

Record Group CT1 / Series 2758

Robert Allison interview with Thomas Birmingham, Senate President, 1996-2003

Interview date: 2017

00:00:29,240 --> 00:00:31,840

Robert Allison: Well, welcome Senator Birmingham--

Tom Birmingham: Thank you, Professor.

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Allison: --back to the office. Can you tell us what brought you into public life?

00:00:37,000 --> 00:02:10,080

Birmingham: Yes, I was born in Charlestown and grew up in Chelsea, in an Irish-Catholic working-class family, for whom politics was a very important practice. And we followed politics very, very closely, I can remember many dinner table conversations where we would have volatile discussions about the issues of the day. And I became interested in politics from an early age and I assumed I would run for office by the time I was a teenager. And after I graduated from law school, I practiced as a labor lawyer, a union labor lawyer for over a decade. And then I decided to run for office. And I ran against a well-established, long term incumbent in the state senate. And although I lost that first race, I never regretted running, and then I ran again, and I won the second time. And it just, has been a tremendous experience. There is no profession which exposes you to such a diversity of people, as government does. Whereas if you're a lawyer, you tend to associate with lawyers, if you're an academic, you may tend to associate largely with academics. I say that my wife is an academic. But, in politics, you're exposed to the widest array of people and it is liberating.

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Allison: Where did you go to law school?

Birmingham: I went to Harvard Law School.

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Allison: And as an undergraduate?

Birmingham: I went to Harvard College.

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Allison: Okay, good. So your first office was in the state senate?

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Birmingham: Yes, Yes.

Allison: What can you tell us about what Massachusetts was like at the time you entered politics and became part of the state senate? About the economy, culture, and so on.

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Birmingham: Well, at the time I entered politics, we were in a middling type of situation. But by the middle of the 1990's we were enjoying a very, very prosperous era. Whether this was due to or in spite of the many tax cuts that Governor Bill Weld had put into practice, that depends on one's economic theory. But we had a tremendous diversity of views and opinions and I'm forgetting what the question was again.

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Allison: What was the quality of life in Massachusetts?

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Birmingham: Oh the quality of life, I, we were enjoying a very prosperous time. And I was the chair of the Senate Ways and Means Committee in just my second term, and I wrote three balanced budgets before I became Senate President. And that was like getting a PhD in state government, so I really did know what went on in state government. But in those three balanced budgets, my top priority was always education reform, which was an expensive proposition, but I saw that as a vital investment in our future and that was true of the three budgets I authored. And it was my primary priority throughout my tenure as Senate President.

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Allison: So you were involved in the Massachusetts Education Reform Act in the early 90's, can you tell us a little bit more about that, how you became an advocate for that?

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Birmingham: Yes, I was the education co-chair, the Senate Chair of the Education Committee and along with Mark Roosevelt I co-authored the Education Reform Act. I grew up in the city of Chelsea, which is one of the poorer cities in the Commonwealth, but when I was a kid, the Chelsea public schools were very, very successful, notwithstanding the fact that we were a very poor community.

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Allison: And you went to the public schools in Chelsea?

Birmingham: I went to the public schools of Chelsea.

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Birmingham: And I went on from the public schools, where I got an excellent foundation, on to get a world class education. And that transformed my life. Not just my earning capacity. It enhanced my earning capacity, but it transformed every aspect of my life and that was the type of opportunity I wanted to afford all of our kids, particularly those kids who were under-privileged.

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Allison: And then by the time you were in the state senate, of course Chelsea's in receivership and the schools are taken over by BU, so that's--

00:05:12,360 --> 00:05:54,979

Birmingham: Chelsea, in my first term, I championed the legislation that put Chelsea into receivership, which was a political choice I would not have readily made, it was foisted upon me. As a newly elected official, I was in the position through the receivership, of rendering every other elected official in my hometown out of a job. And that was something that I did, not because I wanted them to all be unemployed, but I became convinced that the receivership, the state receivership of Chelsea was absolutely vitally necessary to the ability of the city to recover and to function.

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Allison: And has it, in retrospect, looking back, over 25-30 years?

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Birmingham: Oh yeah, yeah. I mean it, it was successful. Not without fits and starts, but I think if we didn't do the Chelsea receivership, I don't think we would have had a police force, I don't think we would have had a fire force, and that would have been just nothing short of disastrous. So it was an extreme measure, and in my very first term I wasn't looking to cause that kind of controversy, but in my heart I knew it was the right thing. And as a result of that experience, I got some political heat in Chelsea.

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Allison: I'll bet.

00:06:44,389 --> 00:07:12,920

Birmingham: But in the surrounding communities my actions were viewed as conscientious, and as a form of leadership, and I'm not going to pretend that doing the right thing always is the popular thing, but if you can make the case on the merits for why you're taking certain positions, I think more often than not the right thing is the popular thing. Not invariably, but more than people might be inclined to think.

