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Buxton, Anthony Wayne "Tony" oral history interview

Andrea L'Hommedieu

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Interview with Anthony Wayne “Tony” Buxton by Andrea L’Hommedieu
Summary Sheet and Transcript

Interviewee

Buxton, Anthony Wayne “Tony”

Interviewer

L’Hommedieu, Andrea

Date

May 24, 2000

Place

Augusta, Maine

ID Number

MOH 191

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Biographical Note

Anthony “Tony” Wayne Buxton was born in Augusta, Maine on December 19, 1946 and grew up in Readfield, Maine. His father Wayne Wilson Buxton, an artist and writer, and his mother Margaret (Murray) Buxton, an artist and teacher, both came from Philadelphia, Pennsylvania. Tony attended Bowdoin College, then served in the U.S. Army from 1968-1970. He received his law degree and began working for the firm of Preti, Flaherty, Beliveau & Pachios in 1980. He co-founded the Energy Law Institute. Tony has served for both the Democratic State Committee and the Democratic Party as Treasurer and Chair.

Scope and Content Note

Interview includes discussions of: 1954 gubernatorial campaign; electrical utility reform; environmental protection; Maine Republican Party; G.I. Bill; women in politics; George Mitchell after 1974; term limits; and Muskie’s personality, style and relationships.

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Transcript

Andrea L'Hommedieu: This is the second interview with Mr. Tony Buxton at the law offices of Preti, Flaherty, Beliveau, Pachios & Haley at 45 Memorial Circle in Augusta, Maine on May the 24th, the year 2000. Last time we were talking about, I think we got up to 1974 talking about George Mitchell's gubernatorial campaign. Did you have more to add about that?

TB: I do, I want to add a few things about that, but before that I want to tell you a story, okay, that I just thought of. Some years ago, at least a decade, likely more, I sat in this very room which overlooks the State House and is on the site of the hotel, the former hotel known as the Augusta House. The Augusta House was the landmark of Augusta other than the State House, for decades. And, particularly in the year when Ed Muskie was in the State House as a legislator and as a governor, it was the political center of Maine.

And what's remarkable about the meeting I had here with Ed Muskie was, we were talking about a client that we were sharing, he was working at Chadbourne and Parke [law firm] and obviously we were here, and we were meeting on some matter. And this is the time obviously after the Carter administration, and before he really more formally retired. And he started talking about having been at this same physical location in the Augusta House that is now occupied by this building overlooking the State House. He talked about years that there's not much known about, which are the years when he was a lobbyist. And apparently what happened was when he was a state legislator he served a couple of terms and was quite effective, and then went on to other things including being, for a brief period of time, a lobbyist. And it's interesting that he talked about what it was like to be a Democrat and to be invited to the meetings that were held in the Augusta House to decide what the legislature would do the next day. They literally were meetings of the legislative leadership and the lobbyists, a few of them, to decide what the business would be for the next day and roughly how it would go. Now, of course, in modern American politics that would be very much frowned upon. In the politics of that day, it was open and common. And it was interesting to hear him talk about it from the perspective of a person who had significantly opened up, not only state politics but national politics, to the scrutiny of the public and the press. And sitting here today, talking about this to you, with you, reminded me of the conversation. It was a very enjoyable conversation.

Let's go on to the 1974 material. One of the points I wanted to make about 1974 is that, as I've noted, it was a year when there was a confluence of events, the confluence of Watergate, the Mitchell campaign, the full effect of the reapportionment that had been accomplished in the sixties and the seventies starting with *Baker v. Carr* to shift representation to a population basis and thereby to move Maine from being a Republican legislature for decades, with one exception, to becoming a Democratic legislature as it has been now for almost twenty-five years, only briefly interrupted.

The other interesting event or aspect of '74 to me was the level of organization of the Democratic Party. The Democratic Party had no system or culture that paid people for what they did. You didn't earn a job in the state government, you didn't earn a job at the political party by working in the party. There were no jobs to speak of. There was no patronage, there still is none. The Democratic Party then was similar to the Democratic Farm Labor Party in Minnesota built by Hubert Humphrey. It was a party built by ideas and by the sense that public purpose, a public purpose, was a higher calling, that public service was the kind of thing you did for part of your life as an obligation, and the objective was to do what you thought was right and to work with others to figure out what that might be.

So as I said before, in addition to the platform process by which hearings were held throughout the state and hundreds and thousands of people attended those, creating ideas that became part of the legislative process of the Curtis administration, we also had a process of inviting people into the Democratic Party and welcoming them with open arms. In fact, we were very careful not to shut people out who had a particular issue or problem that bothered them. If you were an anti-war activist, you were welcome. If you were pro- or anti- abortion you were welcome. There was not any, a country club mentality that said that certain kinds of people were welcome and others were not. And that was in sharp contrast to the evolving, then evolving, history of the Republican Party where youth and change and innovation were, had historically been rejected. In fact, Bill Cohen had only run for the congress in 1972 and he was the first person to come along as a Republican who could have been a Democrat, easily, and chose to be Republican and succeeded in the Republican Party and with the people of Maine.

So at that point, it was a remarkable phenomenon to see the activism levels of the Democratic Party. I think in that year we held Democratic Party caucuses in about eighty percent of Maine's communities on the same weekend or the same day, and a fair number of people attended those. They were well-publicized, they were supported by the press in contradistinction to the way they're not supported now but in fact are ridiculed. And the result was a tremendous amount of interest and enthusiasm for political campaigns. Recognize, this is happening in the year of Watergate and while there was some level of alienation among particularly blue collar workers and others, it was not high among activists. That had a lot of effect on the political process; it meant there was a conscience to which candidates answered.

There was not a phenomenon at that time of people having money running for office, in fact it was the opposite, it was that if you had money you were sort of discouraged from running for office, that office was for people who didn't have a lot of money but instead represented a more pluralistic perspective gathered from some kind of process that gave legitimacy to the points of view that they espoused. And I talk about this to draw the comparison with today where a

person with money talks to no one, hires an ad agency and a pollster, and runs for office and may succeed without having gained any form of authenticity or consensus to validate their candidacy. And it's a big change; it's a change that's worth noting.

AL: After 1974, what was your next . . . ?

TB: I went to law school after 1974. After the election, however, I worked in the State House for John Martin. The Democrats had come to power, John Martin was elected speaker, I was the first political aide hired by the Maine legislature, or among the first in that class. It was a bizarre change for us, we had no idea how to handle it. Previously we'd had an office for John Martin and the minority leader, assistant minority leader in the house, and before that there had not even been an office for the Democrats. In the time when Ed Muskie served, the Republicans had all the offices and that was it. If you were a Democrat you sat out in the hallway.

We had an office early on and then in '74 he was Speaker and he controlled everything, and it was a fascinating time to be involved. For example, prior to 1974 the Clerk of the House had always let the printing contract for the legislature, and that included the printing contract for the bills that were printed, and the amendments, and for the so-called *Horse Blanket* which is no longer printed. It was a great big sheet of paper about the size of this table, four by eight, which came out the next morning after the previous day's debate and contained a verbatim representation of the previous day's debate. And you could correct the debate if you'd made a mistake and if the printing was wrong, and it gave people a way to keep track of things. But the, that contract had always been let by the Clerk of the House individually, and she kept the money that was paid by the contractor for doing it, in this case it was a she.

When John Martin took office the first thing that happened was that the printing contract relationship with the Gannett Publishing company was cancelled. It was put out to competitive bid, and the matter was held, was dealt with in a way more consistent of John Martin's view of what ethics required, and that was that it went through the state system and no one made any money on it. There were a lot of changes like that in the construction of the legislature. John Martin had worked for Ed Muskie, he considered himself to be a mentee of Muskie. There were many conversations with Muskie, not all that frequent but some, and there was constant interaction with Muskie's staff. John was close to many of the staff people including some who had moved on to other things, like Leon Billings, very close to Don Nicoll, and John was seen to be part of the Muskie tradition. And he certainly showed that in 1975 through the Longley years as he battled Longley over issues like public access to information, budget priorities and other matters.

