisis, but the decisions still have to be made.” Kennedy refused to let September 11 become an excuse to do education reform on the cheap.¹⁴⁸

Just how wide the gap remained between different members’ expectations became apparent on September 25, when the full conference committee met for the first time in more than two months. Although all the members pledged to work together and stressed the importance of finishing the bill, as Kennedy said afterwards, “There are differences, and they’re not insignificant.” By this point the dispute over funding was front and center, and a three-way battle had broken out between the White House, Congressional appropriators, and Senate Democrats. The appropriators wanted to add \$4 billion in discretionary education spending to the annual appropriations bill, while the White House resisted adding any new money, although spokesman Ari Fleischer said on September 28 the groups were “very close to an agreement,” possibly signaling that the administration would soon agree to a funding boost. Kennedy, however, had real chutzpah; he led the Democrats in a push for about \$4 billion more than

the appropriators' request, which would raise education spending more than 20 percent from fiscal 2001 to fiscal 2002. "We want to get the good reforms, and we want to be able to help as many children as possible," Kennedy said, but many scoffed at the proposed amount. A Republican House aide said it was "not on the table," and a Democratic aide called it not "within the realm of real possibility."

Had Kennedy gone too far? Far from it, said his aides, who explained that he was simply trying to drive a hard bargain in order to get the highest compromise number possible between the House education bill, which authorized a spending increase of \$5 billion, and the Senate bill, which authorized an additional \$14.4 billion. Kennedy's eye was already looking past the conference committee, which could only authorize the spending, and toward the appropriations process, which would actually provide the funding. Still, Kennedy was therefore getting ahead of the others on the conference committee. "We agreed we were going to finish the policies first" before moving to spending amounts, complained Boehner.¹⁴⁹

The conference committee had met just once since the August recess — a meeting planned for the first week in October had been cancelled — and so most of the negotiating was being done by the quartet of lawmakers. To the distress of state officials and education groups, by October the Big Four had imposed a blackout on their private discussions, refusing to talk about the negotiations. "[A]s those who bear the greatest responsibility for implementing any changes enacted by Congress, we would hope there would be full consultation with the nation's governors prior to any agreements on key issues," the bipartisan leadership of the National Governors' Association wrote in a letter to the

conference committee's members. In defense of the group, Representative Miller said, "We're not ready to throw it out there yet. I think we're on track, but I would not want to predict when we will get there." Representative Timothy Roemer, Democrat of Indiana, added that although he shared the governors' concerns, he and other conferees were being kept well-informed of the talks — further testament to the trust Roemer and others placed in Kennedy.¹⁵⁰

President Bush also pushed the lawmakers to come to an agreement during a 25-minute Oval Office meeting with the Big Four on October 12, the same week the U.S. invaded Afghanistan. It was the president's first meeting with the negotiators since before the attacks; a session scheduled for September 25 had been cancelled. "The president reiterated his desire that we complete this bill this year and we reaffirmed our commitment to getting it done," reported Boehner. "He said it is important to do this to show the country is still dealing with issues that matter in everyday life." The importance of finishing the bill was the one thing on which all the key players were in agreement. "Tough issues remain which the conference committee still has to work out," Kennedy said. "But I'm optimistic that we'll reach a solid compromise that will have broad bipartisan support." Senator Gregg strongly agreed. "The president wants a bill. Everybody in this room wants a bill," he said. "There is a desire to bring this to closure."¹⁵¹

BY THE END OF OCTOBER, four months after the education bill had passed by wide margins in both the House and the Senate, many in Congress were quietly suggesting that it would probably not be finished during 2001. "The world does

not come crashing down if we don't get it done this year," said an aide to Minority Leader Lott. The conferees were adamant, however, that they would get it done. "We're going to finish this bill," Boehner pledged. Steady progress was being made, the conferees reported, citing as an example their having nearly agreed on how much annual improvement failing schools would need to demonstrate to avoid federal sanctions. Further complicating matters was the fact that the Labor-HHS appropriations bill had been written on the assumption that the education reform bill would also pass. Failure to pass the latter would require enormous revisions in the former. Furthermore, Senate Democrats were already complaining that the amount of funding the appropriators planned to provide was insufficient and therefore, suggested Senator Dodd, they "may have to scale back the reforms." It did not help that Kennedy was now splitting his time between the education bill and a \$1.4 billion bioterrorism package he and Senator Bill Frist, Republican of Tennessee, had put together following the attacks. (Not everyone thought the interruptions were a problem, though. "They're just sick of each other," said Amy Wilkins of the Education Trust, a nonprofit organization focusing on poor students. "It almost acts like a cooling-off period. They can just take some time apart from each other and regroup.")¹⁵²

Majority Leader Daschle had delegated the education negotiations almost entirely to Kennedy. Indeed, such was the latter's clout that some Republicans questioned whether Kennedy or Daschle was actually in charge of the Democratic caucus.¹⁵³ They proceeded at a slow but steady pace as the autumn wore on. On October 30 the conferees resolved some of the most contentious issues relating to social policy, prohibiting school districts from banning the Boy Scouts over their

stance toward gays, allowing students to pray voluntarily, and supporting hate crime prevention classes despite the opposition of some conservative groups.

Representative Miller said the agreements “move us rapidly toward the completion of this legislation,” and Kennedy predicted it would be finished before Thanksgiving, saying, “I’m optimistic that if we continue to work well together, we can approve a final bipartisan conference report by the end of the session.” Three major issues remained, however: how much money to give to poor schools, whether or not to make special-education funding into an entitlement, and how much flexibility to give states and districts in spending federal funds.¹⁵⁴

Kennedy and Miller worked to bolster their hand by building a case for increased funding by using the media to increase pressure on the president. On November 20 the pair released a report showing that in 47 states, education spending fell a combined \$10.5 billion since a recession began earlier that year, severely limiting the amount of money states could use to bolster schools. Not surprisingly, the pair recommended that the federal government reduce the gap. “Education is a high priority in Congress and a high priority for the American people,” Kennedy said. “But we need to provide more than lip service in dealing with this challenge. This report will be a wake-up call that persuades both Congress and the administration that greater federal investment is an indispensable part of education reform.” A spokesman for Congressman Boehner responded with the Republican argument: “The education reform bill isn’t just about money. It is about what happens with that money,” he said. “What’s essential is not just that states have new resources, but that they have the

flexibility of using those resources as efficiently as possible.” And so the dance of negotiation continued.¹⁵⁵

On November 21, however, bipartisanship was the order of the day, as President Bush named the Justice Department’s Washington, D.C. headquarters in honor of Senator Kennedy’s slain brother Robert, who served as U.S. Attorney General from 1961 to 1964. *The New York Times* called it “the most public display so far of Mr. Bush’s courtship of the Kennedys.” More than 50 of them gathered for the dedication ceremony, and they gave Bush a standing ovation. “Robert Kennedy was not a hard man, but he was a tough man,” the president said. “He valued bluntness and precision and truth. Those under investigation learned those qualities firsthand.” *Washington Post* columnist Mary McGrory observed, “The renaming of the building was a political event, as anything to do with the Kennedys is. It is variously seen as President Bush making a gesture from one political dynasty to another — or proving the authenticity of his much-noted friendship with Sen. Edward Kennedy.” But Bush denied that the gesture had anything to do with winning support for education reform from Massachusetts’ senior senator. “I’m not quite that devious,” he said. “I’ll get an education bill on its merits, not based upon renaming a building for a great American.” Still, it was clearly a gesture Kennedy would appreciate. More than three decades after their assassinations, the senator remained fiercely proud of his older brothers, frequently invoking their words and legacies from another era to strengthen his arguments in the present.¹⁵⁶

A week later, on November 27, the Big Four reached a tentative agreement on the outstanding issues. Every other year students in the fourth and eighth

grades would be required to take, along with the state-mandated exams, a federal exam to judge progress — although schools would not be sanctioned based on students' federal exam results. The lawmakers also agreed to grant districts the right to move 50 percent of their federal funding between different programs, so long as money for poor students was not impacted. Kennedy and Miller also agreed to launch the proposed pilot program to give seven states and 150 school districts even more flexibility with their federal dollars. This was an important concession from Kennedy, and proof that he understood legislative compromise to be a two-way street. (In 1981, he had said of Reagan's proposal to turn the entire ESEA funding scheme into block grants, "Some say the states should provide for these children, but let us look at the record. The States have had their chance."¹⁵⁷) The agreement left one last major issue on the table: money. Over the next two days, aides for the Big Four worked out an agreement on that, too.¹⁵⁸

Then it almost fell apart. At 6:30 a.m. on November 30, an aide woke Kennedy with a phone call to tell him that a staff meeting had fallen apart, possibly scuttling the chances of the bill getting approved at a full conference committee meeting scheduled for that morning. Kennedy quickly made his way to the Capitol, and by 8 a.m. the Big Four were deep in discussions with White House aides Spelling and Kress — the group's ninth meeting since September. At issue was whether or not religious and community groups should be forced to follow civil rights laws when hiring employees for after-school and summer programs. Unable to reach an agreement, Boehner postponed that morning's scheduled conference committee meeting by an hour, and he asked Kennedy and Miller to move to another room while he and conservative stalwart Gregg

negotiated. The Ohio congressman then moved back and forth between the two rooms until the four reached a deal.¹⁵⁹ Such negotiations are the indispensable but unglamorous leg work that effective legislating requires.

By now the bill negotiations were in the home stretch, with only a few details remaining to be worked out, and on December 12 the conference committee formally approved the conference report. “Kennedy’s legislative skills and backroom maneuvers, shaped by almost 40 years in the Senate, made much of this happen,” wrote *Boston Herald* columnist Wayne Woodlief. Senator John McCain, Republican of Arizona, explained what made the senator such an impressive dealmaker:

Ted always keeps his word. This is essential in a small group of people like the Senate. There is no bullshit with Ted. You know exactly where he is coming from. He does what he says he will do. He is a great listener in a body of poor listeners. This makes it easy to deal with him. Look, I’ve had my fights with him. We disagree on a lot of things. But Ted doesn’t have a mean bone in his body. He likes people. And he doesn’t hold a grudge.¹⁶⁰

That gracious tribute, from a colleague far to his ideological right, sums up Kennedy’s success as well as anything.

Along with the deals on testing, funding flexibility, and a range of small issues, the compromise bill authorized \$26.5 billion for education programs in fiscal 2002. The appropriators agreed to raise total spending by 20 percent, from \$18.8 billion in fiscal 2001 to \$22.6 billion in fiscal 2002. “This is the president’s signature issue. He can claim a big victory,” Kennedy said. “But so we can we, as well as the children.” To put the scale of Kennedy and the Democrats’ negotiating

success in context, Bush had originally sought an increase of just \$685 million — meaning Kennedy and the Democrats had forced him to accept a number 32 times higher than his original preference. Still, Kennedy and Miller had not been completely successful. In the one part of the process they could not control — appropriations — both men were unsuccessful in arguing that the \$22.6 billion appropriated would be too little to help schools reach the tough goals set by the overhaul. That complaint would come back to haunt No Child Left Behind after it had passed, as states and lawmakers, including Kennedy, argued that it was impossible to implement at the president's proscribed funding levels.

The final result brought mixed reviews from education analysts, with some calling it too modest and others worrying that not enough funding would be provided to make the reforms work. Kennedy, however, believed it was a major accomplishment. "This will be one of the most important education-reform bills in the last 25 years. It's probably the most significant advance in public education in that period of time," he said, pointing out that it raised the number of poor students aided by Title I from 4.8 million to 58 million. Immediately, however, he also began to set the stage to fight for more funding increases. "With these reforms," he said, "now we can take what is a national priority and elevate it further in the national dialogue and gain the kind of funding this requires."¹⁶¹ In arguing that more resources would be essential but that the compromise legislation was a good start, Kennedy spoke for both the moderate and liberal wings of the Senate Democratic caucus. He made the same argument in a tense meeting of Senate Democrats, during which they argued over whether or not to support the compromise bill. Liberals, led by Senator Wellstone, argued that

funding needed to be locked in before agreeing to the bill. “Let’s put this in the bank,” Kennedy and the moderates urged, “and work to get more.” That argument — representing the philosophy Kennedy had held throughout his Senate career — carried the day.¹⁶²

On December 13, by a vote of 381-41, the House of Representatives adopted the conference report for HR 1, officially a bill to reauthorize the 1965 Elementary and Secondary Education Act for another six years — or, as it came to be known, the No Child Left Behind Act. Five days later, on December 18, the Senate did the same by a vote of 87-10. Kennedy received the lion’s share of the credit for the only major piece of bipartisan legislation that passed in 2001. “I strongly support the conference report on this education reform bill, and I urge the Senate to approve it,” he said on the Senate floor. Boehner credited the Big Four’s success to “the courage of legislators on both sides of the aisle to challenge conventional thinking and party orthodoxy for the sake of meaningful change.” Still, *Boston Globe* columnist Robert A. Jordan marveled that the bill “includes virtually everything Kennedy wanted.”¹⁶³

President Bush waited to sign the law until the start of the New Year in order to signal a return to domestic priorities from the security issues that had consumed Washington since September 11. He and the Big Four celebrated No Child Left Behind on January 8, 2002, by taking it on a 12-hour road show. In honor of Congressman Boehner, the president signed the bill in Ohio. The group then flew to Pease International Tradeport in Portsmouth, New Hampshire, to visit the University of New Hampshire in Durham. They finished the day in Kennedy’s territory with a 5 p.m. appearance at Boston Latin School, the oldest

public school in the United States, founded on April 23, 1635. “It’s no surprise that he’s coming to Boston to celebrate this significant national accomplishment,” the senator said. “We’re proud that Massachusetts continues to be a leader on public education.”

At the ceremony the pair took turns patting each other on the back. Bush clearly enjoyed playing up his relationship with a political adversary. “I told the folks in the coffee shop in Crawford, Texas, that Ted Kennedy is all right,” the president told the crowd. “They nearly fell out. But I’ve come to admire him. He’s a smart, capable senator. You want him on your side, I’ll tell you that.” Bush even thanked Kennedy for his kindness to the First Lady on September 11. “I want to thank him publicly, in front of his home folks, for providing such comfort to Laura during an incredibly tough time,” the president said. “So, Mr. Senator, not only are you a good senator, you’re a good man.” Kennedy, visibly moved, returned the compliments. “Now,” he said, “we remember the difference it has made this year with your leadership.” Kennedy said Bush “was there every step of the way, making the difference on this legislation.”¹⁶⁴

JUST WEEKS AFTER THE JANUARY signing, Bush sent to Congress a budget that did not provide the new money he had promised Kennedy. Like the original bill’s architect, Lyndon Johnson, Bush quickly learned he could not have both guns and butter. By 2005 Congress had appropriated \$27 billion less than it had authorized to pay for the original legislation, although federal funding for education had increased 30 percent since the law’s passage. The law quickly became a political football, lambasted by governors and state legislators from

Maine to Utah who complained that its mandates could not be achieved without additional funding. “I wish they’d take the stinking money and go back to Washington,” said state Representative Steven Mascaro, Republican of Utah. For his part, Governor John Baldacci, Democrat of Maine, sounded like a revolutionary: “We have to fight back. We have to tell them we’re not going to take it any more.” States began to press for exemptions and interest groups filed lawsuits. And they were not alone — a disillusioned Kennedy quickly joined them. Kennedy said No Child Left Behind “has been underfunded, mismanaged and poorly implemented and is becoming a spectacular broken promise of the Republican administration and Congress.” He added, “America’s children deserve better.” Amy Wilkins of the Education Trust summed up the basic problem. “Passing the bill wasn’t a test of Bush’s commitment to schools,” she said. “It’s implementing the bill that’s the test.”

As an example of legislation, No Child Left Behind was flawed. As an example of Kennedy practicing the art of the doable, however, it was a shining success. Just a few years before the bill passed, many Republicans were calling for the elimination of the Department of Education — including Representative John Boehner, the House Republican with whom Kennedy negotiated so much of the bill. Now the Republican Party had firmly signed on to a larger federal role in education, and agreed that new money must be provided to go along with greater accountability. The enormous margins of victory Kennedy won in the Senate — 91 votes in favor of the initial legislation in June, and 87 votes in favor of the conference report in December — testified to his success at crafting a bill acceptable to conservative Republicans and liberal Democrats alike.

Furthermore, the controversy over the law's implementation did not necessarily reflect poorly on the law itself. "This legislation holds out great promise for education," said analyst G. Gage Kingsbury, director of research at the Oregon Northwest Evaluation Association, in 2005. "But it also has strong requirements and includes a host of provisions that have never been tried on this scale before." Congress's failure to provide adequate funding was a major problem. The fact that it passed No Child Left Behind, however, was an enormous achievement, and Kennedy, a senator for nearly four decades decried as a past-his-prime ideological dinosaur by so many in the U.S., deserved much of the credit. A White House official summed it up: "Kennedy and Miller changed the Democratic Party, and Bush changed the direction of the Republican Party," he said. "That it all happened in one year is remarkable."¹⁶⁵

IV. Iraq: The Oppositional Kennedy

WORKING ON EDUCATION REFORM DURING 2001, Senator Kennedy sought every opportunity to reach acceptable compromises with his conservative colleagues while winning the increased funding he and his fellow liberals prized. Kennedy's quiet, patient negotiating to build a bipartisan coalition and pass No Child Left Behind marked it as one of the great success stories of his career, a prime example of his conciliatory Senate style. The Iraq war was its polar opposite, a powerful example of Kennedy's other Senate style — the oppositional style, mixing impassioned, attention-grabbing rhetoric and legislative maneuvering to impact policy. In the titanic battle over Iraq, Kennedy utilized every senatorial trick at his disposal, from his legislative prowess to his national celebrity, to prevent, limit, and later end, American involvement in a war that was anathema to his views on American power. Furthermore, prior to the invasion as well as during the war, he predicted many of the problems that would plague the American occupation in Iraq. His stances on Iraq from 2002 to 2007 — whether expressed in legislation, speeches, or public statements — were marked by prescience. And although the safety of Kennedy's Senate seat may keep his Iraq stance out of future editions of *Profiles in Courage*, it still earned him scorn and abuse. Yet Kennedy also represents a strong counterargument to the assertion that one cannot support the troops without supporting the war, mixing his

forceful dissent with strong advocacy on behalf of service members. The same deep reserve of human sympathy that animated his fights over Medicare and the minimum wage drove him to battle the administration for more armor and benefits. Having himself lost a brother in combat during World War II, he often stood beside freshly-dug graves at Arlington National Cemetery as families said goodbye to loved ones killed in action. When the history of the Iraq war is written, Kennedy should not simply be included as one among many dissenting legislators. Kennedy has been at the center of the struggle over America's role in Iraq, and his impact has been made using an oppositional Senate style that is the antithesis of his approach toward the same administration over education reform.

