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# TIME

## America's 10 Best Senators

By law, just about anyone can be a U.S. Senator. The Constitution requires only that you have reached your 30th birthday, reside in the state you represent and have held American citizenship for nine years. But if the framers made qualifying for the job easy, they made excelling at it difficult. James Madison called the Senate a "fence" against the "fickleness and passion" of public opinion, and the rules of the place ensure that it is as cumbersome and restrictive as that sounds. Any of the 100 members can try to change, or completely hijack, another member's bill as it comes up for a vote. And any one of them can bring the place to a halt with a filibuster. Mastering a powerful institution that relies on comity but requires confrontation takes a special kind of talent.

Or talents. There is no fixed journey to greatness in the Senate. Instead there is a whole variety of skills that America's Senators have developed over 218 years to help them raise and spend tax dollars, oversee the operation of government and, in the case of the best among them, pass laws that benefit their constituents, their country and the world. TIME spoke to dozens of academics, political scientists and current and former Senators to pick the 10 best of the 109th Congress. One made it because he puts unsexy but important issues on the national agenda, another because his backroom negotiating turns conflict into consensus. A third got on the list for his diligent bird-dogging of Enron, Homeland Security and the Pentagon. Then there's the prodigious across-the-aisle dealer, the fierce defender of her constituents and the expert who sees around corners. As with any all-star team, we sought a broad range of gifts rather than settling on 10 great pitchers or middle linebackers.

They say the Senate is the world's most exclusive club. But the real élite is made up not of those who break in but of those who make a difference once they get there. Here are 10 who do.

**BEST: ARLEN SPECTER**

The Contrarian

Plenty of people succeed in politics by being everyone's friend. It takes a special talent to make it as a guy whom allies call "abrasive," "brutal" and "prosecutorial." Republican Arlen Specter of Pennsylvania is known for being blunt, not sparing even members of his own party. Unsatisfied with answers Attorney General Alberto Gonzales gave in hearings on the Administration's no-warrant domestic wiretapping last February, he said the AG's defense "defies logic and plain English," and told the Washington Post that Gonzales was smoking Dutch Cleanser. And although Specter has mellowed over the years, his recent brush with mortality (he's fighting Hodgkin's disease) has made his famous impatience more acute. No wonder few Republicans will accept invitations to join him on foreign trips, even when they are to South America and the Middle East.

The chairman of the formidable Judiciary Committee is an equal-opportunity offender. He nearly lost his 1992 Senate race when feminists mobilized against him after he grilled witness Anita Hill during the Supreme Court nomination hearings of Clarence Thomas. In 2004 Specter found himself on the other side of the feminist

divide, nearly losing his long-awaited chance to run the committee when he opined that a Supreme Court nominee opposed to abortion rights wouldn't make it through the Senate.

Specter's principled contrarianism fits in the tradition of lawmakers Senate historian Richard Baker describes as the conscience of the institution, men and women who "stand up and say, 'Hold on a minute.'" In addition to conducting hearings on Bush's no-warrant wiretapping program, Specter, 76, has repeatedly challenged FBI chief Robert Mueller on what Specter sees as shortcomings in the agency's performance; he chided the Justice Department for not participating in hearings on protecting reporters' sources and sent the White House a blistering list of questions he would have asked Harriet Miers had she not withdrawn her nomination as a Supreme Court Justice.

Specter can also be constructive. With Patrick Leahy, the ranking Democrat on the Judiciary Committee, he turned what could have been colossal battles over the Supreme Court nominations of John Roberts and Samuel Alito into disciplined and respectful hearings. He has hammered out enormously complex deals in committee on asbestos compensation and immigration reform. And as chairman of a powerful appropriations subcommittee, he was largely responsible for doubling spending on the National Institutes of Health and for increasing education spending 146% over 11 years. All of which he's managed while surviving a brain tumor, open-heart surgery and, in the past year, the chemotherapy treatment for his Hodgkin's disease. Says his former chief of staff David Urban: "You can find a lot of people who don't like Arlen Specter, but you can't find anyone who doesn't respect him."

BEST: JOHN MCCAIN

The Mainstreamer

Sometimes the power of a law depends on the lawmaker. Last May the Senate unanimously passed a Democratic amendment banning the torture of prisoners in U.S. custody. No one paid any attention. Then in October Republican John McCain introduced his antitorture amendment, using identical language, and the issue made headlines in newspapers across the country. The White House jumped to attention, dispatching Vice President Dick Cheney and National Security Adviser Stephen Hadley to try to talk McCain down. He stood firm, and the bill passed unanimously in December.