AL: So now you went to law school.

TB: Right, in 1975 I decided that George Mitchell and Ed Muskie had the right approach, that they were attorneys and that they got the best of both worlds, they got to work and have fun by being attorneys. So I applied to law schools outside of Maine, because I knew if I stayed here I'd stay involved in politics. And I was interested in energy law. In 1973 I had coordinated the public power campaign to establish the Maine Power Authority and had become interested in the confluence of energy and politics, so I decided to focus on energy law and I picked a law school

that had an energy law program, although it was small, and that had a different approach to the law. And that was Franklin Pierce Law Center. It was a law school then that emphasized economic analysis of law and very powerful interest in intellectual property, including patent, copyright and trademark law. I didn't get into that part of the law, although interestingly I now have gotten into it to a greater degree. And I remained somewhat active in Maine politics but obviously focused on law school for most of my time, from 1975 through 1978.

AL: And then did you come back to Maine immediately after?

TB: No, I clerked at the United States Court of Appeals for the first circuit in Boston for a judge from New Hampshire named Hugh Bounds, who was a former Democratic National Committeeman and personal advisor to Senator McIntyre, sort of a New Deal Democrat, wonderful guy. I always thought that, more than anyone that I had known, he brought justice to life. He had been a district court judge and I'd interned for him and when he became a court of appeals judge he offered me the job. So I took a job there for a year and then worked at the Energy Law Institute for a, or actually the sequence is wrong, I worked at the Energy Law Institute for a year and then worked at the first circuit court of appeals for a year. The Energy Law Institute was something I co-founded with a professor at the law school which did renewable energy legal and economic analyses for the federal government, for state governments, and for associations of governments doing contracting really, all over the United States and all over the world, on how to reduce the obstacles to the use of renewable energy and to promote open markets in energy. So that was where I got started in energy law.

I wanted to clerk with the first circuit. I did for a year, I took that offer, and then considered offers from a variety of sources, toyed with taking a job in Washington, D.C., concluded that Ronald Reagan would get elected in 1980 and that I didn't want to be in Washington if he were elected, came back to Maine, looked around, decided to practice energy law here, and caught on with, the firm was then Preti, Flaherty & Beliveau, in 1980.

AL: And you've been here ever since.

TB: I have not moved an inch.

AL: And so what are some of the political activities you were involved in after you started here?

TB: Well, I came here to this law firm for two reasons. I had a number of opportunities and I came here because I wanted to do energy law and I also wanted to try lobbying. It struck me as an interesting activity. So, I wanted a firm that had an Augusta presence and there are only a few even today who do, that do, a few large statewide firms or regional firms that have an Augusta presence. So I came here and did energy law part of the time and government affairs work part of the time. Starting out as a new associate I'd do whatever I was asked to do, it was kind of exciting.

One of my first clients was a company that was facing legislative enactment of a bill to prohibit the way it marketed hearing aids. It was alleged that it marketed hearing aids by going door to

door, particularly to senior citizens' homes, and speaking in very low tones so that senior citizens could not hear them. In fact it was not true. It was really a battle between the stationary sellers of hearing aids and people who wanted to sell them door to door, and the idea was to prohibit their sale on a door to door basis. It was interesting having clients who were challenging the status quo, who were trying to open up competitive markets, who had a different view of how the world ought to work and were sort of insurgents in a sense. So it was sort of like being a Democrat, you know, you were always railing against the status quo.

I worked as a energy lawyer at the Public Utilities Commission for a variety of clients, particularly people building power plants and people fighting with utilities on any matter. And it was, I was really the first lawyer in Maine to establish that kind of practice and it has become the source of employment for six or seven of us here and, at this firm. We probably have the most active practice in the northeastern United States, in this area, representing people solely against utilities.

I continued to do some lobbying and I became active in the Democratic Party. I was asked by Barry Hobbins, who was party chair in '82, '83, '84, to become general counsel to the state committee. I did. I then became treasurer and finance director, and then I became party chairman in 1984 when Barry Hobbins stepped down to run for congress. I was party chairman for two years, '84 through '86. Eighty-four was the Mondale election year, which was an interesting experience.

I basically decided not to continue as party chairman because I had a young family, two young children and after a long trip to the Soviet Union that was very rewarding but very challenging on behalf of the State Department with other young political leaders, I took a month. I thought about my options and decided that I'd only have one chance to be a little league coach and I should take it rather than being totally absorbed in politics. So essentially from 1986 on I was absorbed with my family first and my practice second, and played a continuing role in politics but not that large a role.

In 1982 for example, George Mitchell was running for the United States Senate, he'd been appointed in '80 to replace Muskie. I served on a five or six person kitchen cabinet that met sometimes daily but usually a couple times a week to sort of direct the campaign, give advice, be a sounding board, help do things like select the ad agency and the pollster and some staff people. It was a fascinating experience. Eighty-two was the depths of the Reagan recession and we had perhaps the most unified Democratic Party on message that I've ever seen in the '82 election, particularly at the federal level.

Mitchell started out thirty-eight points behind. And I'm sure many people have told you this story, but he started out, with the first poll that was taken David Emery was thirty-eight points ahead of him, he was not well known, he, George was not well known. And it was interesting to watch the man who had been defeated by Longley, because he was not emotional enough and had been too intellectual or too reasonable on issues, transform himself gradually in the 1982 process. What he did not do was to cheapen himself or diminish his integrity. He did not become a demagogue. Rather, the years of analysis of what happened in '74 and the years of study of history and other matters that he had engaged in since '74 really started to show

through. What he did was to become a leader in the Democratic caucus and in the Senate in Washington. In particular, he challenged the Reagan administration on social security issues.

Interestingly enough, the commissioner of Social Security at that time was a person from Maine, in the Reagan administration, and he and Mitchell went toe to toe in several hearings on the lawlessness of the Reagan administration in dealing with Social Security issues. For example, if a district court judge in one part of the country ruled one way on an issue, the Social Security administration did not treat that as a binding judicial decision in every other Social Security sector of the country; that only dealt with that sector, in their opinion.

So Mitchell stood up to Reagan, stood up to the Reagan administration on a variety of issues and defined himself in the minds of Maine voters, as a person who used his intellect and his ability in a positive way for Maine people. So gradually he rose in the polls, and he became interested in some issues that were fortuitously interesting to Maine people, particularly acid rain.

He was the first candidate to do a campaign based, in significant part, on the need to improve air quality to diminish acid rain. And he tied, he made the connection to Maine people. It wasn't just an esoteric call for air quality, it was an argument that air quality was being diminished, and as a result acid rain was falling in Maine lakes and it was destroying Maine fisheries. So that, when he went to the Sportsman's Alliance convention he was besieged by people saying "I'm a Republican, I've never voted for a Democrat in my life, but I'm going to vote for you because you understand what's happening to our fishing in Maine lakes."

Since that time, of course, the science has become indisputable and Mitchell's contribution was very significant. He was active in two areas in the congress as well as, well, an additional area beyond the Clean Air act and beyond Social Security, and that was tax policy. He sat on the finance committee of the senate and was articulate and intelligent and therefore a person to whom everyone would go to become an advocate for their cause, and he very carefully chose his causes. The tax code had not been overhauled, it was being considered for overhaul at that time, and obviously it happened in '88. He contributed significantly to that. Bill Bradley was of course the architect, but it began early in the eighties, in '82, '84 in the senate finance committee.

He also took the opportunity to dedicate one weekend a month to the Democratic Party nationally, and as a result became a very sought after speaker by Democratic organizations throughout the country seeking to raise money, and by interest groups such as organized labor. When a union was holding a convention in some far off part of the country, there was a one in four chance they could get George Mitchell if they picked the right weekend, and he went to many of those conventions. His message was not a highly partisan message, it was a highly principled message. He called people to believe in things that they had once identified with the Democratic Party, but due to turbulent national events perhaps had lost sight of. And as a result he built his standing in the Democratic Party in the senate, as well as in the Democratic Party nationally, to a very high point.