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Allison: So how did things stand in Chelsea then, I mean for you, politically, having written the legislation and advocated for this?

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Birmingham: Yeah, I mean, written the legislation in my first term, and another bill I had done, was move from an elected school committee to an appointed school committee in Boston, so I was seemingly rather anti-democratic.

Allison: Yeah, right yeah yeah.

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Birmingham: Those weren't my intentions, I think in both instances we did the right thing. But there's no question in Chelsea we needed help because we were not viable.

00:07:47,539 --> 00:07:59,690

Allison: Now we are going to get to your path to becoming President to the Senate, but you mentioned being Chairman of the Ways and Means Committee, I wonder if you could speak a little bit about that position and the importance of it in the working of the state senate and the state government.

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Birmingham: Yeah, well I was only in my second term when President Bulger appointed me as the Chair of the Ways and Means Committee, and many have speculated that that is what caused a certain uprising against Bulger, the disappointment that somebody only in his second term would be named Chair of the Ways and Means Committee. Now that the statute of limitations has passed I can tell you, not only had I never written a budget before, I had never read one before I was, became Chair of the Ways and Means Committee, but it was a tremendous education.

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Allison: Do you know why he picked you?

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Birmingham: Well, I believe he, I had had the experience of writing the Education Reform Act of 1993, and therefore I had a lot of public exposure. And I think he had respect for my ability both substantively as a lawmaker, but also as a communicator. But he paid a price for picking somebody, and I was only in my second term. Another story that I didn't tell at the time: one day when I was named Chair of Ways and Means, my daughter who was in the 4th grade, her school came up to the State House for a tour. And I joined the tour, under the guise of being a doting father, but I didn't know my way around the State House, which is not a good image for the Chair of the Ways and Means Committee, to project. So I took a tour with my daughter around the State House and I learned where everything was through that device, but I was new to the process, but I had a great staff, tremendously talented, committed people, who, some of whom were Harvard graduates, some of whom finished their education in high school, but they were all very intelligent, very committed to me, made me look good, and helped me through, especially the first budget, which was a daunting proposition, but we got through it.

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Allison: And then you did balanced budgets?

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Birmingham: Yes, three balanced budgets in a row. And I was probably a difficult Senate President for any Chair of Ways and Means to work for because I knew the budget process quite intimately, whereas when I was Chair of the Ways and Means Committee, Senator Bulger was largely just deferential to my judgements on 90% of the issues. He had 3 or 4 issues that he might weigh in on, but not a whole lot, whereas I was a bit hands on, and I was probably a headache for whoever was Chair of Ways and Means under me because I had been Chair of Ways and Means.

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Allison: Yeah, yeah. Can you tell us about your path to becoming President of the State Senate, I mean how that happened?

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Birmingham: Well, I mentioned the Chelsea receivership, and how that taught me a lesson to try to put policy above politics in my legislative decision making process. And that's what I did as Chair of Ways and Means, and that's what I tried to do as President of the Senate. When I was elected President of the Senate, I was challenged in that capacity by the then majority leader, Lou Bertonazzi. And at the time, it was thought that the majority leader was the heir apparent to the Senate President. And it was not conventional for the Chair of Ways and Means to become the Senate President. In fact, I don't know of a Chair of Ways and Means who became Senate President before me. Subsequently, that has been a step that people have taken, but before that, the Chair of Ways and Means, was not usually, that was not a position that was a stepping-stone for higher legislative office, but in my case it gave me a great familiarity with everything in state government and I think it made me a better Senate President. But as I said, I had a contest with Lou Bertonazzi, who was the majority leader. And much more experienced than I was, he was probably in office for 2 decades, I was in office for 2 years, and I still managed to get the votes of the membership, and the first thing I did when I was elected Senate President, was reach out to Bob Durand, and named him, Senator Bob Durand, and named him a member of my leadership team. Durand was a well-respected member of the Senate. But he was a very prominent supporter of my opponent, Lou Bertonazzi. And I picked Durand, because I both liked and respected him, but I also wanted to send the message, that the factions that had too often characterized the Democratic party, were not going to be honored under my Senate presidency. So I reached across the aisle, and put into a leadership position, somebody who was a prominent supporter of my major opponent. And I think that helped to send a message to the entire Democratic party in the Senate, that we were no longer going to be factionalized, and that all Democrats would have a voice in the process. And I tried to be very inclusive with regard to the membership, very transparent in all of our processes, and very predictable in terms of our scheduling. There were very few surprises that members experienced and generally speaking, the vast majority of my members appreciated that devolution of authority to them. But I have to candidly tell you that there was, I think a minority, but a minority of members, who would have preferred me to simply be explicit. "This was what leadership expects you to do on this vote." Instead, I devolved to the membership, really let the membership decide. I played a role, obviously in the decision making process, I wasn't just a, you know, a green plant, but I played a role, but I tried to pick my spots, basically, I focused on education, and education reform that was my top priority, and as I mentioned that was for largely biographical reasons. I went to a very good school system, and onto a world class education. And I wanted to afford that opportunity to all of our kids, and that was my top priority, but I also was a union labor lawyer for a decade before I came into office. So I sought to advance the interest of working people, legislatively I was proud that I sponsored a bill that resulted in our having the highest minimum wage in the United States of America. Which at the time, 2001, was \$6.75 an hour, at the time when we were about \$5 in change, federally. That