It wasn't just that McCain, 69, had been tortured as a prisoner of war in Vietnam. McCain has that rare ability to put an issue on the U.S. agenda that wouldn't naturally be there. "It's a question of moral authority," says former New Hampshire Senator Warren Rudman of his former colleague. McCain has earned that moral authority over the years by being patient and making the big play. Many of the problems McCain tackles are entrenched and unexciting: they challenge the rules in Washington and the cynicism of voters at home. Over the past decade, McCain forced through a reform that made the money coming in from rich interest groups and directed at political advertisements more transparent. He has spent his entire Senate career exposing wasteful pork-barrel projects. And in the past year, he took his backwater committee, Indian Affairs, and used it to launch an investigation of lobbyist Jack Abramoff, whose admission in federal court that he conspired to bribe public officials produced a series of efforts to ban certain kinds of influence peddling.

The skills that allow McCain to put unorthodox issues at center stage--independence, single-mindedness--don't always translate well to other pursuits. They helped McCain lose the 2000 G.O.P. presidential primary by scaring the party establishment and its base. So as the front runner in the 2008 campaign, McCain is taking the opposite tack, endorsing Bush tax cuts that he once opposed as fiscally unsound; embracing religious conservatives like Jerry Falwell, whom he once denounced; and endorsing the teaching of intelligent design as an alternative to evolution. Opinion writers have been perplexed at the preprimary turnaround, but the two-year walk-up to 2008 won't consist of just courting the party's die-hards. McCain is scheduled to assume the

chairmanship of the powerful Senate Armed Services Committee next January, a target-rich environment for a waste and fraud hunter. He is already stumping against gerrymandering, which he says is undemocratic. "It's harder to keep your job in the politburo in Havana than in the House of Representatives," McCain says.

And if he wins in 2008? Among the first items on his agenda in 2009, McCain says, is winning the battle that George W. Bush just lost--fixing Social Security and other underfunded entitlements. Crucial to that effort, he says, is getting Congress to clean house. "If you've got \$47 billion in earmarks and 6,140 pork-barrel projects on the highway bill, how can you expect the American people to make tough decisions about entitlement programs?" he asks. No matter what happens in '08, says scholar Norman Ornstein, McCain will be remembered as "one of the few people who can have great impact in the Senate."

BEST: DICK DURBIN

The Debater

Even though the Senate is occasionally called the World's Greatest Deliberative Body, actual debate on the Senate floor rarely happens: members just read prepared speeches written by aides and then return to their offices. Then there's Dick Durbin. On issues from immigration reform to judicial nominees, the Illinois Democrat frequently engages in public back-and-forth with his Senate colleagues in hearings and before votes--and rarely uses notes to do it. "I can't do it any other way," says Durbin of his off-the-cuff style. "That's me." And while the debates don't often change the votes of other members, Durbin's tough questioning of his colleagues and his willingness to defend his proposals clarify and distill complicated issues for the C-SPAN-viewing public. Occasionally, Durbin's arguments even carry the day, as when he won support on the Senate Judiciary Committee for a provision in an immigration bill that would protect church groups and others from prosecution if they aided illegal immigrants.

Of course, speaking extemporaneously has its risks, which Durbin learned last June after he was forced to apologize for comparing alleged abuse of prisoners by U.S. troops at Guantánamo Bay to techniques used by the Nazis, the Soviets and the Khmer Rouge. And some Republicans complain Durbin is too strident in his role as assistant leader of Senate Democrats, constantly on the attack against Republicans and President Bush. But Durbin, 61, has a bipartisan side. He has joined with Senator Rick Santorum, a staunch Republican from Pennsylvania, to push the U.S. government to give \$500 million in additional funds for the Global Fund to Fight AIDS, Tuberculosis and Malaria. Early this year, he helped broker a compromise between Democrats and Republicans to reauthorize the USA Patriot Act, working on a provision that will keep most libraries from having to hand over information about users without an order from a judge.

And if he can't reach a compromise behind the scenes, Durbin is happy to return to the open well of the Senate. "I really enjoy debate," he says. "The battle of ideas is what it should be about."

