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Symposium Dialogue: Keynote Speaker Senator Barbara Mikulski

Barbara Mikulski
United States Senator for Maryland

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**SYMPOSIUM DIALOGUE: KEYNOTE SPEAKER SENATOR
BARBARA MIKULSKI**

MODERATED BY PROFESSOR MARGARET E. JOHNSON

The following is an adaptation of the Dialogue that took place on the campus of the University of Baltimore School of Law during the 2012 Applied Feminism and Democracy: 2012 Feminist Legal Theory Conference, on March 2, 2012. In an effort to present this dialogue in an academically appealing manner, minor formatting and grammatical adaptations were made, while maintaining the substance of the Dialogue. –EDS.

KEYNOTE SPEAKER

Johnson: So first, Senator Mikulski I wanted to ask you, growing up did you dream about becoming a U.S. Senator?

Mikulski: Absolutely not. First, before I answer that question, Ms. Johnson, I want to thank you and the University of Baltimore for inviting me for this occasion. I understand this is your fifth. You have a lot of momentum going. I loved the title “applied feminism.” That’s kind of what we do, some of us do, every day. And it’s just great being here at the University of Baltimore, where it is growing, where it is expanding in our community, and expanding opportunities in the area of business and legal education.

And we also want to salute your dean. Dean Higginbotham is someone that I turn to; his knowledge and understanding of constitutional law is well known and well respected. I have turned to him for advice on those matters, and actually I utilize his expertise along with another core group of lawyers to help me with my judicial nominations. I hope in the course of this conversation we could talk about federal judges, since I see an incredible farm team out here, and about how that works, the role of a little group Senator Ben Cardin and I put together. So I am ready to go, and just say thank you and acknowledge the role of your dean and you.

You asked me whether I thought about this. The answer is no. First, in my generation, there were very few of these types of careers that were open to women. The word “politics” usually meant Baltimore. It usually meant pot-bellied guys who were part of a political machine that made decisions in back rooms, bar rooms, and smoke-filled rooms, and I wasn’t part of that. Nor were my mother and father.

My mother and father had a little neighborhood grocery store in our blue-collar neighborhood. We called it Highlandtown. Now many of you who come over there or live over there call it Brewers Hill, because we had several breweries over there

My father with his little neighborhood grocery store saw the fact that he wanted to provide good service, honest service to his people, and at the same time held the view that we were all in it together. So if Bethlehem Steel was laying people off, we went on credit. If a family was having a hard time because of illness, my father made sure they were taken care of, and my mother worked side by side with my father. So I grew up with the values of my father opening up that grocery store every single day and saying to his neighbors and his customers, "Good morning, can I help you?" So I was raised with an ethic of service. We were church people, we were community people; we were involved in that way. But I never thought about politics. I thought about being of service, and I even thought about being a nun. Whoa!

***Johnson:* From being a nun to being a senator, did those values of service actually prepare you to become a senator?**

Mikulski: Well yes, because again I had the good fortune of going to schools like the Institute of Notre Dame, which is also where Nancy D'Alessandro Pelosi went, and also a school that has since merged with Loyola University. And again, at that time and in our generation, there was a movement called the Christopher Movement: it was better to light one little candle than to curse the darkness. The story goes, there was this very charismatic religious leader, Father Christopher, who led this, and he would encourage young people that no matter who you are, you have something to give and you ought to give it. He would often have meetings or rallies, or in an environment like this he would ask that the lights be turned down, and he would light one little candle, and in that darkness you would see him. He would say, "Ms. Johnson, I will light yours," and then he would go out into the audience and pretty soon if everybody lit their own individual candle, but we were in it together, we lit up the room. That was very inspirational to me.

The other thing was, they brought in great speakers. That is where I heard Clare Boothe Luce. That was a totally different gig in politics. So there was Ms. Luce, who was a congresswoman at the time. They brought in a woman surgeon at Hopkins, she was a pediatric cardiologist. Now remember, I am in college in the 50's, so for a woman to be a doctor was stunning. To be a surgeon was even more awesome and then to be even specialized in cardiology! But

she had pioneered the work in what they called the “blue baby operations.” It was a whole new methodology in surgery. She revolutionized pediatric cardiology. Children are alive today because of it.

As we heard those speakers, they were inspirational because you just heard what they did and so on. This is why I can assure you that every woman of the Senate, because we span a political ideological spectrum, we think that part of our job is to get out there and talk to people about who we are and what we do, to inspire that next generation to light up that candle with whatever gift you can give.

Johnson: Speaking of your women senator colleagues, I wanted to ask you whether or not you find across the spectrum of those women senators, whether they have taken a different path to the Senate, including yourself, than your male colleagues?