In fact, when the opportunity arose for him to run for senate majority leader, he was opposed by two powerful candidates but it wasn't even close. He won on the first ballot, as I recall, and he

won not because he raised the most money and gave it out to the most candidates as the other two candidates had done, or tended to do. He raised a little bit of money and gave it out here in Maine. He made the senators come to Maine to get it, which emphasized how hard it was to get the money. But he won because he was the senator most likely to allow the effectuation of the points of view of the entire caucus. And he had people's confidence. You don't need me to talk at length about his tenure as senate majority leader, but I can say that I regard his ascension to that post to be an example of what a highly intelligent person can do when they are humble enough to understand that being smart is not enough. When they understand that being good is an outgrowth of applied intelligence, George Mitchell, I think, exemplifies that. When you become good because you apply your intelligence well, generally speaking it's recognized by those around you.

It was remarkable to see the extent to which other senators admired him. It's always common at political events for a visiting senator to say, you know, senator so-and-so from Maine is by far the best senator in the United States Senate and so on. That's all bunk. But there were actual instances where Mitchell did things in hearings and on the floor that people said were among the few nontrivial events that occurred from day-to-day in the United States Senate. And frequently it was his interrogation of witnesses in front of senate committees that got attention, because obviously as an excellent attorney, and as a former U.S. attorney, he had the experience that most senators had not had, even though they were lawyers, to accomplish those goals.

The interesting part about Mitchell's ascension is this all occurred during a time when Reagan was reestablishing the Republican Party, so it was a time of great difficulty for Democrats. Many Democrats still held to the same ideals they'd held in the sixties and seventies, both on a practical basis and on a principle basis, and they were having difficulty giving up the principles of the welfare state. Reagan was abolishing those, and he was abolishing them not only in Washington but in the minds of people.

One of the things I've done every year, every general election, is take attorneys and other notary publics to the city hall of Portland to register voters on election day. Portland has a tremendous number of transient voters, students and others, who come there for the institutions of the city and every two years there are thousands of people to be taken off the rolls or to be added in, others to be added in. And so it was not unusual for us to register two to three to four thousand people at city hall on Election Day. If we didn't do it, the city could not get it done, it was truly incompetently managed and it was not a coincidence. The city council intentionally, in my view, did not allow people to register to vote, did not make it easy for them. So I would go there.

Well, the reason I'm telling the story is that in 1984 I took my crew down there and I'd say we had fifteen people there to give an hour, and the lines were long but moving quickly. And one day I was on the ballot, we'd fought a fierce fight, I was Democratic Party chairman at the time, it was a bitter election contest. We knew we were having, we had a difficult challenge in unseating an incumbent president, but we had hope and it was close enough on Election Day to think we had hope. I had registered a woman to vote who had two children, both of whom had physical abnormalities that were apparent. I asked her for identification and when I did she dug around and found a Social Security card, a WIC's card, and another identification card necessary for a government program. This was a woman whose family lived entirely on government

programs. In other words, the kind of person who might have been indebted in some respect to the Great Society and to the programs Democrats had espoused. As required by law I asked her if she wanted to enroll in a political party, and she said, "Yes, I'd like to be a Republican." And I looked at her, didn't say anything, and she said, "You know, Ronald Reagan makes me feel good about America." And I knew then it was all over, that the election had been a figment of my imagination, that Reagan indeed had succeeded in communicating a very significant message to the American people.

We finished our job that day and the votes were counted and it was not a great day for Democrats anywhere as I recall, as in contrast to '82. In '82 for example, because the Democratic message was so strong and the Republicans so weak, what we were doing to get out the vote in Portland on election day, virtually all the Democrats who could vote had voted by three o'clock in the afternoon. They were so intent upon voting, they had left work early, they had not gone to work, they had gone to work late, they had gotten to the polls one way or another. A friend of mine who was working for Jock McKernan at the polls, said that she knew they were in trouble when the ambulance rolled up to the polling place and they carried a person on a stretcher into the polling booth to vote. The person would not go to the hospital before he or she had a chance to vote, and it was a Democrat. So, you know, you tend to judge these things, after you've been involved for awhile, by anecdotal events. And I think those events, to me, sort of typify the years in question. I'm just rambling here.

AL: Is the next thing to talk about the time that you worked most closely with Senator Muskie?

TB: I think it probably is. When I was Democratic state chairman, '84 to '86, I was very careful who I asked to help me. I needed a lot of help, but I wanted to make sure I had a good team. So I asked Bruce Chandler, who was a very prominent attorney from Waterville, to be my general counsel and he agreed, and I hired a very good staff. We initiated some programs to grow the grassroots in the party, both from an organizational perspective and a fund raising perspective, particularly Dollars for Democrats where we hired phone calls to Democrats to raise money. And it was extremely effective at the small dollar contribution level. I worked raising large amounts of money. But once I got those systems in place I wanted to make sure we were doing it for the right reasons, so I started calling people who had not been active in the party for some time. And I called, I met with Ken Curtis several times, Peter Kyros, Bill Hathaway, people who had been prominent non-office holders.

And eventually I got up the courage to call Ed Muskie, and I'll tell you how the call went. I called him at Chadbourne & Parke in Washington, Carole Parmelee, who I just saw at the dinner the other day, took the call. And he had offered me a job before, so he knew who I was. We had, you know, an acquaintance and I put it to him this way. I said, "Look, I'm party chairman, it's a lonely place, I need advice, I've always been intimidated by you because of your reputation and to some extent because of your reputation for beating people's brains in verbally. But I want your advice, and I want, I'd like to have the opportunity to talk to you from time to time about issues to be dealt with and about overall strategy and purpose of the party."

To his everlasting credit, he was not the slightest bit difficult to speak with that day. He was

gracious and accepting and we talked for two and a half hours. And when I say we talked, we talked at the most intimate levels of politics that you can talk. He was unabashed in what he thought of people, knowing that I would keep, that I won't even talk about it now, what he thought of some people. Not that he was hostile toward people, but he judged people as to their effectiveness and their motivations. And if they were not effective or they did not have the proper motivations, he disregarded them or gave what they said less credibility. And after that conversation, which lifted my spirits tremendously, I called him a couple of times a month or I would see him in Maine. We formed a variety of organizations that would help raise money and help recruit people to come back to the party who perhaps had been very active in the sixties and seventies but for personal reasons had not had the time lately or the interest. And in that sense, he became a mentor of mine and I was honored to have that relationship.

I had no idea what he thought of the relationship until one day during the Brennan administration I got a call from the governor's office saying, "Senator Muskie is coming and staying at the Blaine House tomorrow night, Governor Brennan would like you to join he and Senator Muskie for dinner." So I went, and there was Governor Brennan and perhaps a staff person and Senator Muskie and myself, and we spent the entire evening talking the purposes of politics, a very fascinating discussion, and he and Joe Brennan got along very well. There was no evidence of any hostility left over from the Mitchell years or whatever, the Mitchell campaign when Muskie had been implicitly for Mitchell.

And during a break in the evening something happened that says a lot about everybody who was there that night. Brennan took me aside, Muskie had gone to the men's room, and said, "Tony, I just want you to know that I asked Senator Muskie who he would like me to invite to dinner and I went through the legislative leadership and other people who might be available in Augusta. And he said, 'No, no, I'd like you to invite Tony Buxton.'" I was obviously greatly honored by that.

It was difficult for me, not having been an office holder, not having been a person who sought personal power in any way, but rather who believed in the Democratic Party as a means to express human values and intelligence for large numbers of people, to accept the kind of role that I had moved myself into. So I was not the kind of person who hung on Ed Muskie's arm or on George Mitchell's arm. I didn't need to bask in the glow. It was enough for me to be able to deal with matters of substance and to let it go at that.

