

*Summit Thru here too* *send to AEI 6/23/82* *also footnote* *partly* *summer.*

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I run into Kevin Mills. "We just got Kennedy's polling form back. All we need now is Metzenbaum. Maybe we'll get Arlen to call him. We just need to get him to do his homework. The papers have been on his desk for three weeks. It's a matter of getting his attention. (Bruce asked Arlen after we got back)

Kennedy will propose an amendment re. sequence of local prosecutor--federal prosecutor action. "Kennedy will propose it if Specter doesn't. I want Specter to do it.

DA's meeting with Arlen - Intro - "old friend of this Assn."

AS - "scheduling is absolutely and totally unpredictable" - "many fond recollection of NDAA sessions over the years." Said "In my Senate race, when I get into tough places, I dug down into the box of my experiences in the associ and it helped me in a very tight Senate race."

Mentions legal assistance - Hughes bill - LEAA first.

"Congress is very tough place to get anything done that costs anything at all--anything with a price tag." He asks them to "lobby through the business community." Uses Florida drug task force as example. "The law enforcement issue is a very strong one."

Re criminal bill - When the subject of cost came up, a pallor came over the group" re meeting with President.

Urges them to work for prison construction too. It's going to have to be revised and revised pretty quickly."

"If we get career criminal bill passed--I don't know whether we can get it passed with attitude of District Attorney's Association - we're going to try to steamroller you anyway." Says how local people need help with

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calendar and sentences. "I can understand sentiment of DA who wants to have final recall on it. Hard to structure a federal act without giving federal government final say."

"Long and difficult road."

He talked about "federal government putting its toe in the water" via his bill.

If we can get career criminal bill passed, we may get prison construction passed, that's the pitch he makes. It's a soft sell.

"As you know, I've had a lot of experience in your field. It's nice to have old friend like Lowell Jensen we get a lot more business done than anyone when we can talk prosecutor talk."

"Really need recent practical experience in criminal prosecution field and not too many in Senate have had it - Heflin,

Your "practical inputs are necessary."

Gift - "marked up <sup>council</sup> career council bill - saying NDAA does not support your bill... No." Then he gives him another plaque.

"Whatever you do on 1688, I have a <sup>guidebook</sup> ~~gradebook~~ - Dist. Att. to US which some of you may be interested in."

They discuss some Oklahoma molestation case on way back.

When we get to Dirksen, Arlen asks Paul, "How is the report on 1688 coming along?" Paul says "slowly." Arlen asks "How soon do you think you can have it done?" "He and Paul go into what Paul later calls "our curbside conversation."

Paul talks about Arlen's disposition now. "He's counting on a spellbinding report to carry the day in the Judiciary committee. The problem with that is that--no matter how brilliant the report is--the first reaction of everybody

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we have talked to about the bill has been negative. Not that they are immediately against it but that they are immediately hesitant. Why do we need federal prosecution? Why only robberies and burglaries? Isn't it unconstitutional? Where are the prisons to put these people? All these questions come up. People do not trust their own immediate judgment on the bill. It seems normal. If the bill is going to succeed, it is going to have to hit the Committee and bounce right off. It's got to hit the committee like a stone skimming off the water. If it doesn't, we're in deep trouble in the committee. And its chances of skimming off the water are not good--no matter how good the report. The Senators will not read it; so everything will depend on the confidence that 18 staff assistants to the Senators will have in their own judgment on the matter. They will most likely read it and hesitate. They probably won't say to their bosses "This looks fine, everybody's for it, let's go." If they do, the bill will bog down in the committee. It won't get to the floor soon enough. If it doesn't get out of committee by the end of June and on the floor by July its chances will drop from poor to nil. There will be a mad scramble of legislation, with all sorts of important bills competing. No one can say 1688 is going to make the country better quick."

Sub.  
"Arlen wants me to finish the report above all else. He is completely determined to go ahead. You're heard of Pickett's charge. After being decimated for two days, the Southerners rallied and made a third charge. Lee told them to go back again. They did, without knowing what they were doing or why and were wiped out. I think we're on a Pickett's charge. But Arlen is determined to keep going. He won't <sup>in</sup> take any face saving maneuvers off to the side. He wants to go straight ahead and all the way."

Save for report

He said he'd been doing summit stuff "because Arlen wanted <sup>him</sup> ~~one~~ to do that more" than 1688.

I ran into Bruce Cohen afterward. "We're doing too much. You heard Arlen ask Paul how the report was coming? Do you know when the last time Paul thought about that report? Two months ago. One problem with a freshman Senator is that they don't concentrate on a few things. He can be good at a few things but not a lot of things. I think a guy should come here and concentrate on three things. He should do them well and monitor the rest. But we can't keep Arlen busy enough with just three things. He's got too much energy. He's like a nymphomaniac. Three things aren't enough."

Re the investigation he talked about in the car. "It may sour his relations with Thurmond. And that may affect everything else. But he's going ahead. You can't stop him. You're going to have to shoot him off his horse."

When I got into the car with Arlen he asked me how I liked his summit resolution. I said I watched him and asked him how it felt. "It felt great. It felt especially great because I took on big bad John Tower or bad big John Tower and beat him... The pleasure of it was that it was the first time any member of the freshman class of 80 had taken on and beaten the leadership on an issue that was so tough and tenacious." *Champaign!*

"One little bit of byplay: when the vote came, Tower placed a sheet of paper beside the text down on the Republican table saying that the Armed Services Committee and the Foreign Relations Committee were opposed to the resolution. I had never seen that done before and I asked Bill Hollenbrand what the precedents were. He went to find Baker. I asked Tower if the Armed Services Committee opposed it or he did. He said he was the Chairman and he opposed it. I said why didn't you say that? I asked Chuck Percy. He said he had taken a kind of a poll. I said "All right, if you took a poll." I said ~~no~~ that I believed him. But I still don't believe that is a fair procedure. By the time Baker came down to the table the vote was over.