Mikulski: The answer is yes, we come to the Senate through different paths. One of the things I want to say is about us as a group. First of all some numbers. You saw the numbers in the Dana Bash interview. There are seventeen of us. Now, when I came to the Senate in 1986, I was the first Democratic woman elected in her own right. There had been other Democratic women, like Senator Muriel Humphrey; she had succeeded Hubert. They all succeeded somebody who died. There was a sigh of relief that I was elected in my own right. So I was the first. When I walked in, it was only Senator Nancy Kassebaum, a wonderful colleague and helper. In all of American history, as of that January of ‘87 when I took my oath, only 17 women had served, no matter what route you came. Nancy was elected in her own right; others had been appointed. Now—as of two years ago because we meet at the opening of every session for those power workshops, which I will get into—there are the same number of women serving right this minute than served in all of American history. Isn’t that something?

Most of us come through some type of advocacy. It is not as if we started out, “Oh, I’m going to go to college and major in political science, and I’m going to go to the right law school like the University of Baltimore, and I’m going to do this and I’m going to clerk at that, ticket punch, ticket punch, ticket punch.” We never saw ourselves as being on a train where we needed our ticket punched. Most of us got into it because of a fight.

Senator Maria Cantwell got into politics because they were going to close a library in her community. Senator Patty Murray was a preschool mom, and when she went to her state legislature in Washington state they ridiculed her. They made fun of her and said,

“Oh you’re just a mom in tennis shoes.” And she walked out of there, just as I walked out of some of those meetings in city hall, and she laced up her tennis shoes and she has not stopped running ever since. And she ran as, “I’m a mom in tennis shoes.” And she would show these ads of wing-tipped size 12’s and her little tennis shoes and say, “What feet do you want under the table speaking up for you?” So we have very colorful ads, you might add. I know Senator Amy Klobuchar’s husband teaches her. Senator Amy is such a great advocate herself, well known in legal circles and in the Senate.

So we came because we were fighting and we got into politics because we were fighters and each and every one of us along the way kept hearing: “No.” If you take Kay Bailey Hutchison, you will appreciate this, when she graduated from law school, they did not want her, nobody wanted her. She could not get a job at one of those Texas tall-in-the-saddle type of law firms. I have teased her and said, “Maybe that was a lucky break for you.” So she became an anchorwoman. She had other careers and other paths so she got there, but the whole idea of her being able to be in the law was not welcomed or accepted.

But you know what, now I am acting like I am giving a speech. I was just recently inducted into the Women’s Hall of Fame. And all of us who were inducted, as we talked amongst ourselves, said one of the most important things that we all had in common was that our biggest successes were when people told us, “No, no you can’t, no you can’t. No you can’t even think, Barbara, about running for City Council; no woman has ever won in an ethnic hard-hat neighborhood. Nobody who has been active in civil rights will ever be supported in this neighborhood. And nobody who isn’t backed by the political machine. No you can’t.” And I can go through each and every one of those. Kathrine Switzer, who ran the first marathon, “No, no woman’s ever going to run in a marathon, no woman’s ever, no woman’s ever.” And the women, we walked out of that room. “No, you’re just a mom in tennis shoes.” Every time they said no, deep inside of ourselves there was a crack, and we could hear that glass ceiling starting to crumble. And we took our “no’s” and turned them into a “yes” and that is how many of us got started.

Johnson: So when you first came to Senate as the only Democratic woman, what was it like? What was that institution like for you? You mentioned a little bit about it in the video clip, with the interview with Dana Bash about the battle to wear pants, and the battle to create a locker room that was open to women as well. I wonder if you could describe what the environment was like back then?

Mikulski: Well, first of all I was viewed as a novelty. But my whole generation was, because we were often the first, and that was one of the other characteristics of the Women's Hall of Fame. Although many of us were the first, we did not want to be the only. We did not want to be the only, and I hope every one of you who is going to be a first at something, that you will think not to be the only. So when I came, I will get into some of the funny stories, but one of the things I want to make clear is that although I was all by myself, I was never alone.

Now why do I say that? Because I had the great guys of the Senate to welcome me. First, Paul Sarbanes was my senior senator. What a great guy. He was just a phenomenal public servant. And it was Senator Sarbanes who helped me strategize on how to get onto important committees. He showed me the formal channels of power within the Senate. But there were these little informal hallways, and Senator Sarbanes helped me do that. So he was enormously helpful.