Kennedy had been a leading Democratic voice on international affairs since the 1970s. Speaking at Moscow State University in 1974 on human rights abuses, he declared, "I do not believe in silence." Voicing his opinions — whatever they happened to be — was a key part of Kennedy's foreign policy philosophy thereafter.¹⁶⁶ Of course, many other senators also spoke their minds about America's role in the world, but Kennedy's voice was amplified worldwide by his status as the brother of an iconic president, an acknowledged party leader, and (through the mid-1980s) a perennial presidential contender. Furthermore, despite the fact that he did not hold a Foreign Relations Committee seat, when Kennedy traveled abroad he could and did meet with key foreign leaders across the globe.¹⁶⁷

Despite his years of national prominence, Kennedy's role in American foreign policy has been largely overlooked. As his biographer Adam Clymer writes, Kennedy's

almost unnoticed role in foreign affairs runs from Vietnam to the Soviet Union, from Bangladesh to Chile, from Biafra to China, from South Africa to Chile to Ireland. He affected American relations with the world, occasionally through confrontation with the administration of the time, sometimes as a spokesman who conveyed American unity, and consistently as an advocate of the ideals of the Declaration of Independence. He would never grant that the ideas of Philadelphia were too advanced for Soweto, Moscow, Santiago, or Belfast.¹⁶⁸

Kennedy elaborated on his views about foreign affairs in his 2006 book *America Back on Track*. Reflecting on the Cold War, he writes that the U.S. "did not look solely to our armed forces to preserve the peace. We took a much broader worldview and looked toward prevention of conflict as much as toward victory in conflict." He criticizes the second Bush administration and its supporters for "looking backward, not forward. They recognize only one method of leadership — military power — while ignoring diplomacy, economic development, and the protection of human rights." Kennedy stresses that America faces real threats, particularly from terrorism and nuclear proliferation. However, he finds the strategy put forward by the Bush administration to be not only misguided but dangerous. Calling for a renewed commitment to international institutions and alliance-building, he denounces the concept of "preventive war," differentiating it from "preemptive war" to prevent "an imminent attack on our country." He

writes, “The premeditated nature of preventive attacks and preventive wars makes them anathema to well-established international principles against aggression.” The doctrine “is consistent with neither our values nor our national security. It gives other nations an excuse to violate fundamental principles of civilized international behavior, and the downward spiral we initiate could well engulf the whole planet.”¹⁶⁹

ALTHOUGH DURING THE 2002-03 DEBATE over Iraq Kennedy would often be attacked for supposedly lacking sympathy for the victims of the Iraqi regime, he had in fact been active on Iraq human rights issues long before members of the second Bush administration cared about them. After Saddam Hussein ordered the gassing of dozens of Kurdish villages in August 1988, killing more than 5,000 Kurds, the Senate quickly passed legislation to end years of U.S. financial assistance to Iraq and to enact trade sanctions against Hussein’s regime. But the Reagan administration staunchly opposed the bill.³ As the 1988 congressional session came to an end, Kennedy undertook what Peter Galbraith, a former U.S. ambassador and ally of the Iraqi Kurds, called “heroic efforts” to push through the Iraq sanctions bill by stalling administration nominations. But Kennedy was unsuccessful. The bill died, and the following year President Bush’s new administration, which included Secretary of Defense Dick Cheney, doubled U.S. financial assistance to Iraq.¹⁷⁰ That recent history colored Kennedy’s views when Bush launched a war against Iraq following Hussein’s invasion of Kuwait in

³ The administration’s opposition was coordinated by National Security Adviser Colin Powell, who would serve as the second President Bush’s secretary of state during the run-up to the 2003 invasion of Iraq.

August 1990. Kennedy opposed the war — a decision which would be frequently used in attempts to discredit his arguments against the second Iraq war.¹⁷¹

However, Kennedy supported President Clinton's air strikes against Iraq after Hussein evicted U.N. weapons inspectors in December 1998. "Saddam's refusal to cooperate with U.N. arms inspectors must be met with a firm response," Kennedy declared. "I strongly support the president's actions today."¹⁷²

AFTER THE SEPTEMBER 11 ATTACKS, individuals within the Bush administration began to push forcefully for regime change in Iraq, although at first the president brushed them aside to focus on Afghanistan's ruling Taliban regime and the al-Qaeda camps there. On October 7, the day Bush ordered air strikes on Afghanistan to begin, Kennedy stressed that, as in the Cold War, armed conflict was only part of the solution to the terrorist threat. "Many other steps are taking place, including the continuing building of the international coalition against terrorism and the cutoff of their economic network," he noted.¹⁷³ It was a refrain he would repeat often in the years to come. As the Afghan war wound down around the New Year the administration's focus began to shift, and by the following summer there was much talk of war. On August 26, Vice President Cheney delivered an ominous speech in which he declared, "The risks of inaction are far greater than the risk of action." Like many in Washington, Kennedy was surprised and concerned by the administration's bellicosity, and he warned that no action should be taken without the consent of Congress, which Bush agreed to seek a few days later. The senator also referenced a familiar story he would return to often during the Iraq debate. "Forty years ago, we had the Cuban Missile

Crisis,” Kennedy said. “The urgency in Iraq is not more urgent than that which faced us forty years ago.” President Kennedy “presented that evidence and gained overwhelming political support. It seems to me that that’s the clear precedent for this now.” But that was not to be the case.¹⁷⁴

Although Kennedy cautioned patience, he also stressed that if Bush gained Security Council approval and returned to Congress, the president would likely receive broad bipartisan support for taking action. First, however, a case had to be made, and Kennedy warned that the decision to go to war should not be taken lightly.¹⁷⁵ In September, Bush addressed the United Nations, where he detailed the U.N.’s failures and told the world body to act, or else the U.S. would act alone. “We cannot stand by and do nothing while the dangers gather,” Bush warned in his address. “The just demands of peace and security will be met — or action will be unavoidable.” The next day Iraq agreed to admit new weapons inspectors. Kennedy was pleased that Bush was including Congress and the U.N., and as he had with Clinton, the senator backed the president’s strong stand against Iraq. “It was a strong speech,” he said. “The ball really is now in the United Nations’ court.”

Yet Kennedy was far from convinced of the need for military action, as he made clear during a Senate Armed Services Committee hearing on September 19 — the same day Congress received Bush’s two-page proposal for an Iraq war resolution. Kennedy began his remarks at the hearing by observing, “September 11, 2001 has irrevocably changed America’s view of the world.” He agreed that “Saddam Hussein’s regime is a serious danger,” and declared, “Working with the United Nations is the right course.” But then Kennedy gave voice to his doubts:

“As of today, many questions remain unanswered. Is war the only option? How much support will we have in the international community? How will war affect our global war against terrorism? How long will the United States need to stay in Iraq? How many casualties will there be?” Years later the same questions would echo even more strongly, with many wishing they had pressed harder for answers to them before the war was launched. “War must always be a last resort, not the first resort,” Kennedy said.¹⁷⁶

At the same time, many Democrats felt the White House was now deliberately politicizing the debate over national security to gain an advantage in the fall elections. In a speech on September 23 the president asserted, “The Senate is more interested in special interests in Washington and not interested in the security of the American people,” referring to the debate over whether to include collective bargaining rights in the legislation creating the new Department of Homeland Security. Majority Leader Daschle called the president’s remarks “outrageous,” adding, “The president ought to apologize.” When Daschle completed his remarks, Kennedy shook his hand, later telling reporters, “Senator Daschle spoke for all Democrats.” A few days later, on September 27, Daschle announced that the Senate would begin debating a resolution authorizing President Bush to use force against Iraq the following week.

However, Daschle’s announcement was overshadowed. Kennedy had become convinced that the train was fast leaving the station on Iraq, and he was not going to wait any longer to make his views clear. A front-page story in the same day’s *New York Times* carried this preview: “In another sign of unease

among Democrats, Senator Edward M. Kennedy of Massachusetts, who has not spoken out in detail on Iraq, is to make a speech on Friday criticizing the administration's approach and warning that it has not yet made the case for a unilateral strike."¹⁷⁷

KENNEDY'S SEPTEMBER 27 SPEECH AT Johns Hopkins University's School of Advanced International Studies was the first in a series of extended, detailed speeches on Iraq policy he would make over the course of the next five years. On each occasion he used the public platform provided by his fame, his last name, and his growing status as an elder statesman, to critique administration policy and attempt to change the public debate about the war. It had been a long time since senators took to the usually empty Senate floor to change the minds of their colleagues and the nation. The modern Senate is an individualistic institution, and had been so for much of Kennedy's career. "Aware of the contemporary Senate's openness and sensitivity to external stimuli," writes Senate expert Barbara Sinclair, senators "often use the media and other public arenas to influence both their colleagues and other key actors in the Washington policy community." A major policy speech by a major figure like Kennedy on the big issue of the day was bound to get broad attention, and as Sinclair observes, "national media can . . . be extremely useful in pursuit of policy and influence. Senators are aware of the value of media exposure, and when an opportunity for mass media exposure arises, most take advantage of it."¹⁷⁸

It is worth quoting Kennedy's speech at length to examine both the sagacity of his thinking and the ways in which his policy prescription for Iraq

differed from the president's. "America should not go to war against Iraq unless and until other reasonable alternatives are exhausted," Kennedy began. He also took issue with Bush's most recent statements, chiding those who would "poison the public square by attacking the patriotism of opponents, or by assailing proponents as more interested in the cause of politics than in the merits of their cause. I reject this, as should we all." Kennedy continued, "I am convinced that President Bush believes genuinely in the course he urges upon us." However, the president and his supporters must "resist any temptation to convert patriotism into politics. It is possible to love America while concluding that it is not now wise to go to war. . . . We must ask what is right for country and not party."

Kennedy then recalled the previous year's terrorist attacks, and applauded the administration's work in building the coalition to bring down the Taliban. But he worried that "using force against Iraq before other means are tried will sorely test both the integrity and effectiveness of the coalition." He also warned that "the administration is shifting focus, resources, and energy to Iraq," and was doing so "before we have fully eliminated the threat from Al Qaeda . . . and before we can be assured that the fragile post-Taliban government in Afghanistan will consolidate its authority."

"America has lasting and important interests in the Persian Gulf," he said, and "Iraq poses a significant challenge to U.S. interests. There is no doubt that Saddam Hussein's regime is a serious danger, that he is a tyrant, and that his pursuit of lethal weapons of mass destruction cannot be tolerated. He must be disarmed." The question, however, was how to accomplish that goal: "How can we best achieve this objective in a way that minimizes the risks to our country?"

How can we ignore the danger to our young men and women in uniform, to our ally Israel, to regional stability the international community, and victory against terrorism?”

“[T]he administration has not made a convincing case that we face such an imminent threat to our national security that a unilateral, pre-emptive American strike and an immediate war are necessary,” he declared. Administration officials had failed to detail “the cost in blood and treasure” of war, or “the immense postwar commitment that will be required to create a stable Iraq.” Furthermore, thus far the debate had set up a false premise: “There are realistic alternatives between doing nothing and declaring unilateral or immediate war. War should be a last resort, not a first response.”

Kennedy argued that “the threat from Al Qaeda is still imminent,” and that U.S. efforts to fight terrorism and rebuild Afghanistan would be undermined by invading Iraq. Kennedy also said it was “an open secret in Washington that the nation’s uniformed military leadership is skeptical about the wisdom of war with Iraq,” worrying that it would overstretch the military’s resources. Kennedy warned of the danger of a “largely unilateral American war that is widely perceived in the Muslim world as untimely or unjust.” It “could swell the ranks of Al Qaeda sympathizers,” he cautioned, quoting Armed Services Committee testimony by Generals Joseph Hoar and Wesley Clark that a war in Iraq would, in Clark’s words, “super-charge recruiting for Al Qaeda.”

Kennedy then turned to the administration’s central argument for war. “We have known for many years that Saddam Hussein is seeking and developing weapons of mass destruction,” he said, pointing out that the intelligence

community was issuing similar warnings about other nations. “But information from the intelligence community over the past six months does not point to Iraq as an imminent threat . . . or a major proliferator.” Hussein’s dangerous intentions and flouting of U.N. resolutions were “unacceptable, but it is also possible that it could be stopped sort of war.” Kennedy had seen “no persuasive evidence” that the U.S. could no longer deter Hussein; that Iraq would soon acquire nuclear weapons after twenty years of trying; that Hussein would transfer weapons of mass destruction to terrorists; or that Iraq was in league with al-Qaeda. Kennedy why the administration was going after Iraq, rather than Iran, with the latter’s closer ties to terrorism and known nuclear weapons development program. Furthermore, a truly “pressing risk of proliferation” came from “Russian’s stockpile of weapons of mass destruction. America spends \$1 billion a year to safeguard those weapons. Yet the administration is preparing to spend between one and two hundred billion dollars on a war with Iraq.”

“I do not accept,” Kennedy declared, “that trying other alternatives is either futile or perilous Indeed, in launching a war against Iraq now, the United States may precipitate the very threat we are intent on preventing.” As for the war itself, he saw “no persuasive evidence” that the military’s goals could be accomplished with air strikes alone. He warned that the Iraqi military “may well abandon the desert, retreat to Baghdad, and engage in urban, guerilla warfare.” And if Iraq were to fall into chaos, “that would represent a fundamental threat to Israel, to the region, to the world economy and international order.”

Kennedy went on to express his deep concern for the “soldiers, sailors, airmen and Marines,” as well as Reservists and National Guardsmen, “serving

their country with great distinction. If we embark upon a premature or unilateral military campaign against Iraq, or a campaign only with Britain, our forces will have to serve in even greater numbers, for longer periods, and with greater risks. Our force strength will be stretched even thinner.” If war must come, “the burden should be shared with allies — and that is less likely if war becomes an immediate response.”

Still, Kennedy applauded the president, calling his speech to the U.N. “powerful” and “persuasive.” However, he warned the president to give more than lip service to inspections, calling for a tough Security Council Resolution requiring Iraq to allow inspectors back in within a month or face military action. Kennedy reminded the audience that the inspections which took place through 1998 had “succeeded in virtually eliminating Saddam’s ability to develop a nuclear weapon” and “resulted in the demolition of large quantities of chemical and biological weapons. By the time the inspectors were forced out . . . they had accomplished far more disarmament than the Gulf War itself. And before going to war again, we should seek to resume inspections now — and set a non-negotiable demand of no obstruction, no delay, no more weapons of mass destruction in Iraq.”

Kennedy characterized this as a win-win scenario: “What can be gained here is success — and in the event of failure, greater credibility for an armed response, greater international support, and the prospect of victory with less loss of American life. So what is to be lost by pursuing this policy before Congress authorizes sending young Americans into another and in this case perhaps unnecessary war?” He once again stressed that he supported the president’s goal

but the time for war had not arrived. “The evidence does not take us there; events do not compel us there — and both the war against terrorism and our wider interests in the region and the world summon us to a course that is sensible, graduated, and genuinely strong.” He closed by once again recalling his brother’s patience during the Cuban missile crisis. “In 2002, we too can and must be both resolute and measured,” he said. “Now, on Iraq, let us build international support, try the United Nations, and pursue disarmament before we turn to armed conflict.”¹⁷⁹

AS ONE OF THE FIRST CLEAR calls for restraint in dealing with Iraq, Kennedy’s speech reverberated across the country and around the world. This was certainly his intention. In her book *The Transformation of the U.S. Senate*, Barbara Sinclair observes that the rise of mass media during the second half of the twentieth century changed the policy process, and made the effective use of media outlets a key resource for policymakers who, like Kennedy, sought to impact the national political debate. “Most if not all the participants in the policy process have strong incentives to attempt to use the media to focus attention, to shape debate, and to build pressure toward action,” Sinclair writes. Furthermore, media prominence can “offer the senator the opportunity to further publicize the issue, to attempt to shape the debate on it, and to stimulate pressure toward action.”¹⁸⁰ In the fall of 2002, the debate over Iraq was consuming much of the media’s attention, increasing the need for credible anti-war leaders. Kennedy filled that role. In an essay critiquing television coverage of the Iraq debate, Columbia professor Todd Gitlin, a prominent media critic, noted that Kennedy’s

“dissent . . . did get excerpted on the network news, as Sen. Robert Byrd’s did not. Kennedy is a newsmaker, after all.” Indeed, as congressional scholar Timothy E. Cook has observed, “senators are not equal in the eyes of journalists. The national news gravitates toward party leaders, leaders of committees that are prestigious or that control newsworthy jurisdictions, senators from large states, and legislative activists.” Kennedy fit both the first and last categories — but, unlike many of his colleagues, Kennedy was a national celebrity independent of his leading political status. Therefore, he could use his fame to draw attention to anti-war arguments — something he did first with his September 27 speech and would continue to do in the years that followed. Senator Byrd, despite being the only senator more senior than Kennedy, could not match him in notoriety.¹⁸¹

Many liberals applauded Kennedy’s stance both publicly and privately, while conservatives were for the most part dismissive; Representative Tom DeLay, Republican of Texas and House Majority Whip, said following Kennedy’s strategy would be “a foolish blunder.” On television news programs that night the speech was excerpted and dissected. All three major network evening newscasts featured parts of the speech. National Public Radio’s popular nightly news program *All Things Considered* excerpted portions, as did PBS’s *The NewsHour with Jim Lehrer*. The latter program also featured political analysis from syndicated columnist Mark Shields and *New York Times* columnist David Brooks. Although a conservative, Brooks praised the speech:

To me, the [week’s] most important [Iraq] speech was Kennedy’s. I think it was the first time a major Democratic politician gave a very good, a very professional speech against the President’s policies. He uttered the arguments very well that you have to

make if you are against it, that we can deter Saddam, that inspectors will work, that if we go in there, it will unleash a whirlwind. I thought it was a very competent, very professional speech.

Later in the discussion, Brooks again commended Kennedy for “tackling the issues,” comparing him unfavorably to Majority Leader Daschle. Brooks also predicted, incorrectly, that the president and the senator would find common ground. “I have to say, as I look at Ted Kennedy on one side and George Bush on the other,” he said, “I really can foresee us getting to a median point, which you might call the ultimatum policy, where the U.N. gives an ultimatum: three weeks, six weeks, full inspections, full disclosure or there’s war. That’s a policy that both George Bush and Ted Kennedy from the speech today can sign on to and that may be where we end up.”¹⁸² After their successful collaboration on No Child Left Behind the previous year, Brooks’ prediction was not necessarily a silly one. This time, however, the administration had no interest in compromise with Kennedy or anyone else.