BEST: RICHARD LUGAR

The Wise Man

In an airport in the Russian city of Perm, a minor diplomatic crisis broke out last August. In violation of an international treaty, local border police refused to allow the plane of Senators Richard Lugar and Barack Obama to depart without being inspected. Instead of pitching a fit, Lugar, the powerful Republican chairman of the Foreign Relations Committee, curled up on a chair--ignoring the overpowering smell of a broken toilet--and took a nap. The Russians eventually backed down. "He is a quiet, intelligent, steady force," says former Nebraska Senator Bob Kerrey, Lugar's former colleague. But make no mistake, Kerrey adds: "He's unmovable when he reaches a conclusion about what ought to be done."

That level of conviction helps when, as one of America's leading internationalists, you're a defender of free trade and an enemy of farm subsidies yet you represent a state dominated by manufacturing and farming. It's also a bonus that Lugar's thinking has often proved to be ahead of the curve. In the 1980s he led the push for democracy in the Philippines and South Africa when the Reagan Administration was still backing undemocratic regimes there. And Lugar, 74, has long been an ardent advocate of developing alternative fuels as a way to wean the U.S. from foreign oil--an approach endorsed by Bush in January.

Lugar's signature achievement was to recognize the dangers of loose nukes 10 years before 9/11. With Democrat Sam Nunn, he sponsored legislation that funded the removal of all nuclear weapons from Ukraine, Belarus and Kazakhstan and the deactivation of 6,828 nuclear warheads throughout the former Soviet Union. In the past few years, Lugar has expanded his nonproliferation efforts to help secure shoulder-launched missiles, a favorite of terrorists, and chemical-weapons depots, like one near the Kazakhstan border that contained 1.9 million sarin-gas shells. He is withholding support for Bush's recent nuclear deal with India until hearings he has called determine whether letting Delhi import technology to build reactors would create a new proliferation problem.

BEST: CARL LEVIN

The Bird-Dogger

No one would accuse Carl Levin of looking like Hollywood's version of a U.S. Senator. He's pudgy, balding and occasionally ruffled, and he constantly wears his glasses at the very tip of his nose. Still, the Michigan Democrat has gained respect from both parties for his attention to detail and deep knowledge of policy, especially in his role as a vigilant monitor of businesses and federal agencies. In 2002 a subcommittee he led hauled in Enron's board of directors for questioning about the company's shady accounting practices; in hearings a year later, he was one of the chief challengers of large accounting firms that had created illegal tax shelters. Congress passed laws in the wake of both scandals in an effort to prevent the abuses from happening again.

Levin, 71 and first elected in 1978, says he considers congressional hearings a critical part of his job, spending as much as 20 hours prepping for each one so an evasive witness won't outwit him. The former civil rights lawyer is known for forcing embarrassing admissions from Homeland Security Secretary Michael Chertoff and other Bush Administration officials through his precise questioning. "You've got to be very blunt and truly listen so you know when the b.s. is flying," Levin says.

Although admired by many Republicans for his diligence, Levin rarely sides with them. He opposed the Iraq war, and as the top Democrat on the Senate Armed Services Committee, he has become one of his party's leading voices in criticizing President Bush's conduct of the invasion, arguing that the Administration didn't have enough troops in the early stages and, more recently, hasn't focused enough on training Iraqis. But his carefully researched, thoughtful remarks carry great weight with his colleagues. "Nobody in the Democratic Caucus says anything on national-security issues without talking to Carl Levin," says a top Democratic Senate staff member.

BEST: JON KYL

The Operator

Many junior Senators waste away in the shadow cast by a giant senior colleague. But in just two terms, Arizona's No. 2, Jon Kyl, 63, has blossomed in the shade of John McCain. As head of the Republican Policy Committee, the ultraconservative Kyl is in charge of shaping the Republican agenda in the Senate on everything

from abortion and judicial appointments to national security and tax cuts. He has succeeded by mastering a tactic that is crucial in a body in which any one member can bring the place to a halt as a ploy or out of pique: subterfuge.

Last November, for example, Senator Lindsey Graham of South Carolina proposed a controversial amendment barring U.S. courts from hearing cases brought by prisoners in the war on terrorism. It turned out that Kyl was behind it, having worked on the language for months and having assigned his staff to help write the final bill. But "it was a situation where it was best handled by Lindsey," Kyl says delicately, pointing out that Graham had the credibility of a military lawyer and centrist. When urgent legislation to respond to Hurricane Katrina bumped Kyl's long-sought goal of a vote on abolishing the estate tax last fall, Kyl quietly worked to get it back on the Senate agenda by recruiting Alabama Senator Jeff Sessions in an unsuccessful attempt to find victims of the disaster who would be paying the tax. And although he denies it, G.O.P. aides say that when Harriet Miers was nominated to the Supreme Court last October, Kyl and his staff led a behind-the-scenes effort to undermine the nomination.