I had two other major mentors. They have the names Bob Byrd and Ted Kennedy. Bob Byrd, because of the way Senator Sarbanes helped me get started, became my mentor on Appropriations and on the rules of the Senate, how to use those rules to move for tactical and strategic advantages. And then there was the charismatic and inspirational Teddy Kennedy, who encouraged me also. And I will talk about some of our significant accomplishments in a few minutes. But also, he and Chris Dodd were my pals. Whenever I had a bad day, whenever I had to put up with stupid sexist jokes, being rebuffed, being dismissed or whatever, they were empathetic. They would take me down to La Colline. They'd say, Barbara, come with us, we'll show you how. And they would take me down to La Colline. They would chat me up, and Senator Kennedy—I know we are on the record—he would drink orange juice with vodka; he would say, "I don't want anybody to know I'm drinking." I would say: "It is seven o'clock at night! Who cares, and who in the hell drinks orange juice? You are not exactly a fruits and vegetables kind of guy." But that was it, those men had such camaraderie with me, and they would talk and they would encourage me and say, "They are just dumb," or whatever. And I felt like I was like a little Rocky where they were patting me on the back, and they would tell me to spit in the bucket and get right back out there, and they would have my back. So I tell that because when I say I was by myself in the Democratic caucus, I was not alone.

As we moved along, as women in politics, it is not about girls versus the boys. It is not about women versus the men. They helped me tremendously, each in their own way. Each of those four men,

particularly the three—Sarbanes, Byrd, and Kennedy—as you know are very different in their style and so on, but I could not have had better guys.

But when I came, oh God, first of all you could not go into the gym, and if you saw the gym, you would not want to go into the gym. It does not look like some workout place in Canton. It looks more like something out of a nineteenth century Kafka novel. But it has its own mystique and its own locker room We did not even have our own bathroom. They said, “We are just not architecturally set up for you.” I said, “What the hell does that mean? You know this is the Capitol of the United States of America.” We did not get our own bathroom close to the Senate floor until 1992, when this incredible wave of women came because of the terrible Anita Hill debacle. It was all those little things. Most of all, it was that people did not know how to cope with us.

Were we going to be different? Were we going to make outrageous demands? And if you knew Senator Kassebaum, she was the soul of propriety, enormous dignity, and a fierce fighter in her own way. I have a different style. I was more flamboyant. I was noisier. I was associated with other noisy senators. But we had to really prove ourselves. What was really difficult for Nancy and me, not together, was that because there were only two of us, we really could not cover all the bases, and we could not cover all the committees. That is the big change now. Every single major committee has a woman on it or is chaired by a woman. So Anita Hill, if she came now, would never be treated the way she was during that awful, horrific period in our history in 1992. There are women on the Judiciary, and I must say I think the men are there in a far more muscular way on our issues as well.

Johnson: In the video, as well as in my remarks, there was a mention of you serving as Dean of the Senate Women. And my understanding is that it's for all the women senators across party lines, as you just talked about your connection and relationship with Senator Kassebaum. I wonder if you could discuss your role and how that works when new women senators arrive. And also when you take the cadre of women senators you have each year, what sorts of events do you do together and collectively?

Mikulski: You know I am really proud of this. First, by a little bit of background, with the seventeen of us, we do not have a caucus. There is no women's caucus in the Senate because we differ on so many issues. So let's take the environment. The oil senators cut across party lines. Landrieu of Louisiana is closely allied with Kay

Bailey of Texas and Lisa Murkowski; we tease them that they want to drill anywhere all the time. Then there are the green senators and the very super green, who are, for instance, Barbara Boxer and Maria Cantwell of Seattle. So we would disagree on that. We disagree on matters of the budget, on tax policy, and even on choice. Some of us are pro-choice, some of us are not pro-choice, but we are pro-women's health. So we are not a caucus, but how do we define ourselves? We define ourselves as a force. When we come together, and we do not do it every day all the time, when we come together as a force we make things happen, and I will give some examples on that.

So what happens in 1992, after Anita Hill, it was the Year of the Woman. Well, I did not go for that because it made it sound like the Year of the Caribou, the Year of the Mushroom, now it was going to be the Year of the Woman, hoorah, hoorah. But that terrible picture of Anita Hill all by herself, being harangued by a committee in which there was no women's presence and no women's voice, galvanized women all over. There was a substantial number of women who came during 1992, and shortly after. And they have names well known to you. Olympia Snowe, Kay Bailey Hutchison, as well as the surge of Democratic women. What I did, I knew that one day this would happen. I kept all of my notes that had come from Paul, Teddy, Bob Byrd, about how you get started in the Senate, how do you get on the right committees in the Senate, all of those things that a few very good men had taught me. I just kept them, and organized. So what I do at the beginning—and I was the most senior woman—what I do at the beginning of every term when there hopefully are new women, I organize a power workshop. We come; we get our picture taken. And I have these pictures that show us one year there were two, then there were eight, and then there were et cetera. We run these workshops, and I do about three over the course of the first six months, about how you get started in your office, how you get started in your state. How to: it is really the mechanics. Where do you and your staff go to learn the rules of the Senate? How do you learn to do these things? So that is where the power workshops come in.