Kennedy’s speech also received extensive attention on the cable news networks. On CNN and MSNBC, it was mostly reported straight, with little commentary — although MSNBC’s Chris Matthews pointed out that Kennedy’s was “not exactly a far out position.” The right-leaning network Fox News, however, spent a considerable amount of time dissecting both Kennedy’s speech and Kennedy, a reminder of how important the senator’s personal life remained in conservative debates about him. “What if Ted Kennedy’s wrong? What does it mean for the world?” asked Fox News host Sean Hannity. “Ted Kennedy was wrong on voting for a nuclear freeze in the 1980s when Reagan was ending the

Cold War.” David Corn, a writer for *The Nation*, responded that Kennedy was not alone in his concerns. “Ted Kennedy says the same thing a lot of other people say,” Corn said. “So it doesn’t matter that it’s coming from Ted Kennedy’s mouth.” Hannity’s liberal co-host, Alan Colmes, pointed to the key problem for Kennedy, illustrated by the Fox News discussion: “[W]hen Kennedy says it, you get into these personal attacks because you don’t like the baggage these people in your view bring to the table,” Colmes said. “So you attack them personally.” On Fox News’s *Special Report with Brit Hume*, guest host Tony Snow — who in 2006 would become Bush’s press secretary — interviewed American Enterprise Institute scholar Fred Kagen, who would later provide the intellectual foundation for the president’s 2007 troop increase. “I think, first of all, it’s very important to remember something, which is if it had been up to Senator Kennedy, Kuwait would still be the 19th province of Iraq,” he said, using Kennedy’s opposition to war in 1991 in an attempt to delegitimize the senator’s position in 2002. No mention was made of Kennedy’s call for tough enforcement of U.N. sanctions, although it is doubtful such a policy would have found a sympathetic hearing on the network. “I don’t find his case to be very persuasive. . . . I’m not sure what smoking gun Senator Kennedy wants beyond the fact that we know for sure that Saddam Hussein is making every effort to make these weapons,” Kagen said, accusing Kennedy of “misphrasing the issue.” The most extreme comment, however, came from the vituperative right-wing commentator Ann Coulter, who accused Kennedy of representing “the treason lobby.”¹⁸³

The next morning, Kennedy’s speech made headlines from coast to coast and around the world, a further testament to his continuing stature in American

politics after four decades in public life. The speech was the lead story on the front page of the nation's most influential newspaper, *The New York Times*, and it also made the cover of Kennedy's hometown papers, *The Boston Globe* and the *Boston Herald*. Most other newspapers covered the speech, too, from *The Atlanta Journal-Constitution* to the *Milwaukee Journal Sentinel* to the *Sacramento Bee*. Outside the U.S., *The Irish Times'* Conor O'Cleary wrote of Kennedy's "powerful liberal voice," while in Canada *The Globe and Mail* called it "a bold call for restraint amid the heady clamour of war."¹⁸⁴ Editorialists also took note of Kennedy's speech. The *New York Times* editorial board called Kennedy's speech "a robust and eloquent appeal for caution If a confrontation becomes unavoidable, Mr. Bush will be in a much stronger position if he has the support of the Security Council and Congressional Democrats like Ted Kennedy." Wayne Woodlief of the *Boston Herald* wrote that Kennedy "set the right tone for the imminent debate in the Senate." *Toronto Star* editorial page editor emeritus Haroon Siddiqui declared that "Kennedy demolished every one of Bush's rationales for war."¹⁸⁵

Still, conservative columnist Robert Novak wrote that Kennedy was "viewed by mainstream colleagues as toying with electoral disaster." Yet even Novak begrudgingly credited Kennedy with providing "a more sophisticated critique" than former Vice President Gore, who had also made a major speech opposing an invasion that week. (However, Novak added that "the party's mainstream is not prepared to follow Mr. Liberal.") *The Washington Post's* hawkish editorial board, on the other hand, derided Kennedy and other critics: "One striking feature of the criticism of President Bush's Iraq policy is the absence of suggested alternatives,"

The Post wrote, in a blatant misstatement of Kennedy's policy. "In other words, these leading Democrats argued that the president should do exactly what he is doing . . . only not now, or not so fast."¹⁸⁶ *The Post's* critique, however, was rather unsophisticated; Democrats were indeed arguing that Bush should follow a U.N.-first approach, but they also understood that he had little real interest in seriously pursuing the U.N. path. *The Post* either failed to understand that, or — more likely — willfully ignored it. Considering its reputation as a liberal editorial page, this shows just how steep a hill Kennedy and others had to climb in any attempt to slow the march to war.

The two most thorough examinations of Kennedy's September 27 speech came from *The Globe's* Thomas Oliphant, who liked it, and *The New Republic* magazine's editor-at-large, Peter Beinart, who did not. As the nation's leading liberal journal, *The New Republic* played an influential role in forming the opinions of the political elite, and each week Beinart penned its venerable "TRB from Washington" column. "Give Ted Kennedy credit," wrote Beinart, who was then staking out a hawkish position on Iraq which he would later come to regret. "By clearly outlining his reasons for opposing war with Iraq, he's creating the debate that many others in his party have been simultaneously debating and ducking." However, "just because he's fostering that debate doesn't mean he's winning it. Or that he deserves to." Beinart took Kennedy's declaration that should war come "the burden should be shared be with our allies" to mean that "if Jacques Chirac won't support an attack, neither will the senior senator from Massachusetts." Considering the unpopularity of France at the time, linking Kennedy's foreign policy views with those of the Elysée Palace was not meant as a

compliment. Beinart called Kennedy “disingenuous” for arguing “that war with Iraq would undermine the unfinished war on terrorism” because, Beinart argued, Kennedy “would almost certainly oppose war with Iraq even if the war on terrorism didn’t exist” — a strange argument, implying that Kennedy was using the war on terror as a convenient excuse to advance a pacifist agenda rather than as a serious national security imperative in danger of being overlooked.

From there, Beinart’s argument departed further and further from reality. He called Kennedy’s argument that America did not “have the resources” to fight successfully in both Afghanistan and Iraq “unconvincing” — by the columnist’s calculations, the number of troops needed was “not even close” to overstretching the U.S. armed forces. “The war on terrorism may be a massive undertaking politically, but Kennedy’s argument ignores the fact that in strictly military terms, it’s puny.” Beinart also ridiculed Kennedy’s argument that a war in Iraq would be a P.R. disaster for the United States, arguing that “while Al Qaeda might be stronger during a war with Iraq, it would probably be weaker after one.” Furthermore, he wrote, “Once we win — which pretty much everyone concedes we will — the anti-American protests will end. . . . And the image of the United States suffocating the Iraqi people through sanctions . . . will likely be replaced by images of American GIs being welcomed as liberators,” although “an American peacekeeping forces in Iraq could generate Arab resentment.”

In hindsight, Beinart’s arguments look woefully misguided and painfully naïve. *The Globe’s* longtime political writer Thomas Oliphant, on the other hand, saw merit in Kennedy’s speech. Like others, he began by comparing the senator favorably with Al Gore, writing that Kennedy

managed to purge his rhetoric of anti-George Bush hyperbole so that attention might focus on what he thinks the American course of action toward Iraq ought to be. And unlike President Bush, Kennedy has managed to think through the issue with enough discipline to support the president's speech to the United Nations this month with more clarity and effectiveness than Bush himself has been able to do. . . . Kennedy has shown it possible to shed light on a matter of too much seriousness to remain in the hands of noise-makers and name-callers. He also illuminated where consensus can be found and where it remains elusive.

Oliphant went on to give a summation of Kennedy's position, and noted, "His reasoning is as much pragmatic as it is principled. To an experienced politician like Kennedy, it makes little sense to insult the body you are trying to convince" — in this case, the United Nations.¹⁸⁷

Indeed, Oliphant's argument could be taken further. Kennedy's attempt to build a pragmatic consensus on Iraq represented the synthesis of all the lessons he had learned during his four decades in the Senate: the need for an effective policy; the imperative of building coalitions at home and abroad; the importance of finding middle ground with ideological opposites; the requirement to avoid military action except as a final resort; and, above all, the obligation to take into account a policy's human impact. This was leadership as Kennedy understood it, speaking unpopular truths at a time when they could still make a difference. Most of his critics, blinded by war fever, failed to understand this or see the merit in such leadership.

After the speech, however, the senator remained realistic about the political situation. "They've got the votes," Kennedy said of the administration. "They

don't have to negotiate." He expected to be one of about 20 senators opposing the president's resolution. Indeed, *Congressional Quarterly* reported that congressional leaders' "goal is to write a resolution that would give the current President Bush the broad, bipartisan endorsement to launch military action that his father never received." Further complicating the situation for those trying to slow the march to war was a lack of sustained attention to anti-war views from the news media. (Of course, this made the level of attention Kennedy received even more remarkable.) Michael Getler, *The Washington Post's* ombudsman, wrote on October 6 that Kennedy's September 27 speech had "laid out . . . arguably the most comprehensive case yet offered to the public questioning the Bush administration's policy and timing on Iraq." Yet *The Post* devoted only a single sentence to the speech buried inside another article. "Ironically," Getler added, "Kennedy made ample use in his remarks of the public testimony in Senate Armed Services Committee hearings a week earlier by retired four-star Army and Marine Corps generals who cautioned about attacking Iraq at this time — hearings that *The Post* also did not cover."¹⁸⁸ This failure to be heard in major media outlets presented a major problem for Kennedy and the war's other opponents, and one that would remain long after the conflict began. It was only after the American-led coalition had suffered repeated setbacks that such views began to be aired more widely.

THE SENATE DEBATED IRAQ DURING the first week of October. Senators worked feverishly to come together on a resolution acceptable to both the White House and a majority of members. (Kennedy, ever the dealmaker, tried unsuccessfully to

set up meeting of Senate Democrats to write a unified proposal.) When the debate began on October 4, Kennedy led the charge against the White House resolution. His speech on the Senate floor echoed his September 27 address at Johns Hopkins. “There is clearly a threat from Iraq. And there is clearly a danger,” he said. “But the administration has not made a convincing case that we face such an imminent threat to our national security that a unilateral preemptive American strike and an immediate war are necessary.” Kennedy’s emphasis on the U.N. was challenged by Senator John Warner, Republican of Virginia, the patrician ranking Republican on the Armed Services Committee. “We cannot let the United Nations think in any way they can veto the authority of this president or the ability of this nation to defend itself,” Warner declared. “I hope that the senator was not suggesting that in any way.” Kennedy responded, “If there is a clear and present danger to the United States and an immediate threat, obviously the president has the right to act and should act, but that is not what we have here.”¹⁸⁹ This was a variation of Robert Tucker’s concept of “creative leadership.” September 11 had created new national security concerns for America, but unlike those in the White House and many of his colleagues, Kennedy was not following past solutions that would not be viable this time.

The following day Kennedy spoke at the American Academy of Arts and Sciences in Cambridge. In a passionate address he decried the Bush Doctrine of preventive war and the “unilateralism run amok” that defined the administration’s foreign policy. “I strongly oppose such extreme doctrine,” he said. “Might does not make right. America cannot write its own rules for the modern world.” Kennedy again looked back to his brother’s defusing of the

Cuban missile crisis. “Earlier generations of Americans rejected preventive war on the grounds of both morality and practicality and our generation must do so as well,” he declared. The morning after his speech Kennedy appeared on CBS’s *Face the Nation* program to reiterate his criticism in front of the program’s millions of viewers. Meanwhile, the strong criticism from Kennedy and others seemed to be having some effect on Bush. The president began to downplay the goal of removing Hussein and instead play up the importance of disarming his regime. He also called war a “last” resort, and scheduled a prime-time television address to rebut his critics.¹⁹⁰

As the debate came to a head in the Senate over the course of the next week, Kennedy and Senator Byrd took to the floor each day in a desperate attempt to stop the resolution. But the mix of political pressure and pernicious patriotism proved too strong. At 1:15 a.m. on October 11, hours after the House gave its assent, the Senate voted 77-23 to authorize President Bush to use the military “as he determines to be necessary and appropriate” to defend the U.S. against “the continuing threat posed by Iraq,” and to enforce “all relevant” Security Council resolutions. Kennedy voted no, thundering, “The power to declare war is the most solemn responsibility given to Congress by the Constitution. We must not delegate that responsibility to the president in advance!” The next morning’s edition of *The Washington Post* commented, “Not since Congress passed the 1964 Gulf of Tonkin resolution . . . has a president won such broad and flexible authority to carry out an undefined military operation.” Kennedy had voted for the Gulf of Tonkin resolution, and regretted it for the rest of his life.

The Iraq resolution split Senate Democrats, with 29 for and 21 against, and Kennedy found himself on the opposite side of some of his own protégés, including Senators Clinton and John Edwards of North Carolina. Even more poignant was the pro-war vote cast by Kennedy's own son, Representative Patrick Kennedy of Rhode Island. "We have very little understanding about the full implications," the father told reporters grimly after the resolution had passed.¹⁹¹ It was, if anything, an understatement.

ON NOVEMBER 5, THE REPUBLICANS won an expanded majority in the House and regained control of the Senate. "The Iraq card had been played successfully," a rueful Kennedy would later say. Shortly thereafter the U.N. Security Council passed a resolution demanding that Saddam Hussein disarm or face war. Bush hailed the move, while Kennedy continued to temper his support for a strong U.N. stance with notes of caution: "I commend the administration for working with the United Nations to deal with Iraq," he said. "The successful negotiations show that it is possible to work effectively with other countries to build a consensus for action." But, he added, "If inspections fail, we must continue to work with the Security Council to develop broad support for further action to eliminate the threat from Iraq."¹⁹²

As 2003 began, Kennedy was unbowed despite being back in the minority. During a January 19 appearance on ABC's *This Week*, one day after tens of thousands of anti-war protesters marched on Washington, Kennedy asked, "Why pull the trigger on war today when you have very important needs here at home in terms of homeland security? Why rush to war?"¹⁹³ The next day he gave his

widely-covered agenda-setting annual address at the National Press Club, castigating the White House's domestic and foreign policies. Analyzing the November election results, Kennedy warned his fellow Democrats, "The lesson of 2002 is clear: We will not succeed if we fail to stand up and speak out." He declared, "This is the wrong war at the wrong time," and warned it would "disturb America from the two more immediate threats to our security — the clear and present danger of terrorism and the crisis with North Korea."

The National Press Club speech made another splash, although a somewhat lesser one than his Iraq address the previous September. "The critique was one of the broadest and sharpest attacks on Bush policies since the president took office two years ago," wrote *The Washington Post's* veteran correspondent Helen Dewar, "and had particular significance because it came from one of the Democrats' most powerful figures on Capitol Hill." David Firestone of *The New York Times* agreed, writing the next day, "Kennedy's broadside was one of the most forceful Democratic denunciations of the administration's conduct of foreign policy since Sept. 11." Although the *Boston Herald* editorial board, one of Kennedy's most frequent critics, accused him of "a kind of in-your-face arrogance," in the same paper columnist Wayne Woodlief defended him. "You can call him quixotic, brand him a big spender, claim he's out of touch," wrote Woodlief. "But nobody can shut him up in the face of conduct that he avers." Kennedy's views were not making him popular, but his deep concerns and the imperatives of leadership required him to share them. On the front page of *The Boston Globe*, however, Kennedy's substantive remarks were overshadowed by his announcement, which came in response to an audience member's question,

that he would support his fellow Massachusetts Senator John Kerry for president in 2004. Kerry's run would consume much of Kennedy's time throughout the next two years.¹⁹⁴

In a January 24 interview with *Globe* editors that coincided with a speech Kennedy gave at the Kennedy School of Government, the senator continued to criticize Bush's "chip-on-the-shoulder foreign policy." But more intriguing was a statement buried deep in the 600-word piece: "He told *Globe* editors he had received an official briefing Thursday that led him to conclude Iraq does not have the capability to make nuclear weapons." Coming nearly two months before the invasion, and long before most in Washington accepted that Iraq had not possessed such a capability, this conclusion was a startling and courageous one to air publicly. Kennedy "conceded Iraq may have chemical and biological weapons, [but] he warned against rushing into a conflict." Both statements provide a further reminder that to a seasoned intelligence consumer like Kennedy, the case on WMDs was far from airtight. On military matters, as well, Kennedy's views went against the prevailing wisdom yet usually proved more astute than the Pentagon's. He told *Boston Herald* reporters and editors that he disagreed strongly with the hawks' predictions that "it'll be an easy walk, over in three or four days," and warned the aftermath of conflict "could be hugely complicated in many ways." He had not forgotten the overoptimistic and misleading portraits of Vietnam that the Johnson and Nixon administrations had painted.¹⁹⁵

President Bush renewed the push for war during his State of the Union address on January 28, warning that Hussein "clearly has much to hide." Kennedy, however, had developed a new plan to restrain the president. Always on

the lookout for a legislative solution, he announced that he would introduce a Senate resolution requiring Bush “to come back to Congress and present convincing evidence of an imminent threat before we sent troops to war in Iraq.” He asserted that conditions had changed since the previous October, and charged that Bush “did not make a persuasive case that the threat is imminent and war is the only alternative.” However, Senator John McCain, Republican of Arizona, spoke for most of his colleagues and dismissed the idea, retorting that Kennedy and others had had “ample time” to make their case during the previous fall’s debate. McCain, a sometime ally of Kennedy before and after the invasion, this time derided him on the Senate floor: “The senator from Massachusetts apparently believes we should revoke the authority of the commander in chief.” Senator Pete Domenici, Republican of New Mexico, charged that “Democrats, many of them, should be ashamed of themselves.” Other than Senator Byrd, most of Kennedy’s Democratic colleagues distanced themselves from his proposal — including both Minority Leader Daschle and Kennedy’s Massachusetts colleague John Kerry, who argued Kennedy’s proposal could unhelpfully distract the president. “Kennedy’s idea will not pass,” declared Senator Joseph Biden, Democrat of Delaware.¹⁹⁶

Yet Kennedy was undeterred by his colleagues’ lack of support. He was only growing more disturbed by a reckless administration set to wreak heavy damage on world stability. On January 31 he published an op-ed in the *Los Angeles Times*, warning the administration not to use nuclear weapons against Iraq. Such an action would make the U.S. “a symbol of death, destruction and aggression” around the world, he wrote. “By raising the possibility that nuclear weapons

could be part of a first strike against Iraq, the administration is only enhancing its reputation as a reckless unilateralist in the world community.” His lonely stand occasionally earned him praise. The *Pittsburgh Post-Gazette* editorial board wrote that “the only strong voices in the Senate that have spoken out against the rush to war are those of” Kennedy and Byrd, comparing them to the late Senator J. William Fulbright, Democrat of Arkansas, who during the 1960s had chaired the first hearings critical of the Vietnam War. But it also made him the target of derision and sharp attacks. Noemie Emery, a contributing editor to the neoconservative journal *The Weekly Standard*, excoriated Kennedy for his Iraq stand. She linked his views with those of his father, the late Joseph P. Kennedy, who backed appeasement while serving as President Roosevelt’s ambassador to Great Britain during the late 1930s, arguing that Britain was doomed and Hitler must be accepted. “After a 60-year detour, Ted Kennedy has brought the famous family name back around to where his father disastrously left it: a name that stands for retreat and bad judgment,” Emery wrote. “Appeasement, it seems, is a recessive gene that afflicts only some among family members. Ted Kennedy is not his brother’s brother, but he is his father’s son.”¹⁹⁷ No matter how many years had passed, Kennedy could not be separated from the legacy of his famous family, although usually he turned this into an asset, drawing on Americans’ endless nostalgia for Camelot.