As the Miers fight showed, Kyl does not always find himself on the same side of the battlements as Bush. The Senator was a leading opponent of the immigration-reform compromise backed by the President that collapsed earlier this month. When the Senate returns from recess next week, the Judiciary Committee will take up the immigration debate again. Watch for Kyl to play a pivotal role--if perhaps not the most conspicuous one. "You can accomplish a lot if you're not necessarily out in front on everything," he says.

BEST: TED KENNEDY

### The Dealmaker

Over 43 years in the Senate, democrat Ted Kennedy has fought serial battles on behalf of the working class--from defending overtime pay and workplace-safety regulations to expanding health care and penalizing discrimination. But 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.

Late in 1990, for example, Kennedy sat red-faced as House Democrat Pat Schroeder berated him for supporting something he didn't believe in: caps on damages for workplace discrimination. But by agreeing to limits, Kennedy won over the handful of Republican and Southern Democratic Senators he needed to secure passage of the Civil Rights Act of 1991, strengthening laws that banned job discrimination. The result was a law that protects women from sexual harassment at work and has yielded a surge in lawsuits and tens of millions of dollars in damages to aggrieved plaintiffs.

Kennedy was a bit of a joke when he first arrived in Washington in 1962. When John F. Kennedy was elected President in 1960, he kept his Massachusetts Senate seat warm for his youngest sibling, placing a college buddy in it for two years until Teddy reached the constitutionally required age of 30. But starting with a 1965 bill that did away with country-by-country quotas for immigrants, and especially in the quarter-century since his failed 1980 campaign for President, Kennedy, 74, has amassed a titanic record of legislation affecting the lives of virtually every man, woman and child in the country. With a succession of Republicans, he helped create COBRA, the Americans with Disabilities Act, portable health care, the Family and Medical Leave Act and more than 15 key education programs, including the landmark 1965 Elementary and Secondary Education Act. He also pushed through the deregulation of the airline and trucking industries and the reduction of the voting age to 18. By the late '90s, the liberal icon had become such a prodigious cross-aisle dealer that Republican leaders began pressuring party colleagues not to sponsor bills with him.

Some bipartisan efforts have backfired on Kennedy. He has complained that he was taken in by Bush on the No

Child Left Behind law because it was inadequately funded, and Democrats are distressed that he has collaborated with Republicans on immigration reform. Worse than that, critics say, Kennedy's inability to stop the confirmation of Supreme Court Chief Justice John Roberts and Justice Samuel Alito show he's losing his swat. But Kennedy still finds a way to deliver the goods for the less advantaged. Over the next five years, more than 100,000 severely disabled children will become beneficiaries of a new \$872 million program that continues government health-care payments to them even as they move out of poverty. Kennedy and Iowa Republican Chuck Grassley managed to slip the program into last year's budget.

BEST: OLYMPIA J. SNOWE

#### The Provider

Because of her centrist views and eagerness to get beyond partisan point scoring, Maine Republican Olympia Snowe is in the center of every policy debate in Washington. Last year she was one of 14 Senators who reached a compromise on President Bush's judicial nominees that prevented a Senate meltdown between the two parties. More recently, she helped craft an agreement to increase congressional oversight of the Administration's no-warrant surveillance program, helping ease tensions between the Senate and the White House.

But while Snowe, 59, is a major player on national issues, she is also known as one of the most effective advocates for her constituents. First elected in 1994, she goes back to Maine nearly every weekend, often stopping in a small town for what she calls a "Main Street tour"--walking the streets and visiting shops to ask people what they're thinking about. "It's better than any poll I can think of," she says. When Snowe returns to Capitol Hill, she looks to fix the problems Maine residents have told her about: she successfully fought to keep open two Maine military facilities recommended for closure last year, and last month she got passed a bill that will provide millions to pay the heating bills of low-income people, a huge worry in frigid Maine.