And to some extent, I think I disappointed Muskie in my failure to return properly his friendship. We were at his home in Kennebunkport one time for an event and he got miserably angry with me for not having come up to him and talked to him at some length before. I did late in the evening of the event. And that says something about my self-esteem, and it says something about the warmth and power of his person. It also says a lot about the loneliness of being a significant person. I think from that experience I would draw the conclusion that Ed Muskie did not have a lot of close friends, that he wanted close friends but because he had been so prominent for so long in his life it probably was quite difficult for him to have close friends, who either were not made to feel awkward by their proximity to his aura, his person, or who did not seek to take advantage of his, the relationship with him.

Interestingly, I know of no one who ever took advantage of their relationship with Ed Muskie. There may be some, but I'm not aware of it. I can name other public officials and name people who did try to take advantage of their relationship with him, but Muskie was not a person who dealt at the favor level of the world, other than as absolutely necessary in the political world. And therefore he did not have a cadre of people who followed him around, because they were pilot fish and he was the shark. So what I learned from that personal exposure to Ed Muskie was that he, like the rest of us, wanted friends and they were hard to come by.

There were clearly people who were personal friends, who had accepted a role in his life. Unquestionably, his best friend was Jane Muskie. And she provided a lot of the personal people contact that he needed, both in bringing people in and being his conduit. Charlie Lander, who was a good friend of his and his campaign driver, as a person on loan from the telephone company every election, was clearly a very close personal friend. I think Don Nicoll, to a significant extent, was a friend. The same for George Mitchell. Shep Lee was another. And people like Berl Bernhard, who chaired his campaign for the presidency. Leon Billings, to some extent Charlie Micoleau were friends. But the people who were really the closest to him, who were not related to him, I think were Charlie Lander; Gayle Cory, who may have been the most powerful woman in the United States Senate for many years without anybody knowing it, and certainly one of the best people that ever walked the face of the earth, who was his personal secretary and staff advisor. They were people that he could count on when he needed help on a difficult decision, who would give advice out of total loyalty and total dedication to him, and in that sense were friends. I personally regret that I did not think enough of myself to respond appropriately to his implicit offer of friendship.

I will say that I have talked politics with presidents and many others and I have never talked with a person who was more wise and insightful than Ed Muskie. There are many intelligent people, they all have something good to offer in politics. No one has come close, in my mind, to Ed Muskie's understanding of the kind of truths that the truly great leaders understand. Abraham Lincoln, Winston Churchill, FDR [Franklin D. Roosevelt], John Kennedy all saw human nature at its most fundamental level and understood it. Like the founding fathers I think they all were deists, whether they believed in a particular religion or not. They believed that human life was an aspect of the mind of God and they venerated human beings accordingly. When John Kennedy said, "Life is not fair," he was not saying that's good, he was saying that the battle of the human spirit against the unfairness of life is the whole purpose of life. And Ed Muskie, I think, was on the same wavelength.

Muskie and Kennedy, by the way, established an interesting personal rapport. Kennedy was very close to Bob Dunfey and the Dunfey family, Dunfey was very close to George Mitchell and Ed Muskie, and still is close to George. It's a fine family. They run the Global Circle organization which brings people from all over the world to New England to discuss matters of concern to the globe, and their interest in that issue was the kind of interest that has driven their interest in the Democratic Party. I think they accomplished some of the connection between Ed Muskie and John Kennedy. And I think it had a substantial effect on Ed Muskie that he did not talk about.

It's quite clear he was not a mentee of Lyndon Johnson as Muskie's own writings show, when he

told Johnson that he'd tell him how he was going to vote when they got to 'M' on the role call. That was about the end of that relationship on anything other than a formal level. I don't think that Muskie and Carter had a particularly close personal relationship, although I think they were much alike in their human values. And clearly there was no relationship between Muskie and Clinton of any consequence. So when you look at it, Muskie's era was the era of Truman, Eisenhower, Kennedy, Johnson, Nixon and then Reagan and Bush, and there aren't many Democratic presidents in that group. And clearly those presidents all operated in the, all held office in the New Deal era, they were all just typifications, in a sense, of the New Deal. And when Reagan transformed things it became a different world. Sorry, I don't mean to ramble.

AL: Oh, that's fine. I can't remember if I asked you last time, tell me if I did already ask this, about the state Democratic Party and how you've seen it change over the years, its effectiveness and its role?

TB: The, my span of reference in this is really 1968 to now. I was not particularly aware of the Democratic Party before 1968. In 1968 the focus came because of the war and because I was leaving college and could have become a victim of the war and was quite interested in politics accordingly. There have been many transformations of significance to the Democratic Party since 1968.

The most common event in the party has been revolution or insurgency. Whether it was Eugene McCarthy and Bobby Kennedy in 1968, or George McGovern in '72, Jimmy Carter in '76, a variety of people in '80 and so on, what no one has been in the Democratic Party has been the status quo. And that means that the Democratic Party has become, both nationally and at the state level, a process more than an institution of certain substantive values. You can point to issues such as abortion and peace and disarmament and social security and find common threads historically, and those are of significance, they are passed on or carried by people from time to time. But more than anything else the party has gone from being substantively focused to being procedurally focused, that is, it produces candidates, it produces a platform, it is a vehicle for a person to get on the ballot as the presidential candidate in the state. And there had been a gradual democratization of the party to the point where the caucuses are now no longer of any significance and the party is really almost nonexistent.

When I was Democratic state chairman I was impressed by the fact that on any given day, *I* was the Democratic Party and everybody else was the exception. People would say I'm a Democrat but I'm really unhappy about this, or I'm a Democrat but I don't agree with the Democratic Party on this. And I accepted that, I think that's not an unhealthy circumstance where people define themselves in relation to the Democratic Party, because it means the Democratic Party means something to them.

I'm not going to get into a David Broder analysis of the party being over, but obviously the changes in our party have paralleled the changes in the means of communication in the country. We have gone from a country in which community was very important to a country in which community is far less important, in which word of mouth and contact with your friends and neighbors is much less, to the point where my children spend more time on the computer each day than they spend talking to human beings and that is a vast change in how politics works. It

means that it's very difficult for non-monied interests to commu- . . .

End of Side A, Tape One

Side B, Tape One

AL: We are now on side B of the second interview with Mr. Tony Buxton.

TB: Word of mouth used to be free and now it's hard to create. For example, when I was involved in 1972, Bill Hathaway was running against Margaret Chase Smith. He was considered the underdog. In fact, the polling showed that she was weak because she was not well known to people in Maine any longer. She hadn't spent a lot of time in Maine in a long time, she was older, she was hurt by a Republican primary challenge by Bob Monks, who argued that he was better because he was younger; that emphasized her age. Some of Monks' people pulled some stunts to emphasize her age and it hurt.

So her response, and she had never spent money on campaigns in any amount, her response was to gear up in the fall but way too late with her word of mouth campaign. And she had a very highly organized network of women, an outgrowth of her early congressional campaign and senatorial campaign, that very effectively communicated the word of mouth. Unfortunately, that organization had not grown either and Maine had grown substantially in size. And Bill Hathaway went to the airwaves and, through the Democratic Party organization that was very powerful then, he was the first person to use a very highly coordinated telephone campaign which was staffed largely by teachers and other volunteers. And, by using the telephone and by using the airwaves, he was able to equal and surpass Margaret Chase Smith.

And I recall the day when I entered a country store in Readfield about a week before the election and the people in that country store were supporting me. I was running for the state legislature at the time, but they were hardcore Republicans and they were apoplectic about the fact that Margaret Chase Smith might lose. And they really leaned on me as a Democrat to support Margaret Chase Smith. And that just showed the level of intensity they had, and they had, they had seen a poll of, there was a state poll out that showed Margaret Chase Smith was behind at that point. And she obviously eventually lost the election. That was not unusual in state politics.

Ernest ["Henry"] Gruening in Alaska lost a similar election to a fellow who, [Maurice Robert] "Mike" Gravel, who ran a TV campaign for the first time in Alaska. It was really a case of technology overcoming custom, and technology has continued to drive politics because it is a more, we have created more efficient ways to communicate. They are more impersonal but they dominate the process. And the result is that political parties are no longer as necessary, because the word of mouth that they offered is not as effective. A long way around that barn, sorry it took so long.