On February 5, Secretary of State Colin Powell made a highly publicized presentation to the United Nations, using reams of questionable C.I.A. intelligence to outline the administration’s case for war. “We know that Saddam Hussein is determined to keep his weapons of mass destruction; he’s determined

to make more,” Powell concluded. “Should we take the risk that he will not someday use these weapons at a time and a place and in a manner of his choosing, at a time when the world is in a much weaker position to respond? The United States will not and cannot run that risk to the American people.” The closely-watched speech drew a subdued response from Kennedy. While allowing that Powell “made a very convincing case today that Saddam Hussein is a deceptive and ruthless dictator, and is concealing weapons of mass destruction,” Kennedy argued at a press conference that afternoon, “He didn’t tell us anything we didn’t already know.” Once again Kennedy raised the questions he had been asking all along. “What are going to be the human costs in terms of this conflict and the war, and in human terms, what will be the creation of refugees?” he asked. (In late 2006 and early 2007 Kennedy would begin to draw attention to and chair hearings on the massive Iraqi refugee crisis that developed during the war.) He also made a security argument: “How can we fight a war in Iraq and deal effectively with the obviously urgent crisis over nuclear weapons in North Korea, the ongoing and growing threat from international terrorism, and the increased terrorist threat that could result from war?” (In October 2006, North Korea exploded its first nuclear weapon.) He also stated flatly, “The case has not been made linking Iraq to al-Qaeda.” (A February 2007 report by the Department of Defense inspector general called reports of such links “inappropriate” and unfounded.) But Kennedy also addressed critics who charged him with downplaying or ignoring threats to American security. “I’ve never questioned that we live in a dangerous world,” Kennedy said. “We all agree that Iraq must be disarmed. The question is how to do it in a way that minimizes the risk to the

American people at home and our troops abroad.”¹⁹⁸ His nuanced argument was falling on deaf ears.

On February 8 Kennedy took to the pages of *The Boston Globe* in an op-ed headlined “Level With Us, Mr. President.” He began, “It is far from clear that war is in our national interest now,” and then spelt out his concerns yet again:

We will certainly win the war, but how do we win the peace if there are massive civilian casualties, if factional fighting fractures Iraq, if food, water, and medicine are in short supply and millions of Iraqis are displaced from their homes, or if a new wave of terrorism erupts against America as an occupying power, or because of the war itself? . . . There are real dangers that the administration has minimized or glossed over . . . Billions of dollars and years of commitment may well be needed to achieve a peaceful postwar Iraq, but the American people still do not know how that process will unfold and who will pay for it. . . . Before pulling the trigger on war, the administration must tell the American people the full story about Iraq. So far, it has not.

He repeated that argument over and over until the invasion, in venues such as the Senate Armed Services Committee and in interviews with reporters.⁴ Kennedy and others criticized the administration’s continued refusal to provide even broad estimates of the war’s expected cost. By mid-February, *Congressional Quarterly* described Kennedy and other war opponents as “scrambling desperately — and with little success — for ways to slow President Bush’s march to war.”¹⁹⁹

⁴ He skipped a planned appearance on *This Week with George Stephanopoulos*, however, when he learned that French Foreign Minister Dominique de Villepin, a vocal administration critic, would also be appearing. Kennedy feared that his views would be associated with those of the French government.

On March 4, Kennedy made one final address arguing against war. Speaking to the United Methodist Church Legislative Conference, he argued that “al-Qaeda — not Iraq — is the most imminent threat to our national security.” He laid out the complete anti-war case, charging the president with a “single-minded rush to war” and “a chip-on-the-shoulder, my-way-or-the-highway policy.” Referring to a presidential speech the previous week on postwar Iraq, Kennedy said Bush “painted a simplistic picture of the brightest possible future — with democracy flourishing in Iraq, peace emerging among all nations in the Middle East, and the terrorists with no place of support there. We’ve all heard of rosy scenarios, but that was ridiculous.” War would diminish the U.S.’s ability to protect itself at home and distract it from more pressing challenges such as terrorism and North Korea, Kennedy argued. He disputed administration officials’ assertions that the liberation of Iraq would be similar to Paris in 1944:

The vast majority of the Iraqi people may well want the end of Saddam’s rule, but they may not welcome the United States to create a government in our own image. Regardless of their own internal disagreements, the Iraqi people still feel a strong sense of national identity, and could quickly reject an American occupation force that tramples on local cultures.

He went on to foreshadow, among other things, the ethnic conflicts that would eventually send the Iraqi state into a spiral of chaos and anarchy; the need for many more troops than the administration was planning to send; and the massive humanitarian costs of the war. Kennedy ended by saying bluntly, “[T]his is an unnecessary war.”²⁰⁰

Kennedy's warnings went unheeded, although they continued right up to the days before the U.S. invasion. "As long as the inspectors are on the ground making progress, I continue to believe we should not be pulling the trigger of war," he said on March 17, only 48 hours before the war began. On the day before the invasion, however, Kennedy gave the first signal of what he would do once it started. Calling it the "least we can do," he introduced the Reserve Health Insurance Coverage Bill to assure that families of reservists and National Guard members would continue to receive health coverage despite being called for active duty. "Our men and women in uniform are working and training hard for the serious challenges before them," he said. "They are living in the desert, enduring harsh conditions, and contemplating the horrors of the approaching war. At the same time, they must put their lives on hold, dealing with family crises by phone and email. We must do our best to take care of those they have left at home." It would become a familiar refrain. Although he never ceased his fierce opposition to the president's policies in Iraq, from the start of military hostilities on, Kennedy would work tirelessly in the Senate to ensure that servicemen and women received benefits such as better armor and health care.²⁰¹

THE WAR IN IRAQ BEGAN during the late hours of March 19. "At this time of national crisis, our troops must know that their nation is behind them, they are forever our heroes, and have our full support," Kennedy said that night. "I pray that they return safely to their families and loved ones." The next day he voted in favor of a Senate resolution praising the president and the troops. Kennedy

noted, “There are a number of issues which are out there that surround this conflict, but there should be one message from the House of Representatives and the Senate of the United States, and that is that all of us are united behind our service men and women tonight.” He did not, however, shy away from criticizing the Republican leadership for bringing a vote on the president’s half-trillion-dollar tax cut bill that same week. “Now, when there’s a time of national unity behind the servicemen, we’re going to be forced to vote on these issues,” Kennedy said angrily.²⁰²

During the first weeks of the war Kennedy, like other lawmakers, received classified daily morning briefings from Pentagon officials on the progress of the war, though he complained that the presentations were “very similar” to those given publicly at Central Command in Qatar. He also visited 1,000 National Guard troops at Otis Air Force Base on Cape Cod and told them, “We’ve always been proud of you, and we’re prouder than ever now,” adding, “You hear a lot about our division and partisan debate in Congress, but we act together when your needs and your families’ needs are at stake.” And he closed with a heartfelt statement: “Thank you all for your service. Thank you for your sacrifice. Thank you for your courage — and God bless each and every one of you.” When a second Massachusetts native was killed in action, Kennedy adopted language that could have been used by the president: “I pray for a quick end to this conflict so no more Americans have to lose their lives in the fight for Iraqi freedom.” And he began attending the funerals of those Massachusetts soldiers killed, a grim task he would have to perform again and again as the war went on.²⁰³

Kennedy refused, however, to rethink his opposition to the war, even as the U.S. military took control of central Baghdad. The president had “set a dangerous foreign policy precedent,” he argued, by invading a country that was not an “immediate, specific threat” to the United States. By April 24, Kennedy was already predicting that American forces would be required to stay in Iraq for “a minimum” of three to five years — a then-pessimistic estimate that would in reality prove overly optimistic. The next day, however, even he allowed himself to be swayed by the early mood of success permeating through Washington. “We are all relieved that the war was brief,” he told the Massachusetts Air National Guard, “and we pray for the swift and safe return of those who are still overseas.” At a midweek news briefing he went so far as to say, “I commend the president on his leadership.”²⁰⁴

It was a difficult moment politically for the Democrats. “The silence of the Democratic lambs continues,” lamented *The American Prospect*, chalking it up to “a mix of calculation and trepidation that is understandable if not very edifying.” In the same article, however, the editors went out of their way to compliment Byrd and Kennedy for their forceful opposition to the war: “[T]hey have in their memory a time when the Senate actually mattered, and when right-wing media didn’t spook heir party. They remember the Democrats’ potential, and in this they are sadly alone.”²⁰⁵ Kennedy may have recalled the example of Senator Fulbright, who spent years opposing the war in Vietnam during the presidencies of his ally Lyndon Johnson and, later, Richard Nixon. Fulbright had found then, as his biographer William C. Berman writes, that “it was impossible to bargain on an issue of such magnitude, especially because the war was for so many senators

a matter of honestly held conviction, reinforced by national consensus and mood.” A similar dynamic developed with Iraq and, for an intuitive dealmaker like Kennedy, this must have been deeply frustrating. Fulbright also “knew that if there was to be a change in Johnson’s war policy, it would come about only as a result of electoral politics.” Kennedy believed the same to be true of Bush, and pinned much of his hope for a change in direction on the elections of 2004 and then 2006. “Nevertheless,” Berman wrote, Fulbright “did not retire or just sulk; he kept pressing,” and Kennedy would do the same.²⁰⁶

The senator continued his work in the legislative weeds, removing roadblocks and increasing benefits for military personnel. On May 22 he co-sponsored with Senator Kerry an amendment, passed by the full Senate, reversing a rule that banned the Army from paying to transport the families of “medically retired” service members when those relatives traveled to visit their wounded loved ones. He was inspired by the story of Sergeant Vanessa Turner, a Massachusetts native who developed a life-threatening illness while serving in the Gulf, but whose family was unable to visit her due to this funding restriction. The amendment also provides a quiet example of Kennedy’s conciliatory Senate style: his own office’s press release labeled it “the Kerry-Kennedy amendment,” placing his younger Bay State colleague first.²⁰⁷ Kennedy still remembered the advice given to him by Senator Hart years ago — that he could get anything done in the Senate if he was willing to give someone else the credit. In some small gestures, then, the spirit of the Club lived on.

By the summer of 2003, however, an insurgency was developing in Iraq, and the administration's original case for war was unraveling. In a July 6 *New York Times* op-ed, former U.S. ambassador to Gabon Joseph C. Wilson IV wrote, "Based on my experience with the administration in the months leading up to the war, I have little choice but to conclude that some of the intelligence related to Iraq's nuclear weapons program was twisted to exaggerate the Iraqi threat." Though in hindsight Wilson's assertion seems unremarkable, at the time it was a bombshell that reverberated through Washington and drew the close attention of as high-ranking an official as Vice President Cheney himself. Finally sensing an opening against a seemingly invincible administration, Kennedy and his fellow Democrats pounced. "It's bad enough that such a glaring blunder became part of the president's case for war," Kennedy declared after White House officials acknowledged that a statement in Bush's State of the Union address earlier that year about Iraq's pursuit of nuclear material had been incorrect and long disproved. "It's far worse if the case for war was made by a deliberate deception. It's more important than ever that Congress conduct a real investigation into the use of intelligence sources as a justification for war." When Defense Secretary Rumsfeld appeared before the Senate Armed Services Committee on July 9 he was sharply questioned by senators about the administration's mishandling of the occupation so far and its plan for the future. Under questioning Rumsfeld admitted that the war was costing double his previous estimates — nearly \$3.9 billion a month — and General Franks admitted no troops would be able to leave "for the foreseeable future." Kennedy said, "I'm now concerned that we have the world's best-trained soldiers serving as policemen in what seems to be a shooting

gallery.” He began to press for the internationalization of the conflict, as well: “The administration is making no effort to reduce the financial burden or the burden on our troops by insisting on a go-it-alone foreign policy,” Kennedy said. “We have options. We have the United Nations. We have NATO.” Kennedy’s own warnings prior to the invasion were also being recalled. “Predictably, the Democrats who acquiesced or supported this war are now scrambling to distance themselves from its fallout,” wrote one reader in *The New York Times*’ letters section. “Better they had heeded the warnings of Senators Edward M. Kennedy and Robert C. Byrd months ago.”²⁰⁸

ON JULY 15, KENNEDY GAVE his first major address on Iraq since the war’s start. He returned to the School for Advanced International Studies, the site of his opening salvo against the invasion the previous September. Although he again praised the troops for their courage, he restated and stood behind his opposition to the war. Now, he said, “the all-important question is whether we can win the peace. In fact, we are at serious risk of losing it.” He lambasted the administration for its lack of a “real plan” for dealing with the aftermath of the Hussein regime’s fall. “These are not new issues,” he said of the long list of problems afflicting postwar Iraq. “But rather than learning lessons from the experiences in [previous] conflicts, the Administration was blinded by its own ideological bravado. . . . The foundation of our postwar policy was based on a quicksand of false assumptions, and the result has been chaos for the Iraq people, and continuing mortal danger for our troops.” His critique now included the new revelations about prewar

intelligence: “It’s a disgrace that the case for war seems to have been based on shoddy intelligence, hyped intelligence, and even false intelligence,” he said. As usual, Kennedy peppered his argument with warnings from other analysts, a rhetorical trick he used regularly to make it clear that his concerns were shared by others, even those with whom he disagreed on other issues. In this case, he pointed to former Secretary of State James Baker, former Central Command Commander Anthony Zinni, and former Republican Secretary of the Navy James Webb, who in 2006 would be elected as a Democratic senator from Virginia on an anti-war platform. Kennedy argued strongly for the internationalization of the occupation through increased U.N. and NATO involvement. “I believe that we can secure broad international support and participation in the stabilization and reconstruction of Iraq,” he said. No country in the region “would be immune from the dangers that a disunited and disorganized Iraq could present.” When it came to setting up a new government, he warned, “If America alone sets up a new government in Baghdad, it may fail — if not now, later; if not while our forces are there, as soon as they are gone.” In closing, he said, “Saddam Hussein may no longer be in power, but the people of Iraq will not truly be liberated until they live in a secure country. And the war will not be over, no matter what is said on the deck of an aircraft carrier, until the fighting stops on the ground, democracy takes hold and the people of Iraq are able to govern themselves.”²⁰⁹

Kennedy also began what would become a continued effort on his part to use legislative tools to shape the debate over the war and force the president to change course. The next day — the same day General John Abizaid, the head of U.S. Central Command, called the war “a classical guerilla-type campaign against

us” — Kennedy introduced an amendment in the Senate to order Bush to report to Congress within 30 days on his plans to internationalize postwar operations. “Even President Bush is now saying that rebuilding Iraq will be a massive and long-term undertaking,” Kennedy said. “What we need most now is to share at least some of the burden with the international community.” But Senator Ted Stevens, Republican of Alaska and the third-longest-serving senator behind Byrd and Kennedy, did not share Kennedy’s views of congressional power. “We don’t have the power to tell the commander in chief what to do,” Stevens said, in what would become a familiar Republican refrain as Democratic frustration with White House policies grew. The pair of veteran lawmakers engaged in an angry exchange on the Senate floor, with Stevens rebuking a furious Senator Kennedy by arguing that John F. Kennedy never required Congress’s assistance in conducting *his* foreign policy. Back home, the *Boston Herald* editorial board labeled Kennedy “a dangerous fraud” for his policy prescriptions. The amendment was defeated 52-43.²¹⁰

As the summer continued and the war worsened the White House came under increasing criticism for both its handling of the conflict and its manipulation of prewar intelligence. “This is not a dispute about a certain number of words,” Kennedy said in reference to the president’s State of the Union assertion about Iraq’s nuclear purchases. “It’s a dispute about politicizing intelligence and falsifying facts to justify the war.” He added, “The buck does not stop with [C.I.A. Director] George Tenet. It does not stop with [Deputy National Security Adviser] Stephen Hadley. The buck stops with the president.” Kennedy had seen the presidency up close during his brother’s term, thought about the possibility of

serving himself, and served with nine presidents; he understood not only the exercise of leadership, but also the responsibilities it engenders.

Although investigators told senators on July 31 that they were making “solid progress” in hunting for WMDs, Kennedy already saw that the search was coming up empty. “I heard nothing today to suggest that we’re any closer to finding any weapons of mass destruction,” he said. “It’s looking more and more like a case of mass deception” — a turn of phrase he would begin to employ frequently. “There was no imminent danger” from Iraq, Kennedy declared, “and we should not have gone to war.”²¹¹

On August 19, a truck bomb ripped through the United Nations headquarters in Baghdad, killing Secretary-General Kofi Annan’s special envoy, Sergio Vieira de Mello, and a group of his aides. Kennedy was meeting on Cape Cod with Senator Kerry when news came of the attack. “It cannot deter our nation from working with the international community to secure the peace, rebuild Iraq, minimize the burden on our troops, and deliver on the promise of democracy for the Iraqi people,” said Kennedy, who was likely dismayed that the Iraqi insurgency, by attacking the U.N., had struck a blow at the heart of his own proposed policy of internationalization.²¹²

On September 7 Bush asked for an addition \$87 billion to fund the war, but attempted to placate his critics at home and abroad by appealing to countries that opposed the war to join the American effort to stabilize Iraq. Kennedy made the rounds of the Sunday morning talk shows to rebut the president in advance, something he would do frequently as the war dragged on. “I think the

administration has to abandon its ‘my way or the highway’ attitude,” Kennedy said on ABC-TV that morning, calling for the U.S. to give the U.N. full authority over the establishment of a new Iraqi government. He was disappointed by the lack of specifics in the president’s speech, and said he planned to continue to press the administration for details. “We don’t have an exit strategy,” he warned the same morning on NBC’s *Meet the Press*.²¹³

At Senate Armed Services Committee hearings in September, Kennedy called the situation “extremely serious,” and continued to demand a concrete plan from White House officials who now admitted the war would cost far more than they had initially estimated. Kennedy also drafted an amendment to cut off funds for military operations in Iraq and Afghanistan if the administration failed to give Congress such a plan.²¹⁴ However, it was in his rhetoric that Kennedy made his biggest impact in September. In an interview with the Associated Press on September 18, Kennedy blasted the president for his handling of the war. “This was made up in Texas, announced in January to the Republican leadership that war was going to take place and was going to be good politically,” he said. “This whole thing was a fraud.” The president’s was a “bankrupt policy,” Kennedy said, “and the American taxpayers are paying for it and the American soldiers are paying for it every day.” Finally, he accused the White House of “shifting explanations” for the war, and demanded a plan to finish the job and get U.S. troops out.²¹⁵

Kennedy’s sharp remarks, like other controversial statements uttered in the early days of the Iraq war, would have been considered relatively unremarkable

within a few years. At the time, however, they touched off a political firestorm, with Republicans lambasting the senator for his rhetoric. White House Chief of Staff Andrew Card, a fellow Massachusetts native, telephoned Kennedy to complain. The *Boston Herald* wrote that Kennedy had “finally gone totally around the bend, letting his rhetorical flights of fancy take him places no responsible political leader should go.” House Republican leader Tom DeLay called Kennedy’s words “a new low” for Democratic critics of the president. Columnist Charles Krauthammer wrote, “Kennedy’s statement marks a new stage in losing it: transition to derangement.” Kennedy even drew a rebuke from President Bush himself. “I don’t think we’re serving our nation well by allowing the discourse to become so uncivil that people, say, use words that they shouldn’t be using,” the president said on Fox News. On September 23, Republicans took to the floor of the Senate to denounce Kennedy’s statements, while Democrats rose to his defense. Senator Robert Bennett, Republican of Utah, said Kennedy deserved “a serious rebuke.” Even the courtly Senator John Warner said “some of those comments have no place in the dialogue of the Congress of the United States.” And the senator’s own son, Representative Patrick Kennedy, admitted, “I don’t agree with his stance.” But although he moderated his language somewhat, Senator Kennedy remained defiant: “Those are legitimate questions . . . and you can characterize them any way, but I want you to hear this: I’m going to keep asking them.”²¹⁶

“Kennedy raised a lot of eyebrows with some tough language, but unlike the president he had the facts behind him,” noted *The Boston Globe*’s Thomas Oliphant. In fact, Kennedy was playing a skillful game he had mastered long ago.