But in 1994—and this goes to Gingrich, you might have heard of him; he has heard of himself—it became a different mood. When Bill Clinton came in 1992 that is when we had the big surge with the women. In 1994, that is when Democrats lost control, Gingrich got Speaker of the House, politics as a dynamic began to change then. We had a new Republican woman, Senator Kay Bailey Hutchison of Texas. We had worked on an issue or two together and we said, you know, we need civility in this institution. We need a zone of civility,

and if it does not start with us, because we were very small in number, even though we had a surge, it cannot be done. So, we conceived of the idea to have dinners once a month and we had three rules: no staff, no memos, and no leaks. What happens in the dinners, stays in the dinners. And I will tell you, now in particular with Senator Kay Bailey retiring, my very close friend from the House and the Senate, Senator Olympia Snowe retiring, that these dinners have stood the test of time, in that we have formed relationships. And what have been some of the important things? There has been policy in the way we have acted. So what we say is, even though we disagree, and we fight, and we argue, whether it is on drilling or even in how we approach equal pay for equal work—I had a bill on the floor, Kay Bailey had a bill on the floor, my amendment passed, but at the end of the day, the day would be over—we could disagree without being disagreeable. That our debates would be marked by intellectual rigor and common courtesy, observing the rules of civility and procedure from the Senate. That whatever it was, we would duke it out and we would be fierce about it. We would not be dainty; we would be fierce, but at the end of the day, the day would be over. We have tried to honor that. The other, of course, is the tremendous, tremendous friendships. We have done that, but I can talk about the policy in a minute. So for us, it has been to be a force, particularly on women's health. And also to have the zone of civility and the friendships that will come.

Johnson: Well it is really just a testament to all of us about how can, in this age of political discourse that is not always civil, how can we reach across the aisle to the people who we might disagree with and keep that level of civility as well. It is certainly something we try to instill in our students, as they are about to embark on their lawyering careers and professional responsibilities. Civility is a large part of that discourse. I wanted to ask you, what was the toughest time you have had in the U.S. Senate?

Mikulski: Well, let's talk about policy; it was the toughest time there. First of all, there are two votes that I have cast that are irrevocable. One is sending troops into harm's way. You cannot take that back It is the only vote you cannot take back. When we were attacked in September, 9/11, we of course sent troops into harm's way to Afghanistan. What you will find interesting as a lawyer is we did not vote to declare war; we voted to authorize lethal action. Why that distinction? If we had voted to declare war, first of all, the Taliban and Al Qaeda is not a nation-state. We declare war

on a nation-state. This is not a nation-state. The second and most important in my mind was that it would have negated all of the insurance policies. All of those people who died at the World Trade Center, or at the Pentagon, if you read life insurance policies, there is no life insurance policy if you die during a war. So, we voted to authorize lethal force, which had the same standing. I must say, my very dear colleague, Chair of the Judicial Committee Senator Pat Leahy, was the leading advocate in drawing that distinction.

That is just an interesting point. But you asked about tough times. It came before the vote on going to war in Iraq. There is the big drum beat going on and on; it has weapons of mass destruction, et cetera, et cetera. I read all of the reports, as I am on the Intelligence Committee. I am on the Committee that funds the Department of Defense. And my question was, should we engage in a preemptive strike? Remember, that was the vote, on the presumption that he [Saddam Hussein] had weapons of mass destruction. I had concluded in my review of the material that there was no conclusive proof that he had that, and there was not even a preponderance of evidence that he had it. These are your words, not mine, but I am using them today. So when the vote came to it, I thought, I am going to send men and women [into harm's way based] on something that might not even be there, and that he might have the ability to use, and might have the intent to use. There was a lot of "might's." The U.N. had refused to authorize this. So when it came time to vote, I stood up on the Senate floor, and I was one of twenty-three who voted against it. I was told it would cost me my political career. I would look unpatriotic. I would be the new Jane Fonda, the Jeannette Rankin of the Senate. And I said no. This is my rationale. In my speech, I said that we do not know how our troops will be greeted. Will they be greeted with a parade, as an army of liberation? Or will they be greeted with street bombs? You know the rest of the story. That was the hardest vote. Remember, I cannot take it back.