I've given a lot of thought to the role of money in politics, I'm of two views on money in politics: first, I think as long as contributions are reported, that the public is able to judge what constitutes improper influence and what does not. I have voted for and contributed to the clean election effort to give it a chance, but I'm frankly becoming skeptical that that is the way to deal with politics. On the other hand, there's no question but that the combination of technology,

technological change and money are making it much more difficult for individual people, individual voters or groups of them, to have an impact.

First of all, it's harder for them to organize than it used to be. We are seeing a breakdown in all centralized organizations nationally, except those that operate solely on technological means such as the Internet, and therefore it's quite difficult for there to be insurgencies unless they're financed by some interest group.

Now historically, for hundreds of years, the Democratic Party has tended to be funded by wealthy contributors. Campaign finance reform takes that away and makes the Democratic Party more vulnerable to the broad based appeal to small businesspeople and conservatives of the Republican Party. In fact, you can make an argument that what campaign finance reform does is drive both parties to intensify hot button politics, because that's how you raise money is by getting people motivated. It's not lost on experts that George McGovern raised one million twenty-dollar contributions in 1972. Now, in comparison to George Bush's eighty-five million or whatever it is now, that twenty million dollars is a huge amount of money. It is an astonishing fact that it was raised by George McGovern and that it didn't make a bit of difference in his campaign. He had intensity but he had no breadth. And, that's a part of the calculus that I think makes politics today quite difficult.

Going back to the state party, the state party is nothing more than a reflection of the political climate in Maine. If there were an active, vibrant Republican Party it would help the Democratic Party. There is not. When I was party chairman the Republicans were in disarray, it was very difficult to get people motivated to fight with a political party that's in disarray. It was much easier to get people motivated to be against the Reagan policies or the Bush policies. In Maine we've seen, with the King administration, a reconstruction of the political center that I think is extremely valuable and is a benefit of Angus King's effort that is not understood by our state's leading newspaper or many others in Maine. The chambers of commerce, the economic development forces and so on, have a ready ear in Angus and there is something to be said for that as making Maine a stronger place.

I think Angus is really the first governor since Ed Muskie to take his political power from the political center. Muskie had no choice; there was no left in Maine. The furthest he could go was the center and he had to deal with a Republican legislature and executive council. But what Angus has done, I think, is a significant contribution to Maine's, Maine's good, and it makes the Democratic Party even less relevant. On the other hand, the principles of the Democratic Party, the fundamental instincts of the party, remain sound and can be implemented successfully.

And I think the party right now is making a resurgence, despite the fact that the convention was very poorly attended. That's merely a reflection of the fact that the presidential race is over. Had the presidential race been hot, the convention would have been well attended. I think it calls for a reform of the federal process. The federal process is very, there really is no federal process, there are fifty state processes regulated by political parties and the political parties don't regulate them well. Having fought the fight to keep the Maine caucuses recognized by the Democratic National Committee, I can tell you that it's not a rational process. I'd say an ad hoc process all the way through.

The identification of the political parties obviously is diminishing, the independent voters so-called are by far the largest in number. If everyone had to reregister in Maine today, I think a clear majority of voters would not choose either political party because there's no purpose in choosing a political party. It's not that they disdain them, it's that they don't get anything out of being part of them. And in point of fact, political parties are not an end in themselves, they need to have a purpose. And the question is, what purposes are going unfilled in our society that could be fulfilled by a political party? It, I think I may have mentioned this to you before, have I talked about Muskie and demographics, when he, technological change and so on, the G.I. Bill, when he came into power? I don't remember. You probably remember.

AL: Refresh, just, I'll jump in.

TB: Muskie's ascension to the governorship is a good example of how technology and demographic change can be the cause of the success of the Democratic Party as well as its weakening. When I came into Maine politics it was 1970, and Muskie was at the top of the ladder and was being considered for the presidency. It was a great time to enter.

He had achieved mythological status and that may account for the reluctance of many of us to, you know, think we could be close to him. Part of the myth was that he had run this seemingly quixotic campaign for the governorship and had won in some kind of political miracle. In point of fact, I think analysis would show that he had an excellent chance to win when he started, because the Republican Party was out of touch with the world that it had been ruling, and it was burdened by scandals. And there were a lot of people who had been raised Republican, who had young families who were looking for some of the things the Democratic Party wanted to espouse.

The PBS shows on the G.I. Bill point out that there was five billion dollars appropriated for unemployment compensation and education and training for G.I.s after World War Two, or during World War Two, and thereafter. And that of the unemployment compensation, only one billion dollars was used and the rest of the money was put into education. Whereas people thought, congressmen thought, that the relationship would be the reverse, that most of it would go to unemployment.

In fact, what G.I.s did was they came home, enrolled in colleges, took the G.I. benefits to go to college, stuffed America's colleges right to the gills, completed four years of study in as little as one and a half years, by working as hard at studying as they did at winning World War Two, and they came out in 1948, 1950, looking for things to do and to build a family. They were married most of them, many of them, they had young families, they wanted the basic necessities of life. They wanted the economic advantages of the production systems, that had been created to win World War Two, applied to them. And World War Two was when we perfected the centralized production of goods with decreasing average cost being the theory of economic production. They wanted basic social services, particularly education systems for their children, and they wanted government to be as well run as it would be if they ran it themselves.

They were not going to put up for a minute with party politics and being told that things couldn't

be a certain way. In fact, one of the outstanding classes at Bowdoin College was made up of returning veterans and included a number of prominent people. And it is said of that group of people, that they didn't care what the faculty or administration thought about anything. They wanted to learn and they expected that they would learn and they insisted upon a certain level of quality from the school. And I think that's true of G.I.s all over the country as well as in Maine.

So when Ed Muskie ran for the governorship he had the benefit of a mature, growing, activist core of people changing our society in Maine much for the better. He has talked to me, Muskie talked to me, about what it was like to go from town to town as a Democratic candidate in the last months of the election. Pete Damborg, who was the political columnist for the Gannett papers at the time, was covering him. And he's a friend of my family and I talked to him about this, he covered Muskie in the final days of the campaign, and he said it was astonishing. He'd go into Washington county with Muskie and speak in Machias and he'd speak to a thousand people, and there were only like two thousand people in Machias. The whole town would turn out, every adult, many of the children would come, and it was to hear the kind of message they wanted to hear.

Muskie used technology wisely; his was the first campaign ever to use television. They had sixteen thousand dollars for a campaign budget and they put it into, the bulk of it into television. That was effective. It was noticed because, after all, there were only one or two stations and time was inexpensive. And it was the talk of the town when somebody had a television, and there was Ed Muskie on it. He was current, he was with it, he was popular, he was young, he was intelligent, he was moderate. And all of those things bypassed the Republican political machine that worked on word of mouth, some level of favoritism, some level of political payoffs. In other words, the politics that had been extant in America for fifty to a hundred years. And Muskie was fresh and new.

And that same kind of approach can be brought today, you know, we're seeing campaigns that work extensively on the Internet. The difficulty with all that is, that it's very technologically driven, very technology driven, and requires money. It's not sixteen thousand dollars any more, and you can't depend upon your opponent committing an act that will create a scandal, as Muskie was fortunate to have when he ran for governor.

So making political parties vital is first a challenge for understanding how to communicate with people in this new age, when it is very difficult to find people. People who have seventy-five cable stations and the Internet to go on are hard to reach. A small ad in a newspaper in Maine is \$600. Doesn't take much to use up your budget at that rate. Television is marginally effective, and it's very hard to get your information as a candidate into newspapers now. So it's not easy for a party, based on principles and not on money, to succeed.

Having said that, I also want to comment on the fact that the Democratic Party's education process has failed. One of the benefits of having the platform process where, you know, there'd be thirty-five people on a platform committee and they would hold hearings throughout the state is that those people, and the people who came to the hearings, would become better educated on issues. As that has disappeared, we have lost the ability, in part, to educate younger Democrats or newer Democrats on issues and to show them how to become an effective public policymaker.