As a national celebrity, a member of a revered political dynasty, and the holder of one of the safest seats in America — not to mention a man no longer burdened by presidential aspirations — he could say things and make charges that were considered outside the mainstream, at least until he made them. In doing so Kennedy expanded the ground on which the Democrats could challenge the administration, and further undercut support for the White House’s policies, while subtly pointing to facts others feared too hot to handle. In fact, behind closed doors Kennedy warned his colleagues that they faced political peril if they did not challenge the administration more strongly. During a private luncheon with other Senate Democrats in September Kennedy thanked them for defending him, but went on to push his colleagues to challenge the president more strongly. Representative Michael Capuano, Democrat of Massachusetts, understood well the importance of Kennedy’s role. “Senator Kennedy obviously has a big microphone and I’m glad he used it,” Capuano said. Carl Hulse of *The New York Times* also chronicled the way Kennedy changed the debate. On September 25 he wrote that Democrats’ “increasingly tough tone [over the war] was first struck by Senator Edward M. Kennedy,” and two days later Hulse reported, “Kennedy is digging in for a fight over Iraq, calling it the ‘defining issue’ of this congressional session.” He added that Kennedy’s “allies say these are not spur-of-the-moment statements. His aides say he has been consulting a variety of experts, including former Secretary of State Madeline K. Albright and the United Nations secretary general, Kofi Annan.” (The importance of seeking out and listening to experts on public policy matters is a common theme in definitions of leadership.) Senator Jack Reed, Democrat of Rhode Island, summed up Kennedy’s role: “It is

somebody who is leading the way, standing up in a difficult situation, speaking bluntly and forcefully. It sort of reaffirms the positions we took last fall. Also, he tends to get a little more attention than we do.” There was evidence, as well, that the criticisms had their intended effect; the president’s approval rating began to drop under the weight of the Kennedy-led assault.²¹⁷

FAR FROM BACKING OFF HIS criticism, Kennedy escalated it. On October 16 he took to the Senate floor during the debate over President Bush’s \$87 billion war spending request and declared, “Before the war, week after week after week after week, we were told lie after lie after lie after lie.” Now, he said, the “trumped up reasons for going to war have collapsed,” yet the “administration still refuses to face the truth or tell the truth.” He said “the president’s war has been revealed as mindless, needless, senseless, and reckless,” and noted, “Today we know all too well that the war is not over; the war goes on; the mission is not accomplished. An unnecessary war, based on unreliable and inaccurate intelligence, has not brought an end to danger. . . . Iraq was not a breeding ground for terrorism. Our invasion has made it one.”

Asked why the senator was being so critical of an administration with which he had previously worked so well, Kennedy spokesman Jim Manley simply said, “Senator Kennedy is willing to work with the administration when he can and oppose them when he has to.” Although that statement reads like boilerplate, it is an elegant summation of Kennedy’s basic philosophy. When it came to Republicans, as Lord Palmerston once said of Great Britain, Kennedy has no

permanent allies, only permanent interests — in Kennedy’s case, the pursuit of his preferred public policies.²¹⁸

When the \$87 billion finally came up for a vote, Kennedy was one of only 12 senators to vote against the supplemental, arguing, “A no vote is not a vote against supporting our troops. It is a vote to send the administration back to the drawing board. It is a vote for a new policy.” He added, “Yes, we must stay the course — but not the wrong course.”²¹⁹ At the time Kennedy was in a tiny minority of those arguing that voting against funding the war was the only way to force the administration to change its policies. Within a few years, however, his position would become that of all Democrats and even some Republicans. Once again, Kennedy was in front of nearly all his colleagues in enunciating a new policy on Iraq.

By December, Kennedy was becoming more active on the presidential campaign of his colleague, John Kerry, a task which would consume much of his time for the next year.²²⁰ On January 15, 2004, however, Kennedy was back in Washington speaking at the progressive Center for American Progress think tank. There he launched a blistering attack on President Bush’s Iraq policy and, more fundamentally, his integrity, declaring that Bush “broke the basic bond of trust between government and the people,” another reference to Kennedy’s view of the requirements of good leadership. The speech, covered by most of the major media outlets, marked another rhetorical escalation in Kennedy’s opposition to the White House and the war. The central portion of the speech consisted of a point-by-point dissection of each step toward war, with an emphasis on the

deceptions told on the way. “War in Iraq was a war of choice, not a war of necessity,” he said. “It was a product they were methodically rolling out.” He added, “I do not make these statements lightly. I make them as an American deeply concerned about the future of the republic if the extremist policies of this administration continue.” Yet in light of such apocalyptic rhetoric, it is interesting to note the speech’s opening, which does not read like a Howard Zinn broadside, but rather like the views of a starry-eyed believer in American exceptionalism:

The enduring accomplishments of our nation’s leaders are those that are grounded in the fundamental values that gave birth to this great country. . . . Over the course of two centuries, these ideals inspired and enabled thirteen tiny quarreling colonies to transform themselves — not just into the most powerful nation on earth, but also into the “last, best hope of earth.” These ideals have been uniquely honored by history and advanced by each new generation of Americans, often through great sacrifice.

Therefore, Kennedy said, it was all the more shocking that the administration had so wantonly manipulated the American people. Still, he did not call for the immediate withdrawal of American troops. “Our overarching interest now is in the creation of a new Iraqi government,” he said, and he pushed the president to work toward that goal. But he also blasted the administration as “breathhtakingly arrogant” and “vindictive and mean-spirited.” And for the first time, he explicitly tied his critique to a call for the president’s ouster in November: “At our best, America is a great and generous country, ever looking forward, ever seeking a better nation for our people and a better world for peoples everywhere,” he concluded. “I’m optimistic that these high ideals will be respected and reaffirmed by the American people in November. The election cannot come too soon.”²²¹

Kennedy made a tighter version of the same argument in a January 18 op-ed in *The Washington Post*. “Of the many issues competing for attention in this new and defining year,” he wrote, “one is of a unique order of magnitude: President Bush’s decision to go to war in Iraq. The facts demonstrate how dishonest that decision was.” The *Boston Herald* called the salvo “a jihad” sparked by Kennedy’s “warped world view.” The editors of *National Review* suggested that “the Ted Kennedy view is paranoid lunacy.” A month later, on the same magazine’s Web site, Representative Ron Lewis, Republican of Kentucky, attempted to rebut Kennedy’s argument, saying it was “the same tired rhetoric that the president’s detractors have used before, but it’s dressed a bit differently.” *Washington Post* editorial page editor Fred Hiatt gave a more nuanced review: “To appreciate the Democrats’ evolving case against the war in Iraq,” he wrote, “there is no better place to look than Sen. Edward M. Kennedy’s impassioned denunciation.” Hiatt called the charge “comprehensive and angry.” But, he concluded, “What Kennedy has laid out for the Democrats is a powerful critique; it is not yet a policy.” Right or wrong, this would be the continuing argument against the Democrats for the rest of the war: that though often correct in their initial reservations, the opposition party did not have an alternative vision for the war. (Usually left unasked was whether any good alternative visions had been left by the administration.) An interesting and quite different take on Kennedy circa 2004 came from a different section of *The Post*, in longtime television critic Tom Shales’ review of the president’s 2004 State of the Union speech. “The best reaction shots” during the television broadcast of the address, Shales wrote,

were those of Ted Kennedy, whose stature seems to grow right along with his nose year after year after year. Kennedy has now reached a grand moment in the life of a senator; he looks like Hollywood itself cast him in the role. Seriously. With that waving mane of bright white hair, he evokes memories of Claude Rains looking distinguished as all get-out in Frank Capra's once-controversial, now-classic movie *Mr. Smith Goes to Washington*. Never mind that the senator played by Rains had some shady dealings in his repertoire.

Kennedy looked great, like he was ready to take his place next to Jefferson on Mount Rushmore. He gives off the kind of venerable vibes that some of us got from an Everett Dirksen way back when, or a Charles Laughton — oh wait, Laughton was a make-believe senator too (in *Advise and Consent*).²²²

Though a lighter take on senatorial qualities, Shales captured a new wrinkle in Kennedy's evolving public persona. As the memory of Kennedy's brothers, his carousing, and Chappaquiddick grew more distant, Kennedy became better able to play the part, as it were, of the elder statesman. Although his critiques of the administration were pointed, they took on a different tone, coming from the mouth of a man who looked like an Irish grandfather, than his middle-aged attacks on the Reagan administration had.

Meanwhile, on January 28, David Kay, the head of the WMD-hunting Iraq Survey Group, told Congress that on Iraq's weapons of mass destruction, "We were almost all wrong." Kennedy was concerned both by the news and the White House's attempts to spin it. "Dr. Kay is right to say there was a failure on the part of the intelligence community," Kennedy said. "But it can't all be blamed on the intelligence community, when policy makers made crystal clear what conclusions

they wanted.” He also scoffed at Kay’s description of Iraq as “a gathering serious threat to the world,” a formulation used by Bush in front of the U.N. in 2002 and also used by his press secretary on the same day as Kay. “Do you really think that . . . those were the words that justified us going into war? A ‘gathering, serious threat’?” Kennedy asked. Having experienced the partisan war debate, Kennedy knew better, and refused to let the administration rewrite history. President Bush soon appointed a commission to look into the intelligence failure — but he scheduled its findings for long after November’s presidential election. “As the timetable for the commission makes clear,” Kennedy said, “the administration’s highest priority is to avoid further debate about this issue before the election. But the debate will go on in Congress and the country. The protective fence around the White House must come down.”²²³ He was determined to do all he could to lower that fence, and his knowledge of the Senate allowed him to do so.

Kennedy continued his series of speeches critiquing the administration over Iraq on March 5, when he appeared before the Council on Foreign Relations to argue that the administration had heavily skewed the data on Iraq’s weapons of mass destruction. He did so with another of his lawyerly point-by-point cases against the administration — which the White House quickly dismissed. “I don’t think this is the first time we’ve heard Senator Kennedy make such unsubstantiated and baseless charges,” said White House Press Secretary Scott McClellan. “Given that it’s an election year, it won’t be the last time.” The latter part of McClellan’s analysis was correct; as *The Boston Globe* reported, “Kennedy’s speech marked a more aggressive Democratic effort to raise questions about the president’s trustworthiness in the hopes of persuading voters that Bush

cannot be taken at his word. Some said they expected Kerry to adopt the same themes, depending on how Kennedy's speech is received." Again, Kennedy was leading the charge for Democrats on the toughest issue they faced in a close election year. In fact, Republicans were worried enough by Kennedy's charges that a week later they sent Senator Jon Kyl, Republican of Arizona, to deliver a rebuttal in the same venue.²²⁴

Exactly a month later Kennedy launched yet another rhetorical broadside at the administration, this time during a speech at the Brookings Institution criticizing Bush's foreign and domestic policies. Although the speech's Iraq section was mostly a restatement and an amplification of Kennedy's March address to the Council on Foreign Relations, there was one notable exception: for the first time, the senator said the Iraq war was "George Bush's Vietnam." That comment sparked a debate over the comparison which would continue throughout the rest of the year. Columnist David Brooks called Kennedy a "Chicken Little." *National Review* said he had "made an outrageous and shameful charge that puts politics above the safety of our troops, success in Iraq, and national security." Republicans fired back, too, with the Bush-Cheney campaign labeling Kennedy the Kerry campaign's "hatchet man," and Senator Mitch McConnell, Republican of Kentucky, explicitly accusing Kennedy of providing comfort to the enemy:

The senator has mounted another vicious assault on the president by leveling claims so outrageous that I won't repeat them here on the Senate floor although they are being carried on TV across the world, presumably even to Baghdad where those who are fighting Americans in the streets can view them.²²⁵

Unsurprisingly, Kennedy refused to back down, saying he was simply “setting the record straight” by detailing the “manipulation of information, distortions, deceit, broken promises, and half-truths.” In *The Boston Globe* a day later reporter Mary Leonard observed, “Kennedy is emerging as the Dick Cheney of the Kerry presidential campaign, an elder statesman with the star power to raise money and energize party activists and the firepower and the freedom to harshly attack President Bush’s domestic and foreign policies.” Leonard added that “Democratic officials across the country say they welcome the well-known Kennedy playing that role and believe he will be an asset in the critical task of turning out the Democratic vote in battleground states.”²²⁶

In Senate hearings Kennedy played a similar role. During an April hearing of the Armed Services Committee he sharply criticized Deputy Defense Secretary Paul Wolfowitz for giving testimony the senator found to be “somewhat disingenuous” for focusing on Saddam Hussein’s human rights abuses rather than weapons of mass destruction. “There wasn’t a word in this presentation about weapons of mass destruction,” Kennedy complained. By the beginning of May, however, the country was consumed with the unfolding prisoner abuse scandal at Iraq’s Abu Ghraib prison, which Kennedy said left Americans with “a great sense of revulsion.” It also led him to become one of the first senators to call for Rumsfeld’s resignation — something that, by the 2006 election, would become the price of admission for any serious Democratic congressional candidate, and for many moderate Republicans as well. “Our Iraqi policy is a disaster, the war on terror has been made much more complicated and difficult because of this torture scandal,” Kennedy said. “I think the best way to get a new

start is with a new secretary of defense.” He recommended Secretary of State Colin Powell to take Rumsfeld’s place.²²⁷

Kennedy’s years of experience had given him a deep appreciation for the autonomy granted him by the Senate rules, and he guarded that independence jealously. As Barbara Sinclair observes, “no other legislature grants its members as individuals so much latitude in the legislative process,” and that freedom represents one of the key perks of being a senator.²²⁸ At a contentious May 13 Armed Services Committee hearing, Kennedy fought off an attempt by Chairman John Warner to limit Kennedy’s questioning of Wolfowitz to a discussion of the budgetary request at hand rather than the broader war policy. Kennedy exploded at that suggestion. “I’ve been on this committee for 24 years, I’ve been in the Senate 42 years, and I have never been denied the opportunity to question any person that’s come before a committee on what I wanted to ask,” he angrily told Warner. “And I resent it and reject it on a matter of national importance.” When the Virginia senator refused to back down, Kennedy bluntly challenged Warner’s control of the committee. “Well, Mr. Chairman, then you’re going to have to rule me out of order,” Kennedy declared, “and I’m going to ask for a roll call of whether the committee is going to rule me out of order.” A cowed Warner backed down, and scolded Wolfowitz for making a broad opening statement that “opened it up” to such questioning.²²⁹

Kennedy’s fierce criticism of the administration’s policy sparked continued outrage from conservatives — a sign that the senator remained influential and in their eyes, troublesome. “Kennedy’s rhetoric makes him tantamount to a

cheerleader for American defeat,” wrote syndicated columnist Jonah Goldberg. Another prominent conservative intellectual, Victor Davis Hanson, seized on a Kennedy comment about Abu Ghraib, calling it a “a morally reprehensible pronouncement in almost every way imaginable.” Yet even in criticizing Kennedy for his remarks, the editors of *National Review* paid the senator a compliment: “Sad to say, Senator Kennedy, along with Senator Clinton, is the only elected U.S. official other than the president whom the rest of the world has heard of,” thus making his criticisms all the more prominent.²³⁰ Though it is true that the fierce reaction to the style of Kennedy’s criticisms could at times obscure his substantive points, it is unlikely that quieter speeches would have garnered much attention — and the attention was the goal.

In an interview explaining his understanding of the conflict, Kennedy said, “The real leverage [Iraq’s neighbors and the Europeans] pay attention to is the length of stay in Iraq of the American military. . . . What I think [the Democrats] are offering the voting public and the rest of the world is a policy on Iraq that maximizes this leverage as an alternative to simply and irresponsibly cutting and running.” That idea — using the U.S. military as leverage to force concessions, first from neighbors and, later, from Iraqi politicians — would remain central to Kennedy’s strategy for Iraq.²³¹ On June 2, however, Kennedy voted in favor of a \$25 billion supplemental war spending bill because the legislation included some minor new controls on the spending. “I draw a distinction between this and an endorsement of the whole policy,” Kennedy said. “I look at this as support for the troops.” The rationale was similar when he voted for the final \$447 billion defense budget on June 24, despite the fact that his own amendment — directing

the administration to report to Congress on progress in Iraq, including predicted troops levels — failed 50-48. His amendment did, however, lead to the adoption of a Republican alternative requiring a report without troop estimates.