The other hardest vote was when we had to vote to impeach a president, or decide whether we were going to do it. Remember, President Clinton came before us, before the Senate, in impeachment. Now that is a stunning thing, and again, remember, we have to render impartial justice. That is the oath we take, and we take it three times. When we get in there we take a group oath to render impartial justice. Then they call your name, and you promise and swear in front of the American people that you will render impartial justice. Then you go down in the well of the Senate and you sign a book where you sign an oath that you will do so, so there is no fooling around here. But here is Bill Clinton. I knew Bill Clinton, I knew Hillary. I had been to the White House. We had worked on policy, I had been to parties,

et cetera, and I had to do that. When you select a jury, do you have any knowledge? I had a lot of knowledge!

To be called upon to do that, to have to have such seriousness of purpose, I think was there, and I really worked hard. And we do not have the wherewithal sometimes to do this. I had to hire a special lawyer to advise me, because what does “high crimes and misdemeanors” mean? Let me just say this, this is the funny part about this trial. I was given briefings, we were all given briefings, about what high crimes and misdemeanors means. You all know as lawyers and future lawyers, a misdemeanor is not a big deal. Here we are, getting ready to start the impeachment proceedings. I am home, I am reading three hundred different historical opinions, and legal opinions, on what high crimes and misdemeanors means. I went back to the Federalist Papers, et cetera. I was also catching a very bad cold, and I remember that Sunday night going to bed so sick with sniffles, sick in my heart that we were going to have to do that. I dreamt of colonial costumes. I could not get over that. I dreamt that I had a bonnet and one of those dresses, and I thought, Oh my god, what the hell am I getting into?

Johnson: That is a great story (laughter). Continuing with our discussion of policy, you’ve been in the news recently with the ongoing debate on religious freedom and contraceptive coverage. I’d love to hear your thoughts about the recent amendment that Michelle alluded to in her opening remarks, that was defeated this week, but also what you think the future might hold as well?

Mikulski: Well, first, I think all of us in our country cherish the Constitution and the First Amendment, the separation of church and state. Though we talk about the separation of church and state, we do not want church and state to be divided in our country. So we have always tried to have sensitive accommodations to this. When we passed the Affordable Care Act—otherwise known, plus or minus, as Obamacare, and I will refer to it in this discussion as Obamacare—we had a series of mandates and so on about an essential benefit package. We were very careful to ask that no religious institution, nor any religious affiliated institution, be asked to perform a service that was against their religious doctrine. Notice I am using the word “doctrine.” So, even today, Mercy Hospital would not be required to perform an abortion. We were very sensitive to that in Obamacare, that Loyola College or Notre Dame College would not be mandated to give out birth control in their student health clinics; we did not mandate that. We were very clear that we would not mandate that they would perform a service. So when [Health and Human Services

Secretary Kathleen] Sebelius wrote the rules, or the regulations, she gave a one-year extension to religious institutions to work some of these things out, because again, they are complicated. These debates have been going on from when we were going to give federal funds to Head Start, and federal funds to Medicare and Medicaid, where we had to work this out. We viewed insurances differently.

You know the bishops' religious objection, based on their doctrine. Remember they were very clear of who they were, and what their religious doctrine was about. President Obama gave them an accommodation that they would not have to pay for the insurance, but the insurance would have to provide it to those who would seek that which was covered. In the essential benefit package that was determined by the Institute of Medicine. It was not Barbara Mikulski who dreamt this up; it was not the gals at one of our dinners who just wrote this on the back of a napkin. It was the Institute of Medicine. So we felt that was determined.

So in comes the Blunt Amendment. The Blunt Amendment said that any employer, or any insurance company, for any reason, based on religious beliefs or moral convictions, can refuse insurance coverage. Well, that is too vague, and I am sure as lawyers you know that the Blunt Amendment created a new right for those insurance companies or employers to sue in Federal Court. But coming back to the amendment, we said, "You cannot do this." So [for example] if you have an employer who says, "I oppose drinking, and I am not going to pay, and you should not drink and if you do you are on your own," and so he refuses to pay for any health benefits or a substance abuse benefit. Or, let's say, in your church, "The Commandments say thou shall not commit adultery. So, I will not pay for insurance for any single woman who has a child out of wedlock, for maternity and child health." "And I also do not believe in divorce," says the employer, "so I will not pay for any health insurance for divorced couples. So if you are divorced, you are not going to get health insurance from my company." You can go on and on and on about it. So we do not feel that it had the same standing as what the bishops said. The bishops were accommodated by the Obama flexibility here, and this is why we defeated the Blunt Amendment.