I didn't press it with him. But I intend to press it again later."

"The resolution added that much (he spread thumb and forefinger as they just kept from touching) to the movement for arms control, and it gave that much (he barely touched my shoulder) push to a summit. But it was right to do it. There's a battle going on for the president's mind. There are 3 groups on the right whose views are close together but different. One right <sup>my</sup> ~~my~~ group wants no negotiations at all. Another wants negotiations, but on terms that are totally unacceptable to the Russians. The third group is still very tough -- the Haig group. My resolution said to the President, "Mr. President, we believe you ought to be interested in serious negotiations with the Russians."

"John Warner suggested I go down and talk to the State Department. So I did talk with Haig's deputy. But they said nothing to convince me I wasn't right. I told them I wasn't going to withdraw it. Then I talked with Haig, who said it would have 'disastrous' consequences if it passed before the President's Eureka speech. So I agreed to withhold it over the weekend; but I said I wouldn't drop it."

I met Paul leaving the building and he told me more of the sequence re the summit and said I should get Arlen to tell me more.

On the Wednesday before he was to introduce it, Tower and Warner came to him and said they knew things he didn't know and if he knew them, he wouldn't introduce it. He said 'tell me'; they said they couldn't. He said "I'm available." In an hour he was called by someone and Warner, ("honest broker", AS and Paul went to the White House to talk with Rob't McFarland, Clark's NSC deputy and a guy from some other agency. They have long discussions, says Paul, and upshot is that President is going to give speech on the subject. Arlen talks with Haig on phone (Haig calls) and Arlen agrees to postpone it. Also, in the meeting, with McFarland, some language is worked out and the resolution is changed some.

Paul says what Arlen was basically trying to do was help Haig in the battle of the right wing groups. "The goal of the resolution was to keep the President from sliding backwards toward the farthest right groups, to keep him from moving away from negotiations."

He said policy meetings on Tuesday was crucial. It was discussed there and Tower and Percy made argument that committee processes hadn't been followed etc. Stevens got up and said it was bullshit, they did it all the time etc. and he was going to vote for the resolution. A couple of others spoke too. Sentiment was swinging then. Tower yielded when he saw that. Paul says there was a lot of unhappiness among the freshmen at being told they couldn't bring anything up unless it had gone through the committee. So there was restiveness among the younger members "a revolt" against too-strong charimanship--regular order kind of order. That may be a good example of the new Senate. The other aspect of it is the idea that Congress really shouldn't get involved in foreign policy. That's the view that Tower, Stennis, Goldwater took.

Arlen says Tower would have voted for the last version--since he got some language--but that Stennis and Goldwater shamed him from the other side.

So in a "condition of the Senate" kind of sense, the idea that Congress should defer to the exec, and the idea that the Committee process should be observed are both unpopular and unaccepted notions among the young members. Arlen was a kind of a hero of the underclass. They didn't like Tower's and Percy's line of argument vs. Arlen. Paul said the attack on the resolution "got pretty bitter."

He talked, back in the office, about 1688 - the Bar Assoc. and DA's negative votes. On DA's he said that "like all bureaucrats, they want to control their turf. And, to them that control is more important than effective

penalizing of violent criminals. What really bothers them about any language that allows the federal government to step in is that the local press will interpret that as a finding by the federal government that local law enforcement had failed. Don't forget these are all elected officials, for 2 or 4 year terms. It is the stigma that they fear. Even though it would never happen as a practical matter the chance that it might conceivably happen is enough to make them oppose the legislation. It's not a matter of principle with them, it's a matter of local politics."

As he told Arlen in the car, they voted unanimously (by voice vote) against the bill. And when I suggested that was a big setback, he said. "The real turning point came on Nov. 14th. At the Nov. 13 meeting the Attorney General had said "I'm ready to implement the program if OMB will agree." And the President had said "Let's see if we can't work out something with OMB." Even with the President, the Attorney General and Meese all in favor, you get the idea that the controlling force was the guy who wasn't even there--Stockman. Starting the next day, we began a series of endless meetings, proposals, drafts trying to get administration support--especially OMB. It took us from Nov. 14 to March 18 before the administration agreed to support the bill. In those months, we had lost our momentum. In Nov. Reagan was still a hero. By March the polls were down, he was getting criticized, he wasn't popular anymore. We should have had the bill out of committee by January. We lost the good season for moving the bill."

Now, he says, it's so late that time is against them. He's been feeling this way for sometime; but today he started it more clearly than before.

As we walked over to the floor to pick up Arlen, Bill and Paul talked about whether Arlen should or would want to go over to Arlington to make the speech. He immediately said "I think we ought to show the flag. We made a



commitment and I think we should keep it. The appropriations votes will still be there."

When he came out of their policy luncheon, Arlen said "The Republicans still can't decide what to do on social security. I have never seen Howard Baker in such a tizzy." Later that afternoon Baker called another caucus and the Republicans settled on a plan. They had been preventing Dems from offering amendments till they were ready to offer their plan.

Paul did a lot of travelling to lobby for 1688--unsuccessfully. He went to New Orleans to meeting of criminal justice group of ABA and to Kansas City to DA's meeting. Both groups were unfavorable. He went into great detail about both. But I've lost most of it. ABA groups was mostly pro-prisoner. DA's was turf protection.

But re DA's Paul talked about his proposed language.