Indeed, although it was overshadowed by his frequent condemnations of the administration's policies, Kennedy was deeply and honestly concerned with the welfare of the troops, and moved by their sacrifices. Before the war he had raised concerns about whether troops would be adequately supplied with armor, and he brought the issue up regularly in Armed Services Committee hearings. The previous October, Kennedy had intervened with the Pentagon to ensure that a group of soldiers from the Army's 368th Engineer Combat Battalion would be reimbursed for the cost of plane tickets they had bought for a leave that was then abruptly cancelled by the military. Even as staunch a critic as the *Boston Herald* editorial page praised him when it came to supporting the troops. "It is the mark of a master political to be able to say just the right thing at the right time to the right people, and Sen. Ted Kennedy is nothing if not masterful at his job," the *Herald* wrote, praising the senator's laudatory June 4 remarks to a group of 120 sailors, Marines and Air Force airmen taking the oath of citizenship on the deck of the aircraft carrier USS John F. Kennedy.²³²

Perhaps the best example of Kennedy's concern for the human cost of war came in the story of Pfc. John D. Hart, a 20-year-old from Bedford, Mass., who was killed when his convoy was ambushed in Kirkuk, Iraq in October 2003. Kennedy attended Hart's funeral at Arlington National Cemetery and, in the span of 45 minutes, he heard taps in the distance at least eight times. "You're there,

you get caught up in the emotion, and you know what's getting on," Kennedy recalled later as he wiped away tears. His sadness turned to anger when he learned Hart might have been saved if his Humvee had been equipped with bulletproof shielding, and Kennedy began to work with Hart's father, Brian, a war supporter turned protester, to ensure that other Humvees had the proper armor. "Nothing could mean more to me than this," Kennedy remarked to a reporter, his voice trembling.²³³

IN JULY 2004, A LIFELONG dream of Kennedy's came true, though in a slightly different form than he had likely imagined it: the Democratic National Convention opened in Boston to nominate its hometown senator for the presidency. "I've waited a long, long time to say this," Kennedy told the assembled delegates. "Welcome to my hometown!" Despite a Kerry campaign ban on Bush-bashing, during Kennedy's Tuesday night convention speech he accused the administration of seeking to "divide and conquer" the American public. He drove home his point by comparing the president to colonial monarch King George III, who was opposed by the citizens of Boston. *Globe* columnist Scot Lehigh called it "a crisp but careful critique of the Bush administration."²³⁴ A month later the Republicans gathered in New York City for their convention, and mounted, in *The New York Times'* words, "a vigorous assault" on Kerry that included numerous jibes at Kennedy's reputation for full-throated liberalism. Massachusetts Governor Mitt Romney, who in 1994 had challenged Kennedy and lost, said, "If you think that during the great national policy debate of the 1980s

Ronald Reagan was wrong and Ted Kennedy was right, then by all means send in John Kerry.”²³⁵

As the presidential campaign entered its final phase the rhetoric heated up. The day before the third anniversary of the September 11 attacks, Kennedy took to the Senate floor to launch a blistering attack on the administration, likely knowing that the next day’s news cycle would be filled with Bush-friendly reminders of his resolute public image after the attacks. Kennedy labored instead to keep the focus squarely on the present. “Because of the Bush administration’s arrogant ideological incompetence and its bizarre ‘mission accomplished’ mentality, our troops and our intelligence officers and our diplomats had neither the resources nor the guidance needed to deal with the worsening conditions that steadily began to overwhelm them and continue to do so,” Kennedy declared. “It is preposterous for the administration to pretend that the war in Iraq has made us safer,” he added. “No president in American history has done more damage to our country and our security than George W. Bush.”²³⁶ It was strong rhetoric, and he believed every word of it.

A few days later, in *The Washington Post*, columnist Richard Cohen, a liberal who had supported the invasion, reflected on the speech and offered this advice to the Democratic presidential candidate: “If it is not too late, I recommend that John Kerry do what I am now doing: Pay attention to Teddy Kennedy and what he has to say.” Cohen continued, “The virtue of Kennedy’s speech is that it makes clear that all the missteps leading up to the war and all the blunders afterward were not mere mistakes but the product of an ideology that

had seized the administration and rendered it inept.” And the cynical Washington veteran added a reevaluation of the senator. “I long ago stopped paying attention to Ted Kennedy,” Cohen admitted, “but now I find him a typhoon of common sense and intelligent indignation. He has not lost the gift of outrage.”²³⁷ Although it is arguable whether Kennedy ever gave Cohen or anyone else reason to stop paying attention to him, the Iraq debate had hastened the senator’s transformation from liberal icon and late-night television punch line into wise elder statesman.

“What we are seeing is that we are lost in a quagmire over there,” Kennedy said September 26 on CBS-TV, using a word with strong Vietnam overtones. “This administration has had its chance. And it’s blunder after blunder. We need a new direction.” The next day he took the stage at George Washington University to make his latest case against the administration. “Enough time has now passed to make us sure of that verdict [on the war], beyond any reasonable doubt,” he declared, throwing in every Iraq criticism but the kitchen sink — it had increased terrorism, strengthened al-Qaeda, harmed American alliances, broken America’s military, bankrupted America’s treasury, and done irreparable harm to national security overall. He finished with a list of thirteen different “ways in which George Bush’s war has not made us safer,” and concluded, “We could have been, and we should have been, much safer than we are today. . . . [T]he only thing America has to fear is four more years of George W. Bush.”²³⁸ His fears came true, however, and Bush was reelected on November 2. “Obviously, the results are disappointing,” Kennedy said. “But I’m very hopeful that we can work together with President Bush to heal the divisions in America and make real

progress for America's future." It was as close to boilerplate rhetoric as the blunt, truth-telling senator had come in a long time.²³⁹

KENNEDY SPENT THE REST OF the year preparing for life under the Republicans' increased Senate majority, and attending funeral services for servicemen killed in Iraq.²⁴⁰ On January 5, 2005, the 109th Congress was sworn in, and as *The Boston Globe* observed, Massachusetts' all-Democratic delegation was now "further out of power than at any time in the past half-century." Indeed, the Republicans had not been in a stronger position since 1954, when Kennedy's brother John had still been a first-term senator.²⁴¹ Undaunted and unbowed, Kennedy continued to criticize the administration. In a January 12 speech to the National Press Club, he pushed his fellow Democrats to embrace a hearty liberal agenda on everything from Iraq to Social Security, warning them that it represented the only path out of the political wilderness.²⁴²

When President Bush nominated National Security Adviser Condoleezza Rice to replace Colin Powell as Secretary of State, Kennedy opposed her appointment. "In general, I believe the president should be able to choose his Cabinet officials," Kennedy said. "But this nomination is different, because of the war in Iraq." As that comment demonstrates, those critics who had accused Kennedy of making a big deal out of the war in 2004 for purely partisan reasons were mistaken. The senator truly believed, as he would begin to say repeatedly within months, that his vote against the war was the best he had cast in his entire Senate career. Kennedy also refused to forget the original argument for the

invasion, reminding his colleagues, “We now know that Saddam had no nuclear weapons program, and no weapons of mass destruction of any kind.”²⁴³

Finally, Kennedy signaled a major change in his own thinking in a January 27 speech at the School of Advanced International Studies. “The U.S. military presence has become part of the problem, not part of the solution,” Kennedy declared. “The war in Iraq has become a war against the American occupation.” Just days before the first Iraqi election, he said, “It is time to recognize that there is only one choice: America must give Iraq back to the Iraqi people.” Warning of the mistakes he had watched previous administrations make during Vietnam, Kennedy proposed the immediate withdrawal of 12,000 of the 150,000 U.S. troops in Iraq, and the redeployment of the rest “as early as possible in 2006.” He explained, “We have no choice but to make the best we can of the disaster we have created in Iraq. The current course is only making the crisis worse.” Peter Baker of *The Washington Post* noted, “In issuing his plan, Kennedy became the most prominent member of Congress to urge pulling out the troops.” Furthermore, Kennedy’s statement from nearly a year ago comparing Iraq to Vietnam was quickly becoming, if not conventional wisdom, much more widely accepted. Still, few senators wished to be associated with Kennedy’s call for withdrawal, including John Kerry, who was still mulling another run at the presidency. “You’ve got to provide security and stability in order to be able to turn this over to the Iraqis and to be able to withdraw our troops, so I wouldn’t do a specific timetable,” Kerry said.²⁴⁴

Kennedy's call for a withdrawal, however, did not mean any reduction in his support for the troops. On February 5, the senator shared the byline on a *Boston Globe* op-ed with Brian and Alma Hart, continuing the trio's effort to win more resources for military personnel. "We are deeply concerned that without timely additional purchase orders, our soldiers and Marines will still not get the armor they need in this grim conflict," they wrote. "The number one priority of the Department of Defense this year should be to supply our troops with all the protection they need to get their job done and return safely home." That same day Kennedy praised Iraqis for their bravery in going out to vote, but correctly cautioned, "Sunday's election is not a cure for the violence and instability," repeating his call for a U.S. withdrawal. The next day he defended his proposal on *Meet the Press*. The political climate was not hospitable to Kennedy, however. This was the high point for optimism about Bush's stated policy of democratization. "President Bush seems entitled to claim as he did on Tuesday that a 'thaw has begun' in the broader Middle East," wrote *New York Times* reporter Todd Purdum. Many doubted not only the wisdom of Kennedy's idea, but his judgment more generally. "It may be time for Ted to just bow out gracefully," headlined a column in the *Boston Herald*.²⁴⁵

That was not about to happen. In March Kennedy organized a summit of Iraqi veterans at Blue Cross Blue Shield to discuss medical coverage for military personnel and to promote a bill to bar "cutting special combat pay and allowances for soldiers after they are injured in a combat zone and evacuated to recuperate." Ever the wily legislator, the next month Kennedy successfully maneuvered to attach two separate amendments to the \$81.26 billion emergency

war funding bill. The first amendment required the administration to report every three months on progress toward training Iraqi troops, while the second, which passed 61-39, provided the Pentagon with \$213 million to continue producing the highest number of armored Humvees possible.²⁴⁶

As the summer began, Kennedy and his fellow Democrats sensed a new softness in public support for the president's war policy, and they began to increase their criticisms. In a dramatic confrontation at the June 24 Armed Services Committee hearing, Kennedy lambasted Defense Secretary Rumsfeld for "gross errors and mistakes" in managing the war, and asked, "In baseball, it's three strikes, you're out. What is it for the Secretary of Defense? Isn't it time for you to resign?" Kennedy also once again referred to the war as a "quagmire." After a long, Rumsfeldian pause and stare, the caustic secretary responded tartly, "Well, that is quite a statement." The exchange made headlines coast-to-coast and around the world. After the hearing Kennedy derided Rumsfeld on the Senate floor, asking, "What planet is he on? Perhaps he is still in the mission-accomplished world."²⁴⁷ Kennedy was still, however, ahead of many other Senate Democrats like Kerry. Asked about Kennedy's "quagmire" characterization, Kerry declined to agree. "No, I don't believe it is that today," the junior senator said. "But it could become that if we don't make the right choices."²⁴⁸

On July 22 the Pentagon delivered — 10 days late — the report on Iraqi troop training that Kennedy's amendment had mandated. The military said there were 171,300 Iraqi troops trained and equipped, though many were still in the early stages of development. The report concluded that although most Iraq battalions

could fight with coalition assistance, they were nowhere near ready to take on the country's insurgency themselves. Kennedy said the report made it "obvious that the training program is in trouble." Meanwhile, anti-war sentiment in the country continued to grow. It crystallized around the mother of a soldier killed in Iraq, Cindy Sheehan, who camped outside President Bush's Texas ranch throughout August asking that the president speak with her. Kennedy threw his support behind Sheehan. "The president has not leveled with our troops and the American people," he said. "I admire Cindy Sheehan for her courage and determination to make the president answer to her." Month after month, so much of the national crisis over Iraq must have looked to Kennedy like a replay of the Vietnam War. He had made a similar gesture in 1971, for example, when disheveled veterans held a mass protest on the Washington Mall in defiance of a ruling by Chief Justice Warren Burger. Kennedy had gone to the Mall to show his solidarity with them. "You have served your country well abroad, and will serve it even better here in Washington," he told them, paying tribute as always to the soldiers' military service. His support helped shift public opinion in favor of the protesters.²⁴⁹

On August 17, Senator Russell Feingold, Democrat of Wisconsin, followed in Kennedy's footsteps and called for the withdrawal of all U.S. troops in Iraq by December 31, 2006. Feingold also chastised fellow Democrats for being too "timid" in their criticism of the administration. Kennedy agreed. "The American people are much farther ahead in their thinking about the war than the White House or the Republican Congress," Kennedy said. "They understand we can't continue down this same failed course in Iraq." Indeed, support for the president

and the war fell as the summer drew on, even as Republicans reframed the mission as revolving around the writing of an Iraqi constitution — an assertion at which Kennedy scoffed. “The idea that we would be sending American servicemen over to Iraq on the basis of the Iraqis developing a new constitution is just so remote, so distant and so fallacious,” he said. Even as the original war debate of 2002-03 grew more distant, Kennedy continued to remind his colleagues and the public about the original reasons put forward for the invasion.²⁵⁰

The administration’s credibility took a body blow at the end of August when Hurricane Katrina ravaged the Gulf Coast. Much of the blame for the botched governmental response was laid at the feet of the White House, and throughout the fall the administration suffered from the combination of chaotic scenes in Iraq and New Orleans. In October, 83-year-old Melvin R. Laird, President Nixon’s defense secretary during the final years of the Vietnam War, took to the pages of *Foreign Affairs* magazine to warn that the United States was repeating its Vietnam mistakes in Iraq, and to call for a defined American exit strategy from the country. Although he stopped short of Kennedy’s formulation of Iraq as “George Bush’s Vietnam,” he wrote, “Both the Vietnam War and the Iraq war were launched based on intelligence failures and possible on outright deception,” adding, “Our presence is what feeds the insurgency, and our gradual withdrawal would feed the confidence and the ability of average Iraqis to stand up to the insurgency.” Laird and Kennedy had tangled years ago over the Vietnam War, but on Iraq they were already in near agreement.²⁵¹

That same month, the American death toll in Iraq hit 2,000. As Brookings Institution scholar Michael O’Hanlon pointed out, by now Kennedy had been unhappily vindicated. The grim milestone “is another indication that the predictions of high casualty levels that were mocked before the invasion have come to pass,” O’Hanlon observed. By now only 38 percent of Americans approved of Bush’s handling of the war, and just 42 percent of Americans approved of the president’s overall job performance. Criticisms like Kennedy’s and the facts on the ground were draining support from the administration. The White House took yet another hit in October when Vice President Cheney’s chief of staff, I. Lewis “Scooter” Libby, was indicted for perjury and obstruction of justice in the administration-focused probe of whether the White House had leaked the identity of critic Joseph Wilson’s wife, a covert C.I.A. agent. “This is far more than an indictment of an individual,” said Kennedy, who had become like an op-ed columnist with his near-daily statements on the Iraq-related news of the day. “In effect it’s an indictment of the vicious and devious tactic used by the administration to justify a war we never should have fought.”²⁵²

AS VETERANS DAY APPROACHED, KENNEDY took aim at the White House and scored a direct hit. Shortly before, the Republican leader of the Senate Intelligence Committee had agreed under pressure from Democrats to complete an investigation of the handling of prewar intelligence. As he had before the 2004 anniversary of September 11, Kennedy took to the Senate floor to give a speech recalling the administration’s exaggerations of the threat from Iraq before the

war. “Earlier this week, several of our Republican colleagues came to the Senate floor and attempted to blame individual Democratic senators for their errors in judgment about the war in Iraq,” Kennedy said. “It was little more than a devious attempt to obscure the facts and take the focus off the real reason we went to war in Iraq. 150,000 American troops are bogged down in a quagmire in Iraq because the Bush administration misrepresented and distorted the intelligence to justify a war that American never should have fought.”²⁵³

The administration clearly felt itself under siege, and the White House took the unusual step of hitting back at Kennedy immediately with a harsh press release titled “Setting the Record Straight: Sen. Kennedy On Iraq.” It took Kennedy to task for agreeing before the war that Saddam Hussein had been “seeking and developing weapons of mass destruction.” But as Kennedy defender Thomas Oliphant pointed out in *The Boston Globe*,

the White House ignored his position on the 2002 resolution, which included an endorsement of a U.N. resolution far tougher than the one Colin Powell negotiated in November 2002. One of the grand “what ifs” of this period is whether Saddam could have survived a finding by a small army of weapons inspectors that one of his holds on power, the belief that he had unconventional weapons, was a complete fiction.²⁵⁴

Another Kennedy defender was former ambassador Peter Galbraith, who wrote in a letter to *The Boston Globe* that McClellan “needs a history lesson. . . . Senator Kennedy strongly supported sanctions on Iraq,” yet “the current vice president and Bush’s first secretary of state as well as President Bush’s father favored taking no action at all.”²⁵⁵

Furthermore, as *New York Times* correspondent Richard Stevenson observed, “In responding so strongly to the criticism, the White House seems to be throwing fuel on a political fire that it may not be able to control” — a fire Kennedy had started. President Bush escalated his own rhetoric in a Veterans Day speech. “It is deeply irresponsible to rewrite the history of how that war began,” Bush declared during a holiday address at an Army depot in Tobyhanna, Pennsylvania. “These baseless attacks send the wrong signal to our troops and to an enemy that is questioning America’s will.” Kennedy responded, “It is deeply regrettable that the president is using Veterans Day as a campaign-like attempt to rebuild his own credibility by tearing down those who seek the truth.”²⁵⁶

By the end of the week the White House looked the loser, as a large bipartisan Senate majority voted to require regular updates on the conditions necessary for withdrawal. “The pressure from [Kennedy and others] undoubtedly provoked that bipartisan, Republican-hatched amendment,” wrote Wayne Woodlief in the *Boston Herald*, though Kennedy opposed it as too weak. Pointing out how right Kennedy’s predictions had turned out to be, Woodlief asked, “How dare the president try to shut up senators now?” In *The Boston Globe*, Joan Vennochi also praised Kennedy for his prescience, and chided those who were now joining him. “In 2005, belated spine is better than no spine,” she wrote. “But it should never be confused with real political courage, the kind that stands up to presidents when it is unpopular to do so,” as Kennedy had done.²⁵⁷

Still another hit came the next week when a former Marine and a longtime hawk, Representative John P. Murtha, Democrat of Pennsylvania, called for the

immediate withdrawal of all U.S. troops in Iraq, saying they had done all they could — just as Kennedy had in January. Murtha’s press conference registered as a seismic shock on the Washington establishment’s Richter scale, and permanently altered the debate over the war. At the annual Profile in Courage awards the following May, Kennedy singled out Representative Murtha for his stand against the war. “You could feel the earth move in Washington, and the White House knew it,” Kennedy recalled, chiding the administration for its “pathological aversion to thoughtful criticism.” He added that Murtha’s “courage in speaking out touched the entire nation.”

