



*Kaufman with wife
Lynne after his
swearing-in ceremony.*

THE ACCIDENTAL SENATOR

BY TED KAUFMAN

FOR MORE THAN 35 YEARS, MY LIFE has been intertwined with Congress. But I had always worked in the legislative wings, serving first as a volunteer on Joe Biden's 1972 Senate campaign, then as his longtime chief of staff, and later as co-chair of the Center for the Study of Congress at Duke University, where I continue to teach. When Biden traded his Senate robes for the vice presidency last year, I was part of his transition team; I never considered that then-Delaware governor Ruth Ann Minner would appoint me to his old seat. After all, in politics, like volleyball, there are servers and spikers. So it came as a genuine surprise when Joe's son Hunter turned to me on a flight and asked, "Why not you?"

I could think of more than a few reasons why it shouldn't be me. I was almost 70 years old and had already paid the rent on a beachfront Florida condo for the winter. I was ready for a more contemplative life and greater stretches of time with my seven grandchildren. And I knew the less-than-flattering conventional wisdom: I would be a lame-duck senator with little ambition and no ability to get anything done. But the more I thought about it, and talked it over with family and friends, the more I realized that my situation was full of advantages. Far

from being a bystander whom "no one will hear from," as one op-ed put it, I would be in a great spot—ideally positioned to move straight from the sidelines to the Senate floor.

With a great staff already in place and no plans to run for election in 2010, I could take on Wall Street—funneling my outrage at the financial crisis into concrete reforms—without worrying about the political blowback. I wouldn't have to fundraise or campaign, two tremendous time drains. And as a temporary senator on a two-year tour, I would not have to pace myself. Most important, I would already know how the game is played. The Senate is a go-with-the-flow place, the proverbial saucer that cools the tea. But unlike the typical new senator, I wouldn't need any on-the-job training, and I already had relationships with the Senate's most-senior Democrats—many of whom were important committee chairs—including Dan Inouye, John Kerry, and Pat Leahy.

As a result, I was able to break out of my legislative pen early, helping to push through a key antifraud act, which not only funneled millions into law enforcement but created the Financial Crisis Inquiry Commission—a 9/11 Commission-style investigation into Wall Street's role in the

Great Recession. (To get on the bill, I just asked Judiciary Committee chairman Pat Leahy, who gave me carte blanche to push it in the Senate and the press.) Although I am not a member of the banking committee—the traditional place to take on Wall Street—my knowledge of the Senate (and my Wharton M.B.A.) has helped me tackle market issues through other means. Last fall I served as lead witness at a banking-committee hearing on computer-driven trading, the high-frequency strategies that allow traders to make money by merely churning the market, buying and selling stocks in milliseconds. In December I chaired a full Judiciary Committee hearing on the pursuit and prosecution of those responsible for the crash of 2008.

We're making progress. The Financial Crisis Inquiry Commission is rolling; the Securities and Exchange Commission seems to be regaining its footing. And those people responsible for the financial catastrophe are under active criminal and civil investigation. Like most Americans, sometimes I get frustrated with Washington. But after 37 years, it feels good to be spiking the ball.

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