I will say this about the Blunt Amendment. I have worked with Senator Blunt on a couple of things. See, what happened was that a major religious institution in our country took a stand. It sparked debate about religious freedom and liberty, but we had these debates before, and they are good, they are healthy. I think they are very healthy because they draw the distinctions. But we do not want the division. But the Blunt Amendment was really politics; they hate Obamacare. First of all they don't like the President; they want to

defeat the President, so now they have adopted focus group language around religious liberty. This is all about dismantling Obamacare. The Blunt Amendment was not about religious freedom. I will tell you what I said in my debate. You are talking about moral conviction; I have moral conviction that forty-two million Americans should have health care. Right now forty-two million Americans do not have health insurance. I have a moral conviction that they should. For me, it is a social justice issue. I have my moral convictions and they are based on *Matthew 5* in the New Testament. They are based on what the Beatitudes say: hunger and thirst after justice; be poor in spirit. What happened to love your neighbor? What happened to be your brother's keeper and your sister's keeper?

Forty-two million Americans without health insurance. A little boy named Demonte Driver in Prince George's County, in the shadow of the Capitol of the United States, died of an oral hygiene infection because he did not have access to dental care. I have a moral conviction that every child in the United States of America should have access to health care. So I have my moral convictions too, and that's why I voted to defeat the Blunt Amendment.

***Johnson:* Well, we have a room full of lawyers and activists and practitioners, but we also have a room filled with law students, and I am wondering if you would be willing to share some advice to the young people in the room, and the young women in the room as well, just starting out on their life's journey. What do you recommend to them? What advice would you give them as they are about to graduate from law school and become lawyers? You know they have their whole futures ahead of them.**

Mikulski: Well first, study hard and pass the bar. You have a lot of tuition bills, even when you have excellent breaks here, so go for that. And then after you pass the bar, come to all the bars in Fell's Point, Canton, and Brewer's Hill. We are very big on bars here! But in all seriousness, some of you will go into a variety of practices. Most of you will go in some form of private practice. But I would hope that as lawyers you would continue to be involved, as Chief Justice Holmes said, "in the action and passion of your time." To follow that, where you bring your lawyer's skill, where you either earn your living in the public interest, either in government or other fields of public interest, or if you are in the private practice, as traditionally defined, that you do pro-bono work, that you are involved in your community. You have tremendous skills, tremendous education and tremendous skills. There are a lot of people who are left out and left behind. So if you are in real estate

law, please do not forget St. Ambrose Housing. Do not forget the Community Law Center as we fight predatory lending, because it still goes on: redlining, sidelining, et cetera; and be active in the bar in any other way. We need you.

Be active on boards. Get on those non-profit boards whether they are the House of Ruth, or making sure that in the area of intellectual disability, that every child does get that special education. So that is my advice. I will go back to what inspired me, which was my own family, "Good morning, can I help you?" And also, let's light that candle. Every one of you has a candle; be the best that you can in your field, and in your family, but do not forget your community. Because if we all think that we are all in it together, and we all have a way to do it, I think our community is richer for it. So that is my advice.

Johnson: Thank you. We asked the law school community, students and faculty and staff, to submit questions ahead of time, and those people who asked the questions are in this room. I will acknowledge them and I will ask their question, and they will stand to hear your answer. So the first question comes from Mike Wilson. His question is, "Bill Clinton suggested you as a running mate for Al Gore during the 2000 election. Could you speak about any noteworthy experiences you had as a potential Vice Presidential candidate?"

Mikulski: Well, first, this is why I love Bill Clinton; he had so many good ideas and continues to have them. You know, that was a big rumor out there, and I do not know how serious it was. President Clinton really liked me. He felt that for several reasons. Number one was being very close to those blue-collar Democrats who often vote Republican. The other, he said, "You are one of the best politicians in the Senate." These are Clinton's words, not mine. "You could even be elected for Sheriff in Arkansas." And I thought, Wow, it does not get better than that! And he doesn't even say that to Hillary! Third, of course, there was the fact that no woman had been nominated and elected. The stories, well, we were not in a contest. What often happens, and you will be interested to know the way that just about every Vice Presidential nominee is treated, they have a very trusted person who goes around and interviews luminaries. My view was, I took it seriously. It would have been a great honor and I would have loved being Al Gore's running mate.

Al Gore and I served in the House. We worked on every piece of legislation that had the word "clean" on it. We worked together when he was in the Senate in America's Space Program. We worked

together, he as the authorizer and me as the appropriator, on the Mission to Planet Earth initiative. It came from Dr. Sally Ride, who said, "We study the Universe, but we don't study the planet where we suspect that there might be intelligent life—the Earth." And she said, "Let's have a mission to planet Earth, and let's go out there and look at us, and study us as if we were a distant planet." Gore and I took this very seriously, and we created the legislative framework and the financial resources, and right now at the Goddard Space Agency there is what we call the Planetary Earth Missions, where we study ourselves as if we were a distant planet. And we are still searching for intelligent life and so on. Out of that has come a lot of work on climate change. The work that has come out of that has been enormously predictive in terms of weather and so on. So I would have loved to have been Al Gore's running mate, but then he had to leave me and go win a Nobel Prize; it just was not meant to be. And he picked Joe Lieberman; that all worked out well. Then McCain went on to pick Palin; you can make your own decision about that.