was a matter of some pride for me. I also thought that the lottery was very exploitative, particularly of lower income people. And at that time, we were spending over 10 million dollars on lottery advertising. Trying to convince some of the most gullible and vulnerable people in the Commonwealth that they should play what statistically amounted to a suckers bet. And I thought that represented a corruption of what the relationship should be between a government and its citizens in a democracy. And so I initiated an effort to wipe out lottery advertising and we were successful in that regard. And I thought that was a step in the right direction.

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Allison: Now you mentioned the factions in the Senate, now were they personal, were they ideological, I mean can you tell us a little bit more about the factions?

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Birmingham: Yeah, well, when I was named Chair of the Ways and Means Committee, a group of I think it was six or seven Democrats, rallied behind Bill Keating in an effort to defeat William Bulger, they never really grew from that six or seven, and the effort was defeated. But, and they tried to run candidates against other incumbent Democrats. And that's an act of war, and we were really factionalized as a result of that. And there were people who really resented the effort of the dissidents to not only go against the Senate President, but to try to run candidates against their colleagues. And those factions were an obstacle to the Democrats behaving as a unified party and when I became Senate President I wanted to send a message about the end of that factionalism and that's why as I believe I previously mentioned, I named Bob Durand, a supporter of my opponent, to be a member of my leadership team. And that was the message that was received as well as sent.

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Allison: Very good, okay. Now you've mentioned this a bit, what you hope to achieve and what you hope to accomplish in your tenure. I wonder if you could speak a little more about what your expectations were, your hopes were as you took on the position of Senate President?

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Birmingham: Well, I wanted to do everything I could to assure the success of education reform. And it wasn't just because I had written the bill, it was because I believed that our future prosperity as a Commonwealth and the well-being of our citizens depended on the success of our public schools. And so I spent a lot of political capital supporting education and I spent a lot of money supporting public education. We fully funded the Education Reform Act at a time, when once the House underfunded it by 100 million dollars and another year Governor Cellucci vetoed 100 million dollars from the Education, full funding of the Education Act. The Senate position of full funding prevailed in each instance. With regard to Governor Cellucci's veto, fortunately for us, the Education Reform Act contained a formulaic distribution. So we were able to run the numbers in every school district of every Senator, and they could see that in most instances the Senate plan gave much more money to the local school district than the governor's veto, and in all instances it was more generous than under the House veto. And so as

a result of that, when we took up the veto of the governor, it was overridden unanimously, which was a once in a lifetime occasion. I don't believe it ever happened before and in my experience it didn't happen since. But when you have a formula for distribution of money, and you print the chart saying okay, under our plan, Springfield will get \$250 million dollars, and under the House veto it will get only \$200 million dollars. It's pretty hard for the elected official from Springfield to say I favor the \$200 million as opposed to the 250. So as it turned out, every single individual supported it. I also mentioned my strong support for workers' rights and interests, I mentioned the--

00:20:21,120 --> 00:20:29,280

Allison: Minimum wage.

Birmingham: --highest minimum wage and lottery advertising which I thought disgracefully exploitative and we wiped that out too.

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Allison: So what surprised you most about becoming, about the office of President of the Senate? What were things you expect that didn't happen, or what was it that really--

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Birmingham: I wasn't surprised by the office, the office was just as good as I thought it was going to be. But what did surprise me a bit was that I spent a surprising amount of time and energy on issues that were outside of the definition of the Senate President's responsibility. So, we used to have meetings every Monday of the governor to the lieutenant governor, the Senate President, the House speaker, the minority leaders, and the Chairs of Ways and Means. And of course, we would take up policy issues, but we spent as much time on non-policy issues, talking about personal things, talking about our kids, talking about our families, talking about movies we had seen, or books we had read, and as a result of those Monday meetings, Weld and I, Governor Weld and I, entered into a contest where each of us would take a turn, challenging the other, to get an obscure 50 cent word into either the print media or the electronic media, so I remember one of the first ones Weld gave to me was struthious, which is a variant of struthian, which means ostrich-like. So we had a Monday meeting, and I came out of the meeting, and there were about a dozen press members there, asking me what had gone on. And I said "Well, we all agreed we couldn't take a struthious approach to the impending federal budget cuts, which could have an implication on the state budget." Well, there were no pending federal budget cuts, and we had no discussion about that in the meeting, but it was an opportunity for me to use struthious, and I got it in, and I won a one dollar bet against the governor. So to me it was worthwhile.