Kennedy, for his part, began working to attach an amendment to the fiscal 2006 intelligence authorization bill to require portions of the top-secret Presidential Daily Briefs (PDBs) describing national security threats dating from January 20, 2000 to March 19, 2003, to be submitted to the congressional intelligence committees. He did so, he said, to prove that Bush and Cheney were “plain wrong” when they said Congress had access to the same intelligence they did before the invasion. “It defies belief that the vice president can continue to say with a straight face that Congress had the same intelligence as the president and vice president had,” Kennedy said. The fight to get the PDBs continued right up to a few days before Christmas. Rather than agree to the amendment, the Republican-led Senate recessed on December 21 without passing the intelligence authorization bill for the first time since 1978. It was not a true victory, but Kennedy had once again made an impact.²⁵⁸

AS 2006 DAWNED AND THE war approached the start of its fourth year, the daily headlines provided a steady stream of dire news out of Iraq, much of it confirming concerns Kennedy had expressed long before. One example came in January, when a Defense Department study leaked to *The New York Times* found that 80 percent of Marines who had died from wounds to their upper body might have survived if they had been wearing the latest body armor, confirming Kennedy's warnings that the Pentagon was not doing enough to protect its soldiers. His frequent criticisms of the administration's policies made him a continued White House target. "I would not look to Ted Kennedy for guidance and leadership on how we ought to manage national security," Vice President Cheney declared on CBS's *Face the Nation* when the war's anniversary came in March. "I think what Senator Kennedy reflects is sort of the pre-9/11 mentality about how we ought to deal with the world and that part of the world." Kennedy responded in kind: "[Cheney] was wrong about the link between al Qaeda and Saddam Hussein. He was wrong about Saddam Hussein's weapons of mass destruction. He was wrong about America being greeted as liberators. He was wrong about the insurgency being in the last throes. Now he rejects the idea of civil war." *The Boston Globe* editorial page backed its senior senator, expressing shock that Cheney "had the gall to question Senator Edward Kennedy's criticism of the war," particularly in light of the vice president's widening credibility gap.²⁵⁹

At a press conference on March 21, Bush indicated that he did not expect to withdraw troops from Iraq during the remainder of his term, meaning there would be no withdrawal before 2009 at the earliest. Yet despite Bush's continued talk about pressing on so that democracy could take hold in Iraq, it was Kennedy

who, with a special earmark, had appropriated \$56 million for the two leading democracy-promoting institutions there. “The solution to Iraq lies in the political process, and it’s reckless for the White House to cut funds to strengthen democracy in Iraq at this time,” Kennedy said in April. Democracy promotion was not a new issue for Kennedy; in 1974, for example, he had pushed Secretary of State Henry Kissinger to continue U.S. support for the nascent democracy then taking hold in Portugal.²⁶⁰

In June, Kennedy requested a report from the Government Accountability Office, Congress’s investigative arm, on the use of condolence payments to families of civilians killed in Iraq. He discovered that almost half of the over \$19 million that the U.S. military had allocated the previous year for such payments had been used to pay recompense for damage done by Marine-led units in Anbar Province, a further sign of how badly the war was going in that part of Iraq. On June 16, Kennedy was one of only six senators to vote for a proposal by Senator Kerry to withdraw nearly all U.S. forces from Iraq by the end of 2006, although Kennedy also supported another amendment without a strict timeline. “We must not forget that ultimately this is a debate about real people who are risking their lives every day,” he reminded the Senate, bemoaning the heavy election year partisanship that had dominated the debate over Iraq.²⁶¹

IN JULY, KENNEDY BEGAN WORK on what would become one of his most important legislative successes concerning the war. On July 26, he and a group of senators sent a letter to Director of National Intelligence (DNI) John Negroponte

requesting an updated National Intelligence Estimate (NIE) on Iraq. The proposed NIE, which would be the first on Iraq since July 2004, was to give the conclusions of all 16 American intelligence services about the state of the war. Administration officials “deny that Iraq is in a civil war,” the senators wrote. “But the growing sectarian violence, the ruthless death squads, the increasingly powerful role of the privately armed militias, and the Administration’s decision to send thousands more U.S. troops to Baghdad, tell a very different story.”

Failing to get a prompt response, Kennedy decided to mandate the NIE instead. He filed an amendment on August 2 to require the DNI to provide a new NIE by October 1. “It is abundantly clear that the facts matter,” he said, paraphrasing John Adams. “They mattered before the war and during the war, and they matter now, as we try to deal effectively with the continuing quagmire that is Iraq. A new National Intelligence Estimate is long overdue.” The amendment passed unanimously the following day, August 3 — the same day Kennedy attended yet another funeral at Arlington National Cemetery, this one for a Marine from Fitchburg, Massachusetts.²⁶²

On August 8, Senator Joseph Lieberman was defeated in the Connecticut senatorial primary by a novice anti-war candidate, Ned Lamont. Kennedy immediately gave his “enthusiastic support” to Lamont, and took to the pages of *The Hartford Courant* to defend Lamont against charges by Vice President Cheney that the result of the primary might encourage “al-Qaeda types.” Calling Cheney’s comments “ugly and frightening,” Kennedy wrote that Republicans “cannot use fear to cling to power.”²⁶³ Meanwhile, Kennedy received a spate of

good press at the end of August for his efforts on behalf of the 150 soldiers in the Massachusetts-based 220th Transportation Company, 94th Regional Readiness Command. After arriving at Camp Atterbury in Indiana just after midnight on August 25, the soldiers were told by Army officials that they would have to take a 20-hour bus ride home. Kennedy sent a letter to Army Secretary Francis Harvey requesting that the soldiers be flown home, pointing out that Indianapolis International Airport was located just 38 miles from Camp Atterbury. On August 29, the Army notified Kennedy's office that the troops would be sent home on a chartered flight. The *Boston Herald* editorial page chastised the Pentagon, and called the affair "a tribute to Kennedy's clout and to his well-regarded constituent services."²⁶⁴

The next two months were consumed with the congressional election campaign, although Kennedy — who was up for an eighth six-year term in November — was not too concerned about his own prospects. He agreed to one televised debate against his Republican opponent, Kenneth Chase, which was broadcast on October 10. In a sign of how much had changed since 2002, both men opposed the war. The Republican candidate said the U.S. had invaded Iraq "foolishly and unnecessarily," and challenged Kennedy for not having done enough to reduce American oil consumption. Though uninspired by the debate, *The Boston Globe* called it "a sign of democratic health that a 44-year incumbent meets his neophyte challenger in public debate, face-to-face, however briefly."²⁶⁵

Days before the election, the White House began to make noises about changing its strategy in Iraq. Kennedy was unimpressed. "It's deeply disturbing

that it takes a close election — not in Iraq, but in America — to get this White House to even talk about flexibility and changing course,” he said, criticizing “the wall of denial around 1600 Pennsylvania Avenue.”²⁶⁶ For his part, Kennedy received the endorsement of both hometown papers — and, surprisingly, the endorsement from his longtime critics on the *Boston Herald* editorial board was even more effusive than that from *The Globe*. It touched directly on his opposition to the war:

Kennedy can vigorously pursue a reexamination of the Iraq War and how to extricate our nation from it, and at the same time pursue with equal vigor the resources needed to keep our troops safe. And when he calls the parents of a soldier killed in the conflict, it’s not just to offer condolences, but to listen — to their pain and to their concerns.

The senator had told the *Herald* editors that his “principle reason for wanting to go back to the Senate is the war . . . to have a voice and some impact on it.” This great battle over war and peace, in the twilight of his career, had become for him the most important issue facing the United States of America at the dawn of the twenty-first century.²⁶⁷

ON NOVEMBER 7, KENNEDY WAS reelected to an eighth term, garnering almost 1.5 million votes and just under 70 percent of the vote. “I’m going to keep running until I get the hang of it,” he joked after casing his own vote in Barnstable. In Massachusetts, it had been a complete sweep for the Democrats, who won every

major statewide and congressional race.⁵ That night Kennedy delivered his acceptance speech before a large crowd. After ticking off his key domestic priorities, he came to the issue most important to him, declaring, “I’ll never give in until we change our course in Iraq.” By the time that dust had settled across the country, the Democrats had won back control of the House and the Senate. Early exit polls showed that 57 percent of the electorate disapproved of the war, and only 34 percent believed the war had improved America’s security. What had once been Kennedy’s heresies had become the majority sentiment that swung a close election; *Herald* columnist Wayne Woodlief called the senator “the prophet.” Kennedy labeled the election “a referendum on President Bush’s handling of the war in Iraq,” and many Republicans agreed with him.²⁶⁸

The results had immediate consequences. The day after the vote, President Bush fired Defense Secretary Rumsfeld and nominated as his replacement former C.I.A. Director Robert Gates. “This decision is what is best for our troops and for our country,” Kennedy said. This time, Kennedy’s Veterans Day speech contained no call for a change in policy, because the American public had already made it. “From the shores of Normandy, to the jungles of Vietnam, to Iraq and Afghanistan today, our soldiers, sailors, marines and air force men and women have defended American with great courage and commitment,” Kennedy said, exhorting the nation to “renew our solemn commitment to care for them and their families to the best of our ability in all the years ahead.” Although still under

⁵ Times were so bad for the Massachusetts Republican Party that George Lodge, Kennedy’s first Senate opponent back in 1962, admitted to *The Boston Globe* that he had donated \$250 to Democratic gubernatorial candidate Deval Patrick and planned to vote Democratic on Election Day.

Republican leadership, the Armed Services Committee immediately began a new series of hearings on Iraq. On December 5, Gates appeared before the committee, which quickly gave him unanimous approval. The next day the Senate approved his nomination 95-2.²⁶⁹

However, despite the release of a scathing report from the greybeards of the bipartisan Iraq Study Group, by the middle of December the president still had not embraced any major change in strategy on Iraq. Instead, the White House pushed a scheduled presidential address about the war back from before Christmas to the second week of January. Meanwhile, the American death toll hit 3,000 on the last day of 2006.²⁷⁰ As it turned out, however the president agreed that a change in strategy was needed — but his idea for a new policy was the precise opposite of Kennedy's. Far from calling for a reversal, the administration made clear that on January 10 the president would announce a major increase in troop levels — a “surge” of somewhere between 20,000 and 30,000 additional forces into the war zone.

Kennedy was as angry as he was shocked, and he decided he could not wait for the presidential address to lay down a marker against the proposal. During Congress's Christmas recess, Kennedy had read *Washington Post* correspondent Anthony Shadid's book *The Emerald City*, which detailed the chaos in Baghdad. The book convinced him that an escalation would never work. On January 9, 2007, at the National Press Club, Kennedy gave an impassioned speech denouncing the president's plan as “a policy of desperation built on denial and fantasy,” and demanding that Congress “reassert its constitutional power” on war

policy by passing legislation to prevent it. “We cannot simply speak out against an escalation of troops in Iraq. We must act to prevent it,” he declared. “Congress must no longer follow [the president] deeper into the quagmire in Iraq.” Once again the senator led the way for Democrats, with not only the most forceful rhetoric but also the most imaginative new tactic. “We have to take action now,” before the president does, Kennedy declared, “or it’s going to be a lot of meaningless statements and comments.” To accomplish this, on the same day as the speech, Kennedy filed a simple, four-page bill to prohibit paying for an increase in American troops beyond their level as of January 9, 2007. Although the bill stood little chance of passing, it served to widen the spectrum of debate on how to respond to the president’s proposal, and simultaneously to remind Kennedy’s younger colleagues that Congress did indeed have the power to stop presidential action on military matters.

The January 9 speech made a massive splash, excerpted the following day in television broadcasts and mentioned in front-page stories worldwide as an illustration of Democrats’ newly emboldened opposition to the war. Kennedy repeated his comments on the Senate floor to emphasize them further. “The importance of this legislation is that it will apply now before we could get the escalation,” Kennedy said, explaining his tactics to reporters. “If you wait, this thing is going to be past. I’m not sure that all of our colleagues in the Senate understand that, quite frankly.” Indeed, he feared that, lacking the sort of institutional memory possessed by him and Robert Byrd, few in Congress understood what could be done. In another interview, Kennedy said explicitly that if the surge were to begin, the administration “will have effectively won the

day. They will have gotten what they are looking for.” Through the speech Kennedy had also given another reminder of the way the war’s mission had changed since the original invasion. *Washington Post* columnist Harold Meyerson wrote that as “Kennedy reminded us yesterday, the weapons didn’t exist, Hussein is gone and Bush’s war has only brought al-Qaeda more recruits. But our presence in Iraq continues unabated and, if Bush gets his way, will be escalated.” Even conservative columnist Jonah Goldberg, though strongly disagreeing with Kennedy, wrote, “Give Senator Ted Kennedy his due. He not only wants the thing over, consequences be damned, but he’s got the courage to admit it.” And by January 12 one journalist observed, “Earlier this week, when . . . [Kennedy] promised a vote threatening to block billion-dollar spending for Iraq, he seemed to be too far ahead of his own party. But his colleagues are no longer ruling it out.” Historian Robert Mann, the author of *A Grand Delusion: America’s Dissent Into Vietnam*, called Kennedy’s plan “a bold effort stop what many Americans perceive as a lost cause. . . . In the short term, the public may not honor [war] dissenters — but history most assuredly will.”²⁷¹

Though Bush remained defiant and Kennedy’s bill went nowhere, within weeks two Republican senators had crafted a centrist proposal calling on the president not to escalate the war. Speaking on the Senate floor January 25, Kennedy remarked, “I look forward to early action by the Senate and the House of Representatives on the nonbinding resolution approved yesterday against the escalation of the war, and all of us hope the president will act accordingly.” But, he added, “we in Congress must be prepared to do more than pass a non-binding resolution opposing” the policy. “The issue is too important, and we have a

constitutional responsibility of our own to act in this crisis, not just talk about it.”²⁷² Kennedy felt the election had changed more than the ruling party in Congress. It had given the Democrats a new responsibility to take concrete steps to stop the war, and he cast himself as the conscience of the Congress, continually pushing his colleagues to do more.

At the start of February, the Director of National Intelligence released the National Intelligence Estimate on Iraq mandated by the Kennedy amendment passed the previous August. It painted a grim picture — Iraq was not in a “civil war,” the report said, because the situation there was even worse than that. The NIE provided further proof, though hardly any was needed, that Iraq was in a rapid downward spiral toward chaos and anarchy. “The nation’s intelligence experts have confirmed the nightmare scenario for our troops in Iraq,” Kennedy said. “The country is sliding deeper into the abyss of civil war and our brave men and women are caught in the middle of it. . . . It’s abundantly clear that what we need is not a troop surge, but a diplomatic surge, working closely with other countries in the region.”²⁷³ The report — which would not have been produced for months more, if at all, had Kennedy had not legislated it — altered the public debate and left little doubt about the desperate situation in Iraq.

Yet although Kennedy had become even more vehement in his opposition to the war, he was also remaining active on other Iraq-related fronts. On January 15 he and Senator Christopher Dodd, Democrat of Connecticut, sent a letter to Secretary Gates “to express our concern that the proposed troop surge by the president will put 22,500 more U.S. troops in Iraq without the best armor

protection available.”²⁷⁴ Kennedy made even more of an impact on the issue of refugees. Despite the massive number of displaced Iraqis inside and outside that country, little attention had been paid to the problem in the United States. The war had created nearly 3 million Iraqi refugees, but the U.S. had allowed only 466 Iraqis to resettle in America since 2003, and most of them were already awaiting placement before the invasion. The White House had publicly said it planned to resettle just 500 Iraqis in the U.S. during the coming year. Kennedy, who under the new Democratic majority had become the chairman of the Senate Immigration, Border Security and Refugee Subcommittee, took to the pages of *The Washington Post* on December 31, 2006, in an impassioned op-ed entitled “We Can’t Ignore Iraq’s Refugees.” He wrote, “America bears heavily responsibility for their plight. We have a clear obligation to stop ignoring it and help chart a sensible course to ease the refugee crisis. Time is not on our side,” he added. “We must act quickly and effectively.” By lending his celebrity and attention to an under publicized issue, Kennedy quickly moved it up the policy agenda. His article coincided with lengthy features on the refugees’ plight in *The Boston Globe* and *The New York Times*, and on January 16 Kennedy held the first congressional hearing on the issue of Iraqi refugees. “The answer, of course, is not to bring every Iraqi refugee to the United States,” he said.

But, we have a special obligation to keep faith with the Iraqis who have bravely worked for us — and have often paid a terrible price for it — by providing them with safe refuge in the U.S. We should work urgently with Iraq’s neighbors, especially Jordan, Syria, and Lebanon, who are bearing the greatest refugee burden.

Less than a month later, the administration moved to address the issue, developing a plan with the United Nations to register between 135,000 and 200,000 refugees to determine which were eligible for refugee status. Of an expected 13,000 to 20,000 eligible Iraqis, at least 5,000 of the group would be resettled in the United States. Although only a first step due to the scale of the problem, the public pressure brought by Kennedy's advocacy for the refugees had begun the process.²⁷⁵

HAD KENNEDY'S INTENSE INVOLVEMENT IN the debate over Iraq been a failure?

Judged strictly by whether or not the U.S. went to war, the answer is obviously yes. The speeches, legislative maneuvers, and backroom discussions that Kennedy had — not to mention the millions of protesters who took to the streets worldwide before the invasion began — did not dissuade President Bush from launching the war. However, as Barbara Sinclair writes, “Having an impact is not always defined as winning. A senator may be satisfied with making a good showing and thereby enhancing his reputation, or with simply expressing a point of view with the hope that it will eventually have some impact.”²⁷⁶ After forty years in the Senate, Kennedy certainly did not need to fight President Bush on Iraq to enhance his reputation. However, the prescience of his warnings in 2002-03, as well as those after the conflict began, did bolster his reputation. Had Kennedy been heeded, the U.S. could have averted a catastrophic military, economic, and foreign policy disaster. Furthermore, in pushing to give the United Nations more time before launching a war, Kennedy was reflecting the views of a

majority of Americans; a *New York Times*/CBS News poll taken only a month before the war began found 61 percent of Americans agreeing that the U.S. should “wait and give the United Nations and weapons inspectors more time.”²⁷⁷ And perhaps most importantly, his conscience told him that he had done the right thing. In 2007 Kennedy called his stance against the invasion “the best vote I’ve cast in my 44 years in the United States Senate” — no small statement, considering he also cast votes which, among other things, created Medicare, cut off funding for the war in Vietnam, and kept Robert Bork off the Supreme Court.²⁷⁸

Like Senator Fulbright during Vietnam, Kennedy’s real impact came after the war began, as the U.S. struggled to understand the conflict and find a new policy. Faced with a stubborn, ideological administration that not only failed to admit its own failures but often exacerbated them, there seemed to be little Kennedy could do. Certainly there was no hope of initiating a dramatic funding cut-off before the Democrats took control of Congress in 2007, and even then it remained unlikely. Far from throwing up his hands, however, Kennedy embraced the challenge created by his opposition status. His four decades of experience gave him a mastery of the modern role of a senator unmatched by any of his colleagues. He utilized every tool at his disposal — from the free media attention attracted by his celebrity and his fiery rhetoric, to small legislative maneuvers, like mandating the revised NIE that passed the Senate quietly but when released caused a major shift in both elite and public opinion. In doing so Kennedy led the way for his fellow Democrats — and even some Republicans — to shed their fear

of the Bush administration and its Republican allies and challenge them directly on the war's failures.