But right now, I think that being a senator is the greatest job in America. Being Vice President, of course, would have been terrific. But what is the job of the United States Senator? You know we take an oath to defend the Constitution against all enemies, foreign and domestic. The way I interpret this is: I have two jobs everyday. My job to be a senator is to think about this: What is the macro? The long-range needs of our country? War and peace, what is going to be our standing? How are we going to have the research and development for the new ideas, the new jobs? How do we win not only Nobel Prizes, but also the markets? So that is the macro. But then there is the macaroni and cheese. That is where I want to think about the day-to-day needs of my constituents. Policy from the ground up, listening to what the people say to me when I am out in the community, when I do these diner tours and all that I like to do, and how do we convert that into national policy? Access to the American Dream, in being able to own a home, access to higher education, which you all struggle with every single day, which is not only how to be a good lawyer, but how do you even pay to study to be a good lawyer? So those are the macaroni and cheese.

Although I was not the Vice President of the United States, I am a United States Senator. And for me when I hear all this, "you're the longest serving," it is not how long I have served, and I think it is true of everybody, it is how well you have served. For me, every day I commute from Baltimore, and when I go down to the Capital, when I go down there and see the dome . . . every day when I see that dome, I think about my father. I think about the people I represent. It is surreal every single day to see that dome, to see that flag. And I

think about my father and how he opened up that door of his grocery store and said, "Good morning, can I help you?" That is what I think about. I see the dome, I am coming from Baltimore, I have hit every pothole you have hit and every traffic jam you have encountered. But I want to keep staying on that road. So thank you very much.

Johnson: We want you to stay our senator, so we are happy for that. The next question comes from Rachel Snyder; I think she is also here. She asked an excellent question. "The theme of your co-authored book, "Nine and Counting: The Women of the Senate," is that finally having women decision-makers in the room helped bring important issues to the table which the men had not even realized were issues. " She is wondering if you could comment on that?

Mikulski: Well, the fact is that we are now on every major committee. In fact, we are even on the minor committees, and many now even chair the committees, and they range from Senator Dianne Feinstein, who chairs the Intelligence Committee, to Senator Mary Landrieu, with the ranking member Olympia Snowe on Small Business. So we feel that what we bring to the table is not only our concentration on the macro, but we insist on the macaroni and cheese issues. So we are trying to concentrate on those day-to-day issues and to make sure that, number one, we are not talking about numbers and statistics; we are talking about people, we are talking about families, we are talking about communities. And to talk about those day-to-day needs. So that has been one of our major focuses.

The other has been on women's health. So when I came into the United States Senate, women were not even included in the protocols of research at NIH. We were systematically excluded. So I had it after a certain point. I got all kinds of GAO reports, and over in the House with my colleagues Pat Schroeder and Olympia Snowe, we forced that issue. It was Nancy Kassebaum and me, Schroeder, Connie Morella, my good friend, and Olympia Snowe. And we went out to NIH and insisted that all thirteen directors of the Institute tell us why, institute by institute by institute, why women could not be included in the protocol. So, you know Olympia as a moderate. I know Olympia when she has been immoderate. The point that I am making is, there was this famous longitudinal study on aging, twenty-five years, not one woman was included. I knew they did it at NIA over at Bayfield. I asked why women weren't included. They said, "You had to come in," and the data, and so on. And, "We didn't have a restroom." Twenty-five years. Strom Thurmond was there at the time. I said, "I'm aging differently than Strom Thurmond." So

you see what I mean? And I still am. There was the famous study: Take an Aspirin a day, keep a heart attack away. They did it on ten thousand male medical students. The question was, Why didn't they include women? They said that there were not enough women in medical school at the time. So you get the point.

As a result, several things happened. They reevaluated, but also at that time President Bush, the elder, was in the White House, and he gave us Bernadine Healy as the first woman head of NIH. A Republican President, a Republican, Bernadine, I do not even know what party Bernadine belonged to, nor should we when we appoint good people. And then out of that we worked with Senator Kennedy. I helped establish the Office of Women's Health at NIH. Bernadine then called me. Dr. Healy said, "I want to do a longitudinal study on women, really do it, and also look at hormone therapy." The end of the story is that, working again with Senator Kennedy and Senator Harkin, we got her the money for the longitudinal study. They did the hormonal study. It changed the practice of medicine. It reduced breast cancer in our country by fifteen percent.