So that when a legislator is elected, that person is really a one-man band. And now with term limits they have eight years maximum in which to become expert, change things, and ensure it's not changed back again before they leave office. In other words, we have made them less informed. We have made them have fewer ways to gain information that they can trust. They can get plenty of information, but the amount of information is not the issue, it's the reliability that you can place in it, and that's given by somebody verifying it and saying, "I think this is a good idea," and you know you can trust that person.

And finally, we've given them no experience or little experience in persuading others that a given idea they think is a good idea is in fact a good idea. So we have harmed representational government by diminishing the educational effect of political parties. And that's, I think, the difference between the Democratic Party, the principal difference between the Democratic Party of the sixties and seventies in Maine, and the Democratic Party of today. It's no one's fault, it's part of technological change and general changes in our society. It is nevertheless useful to realize what does constitute the obligation of a political party and the value of a political party.

AL: You mentioned Peter Damborg, you said he was a friend of the family? Can you tell me a little bit more about him? I have heard that he was a reporter but I don't know much more. Was he Republican or Democrat?

TB: Peter Damborg was Republican, but that has to be taken in context. That era, everybody was Republican, my father was a Republican, you had to be a Republican. There were no Democrats. They were all in Lewiston and Biddeford. And if you wanted to get access to the political structure of the State House, you had to be a Republican, it was as simple as that. So Damborg was an active Republican and he may have been a sincere Republican, he certainly wasn't, you know, an ideologue by any means. He was a very intelligent decent fellow, who was a young political reporter for the Gannett papers, when Ed Muskie ran for governor. And according to him, he said he saw that Muskie was going to win, and when he picked that up ten days, two weeks out, he started to write about it. And when he wrote about it (I've never read his stories from that era when he wrote about it), obviously the fever started to multiply.

And there were other people covering him. Remember, in the year that I'd been active, it actually happened that reporters would go with a candidate on a campaign swing. One of the turning points of the 1970 election of, reelection of Ken Curtis, when an AP reporter who had been very hostile to him, Dave Swearingen, had to get up at five o'clock in the morning and go to plant gates with Ken Curtis all day long. And Swearingen was not in great physical condition, and his derriere was dragging on the ground by the end of the day. And he saw how hard Ken Curtis worked and he saw how much people loved him, and he changed his coverage. So, you can't pay for that, that's the kind of experience that only happens when newspapers have enough people to send somebody to cover stories.

Now, with so few reporters, they don't do that any more. It's just unheard of for a reporter to travel with a candidate in Maine during a campaign day. Then it was very common. In fact, in Damborg's day, they traveled by the carload, every newspaper had a State House reporter and they traveled for their news, they didn't sit at a computer desk all the time. I'm not sure what else I can tell you about him.

AL: Great. Well thank you. Are there any stories that you've thought of as we've been talking that illustrate your time in politics or your relationship with Ed Muskie, whether they're humorous or insightful or -?

TB: I think I've told you a lot of my Muskie stories, but let me tell you a Mitchell story and perhaps I'll think of other Muskie stories. Nineteen seventy-eight, I had graduated from law school and I was taking the Bar exam in Portland. Mitchell had been appointed U. S. attorney and was in his Portland office. My wife was an intern with him because she was in law school and he had wanted her to work for him. It was a very small office at that time; it was George and five other lawyers. Now it's about thirty-five lawyers. And George handled almost all the major litigation himself. In fact he told his staff, "I'm a trial lawyer, I came here to try all the good cases. If you want to try all the good cases, get appointed U.S. attorney." They took it well, they really enjoyed him.

Anyway, he called me one day and said, "Look, you're studying too hard, come down and have lunch with me." And so I went down and as I was, I went into his office and he said, "Look, I have to, I'm expecting a phone call, can we wait in here?" So he sat at his desk, and I sat in a chair, and we talked. And we were talking about politics in the U.S. attorney's office, and other matters, and the phone rang. And George said into the phone to the other attorney calling, he said, "I want you to know that in our oral argument tomorrow, in my oral argument tomorrow at the first circuit court of appeals, I'm going to cite the following case that I just found." And he gave him the case and he said, "And I'm going to argue this case shows this." Well here I was in law school thinking that, you know, lawyers had to do everything to win. And I said to him, "This is a criminal case." He said, "Yes it is. We want a conviction against this lawyer's client and they've appealed it to the first circuit court of appeals. And I had found this case and I wanted him to know that I was going to cite it," and, "it was not in my brief." And I said, "Well, wouldn't you be more likely to win if you didn't tell him?" And Mitchell said, "My job is not to win, my job is to do what's right. And what's right is to tell him what I'm going to do and have it decided on the merits."

So we left his office and we're walking down the street to go to a restaurant and we get hit by a panhandler, and Portland has a, had at that time, a remarkable collection of panhandlers. And this fellow was not a pretty sight and he didn't smell very well either, and he was clearly the kind of person who would take the money and buy alcohol with it. I would have walked by the man and said, "No, I can't help you." George stopped, spoke to him for a second, the fellow recognized him, they exchanged pleasantries -- this is a real street person -- all kinds of people coming out of the federal court house at that point walking by us, watching us talk to this man who looked like he'd just come out of the dumpster. And George pulled five dollars out of his pocket. And out of the corner of his eye he saw a waitress, a person he recognized as a waitress in a restaurant, going by. And he called to her by name and she came over, and he introduced her to this man. And he said to her, "I'm going to give you five dollars. I want you to see that he gets lunch. Will you do that?" And it happened.

And it occurred to me, you know, here's a person who's run a national campaign for the presidency, a person who's served on the Democratic National Committee, who at that point had

come about one vote from being elected Democratic National chairman, who had been appointed U.S. attorney, who had been involved in a great many things that could have swelled his head. And his level of humanity was higher than everybody else's level on the street at that moment. Only George Mitchell reached out physically and financially to the person who needed to be helped. It was a very moving experience for me and obviously just reinforced the fact that the person George Mitchell was and is, partially descended from Ed Muskie, and, was an appropriate tradition for me to attempt to become part of. So I went back and studied hard for the Bar and passed.

The Muskie stories, there are a thousand Muskie stories that I haven't told, and I appreciate the opportunity to tell the few that I have. I really don't have any to add right now. What I've tried to convey in our conversation, Andrea, has been both the substantive aspect of the actual events that I'm aware of, that I was a witness to, such as Ed Muskie not crying in New Hampshire, and also to balance that with some information about Ed Muskie that I think is not understood by people. I don't think people understand what a genius he was.

You know, it's interesting, democracy requires genius to work. It does not work just by everyone having their say. The best form of democracy is the form in which exceptional leaders sense the public will and ability to be led, and take them by leadership, by their own consent, to where they ought to go. We cannot be a great society by referendum. It requires much more.

You know, the experts in genetics say that when the alpha male of the wolf pack is killed or dies, that the selection process for the next alpha male to lead the pack takes about five minutes. And it does not happen through fights, it happens through consent, it happens through the other males deciding who in the pack they will follow. In some cases it's because the other wolf is stronger, smarter or whatever, but it's not done by a series of gang wars. Now, I don't mean to be either sexist about this, it's also true of the alpha female process; it works the same way. All I'm saying is that living organisms, that exercise some form of consciousness, seem to gravitate toward group decisions that do not involve conflict but involve an understanding of how to lead and how to be led.

The brilliance of Ed Muskie, the genius of Ed Muskie more importantly, was in understanding well the reality of the world around him, understanding the purposes for which God put him on the earth, and knowing how to obtain the consent of people to take them where he thought they ought to go, as modified by where they thought they ought to go. The result for Maine has been exceptional. Our economy is greatly at odds with the quality of our society. We could be Mississippi, we could be a poor state with poor institutions, without a high quality of civic life, and without a history of national leaders in the political world. We are not.