Snowe's formula of being clued into the center and into home have made her very popular in Maine. In a March poll by Survey USA, 71% of Snowe's constituents approved of her performance, a rating only a handful of Senators ever score. And voters often show their support more directly. In 2003, after one of her numerous disagreements with the Bush Administration, she almost single-handedly forced Bush to lower a tax-cut proposal from \$700 billion to \$350 billion. Republicans in Washington were furious. But a few days later in Portland, a driver saw Snowe on the street from his car window and shouted to the surprised Senator, "You go, Olympia. You stand strong."

BEST: KENT CONRAD

#### The Statistician

In 2001 the staff of the Senate Rules Committee called Kent Conrad's office with a complaint--and a solution. The North Dakota Democrat was using more charts than all the other Senators combined, so to free printing time for others, they gave him his own equipment. Last month during his 37-minute opening statement in the battle over the budget, Conrad went through 37 charts. "We call him Chart Man," teases Republican whip Mitch McConnell. McConnell grudgingly concedes, though, that "[Conrad] does a good job of representing [the Democrats'] arguments."

Conrad, 58, long ago took the advice that party leaders give Senate newcomers: pick one area and master it. That gives you clout and guarantees that someone on your side knows what he or she is talking about. Over 20 years, Conrad, the ranking Democrat on the Budget Committee, has made himself the king of that most important part of the Senate's business--raising and spending the taxpayers' money. "As I read history, nothing

is more important than a strong and growing economy," he says. "I think that's been the genius of America, and I believe these runaway debts threaten it all." Orphaned at 5 when his parents were killed in a car accident, Conrad, along with his brothers, was raised by his grandparents and by an uncle and aunt. He's careful in his habits: he spends modestly on travel, he balances his checkbook daily, and when he drinks, it's never more than two cocktails. He and the Democrats helped lead an unsuccessful fight to prevent the Bush Administration from raising the U.S. debt limit to \$9 trillion and from passing a \$2.8 trillion budget that is projected to increase the deficit to at least \$350 billion this year.

Conrad launched his political career as a tax commissioner in Bismarck, rooting through phone and tax records to dig up evidence of tax fraud by out-of-state companies. His budget expertise came in handy when President Bush, pushing a plan for partially privatizing Social Security last year, put the hard sell on him. Bush first tried by flying with Conrad to Fargo then, after they returned, kept the pressure on by inviting him to the White House, where he dropped hints about election-year vulnerability for red-state Democrats. But Conrad, whose honorary Sioux name translates as "Never Turns Back," stood firm in his opposition to the plan. "I could never support something that added dramatically to the debt," Conrad says. "I told him, 'Count me out.'"

BEST: THAD COCHRAN

The Persuader

When the Louisiana congressional delegation publicly demanded a staggering \$250 billion from the government to rebuild the Gulf Coast after Hurricane Katrina, the move completely backfired. It angered G.O.P. conservatives, who spent the next two months pushing for cuts in the budget and ignoring Louisiana and Mississippi. But then Mississippi Republican Thad Cochran got tough on behalf of his state. In a closed-door meeting last December, several Republican Senators were talking about how to quickly pass a key bill that would provide money for the Defense Department so lawmakers could head home for the holidays. Cochran simply announced that "this bill won't pass" unless it includes money for the Gulf Coast.

As chairman of the Senate Appropriations Committee, which decides how Congress doles out money, Cochran wields considerable power on Capitol Hill, particularly on budget issues. But along with that post, Cochran has gained the trust of the Administration and Capitol Hill for his quiet, courtly manner that is evident whether he is playing the piano in his office or using his experience and mastery of the issues to persuade his colleagues privately rather than make demands on them in public. "I don't call lots of news conferences," Cochran says. "I just don't see that as a necessary part of my responsibilities."

On Katrina, Cochran, along with other Gulf Coast lawmakers, created a detailed list of the region's essential needs that totaled about \$35 billion. He then had dozens of meetings with other lawmakers, emphasizing how badly the region needed the money but never publicly blasting Congress for moving too slowly. In the end, he got \$29 billion out of his colleagues, almost double the money that Bush and congressional leaders had initially pledged.

Cochran, first elected in 1978, is often overshadowed in Washington by the junior Senator from his state, the ambitious and often controversial Trent Lott. But Cochran, 68, has carved several niches for himself, including becoming one of the few Senators well versed in farm policy. "He doesn't get a whole lot of play in terms of coverage," says a senior G.O.P. Senator, "but he is effectively stubborn doing what needs to be done."