Allison: And all the reporters knew what struthian meant?

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Birmingham: No, they asked me, but I pretended as if it were a word I used all the time. It means ostrich-like.

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Allison: Now you've already talked a bit about your leadership style, how does that compare with say the leadership style of your predecessors?

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Birmingham: Well, William Bulger was a real leader. But not so much an ideological leader as a personal leader, and he commanded a lot of personal loyalty. And I was deferential to him, because as I mentioned, he took the pretty big risk of appointing me as a second year, second term legislator, as Chair of the Ways and Means Committee, but Senate President Bulger did not have the same predisposition to transparency as I had. It was not an ideological thing, I think it was a more temperamental thing, but he came out of a generation where you were very careful with whom you shared information. Whereas I took a rather different approach, which I think is more generational than ideological.

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Allison: Now he and your father were friends?

Birmingham: Yes.

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Allison: Can you tell us a little bit about that relationship?

00:23:58,789 --> 00:25:06,159

Birmingham: Yeah they were very, very good friends because both of their brothers had been in similar situations and they had a very, very close friendship. And my father thought the world of Senate President Bulger and I think that was reciprocated. So much so that when my father died in the mid 80's Senate President Bulger delivered the eulogy. And it was a great tribute to my father and it was obvious that he knew him very well and respected him very much. I don't think that explains why I was named Chair of the Ways and Means Committee, but it didn't hurt that there was a pre-existing relationship with my father, and I had known Senate President Bulger before I was ever in politics myself. So when I first met him, as a member of the Senate it wasn't introductory, we had some previous experience with each other. I don't want to overstate it, we didn't socialize together or do anything of that sort, but we knew each other.

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Allison: Actually in our interview with him, he did talk about how important the Ways and Means Chair was, and he was very careful about whom he chose to, for that position, because he understood its importance, so it wasn't that he knew you--

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Birmingham: Oh no no no, it wasn't a favor, I think he sincerely believed that I was the best qualified person for the position. Before me, it was Patricia McGovern, another extraordinarily, well qualified person, but you know I was honored to be chosen, I told him, without lobbying for it, I said I would be interested. And that's all I'm going to say. I just don't want you to think that I'm not interested, but then it's your call, I respect that. And he did select me and was like getting a PhD in state government being named Chair of Ways and Means.

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Allison: Now, what about getting to you and your leadership style, what would you say is the most effective, and least effective pieces of the way you led the Senate?

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Birmingham: Well, I tried to be as inclusive as possible. I tried to be transparent and predictable. The members never were surprised by what happened and they always knew exactly what they were voting on. There was never an instance where they went back home to discover, "Oh I didn't know that that's what we were doing." I wanted to be very clear with the members and move forward only if it was the collective judgement of the membership. Now, paradoxically, although an overwhelming majority of the members particularly those who had recently come from the House that had a more top down decision making process, really appreciated that devolution of authority to the members. But, I think as I said previously, there was a small number of members who would have preferred it, if I just got up in the caucus and said this is what we're doing today and this is what I expect. A, B, and C, instead of having a free flowing discussion, and different people weighing in with different authority on different issues.

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Allison: And how would you decide, you know, either as president or in the caucus, what issues you would prioritize. I mean, you've talked about some of the issues you did prioritize, I wonder how the caucus or how the leadership determines what we're going to focus on.

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Birmingham: Yeah, the issues I decided were based on my values. Which in turn, were based on my pre-legislative, lived experience. I mentioned education and I mentioned that I got a great foundation in the Chelsea public schools, a very poor city. That informed my efforts on education reform, to do a massive infusion of state dollars into our public schools very progressively distributed. So the poorer communities got a lot more than the wealthy communities, and that wasn't by accident, that was by design. I thought that was, what was needed if we were truly to afford equal educational opportunities to all of our citizens. We would have to invest more in the poor communities than in the wealthier communities, we still allowed the wealthier communities to use their own dollars to spend as much as they wanted on education because I did not want to discourage any political entity from being generous to education. But that was their own dollars, largely generated by their own property taxes. What the Education Reform Act did was take state dollars and progressively distributed it, so that the poorer communities now got lifted up to roughly the same level as the wealthier communities. Which is not enough to equalize the results but it was better than what we had before. Where the poorer communities were spending not a fraction of what the wealthier communities were spending.

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Allison: Good, and then how would you assemble your team, your staff, committee chairs, and so on?