On the Republican side, Margaret Chase Smith made a difference. On the Democratic side Ed Muskie made a difference. Bill Cohen is a descendant of the Margaret Chase Smith side, George Mitchell is a descendant of the Ed Muskie side. The value of having people like Ed Muskie to lift our expectations and aspirations is not calculable. The fact that Ed Muskie and others like him occur, validates the belief that democracy is a vastly superior form of social governance than any other system. It validates our sense that people have an innate ability to know what is best for them, and also have an innate ability to work with others to modify that to a common

purpose.

In an age when selfishness is on the rise and the making of money seems to be the only national interest, it's useful to look at Muskie, and people like him, and ask why making money was not their primary interest. And when you see what they have contributed to the overall quality of life in a distinct society, and I think Maine is isolated enough to be distinct from other parts of New England, it's easy to see that they, that those ideals, those values, those qualities are of enormous importance to us as a society. I won't go on.

AL: I had a question about your involvement. I understand you oversaw the massive transformation of the electrical utility reform in 1996?

TB: And since. Right.

AL: And since. Well, what all did that involve? That was regarding CMP?

TB: When I became active in Maine politics, the dominant political force in Maine was Maine's utilities, particularly CMP. I've gone through previously in our discussion how candidates would make a pilgrimage to Edison Drive or wherever CMP was, it was on Greene Street for a long time, and be told the polling data on how their campaign was going. Then, in that era, no one could afford polls. And, indeed, even in 1968 when I first became active in politics, CMP's president, whoever he or she may have been at that time, I think it was Bill Dunham, was listed as one of the most powerful people in Maine.

I've also talked about how that tended to make the Republican party align with utilities and vice versa. And how it wasn't until, I don't think I talked about this at all, but it wasn't until the Brennan administration that CMP suffered its first legislative defeat in Maine history, in 1982, with the establishment of a law to regulate the formation of the restructuring of utilities, the reorganization of utilities into holding companies. There had been an effort to reorganize CMP into a company the PUC could not regulate, that is, the PUC could regulate the poles and wires but could not regulate the other activities of the company. In 1982 that was thought to be a bad idea, unless the PUC decided it was a good idea. And we got a statute passed because of Governor Brennan's efforts that allowed the PUC to regulate that, whether it could happen or not. So politics and power, as in electricity, have been inextricably linked in Maine for the last forty-five or fifty years. Much of that is for economic reasons.

CMP was formed in the end of the last century, I'm sorry, the end of the nineteenth century, and by 1920, 1930 was clearly the most powerful economic force in Maine. It built many mills and owned BIW, it owned the Bates Mills, it built the Champion Mill in Bucksport, now to be owned by IP. And it did those things because it wanted to create demand for electricity and economic growth, which is not a bad thing at all.

Anyway, starting in 1970 the economic model for vertically integrated electrical utilities that generated power, transmitted power and sold power, began to fail. Power plants reached a size of one thousand, two thousand megawatts in size and became very difficult to site and to build. Nuclear power plants went from costing a little bit of money, two hundred and fifty million

dollars for Maine Yankee, to the next power plant in New England which was Seabrook I and II, costing nine billion dollars. Part of that, a significant part of that was because of increased scrutiny of regulators, or by regulators, and increased public opposition to nuclear power. But the same thing was true of oil plants. Then we had the Arab oil embargo, the OPEC years when the price of oil skyrocketed, and for a region that generated almost all of its power from nuclear power and oil, clearly the end was coming for centralized generating facilities. The industry itself recognized this because they were losing their shirts trying to build power plants. CMP nearly went bankrupt, it skipped a dividend in the mid 1980s.

And congress decided to encourage the construction of renewable power plants by enacting the Public Utility Regulatory Policies Act of 1978. That led to the building of a lot of wood fired power plants, co-generation facilities and hydro facilities. And when I started to practice law, that was the area that I practiced in. I helped write the Public Utility Regulatory Policies Act of 1978. I represented the people commenting on the rule makings that implemented the act. I was the leading attorney in Maine in the area; I had a lot of clients building power plants. And what really happened in the 1980s was utilities stopped building power plants, and private enterprises started building power plants.

Unfortunately, the means by which those plants were funded required long-term contracts. We were in the Reagan 1982 depression, recession, whatever it was. Interest rates started to rise when, by the time Jimmy Carter had left office they were very high, and they stayed relatively high in the early Reagan administration. So it was very difficult to finance power plants. In fact, John Rowe of CMP had said on the witness stand that he just refused to build power plants any longer, that they had taken a hit on Seabrook and would not do it ever again. So there was a very difficult transition from utility sponsored power plants to non-utility, and at the same time we had to no longer rely on oil, and we couldn't build nuclear power plants, so there wasn't much left. And there ensued a period of time when my practice opened in 1980, to where it really blossomed in about 1984, '85, with the tremendous growth of the energy industry.

Utilities have sort of staggered along trying to bear the burden of these long-term contracts to fund these little power plants, and many of the problems have been documented here in Maine but the fundamental problems were threefold.

First, utilities grossly overestimated the amount of energy that would be needed, so they signed contracts for more power than they needed. And clearly it's one thing if I go out and buy a bad set of dishes, or I buy a set of dishes and I drop them in the driveway, but when both you and I go out and buy a set of dishes for our house, there's no way to fix that other than to get rid of one set of dishes, you have too many dishes. Whether you could have been more careful in buying the first set is not an issue, the problem is you have two sets. So CMP ended up with about thirty percent more power than it needed, as did Bangor Hydro.

Secondly, the contracts for these facilities did not provide for the efficient operation of the facilities. That is, they had to buy all the power they produced as opposed to being able to turn them on and off when you needed them. And finally, the prices were not set on a competitive basis early on, they were only set competitively part-way through the process and the early contracts were much more expensive than they needed to be. So that produced rate increases

beginning in 1987 through 1992 that were very large to consumers, and put the utilities in a very tough spot as well as consumers.

I was representing the Industrial Energy Consumer Group, a group of large power purchasers, some of who also generated power, from, 1984 I began my relationship and I still have that relationship. My clients got so upset about the rate increases, that in 1993 we opposed a CMP rate increase request of ninety-three million dollars. And we did so on the grounds that the utility could be far more efficient than it was. This was not a message that was well received by CMP. We asked to meet with CMP's president, Matt Hunter, about it. We offered, we wanted to offer our services in downsizing their company as we had downsized our work forces in the mills, doing things differently, doing things more efficiently.

At first CMP refused to meet with us and said, "We don't have any desire to meet with you about this issue." I then said, "Well, if you don't meet with us we're going to raise the issue in the next rate case you bring, and you'll look kind of foolish." And so David Flanagan, who was then the second in command of CMP, was sent down to meet with us and his message to us was, "Well, if you really want us to save money why don't you cancel your qualifying facility contracts with us and let us run our business." Nevertheless, we offered to make suggestions to them in the area of the number of power crews they had, number of line crews, how they were dispatched, how to downsize their work force in a variety of other areas. It was all accepted and then ignored.

So when CMP filed its next rate case, for nearly a hundred million dollars, my clients came to me and said, first, "We want you to handle this case, not anybody else in your firm, because to some of us this is make or break. If rates go up another ten percent, we're going to have to curtail our activities in Maine." So I got into the rate case. We formed a coalition of consumer groups and we argued that CMP was not efficient. CMP got only twenty-three million dollars, I think, of that ninety-three million dollar request. And we also got a management audit of CMP ordered in the case. It was the last, that defeat was the last hurrah for, and it really wasn't a hurrah, for the old line utility executives.

Matt Hunter was a great guy who had risen from lineman to president of CMP, sort of the essence of the utility executive. Very good fellow, told the truth, you'd love to have him for a grandfather, but he wasn't about to cut that utility work force, he wasn't about to make it a different place. He had an understanding of how the world ought to work and that's how it ought to work.

Matt Hunter then retired and was replaced by an out-of-state utility executive who, unfortunately for him and for everybody else, did not know it at the time, but he had brain cancer. And it changed, it made his tenure here very unhappy for him and for others, and finally he resigned and retired and soon thereafter died. It's very unfortunate.