Johnson: Well, we have time for one more question. This comes from Amy Lazoss. She asks, "Senator Mikulski, the State of Maryland is alone in requiring persons subjected to domestic violence, who are primarily women, to meet a very high burden of proof to successfully obtain a civil protective order. Within the last few years, there have been several deaths related to domestic violence in Maryland. As an experienced legislator and politician, do you have any advice for those of us who wish to change this state law and make it easier for women to get the protection they need?"

Mikulski: Yes, of course. First, as you study the law, you also have to study power. The first question that you ask yourself is, Who has the power? And the second question is, Where do you have the best opportunity for moving an agenda? My advice is to take a good look at the Maryland General Assembly. Find those members of the Maryland General Assembly who have a keen interest in this topic and who are already well versed on it. And I am sure there are not only the women's groups that they have in Annapolis, but I am sure, again, there are very good guys. The Violence Against Women federal legislation came from Joe Biden, and I was one of his main supporters. But it was the Biden legislation. So you find that keen legislator who will tell you how to introduce and then develop model legislative language, if not the actual language, though I know you take drafting classes. Then also see if you can get it, if that

legislator's good leadership can get it, into the Governor's package. But it is grass roots, grass roots, grass roots.

I believe in moving in concentric circles. Find one who is interested. Find others within the political circle who can. Find them through grass roots organizing, using the best of social media, old fashion contacts, et cetera, even using a phone. Then build your coalitions and also identify where there might be resistance. And also seek, for example, does the police department have hesitancy over this? And go and talk to them and see what their problems and their issues are. That would be my advice. So, can I ask you a question about that? (to moderator) I understand you do a lot on domestic violence, aren't you considered one of the legal experts?

Johnson: Well, my colleague Professor Leigh Goodmark and I teach in the Family Law Clinic, along with Jennifer Kim. Many of our students are here, and they do work on legislative matters as well as represent clients in domestic violence proceedings.

Mikulski: Now, I saw that you wrote an article on something about the lethality test, and you had some flashing yellow lights about that? What are they?

Johnson: My concerns are that they may take away a woman's right to make a choice about how she wants to deal with the violence in her life. So, while I am concerned about the test itself, about its makeup and whether or not there is reliable research to support its reliability in determining whether or not someone is going to be killed, I am also worried about the way in which it is implemented toward women, without giving them a choice. And then resources are allocated according to the test as well.

Mikulski: Well, this is very valid and this goes to my ongoing discussion earlier about being involved in the community and helping shape policy, and shaping the law. So let's go to the lethality test, and I want to give a different perspective, acknowledging the validity of yours. This is why you have a democracy. This is why you have to put all things on the table. This is where you have to have forums for conversation and discussion, even when there are differences. Some facts. One out of four police officers killed in the line of duty is killed responding to domestic violence. If they are responding to a burglary they have their guns drawn, they are ready. But when they knock on that door, they do not know if some poor guy has gone off of his medication and is doing terrible things. Does he have a gun, et cetera.

The other is, for the police officer, they do not feel skilled and trained in knowing how dangerous it is. They worry that if they walk out and they have not made the right judgment call, somebody could be further brutalized or even killed. This is where there was the research and, hopefully, continued evaluation of the evidence-based decision-making upon which the lethality test was determined. So as the head of the Anne Arundel County Police Department said, this has been an incredible tool. The police officers are much more comfortable. They are listening much more because it is not just “check the box.” Because their job is to worry about endangerment, and that is how they are. So they like it because they feel that they have a tool that is scientific and evidence-based, by which they could assess the risk matrix to determine this. So this is from their perspective, but both perspectives are right. How can we find, then, a way that respects choice and informed consent, and yet at the same time makes sure that our police officers do not just say, “Oh yeah he yells at her all the time,” or, “What the hell, if he’s drunk, I am just going to leave her and the kids there and call Social Services. Oh it is Friday, they can get here by Tuesday.” Well by Tuesday, who knows? Okay, so that is kind of where it is. But I look forward to reading more of your writing.

Johnson: Well thank you; well please join me. I’m a little shocked and amazed that you read my piece, so I’m honored. This is an issue that is so dear to me; I really appreciate you having that conversation with me.

Mikulski: So to the law students, I did my homework. I was prepared for the questions and then I had a few of my own. Thank you for this marvelous opportunity. I want to thank you for even thinking of me, thinking to invite me here today. I hope you have gotten something out of this, and may the force be with us!

Johnson: On behalf of the Center on Applied Feminism as well as the UB Law Review and the UB School of Law, we wanted to present you with a small token of our appreciation for coming here and serving as our keynote this year. We cannot thank you enough for all the hard work you do for us, not just in Maryland but across the country. Thank you so much.