Yet there was also a maturity and intellectual depth to Kennedy's opposition to the war — another necessary component of effective leadership. It showed in his sincere respect for the sacrifice and heroism of American soldiers, no matter what he thought of the policy for which they were being sent to fight. And it showed in his reasoning. Kennedy argued against the war for a range of reasons, mostly on national security grounds, but not out of an unthinking dovishness. Kennedy saw, when few other major public figures did, the immense damage the war would cause for the U.S. financially, militarily, and politically both at home and abroad. Through long and bitter experience, he recognized the dangerous precedent set by Bush's dismissal of the U.N. and international law, and how negative its aftereffects would be. But through it all, his vision of America remained the active, positive view of the New Frontier. Just a month before he was killed in 1963, Kennedy's brother John had said,

I look forward to a great future for America — a future in which our country will match its military strength with our moral restraint, its wealth with our wisdom, its power with our purpose. . . . And I look forward to an America which commands respect throughout the world not only for its strength but for its civilization as well.²⁷⁹

Edward Kennedy, now in his eighth decade, still looked forward to that America.

V. Conclusion

IN 1957, AFTER HE RECEIVED the Pulitzer Prize for *Profiles in Courage*, Senator John F. Kennedy was asked to chair a special Senate committee to choose the five “most outstanding” senators in the chamber’s history. As the Senate Historical Office’s account of the committee’s work makes clear, the Kennedy committee faced the same questions asked in this thesis:

How to define Senate greatness? Should it apply a test of “legislative accomplishment”? In addition to positive achievement, perhaps there should be recognition of, as they put it, “courageous negation.” What about those senators who consistently failed to secure major legislation, but in failing opened the road to success for a later generation? Should the criteria include national leadership?²⁸⁰

In classic Washington fashion, the committee “established criteria that nicely evaded all of these questions,” and then asked for recommendations from an advisory panel of 160 scholars who returned a list of 65 candidates. On March 12, 1959, they unveiled portraits of the so-called “Famous Five” — Daniel Webster, John C. Calhoun, Henry Clay, Robert La Follette, and Robert Taft. Their ranks were later expanded to nine, adding Arthur Vandenberg, Robert F. Wagner, Roger Sherman, and Oliver Ellsworth.²⁸¹ Though not a rigorous academic exercise, the Kennedy committee’s work shows that ranking senators is one of the most popular ways of putting Senate careers in perspective.

It is doubtful whether John F. Kennedy ever imagined his youngest brother would be mentioned in the same breath as the luminaries his committee

honored, yet increasingly in recent years this has been the case. At the close of his biography of the senator, Adam Clymer asks, “How should Kennedy be ranked in the history of the Senate?” Clymer writes that “it is worthwhile trying to compare accomplishments,” and references Clay, Wagner, Vandenberg, Everett Dirksen, Fulbright, Hubert Humphrey, and Taft. He also makes an important point: “Not all moments are equal. Henry Cabot Lodge’s defeat of United States accession to the League of Nations and Richard B. Russell’s many years of thwarting civil rights legislation required great skill and dedication. Lodge and Russell led causes with intense support. But they were wrong.”²⁸² In this, Clymer echoes political scientist Robert C. Tucker, who writes that leadership requires “the mental and moral powers to take full measure of the human prospect” with a long-term outlook and a moral vision.²⁸³

Some of the most important judgments on Kennedy’s effectiveness as a Senate leader come from those who know him best: his colleagues. On the occasion of Kennedy’s thirty-fifth year in the Senate, Robert Byrd — the only senator to outrank him — invoked the great names in the chamber’s history, and declared, “Ted Kennedy would have been a leader, an outstanding senator, at any period in the nation’s history.”²⁸⁴ In 2002, the liberal iconoclast Russell Feingold said, “I think he’s the greatest senator of the 20th century. He’s an incredibly smart, incredibly hard-working tactician of what goes on here. He understands the issues, and he really understands the institution of the Senate.”²⁸⁵ (Feingold’s observation is a reminder that Kennedy’s understanding of the Senate allows him to be effective in situations as different as No Child Left Behind and Iraq.) Even Orrin Hatch, the conservative Republican from Utah who is also one of

Kennedy's closest friends, admits, "Whether you agree with him or not, he's become one of the all-time great senators."²⁸⁶ When it comes to Kennedy, such statements are not the exception but the rule.

Similar statements come from a range of outside observers. The senator's current profile in the *Congressional Quarterly* encyclopedia of American politicians reads, "Kennedy towers as one of [the Democrats'] most forceful spokesmen, and one of the most influential legislators on Capitol Hill." In a laudatory 2002 profile in the centrist British publication *The Economist*, the magazine's anonymous correspondent called Kennedy "the senator with the biggest legislative muscle on Capitol Hill" and "one of the most influential legislators of the past 50 years."²⁸⁷ In 2006, *Time* magazine chose him as one of America's ten best senators, and reporters Massimo Calabresi and Perry Bacon Jr. marveled that Kennedy "has amassed a titanic record of legislation affecting the lives of virtually every man, woman and child in the country."²⁸⁸ Evaluating Kennedy on the senator's 70th birthday, the pioneering *Village Voice* writer (and Robert Kennedy biographer) Jack Newfield wrote, "Ted Kennedy looks like the best and most effective senator of the past hundred years."²⁸⁹ A long *Boston Globe Magazine* profile published in 2003 by Charles P. Pierce observed that with Kennedy, "the relevant points of historical comparison are not his brothers but Daniel Webster and Henry Clay and Hubert Humphrey. Given the way that we do politics in this country today," Pierce added, "he may be the last great senator."²⁹⁰ Pierce was echoed by Merrill D. Peterson, professor of history emeritus at the University of Virginia, and the author of *The Great Triumvirate*, an epic study of the senatorial careers of Webster, Clay, and Calhoun. Peterson

believes Kennedy “might be the greatest senator of them all. Not just because of the time served but because of his excellence, and not just because I agree with him on most issues.”²⁹¹ The question, then, is not whether Kennedy is an effective Senate leader — the verdict on that is a clear yes — but *how* he manages to be one. The answers are straightforward and interrelated.

First, Kennedy understands leadership. He grew up learning it. Politics was in the family bloodline; his mother, Rose Fitzgerald Kennedy, once said, “My babies were rocked to political lullabies.”²⁹² Furthermore, with one brother who served as president of the United States and another who came close, early in his career Kennedy had already received a master class in the art of leadership from a perspective that few of his colleagues know so intimately. The importance of leadership became particularly apparent when Kennedy ran against Jimmy Carter for the Democratic presidential nomination in 1979. A *Time* magazine correspondent covering his campaign wrote that Kennedy’s “vigorous attack on Jimmy Carter comes through loud and clear. Though he does not mention the president by name, the words leader and leadership keep recurring, 17 times in all. This is Ted Kennedy’s main theme.”²⁹³

There are few other examples of senators who, like Kennedy, entered the institution with outside celebrity on which they could trade to advance their agenda. However, one modern example, that of Senator Hillary Clinton, is instructive. It is not a perfect comparison, since First Brother is a quite different role from First Lady, and Clinton has not had nearly as many years in the institution to make her mark. Still, as *The Washington Post* noted, the first half-decade of Clinton’s Senate career marked her as “a hybrid legislator, a figure of

outsized influence but limited scope, offering no big initiatives.”²⁹⁴ That may change depending on the outcome of the 2008 presidential race, and Clinton’s own future plans. But it is a useful comparison to make with Kennedy, a figure who has always used his outsized influence precisely in the pursuit of big initiatives like K-12 education reform or ending a misbegotten war.

However, leadership alone is not enough — leaders must have principles to guide them in their public roles. That point is made eloquently by Carl Friedrich: “To differentiate the leadership of a [Martin] Luther from the leadership of a Hitler is crucial for a political science that is to ‘make sense’; if a political science is incapable of that, it is pseudo-science, because the knowledge it imparts is corrupting and not guiding.”²⁹⁵ One need not share Senator Kennedy’s principles to agree that he holds staunch liberal views, and that he is an impassioned advocate for such ideas. (He is said to have once asserted, “I define liberalism in this country.”²⁹⁶) Kennedy knows what he stands for and what he believes in, and his strongly-held, well-known views are crucial to his success as a Senate leader. For one thing, this gives confidence to his allies — both fellow politicians and sympathetic interest groups — that they can follow his lead on issues like No Child Left Behind, when he goes out on a limb to work with their political opponents. More importantly, his own philosophical confidence makes him feel entirely comfortable with making deals, because he knows what he wants and what is acceptable (and what is unacceptable) in the pursuit of a compromise. Kennedy said this himself in 2003, in response to a reporter who asked, “Aren’t you selling out liberals and helping [President] Bush [by negotiating on the Medicare prescription drug bill]?” Kennedy responded, “That’s nonsense. I’ve

always felt that reasonable compromises make sense. . . . Real opportunities for progress don't come by very often. When they do, we should seize them.”²⁹⁷

Attempting to pithily capture the Kennedy doctrine, *Time* magazine wrote that “the key to his legacy is not that he is determined to stick up for his principles. It's that he is willing to compromise on them.”²⁹⁸ But *Time* missed the point. The key to Kennedy's legacy is that he *never* compromises on his principles — he compromises on legislation. His principles (uncompromised) always guide him as he seeks out opportunities for constructive collaboration with his colleagues.

The task for Kennedy, then, becomes finding and seizing those opportunities. Doing so requires a mastery of the ways of Washington in general and the ways of the Senate in particular, in order to use the tools at his disposal to maximize his effectiveness. Kennedy explained this in an extended interview published in 2003:

It's basically a result of understanding how the institution is working and how things get done and to know that intuitively. The other stuff is just part of the deal. If you don't learn it, you might as well not bother serving in the Senate. I can go down and fight with Orrin [Hatch] on fetal transplantation and then testify with him on religious restoration when both were white-hot, and then we can go out later.

Unless you work on that, there's very little left you can do. You can just be an advocate, and there's nothing wrong with that, or you can just be an accommodator, and you're not going to be a leader if you do that.²⁹⁹

In the Club era, understanding how to be effective in the Senate was simple: work hard and without fanfare on your prescribed duties, particularly committee assignments, and remain in the good graces of the institution's elder statesmen.

This was a stifling environment, and one ill-suited to fulfill the desires of individual legislators. Despite its many faults, however, in the Club era the Senate did one thing especially well: it fostered a close sense of camaraderie among its members, and that helped keep the institution running smoothly. (Of course, in that period “running smoothly” required the shameful squelching of countless civil rights bills.) Even today, the Senate’s small size and lenient rules allow some of this feeling to remain; considering how much latitude each senator has to unilaterally block the body’s business, it is remarkable that anything gets done, especially in the highly polarized environment of modern Washington. Still, the coming of the individualist Senate in the second half of the twentieth century was in many ways good for the institution and good for the country. Allowing more senators to have a voice in the policy process brought a wider variety of views and priorities to the fore. But it took a heavy toll on the institutional equanimity that marked the Senate of the Club era.

In order to be effective over the years, Kennedy has developed two Senate styles, roughly analogous to the Senate’s Club and post-Club eras. Kennedy’s Club-esque conciliatory style puts a strong emphasis on coalition-building across partisan lines and ideological divides. His success in winning passage of the No Child Left Behind law is a powerful example of the conciliatory style at work. It also points to a weakness of the conciliatory style — although a compromise was reached and the bill passed, the president and congressional appropriators never provided the allotted funding Kennedy believed necessary to make the education reform work. “We know that the law has flaws,” he admitted in 2007, “but we also know that with common-sense changes and adequate resources, we can

improve on what we've learned."³⁰⁰ Kennedy sees every conciliatory effort as a battle in a larger war — and although compromise is possible in the battle (restructuring the federal role in K-12 education) it is not an option in the war (providing a good education to every American child). Furthermore, perhaps the most important element of No Child Left Behind was the fact that the Republicans now agreed with Kennedy. “Congress and President Bush made a bold and historic promise,” he declared. “We pledged in the No Child Left Behind Act that the federal government would do all in its power to guarantee every child in America, regardless of race, economic background, language or disability, the opportunity to get a world-class education.”³⁰¹ That was the most important accomplishment of No Child Left Behind — and a victory for Kennedy's conciliatory his style.

Not every issue lends itself to conciliation, however, and the Iraq war is one such issue. Initially Kennedy tried conciliatory moves, pledging to support the president if he made a real commitment to the U.N. weapons inspection process. He and his fellow dissenters were rebuffed, however. It soon became clear to Kennedy that the administration was bent on war, that the intelligence was being hyped (if not falsified) to drag the nation into conflict, and that the necessary preparations for a major conflict had never been undertaken. Tens of thousands of Americans would be killed or wounded, and thousands upon thousands of Iraqis would die, as well. Billions of dollars — with some estimates as high as \$2 trillion for a final cost — went to the war effort. While Republicans at home used the war as a political cudgel against Democrats, the United States' reputation sank, with millions worldwide protesting the invasion and occupation.

The “war is the overarching issue of our time,” Kennedy said, “and American lives, American values, and America’s role in the world are all at stake.”³⁰² With the stakes so high, Kennedy’s conciliatory style gave way to his oppositional style. In legislation he launched a guerrilla war against the administration’s policy, requiring damning reports detailing unmet benchmarks and poor planning throughout the government. His public remarks were impassioned, accusatory, and attention-grabbing, and they played a key role in diminishing Americans’ support for the administration’s policies. This approach was the antithesis of his work on No Child Left Behind, and it made full use of the factors that created the individualist Senate, particularly legislative activism and skilled media manipulation. Together, the two approaches give Kennedy a pragmatic Senate style that can be adapted to fit different issues and different circumstances, making him effective in a wide variety of situations.

WERE IT NOT FOR CHAPPAQUIDDICK, Edward Kennedy would likely be recognized as the greatest United States senator of the last 100 years. (As it is, some day he may still be.) On the other hand, were it not for Chappaquiddick, Edward Kennedy might have been president of the United States. There is no way to know what President Edward Kennedy would have accomplished — whether his administration would have been a success or a failure, a fulfillment of his brothers’ legacies or just a weak echo of Camelot. For all his personal faults and foibles, Kennedy has harnessed the position he gained from his family’s political success and used it to build a career that matters. By spending half a century in the United States Senate — mastering its ways and mores, and crafting an

adaptable Senate style to match the idiosyncratic institution — Edward Kennedy has proved that individual legislators can still make an enormous impact.

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²⁵⁰ Baker (8/18/05); Baker & Murray (8/22/05); Hulse (8/29/05); Wedge (8/12/05); White (7/22/05).
²⁵¹ Bender (10/19/05).
²⁵² “Democrats Intensify”; Fletcher (10/26/05); Kennedy (10/25/05).
²⁵³ Kennedy (11/10/05).
²⁵⁴ Oliphant (11/15/05).
²⁵⁵ Galbraith (11/15/05).
²⁵⁶ McClellan (11/11/05).
²⁵⁷ Bender (11/16/05); Vennochi (11/17/05); Woodlief (11/17/05).
²⁵⁸ Babington (11/18/05); Bumiller (11/22/05); Kennedy (12/20/05); Kennedy (12/22/05); Kennedy (5/22/06); Milligan (11/24/05); Pincus (11/19/05).
²⁵⁹ Barr (2/21/06); Bender (1/12/06); “Cheney Vs. Kennedy”; Fletcher (3/20/06).
²⁶⁰ Baker (4/5/06); Clymer, p. 231-2; Ross (3/22/06).
²⁶¹ Cloud (6/10/06); Klein (6/16/06).
²⁶² Aryanpur (8/3/06); “As Maliki Visits Congress”; Kennedy (8/2/06); Kennedy (8/3/06).
²⁶³ Johndon (8/10/06); Kennedy (8/13/06); Kennedy (8/29/06).
²⁶⁴ Bender (8/29/06); “Clueless at the Pentagon”; Wangness (8/28/06).
²⁶⁵ “Kennedy-Chase Mini-Debate.”
²⁶⁶ Hulse (10/26/06).
²⁶⁷ “Let’s give Kennedy.”
²⁶⁸ Grunwald (11/8/06); Kennedy (11/7/06); Mishra (11/8/06); Rosenberg (11/2/06); Woodlief (11/23/06).
²⁶⁹ Kennedy (11/8/06); Kennedy (11/9/06); Kennedy (12/5/06); Milbank (12/6/06).
²⁷⁰ Kennedy (12/31/06); Rutenberg (12/26/06).
²⁷¹ Kennedy (1/11/07); Goldberg (1/12/07); Goldenberg & MacAskill (1/12/07); Klein (1/8/07); Klein & Milligan (1/10/07); Lehigh (1/9/07); Mann (1/15/07); Meyerson (1/10/07); Woodlief (1/19/07); Zeleny (1/9/07); Zeleny & Hulse (1/10/07).
²⁷² Hulse & Zeleny (1/20/07); Kennedy (1/22/07); Kennedy (1/25/07); “Making Bush listen to reason”; Mann (1/15/07); Woodlief (1/19/07).
²⁷³ Kennedy (2/2/07).
²⁷⁴ Kennedy (1/15/07); Kennedy (2/15/07).
²⁷⁵ Kennedy (12/30/06); Kennedy (1/16/07); Kennedy (2/14/07); Tavernise & Worth (1/2/07); Swarns (1/17/07); Swarns & Zoepf (2/14/07); Tyson (1/17/07);.
²⁷⁶ Sinclair (1989), p. 147.
²⁷⁷ *New York Times*/CBS News Poll (2/5-6/03).
²⁷⁸ Hendren (1/9/07).
²⁷⁹ Safire, p. 228.
²⁸⁰ “ ‘Famous Five.’ ”
²⁸¹ *Ibid.*
²⁸² Clymer, p. 607-8.
²⁸³ Tucker, p. 390.
²⁸⁴ Quoted in Clymer, p. 609.
²⁸⁵ Pierce.
²⁸⁶ Quoted in Atkinson (4/29/90).

²⁸⁷ “In praise of Ted Kennedy.”

²⁸⁸ Calabresi & Bacon Jr.

²⁸⁹ Newfield.

²⁹⁰ Pierce.

²⁹¹ *Ibid.*

²⁹² Leamer, p. 158.

²⁹³ “Kennedy Challenge, The.”

²⁹⁴ Murray.

²⁹⁵ Friedrich, p. 19.

²⁹⁶ Gergen.

²⁹⁷ Cooper.

²⁹⁸ Calabresi & Bacon Jr.

²⁹⁹ Pierce.

³⁰⁰ Kennedy (3/26/07).

³⁰¹ *Ibid.*

³⁰² Kennedy (1/9/07).