David Flanagan then became president of CMP, and Flanagan was determined to change the company. About this time utilities throughout the United States were talking about getting out of the generation business, ending the vertical integration of the utility business. My clients decided after the rate case, that the best course of action was to create a competitive market in

electricity, and they charged me in 1994 with the task of doing that. So since 1994 I have worked in Maine, in Washington and in New England with a variety of institutions to bring about the creation of a competitive marketplace in electricity. It has not happened nationally, it's happened in twenty-two states in one form or another. It is really only happening in a handful of states so far, but one of the states is Maine. Another state will surely be New Hampshire. I was in Massachusetts yesterday and their legislation was passed first, but they are constraining the marketplace by offering service through utilities to effectively compete with the marketplace, and they're subsidizing the rate for the utilities, so there's not a competitive market there.

But we have achieved great gains. The New England Power Pool, what used to be what I describe as an ambulatory "intertrust" conspiracy, where all the utilities in New England would get together and decide who can sell power and under what terms, has been dramatically reformed. We have fought and won three big fights at the federal level to reform the pool, and we have gone from a situation in which two utilities controlled the majority of the vote in the pool to a point where there are hundreds of participants who vote on the pool rules and operations. And it is now something that the Democratic Party could be proud of, and that anybody who believes that two heads are better than one can be very happy about. We are by no means through the worst of it, but we have made the market open to everyone who wants to sell power. We have had federal legislation passed that allows everyone access to the grid; we have had state legislation passed that allows, in a majority of New England states, people to buy from whoever they want to buy. That is, you buy your local pole and wire service from your utility, but if you want to buy energy over those lines you can buy that from anybody you want.

We're now working on the challenge of getting people to enter the marketplace to sell at retail. There are lots of risks to it because you don't get all the customers of a utility at once, and in fact you end up with ten percent if you're lucky, in a competitive market. So there are risks, and there are people who are reluctant to take those risks. We have formed something called the Maine Electric Consumer Cooperative, that is the largest cooperative brokerage entity in the United States, that serves about two hundred and fifty megawatts of load here in Maine and has a couple of hundred members with several thousand accounts under their names, ranging from paper companies to mom and pop grocery stores. But is an active participant in the market place here in Maine.

Now what's interesting about all this is that the change has been motivated by utilities first because they wanted to divest themselves of generation, and CMP and Bangor Hydro have followed that course of action, as has Maine Public. That's a big step forward. And the divestiture of generation has eliminated any incentive on the part of the utility to discourage competitors or competitive markets in generation. We have a lot of things to work through, but it's working.

It is a lot like politics, except that the fear level is much higher and the quality of debate is much lower. This competitive market could learn a lot from the political process in terms of respect for other people's points of view and the importance of principles in operation. I'm confident that we'll get to a point where people will buy electricity the way they buy telephone service based on what they want for a product from a multiplicity of offers in the market place.

End of Side B, Tape One
Side A, Tape Two

AL: We are now on tape two of the interview with Mr. Tony Buxton, session number two, on May 24th, the year 2000. And we were going to talk a little bit about the ascendancy of women in politics?

TB: Right. This issue, I think, is important for two reasons, the first is the human rights issue. That is, that every person should be allowed to advance in relation to his or her work and his or her ability. And the political process has been historically dominated by males in this country and in every other country, and only recently have women begun to occupy high office. I think we're on the verge of seeing a woman vice president and then a woman president. How close that is I'm not sure.

But the second reason why it's important is that every society that venerates women is a society in which there is less illiteracy, less hunger, less illness, greater education, and generally speaking a much higher quality of life. So you can ask the question whether that's a cause or an effect. I believe it's both. That is, I reject the argument made by conservative economists that democracy and human rights are luxuries that only the affluent can afford. I also reject the argument that recognizing human rights does, I reject the argument that recognizing human rights causes affluence. But there's unquestionably an interconnection with these things.

So, we have on one hand the imperative that women need to be encouraged and facilitated to achieve higher levels of participation in politics, and secondly the need for women to do that to make us a better society and indeed a better world. An example of this perspective that I'm bringing is the history of the nation of Sweden. The Swedish language was created by a group of linguists at the command of a king in the seventeenth century. At the same time the Lutheran church was ascending and it advocated universal suffrage and education for women. And because it advocated education for women, women have historically in Sweden, been far better educated than in most other countries and it has led to dramatic transformations of their society.

Now, tying this back to Ed Muskie and the history of the Democratic party in Maine, I'm not going to argue the Democratic party has been particularly more hospitable to women than the Republican party or any other, but in fact, I think, it has. Ed Muskie was criticized from time to time for not being more concerned with women's issues. He came to public life at a time when the Democratic Party was very pro-life, although the term wasn't used, it wasn't an issue. Abortion really didn't become an issue until the early seventies, and then *Roe v. Wade* was decided and the issue crystallized for American politics. It wasn't exploited by the Republicans as a political party until the 1980s with Ronald Reagan, and that has been the most significant issue in creating the gender gap in American politics. That gap will be important in this upcoming election. It has apparently been closed by the Republican, the apparent Republican nominee, and that does not bode well for the Democratic nominee.

At the state level, the Democratic Party has always been completely open to women and has strongly encouraged their involvement. For example, a Democratic woman [Lucia Cormier] ran against Margaret Chase Smith for the United States senate in the year 1958. And the two

women, Margaret Chase Smith and the other woman, were on the front of *Time* magazine, their race was so significant. Obviously, we are a state that has two women senators right now, we've had a number of women candidates for office. We've never had a woman governor. I think we'll, in all likelihood, have a woman president of the state senate the next time around. In fact, I think the majority of women in the state senate, if not the overwhelming majority. I'm sorry. I think the overwhelming majority of the state senate will be women from both political parties, and I think a good portion of the leadership in the senate will be female.

This is similar to what has happened in New Hampshire. Jeanne Shaheen is governor of New Hampshire, its first woman governor, and there's a woman speaker of the house and a woman president of the senate. There are a number of women in the state senate. These are not coincidences, these are a reflection of change in the political process in our society. I think it's easy and clear, it's easy to say and clear that it's true, that these things would not have happened if the Democratic party had not been an advocate of equal rights and indeed of the affirmation of the, acceptance of the Equal Rights Amendment. If we had not had some form of quotas to motivate people to seek the opportunities that were available, if we had not had advances in statutes such as Title 9 in college sports to encourage people to take the chance and become more active and more aggressive and go to college and become a specialist in a particular sport. All of these things have created a better society for us. They happened to come at a time when the role of the family, i.e., male-female, is increasingly under question and that makes some of the advances more difficult for some people to accept.

I think this change that we are just starting to fully experience in Maine, and starting to experience nationally at a very high rate of change, is due significantly to the fundamental principles that people like Ed Muskie and George Mitchell have advocated for some time. It also should be noted that they were both very strongly influenced by female campaign managers, female political consultants, females who organized caucuses and so on, who demanded and won a seat at the table. For example, in 1982 there was some question who would be the chair of George Mitchell's campaign. The kitchen cabinet met on it, and we decided first it should be a woman and secondly we had a debate about who the woman ought to be. And I won't mention the losers, but I advocated that Libby Mitchell, who was then a state representative from Vassalboro, should be the campaign chair, and she did become the campaign chair.

Libby was a good example, and is a good example, of how difficult it is to go from being a mother, housewife, professional person, to being a political leader. It took her a long time to become speaker. She did not move forward as rapidly as she would have if she had been male. She was reticent about seizing opportunities; as I was reticent with Ed Muskie, she was reticent with George Mitchell. She could have gone to all the fund raisers, spoken on his behalf, seized the limelight. It wasn't her instinct. And frankly, whether that's a genetic difference or a gender difference I don't know, let's just say that it's a different person. But I think it needs to be recognized that it's harder for a woman to do that than it is for a man. The more women who are involved, the less hard it becomes, the less hard it becomes the more rapidly women will move forward. Therefore, I think we're on the verge of a sea change in American politics, I think we will see a substantial and rapid ascension of women to leadership roles in American politics.

AL: Great, thank you.

TB: Great.

End of Interview