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Birmingham: I had a fantastic staff, very, very intelligent, committed, dedicated people, who really made me look good, they made me look better than I really was, and I was just blessed with having tremendously skilled, talented people, who could have made a lot more money working in the private sector, some of them were Harvard graduates, some of them were high school graduates, but they were all intelligent and committed to me, and I assessed their talents just based on the merits and chose them based on the talents that they displayed. Similarly with chairmanships, I would try to be deferential to the wishes of a member, if somebody wanted to be on the Insurance Committee, I wouldn't put them on Transportation Committee. I would weigh that as a factor. But I would then also make the same assessment as I made for my staff, of the skills, and abilities and talents of the members to see if they were up to the tasks. So it was a merit based assessment, and I was not perfect, but I think we were right more often than we were wrong.

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Allison: Why don't you adjust your pants there.

Birmingham: Oh.

Allison: That's okay.

00:30:35,020 --> 00:30:43,980

Allison: Now what were the biggest challenges you faced as the, and the Senate faced during your tenure?

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Birmingham: I think the biggest challenge I faced personally was on the full support and full funding of education reform. I mentioned how we had to override \$100 million dollar veto by Governor Cellucci. That was not easy. There were other challenges to education reform as well, in the late 90's, just before passing MCAS was going to be a graduation requirement, only about 50% of the students were passing MCAS. And if we had established a graduation requirement and fully half of the students failed to graduate, that would have been the end of education reform, because that would have been an intolerable result. And so we were faced with a choice. What do we do with this prospect of underperformance on MCAS given the high stakes that were coming down. And we had essentially two choices: one is, we could have lowered the standards to the level of performance that our members were already achieving, or two, we could choose to provide support, to lift the members up, to the higher level than we were seeking. And I spent, we chose the latter course, and I spent tens of millions of dollars to provide remedial support to those who are at risk of failing, so when MCAS finally became a graduation requirement, fully 90% of those who took the test, passed it. Which is a much different political proposition than if 50% are passing it. When 90% pass, it basically, if you were trying, if you were going to class so to speak, you could pass the test. If you checked out, and the 5-10% who did not pass, tended not to be engaged at all. There's not too much you can do about that. But by providing remedial efforts we made it possible for the vast majority of our members to reach the higher level of achievement that we expected of them. And I think that

not only was empowering to the members, but it enhanced the Education Reform Act and how it functioned.

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Allison: Let me ask a question that may be a little contentious, the two of the real achievements of the Education Reform Act were the institution of the MCAS test, that is testing to determine if students are learning, and the other is the charter schools, and those are always under attack by the teachers' unions, and you of course are a union lawyer.

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Birmingham: I was a union labor lawyer and I was proud to receive the endorsement of both teacher unions when I ran for governor. Notwithstanding the fact that we openly disagreed on charter schools and on other aspects of the Education Reform Act including the prospective teacher test.

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Allison: Right.

00:33:54,100 --> 00:35:27,140

Birmingham: I give the teachers' unions credit because they looked at me on my totality of commitment to education and didn't just pick one issue or another to disqualify me, but there's no gain saying the fact that as a strong supporter of charter schools I did alienate the teachers' unions, who were anathema on charter schools. I supported charters for a variety of reasons, but one was, if you had the resources, you had choice in education. You could move to a better school district, you could send your kid to a private school or a catholic school. If you had no resources, those were the only kids, the kids of parents who didn't have the resources to buy private education who had no choices whatsoever, and we were seeing loads of poor kids ghettoized, and education reform sought to change that and I think it succeeded in changing that, but one component of it was to offer a modicum of choice through charter schools to poor kids and especially urban charters were overwhelmingly poor kids who were achieving at levels as high as the students in some of our wealthiest communities, as in Wellesley and places like that. And that was a testament, both to charters but also to the educability of poor kids.

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Allison: Yeah, very good. Now can you talk a little bit about the legislative process and how it worked and how it might have shifted or changed during your tenure if it did?

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Birmingham: Well, as I indicated, I sought to be completely transparent and merits-based in my advocacy for bills. And that meant that I was quite explicit as to what I believed the merits were, and the merits were often data driven. And I was too young to the process to be too cute about this, so I just made my case on the merits, much as I did as a union labor lawyer. Making the case on the merits, whether it was charter schools, whether it was lottery advertising, whether it was a higher minimum wage. We always sought to make the case on the merits and persuade

the members on the merits. Sometimes, I thought I had persuaded the members on the merits, only to discover that I hadn't convinced them, but something else was going on. For instance, as soon as I left office, the first budget that was passed restored millions of dollars of lottery advertising. And I was surprised by that because I thought in my own heart that I had convinced members that it was inappropriate for us to be engaged in lottery advertising. As it turned out, I didn't persuade the members, and in retrospect, I had to conclude that what happened was I issued what was deemed to be a command and the membership obeyed. Now I didn't even know that what was going on. And I think it often happens that even the primary actors in legislative policy don't really know what's going on, especially when it's trying to attribute the motivations of other members. Because with regards to lottery advertising, I was astonished when it was restored. I remember calling Senate President Travaglini and asking, "What's going on with this?", because I thought that I had truly convinced the members on the merits and it turned out my opinion was wrong because the members, when the leadership went the other way, they could go the other way just as easily. And I didn't even know it.

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Allison: Yeah. Now, did you--

00:38:08,420 --> 00:38:10,280

Birmingham: [Coughs]

00:38:10,280 --> 00:38:26,710

Allison: Take a drink of water. Did the legislative, aside from issuing commands like that, did you shift the legislative process at all during your tenure or was it shifted, can you think of any instances?

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Birmingham: Yeah, well our process, and this is something I insisted on all the chairs, would be inclusive, and responsive, and based on the merits, and that was the way we conducted policy. There were no smoke and mirrors, there were no surprises, it was all done, what you saw was what you got. And that was the best I knew had to do it.

00:38:58,050 --> 00:39:08,600

Allison: Now what kind of a relationship did you and the Senate have, what was the relationship among the branches? Among you, the governor, the House, particularly with the governor during your tenure.

00:39:08,600 --> 00:40:48,460

Birmingham: Yeah, I served in the legislature under three governors. Weld, Celluci, and Swift. And of course all three were Republicans. And because I was a different party than the governor, I think that was liberating for me because there was no expectation on the part of the governor that I owed the governor some form of loyalty. In contrast, when the governor and legislative leaders are from the same party, I think the governor often has an expectation that the legislative leader will be the first assistant to the governor. That's not the case when you

have Republican governors and Democratic leadership. And so that allowed me to be independent, sometimes I agreed with the governor, sometimes I disagreed with the governor, but it was based on my own assessment of the merits, not out of any sense of loyalty to the office and I think if I had been with a Democratic governor, there might have been different expectations about how I should conduct myself and I should be more deferential. But because we were from different parties that just wasn't, that was a non-starter. And I think that was healthier for state government, that we had Republican governors and an overwhelmingly Democratic legislature, I believe it caused us to consider and address issues in ways that we might not have if we were all of the same party.

00:40:48,460 --> 00:40:54,000

Allison: Now the Senate and the House are of the same party, so can you tell us a little bit about the relationship between the Senate and the House?

00:40:54,000 --> 00:42:33,960

Birmingham: Yeah it was very contentious actually. One of my big surprises when I came into office was the institutional rivalry that characterizes the relationship between the House and the Senate. I think that's extremely counterproductive and myopic. Because you could walk 50 yards outside of the State House and nobody gives a tinkers curse whether a bill originated in the House or the Senate. But in the chambers, it's almost as though we were keeping score, to see who was winning or losing, and I thought that was very counterproductive and myopic because nobody actually thinks that way. But that was part of my relationship with the House, built of that rivalry and it was exacerbated by the fact that Tom Finneran and I had very different ideological perspectives ourselves. I sincerely believe, and I don't mean this as an insult, but I sincerely believe that Tom Finneran's values were more in accordance with those of the Republican party than the Democratic party. And I think if Tom Finneran had an R after his name instead of a D, people would have understood our conflicts much better. But we had those conflicts and it was based both on that institutional rivalry but also based on the ideological differences between the two leaders.

00:42:33,960 --> 00:42:46,520

Allison: So, how would you compare your relationship with the three Republican governors and your relationship with the Speaker then, if you were thinking about triangulating?

00:42:46,520 --> 00:43:51,560

Birmingham: I suspect that the relationship I had with the governors was probably slightly better than the relationship I had with the House leadership and that's partly due to the expectations. The Republican governors did not expect me to go along with them, whereas I think sometimes the legislative leadership expected the other branch to just go along and I was not temperamentally suited to just going along and I had my own views and they were often very different from those of the Speaker. So we had honest good faith disagreements on the merits and there's nothing to be ashamed of about that but I think because the Democrats are such a large party, we tend to lose some ideological coherence as a party and you have people

like me who are kind of to the left, and people like Tom Finneran who's kind of to the right. And the fact that we were both Democrats really didn't explain our relationship.

00:43:51,560 --> 00:43:55,540

Allison: And he as Speaker also had a different leadership style than you did in the Senate?

00:43:55,540 --> 00:45:00,220

Birmingham: A different leadership style which I think is partly driven by the different nature of the bodies. I had 39 members to deal with. He had 159 members to deal with. And going back to my experience as Chair of Ways and Means and he was Chair of Ways and Means as well, given that there are only 39 other members, I was never surprised when an amendment came on the floor and it had a lot of support, because I would have heard from 15 or 20 members about this very amendment before it even hit the floor. I think in the House, when you 159 other members there were a lot of surprises because you just couldn't have that kind of relationship, you couldn't spend that kind of time that a Senate President can with the rest of his members. So I think that drove some of our different approaches and maybe explains the need in the House, perhaps, for more a top down approach, whereas we could be more collegial and more deferential to the will of the members.

00:45:00,220 --> 00:45:07,220

Allison: Were there any significant constitutional convention debates during your time as president?

00:45:07,220 --> 00:46:27,640

Birmingham: Oh yeah. Yeah, we had one when there was an amendment to the constitution proposed, which would have defined a marriage as being solely between a man and a woman. And this was clearly designed to prohibit the prospect of same-sex marriage. We defeated that amendment and it sparked an outcry from the supporters of that amendment. In fact I well remember they marched into my office protesting what I had done and my receptionist asked for their names and addresses only so I could respond to the points they had made. And one of their members said, "Don't give them your names or addresses, if you do they'll have the gangs of gays harassing us at our houses." Well that was the farthest thing from my mind. But as a result of that, they sent to every public event I went to over the next several years, they sent a woman in a wedding dress and a man in a tuxedo, which I thought was a curious message because whatever my position on same-sex marriage, I never opposed heterosexual marriage.

Allison: Right, yeah.

00:46:27,640 --> 00:46:38,260

Birmingham: But they came to all of my events and it was kind of a curious demonstration. But, yeah.

00:46:38,260 --> 00:46:45,910

Allison: Now what kind of a relationship did you have as Senate President with the minority party, with the Republicans in the Senate?

00:46:45,910 --> 00:48:41,490

Birmingham: I thought it was good. I repeatedly reminded the caucus in this very office that we could do far worse than having Brian Lees as the leader of the Republican party. Our rules used to determine how you get a roll call vote by a formulaic formula. When I became Senate President, Senator Shannon defected from the Republican party and became a Democrat, which dropped the Republicans beneath the level they needed to be able to demand a roll call vote. So I changed the rule and I changed the rule for reasons of policy and reasons of politics. And that very often is the case, it's both policy and politics. But I changed the rule so that the number of the minority party was what was needed in order to get a roll call vote. So even if they went down to 1, 1 member could get a roll call vote. And I thought that was healthier for the Senate, that the minority party could get a roll call vote. That was the policy issue, and politically, I didn't want every Republican in the state running against an incumbent Democrat, saying if you don't vote for me we won't be able to get a roll call vote. And I subsequently found out, that is exactly what the Republicans planned to do, but by establishing the rule, which tied the roll call vote to the number of members of the minority party, that frustrated them in that effort. But it was both politics, the right thing to do for the health of the chamber, but policy, the right thing to do for the health of the chamber but politics, to deprive Republicans of an argument that I thought would have been, had a lot of receptivity to voters.

00:48:41,490 --> 00:48:57,070

Allison: We were talking with David Locke earlier and the whole issue of the fact that Republicans can elect a governor statewide, but have trouble electing members of the legislature and other offices, if you have any thoughts, if you've given that any thought.

00:48:57,070 --> 00:50:28,400

Birmingham: Yeah, sometimes I think in the Senate, we had 40 districts, there were very, very few that were clearly safe Republican districts. Maybe 2 or 3 but no more than that. And you needed extraordinarily good candidates to win in some of the legislative seats. Somebody like Richard Tisei, who had a district that included Malden and Melrose and Democratic areas, but he was able to win, but that's an extraordinary accomplishment. Unlike running for the legislature, where I think individuals are basically assessed on their merits, I think with regard to the governor's race, when it is clear that an overwhelming number of legislators are going to be Democrats, there's a predisposition to have a Republican in the corner office to balance the interest, which you don't have in legislative races, but I think that contributed to Republican victories by Weld and Cellucci, the conscious desire that given that the Democrats were controlling every other position in the legislature and every other constitutional office, it was in the best interest of the state to have some balance to have a Republican as a check on the Democratic majority. But I don't think those considerations played on the legislative races. But I think it did inform the gubernatorial races.

00:50:30,160 --> 00:50:35,220

Allison: Now how would you characterize your relationship with the media, with the press?

00:50:35,220 --> 00:51:14,359

Birmingham: I thought it was positive, I tried to be responsive to the media, I addressed any issue that was posed to me. On the other hand, I have to admit, I was not proactive with the press. I did not cultivate the press and maybe that was a mistake. Because had I been more proactive, I think I may have gotten slightly more favorable press coverage, than keeping them at arm's length. But temperamentally that was what I was most comfortable with but it might not have been in my ultimate best interest.

00:51:14,359 --> 00:51:22,500

Allison: Because you were anticipating a run, you did run for governor, you were thinking about moving up. Do you think that played in, that you hadn't cultivated the press sufficiently?

00:51:23,340 --> 00:51:44,400

Birmingham: I have not thought of that in terms of the gubernatorial race, but it makes intuitive sense to me that I was a known commodity, and what I was known for was being substantive but not cultivating the press, not currying favor with the press and I'll acknowledge today that maybe that was a mistake.

00:51:44,400 --> 00:51:45,941

Allison: Okay, I'm not saying it was.

00:51:45,941 --> 00:51:47,060

Birmingham: Yup.

00:51:47,800 --> 00:51:48,720

Allison: Okay, so.

00:51:48,720 --> 00:51:52,400

Birmingham: I'm not necessarily admitting it was either.

00:51:52,400 --> 00:52:01,600

Allison: So let's talk a little bit about your legacy as President of the Senate. So what would you say is your biggest accomplishment? I think you've suggested some things that are.

00:52:01,600 --> 00:54:05,390

Birmingham: Yeah, I think the biggest accomplishment was and remains the tremendous success we've had with education reform. We're #1 in the country in math, in science, and in English language arts. We are internationally competitive in math, in science. Whereas the United States is not internationally competitive as a nation, but as a state, we are quite comparable to the Finlands, the Japans, and the Hong Kongs in terms of our achievement on math and science. And I think this inures to our benefit in the long run because in Massachusetts, we did not have an abundance of natural resources, yeah we have lobsters I suppose, but we don't have oil, we don't have coal, we don't have resources like that and we're going to prosper based on the learning of our members, we're going to prosper based on how

well our people are educated and that is K-12 and beyond. But I think our prosperity as a state vitally depends on how well we educate our students in a way that might not be so for Texas, for instance, where they have other resources and education is not the only way. For Massachusetts, I think it's our only way forward and that's what makes education such an important issue. And I'm very proud of the success we've had, and although there's been some minor tinkering with the Education Reform Act, here in 20--, what are we, 2017, it still is quite recognizable, as compared with the law we passed in 1993, so that's 25 years, and it still is recognizable and it's still working, and working well, and that is my, my proudest achievement.

00:54:05,390 --> 00:54:09,130

Allison: What would you say is your biggest regret or disappointment?

00:54:09,130 --> 00:54:47,420

Birmingham: Well, I already touched on this. I was disappointed when my effort to dispense with lottery advertising was reversed in the very first budget that was taken up after I left office, which as I said, came as a surprise to me, because I thought I had convinced members on the merits, but obviously I hadn't, and I, it appears in retrospect, that what was going on was I was commanding and members were obeying. I wasn't convincing them because as soon as I was gone, they restored millions of dollars to lottery advertising.

00:54:47,420 --> 00:54:53,960

Allison: Now what advice would you give to future Presidents of the Senate, or people aspiring into public life?

00:54:53,960 --> 00:56:25,040

Birmingham: I think it's important to pay close attention to the merits of the bills that come before the Senate. This was easy for me to do because I had been a Chair of the Ways and Means Committee and I had a stellar staff. But I think every Senate President ought to be up to speed on the merits of the bills that he's forcing the members to consider and to vote on. And not every Senate President has to be a former Chair of Ways and Means, but I think you have to have a willingness to familiarize yourself with the merits of the legislation before you, so that you can be conversant about it, and so that frankly you can anticipate the political problems it will cause for your members. I think it's also important for the Senate President to get out of the State House. I visited every senator's district, not just Democrats, Republicans as well, and I really came to appreciate what they were up against in Leominster or New Bedford or Springfield in a way that I wouldn't have appreciated if I just stayed here. And I also, whenever I visited those districts, I met with the press, and saw exactly what they were up against, and I think I had a greater appreciation for what the challenges were as a result of my getting out of the State House, and I did this one day a week at least, and visiting the office of another senator, for a full day.

00:56:25,040 --> 00:56:25,800

Allison: Wow.

00:56:25,800 --> 00:56:34,160

Birmingham: And doing, aside from the press visits, doing whatever else they wanted to show me. If it was the schools, if it was the chamber of commerce, whatever it may be, it was their call.

00:56:34,160 --> 00:56:39,049

Allison: Very good, okay. Now is there anything else you would like to discuss or would like to add?

00:56:39,049 --> 00:56:41,270

Birmingham: That's always the question that stumps me.

00:56:41,270 --> 00:56:51,360

Both: (Laughing)

Allison: Any questions from the? Okay, this was great, thank you.

00:56:51,360 --> 00:56:53,780

Birmingham: Okay, thank you, thank you, good questions.

00:56:53,790 --> 00:56:55,579

Allison: They were good, they were good answers.