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Interview with Leon Billings by Don Nicoll

Summary Sheet and Transcript

Interviewee

Billings, Leon

Interviewer

Nicoll, Don

Date

May 1, 2002

Place

Washington, D.C.

ID Number

MOH 349

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Biographical Note

Leon Billings was born in Helena, Montana on November 19, 1937. His parents were Harry and Gretchen Billings. His father was an editor and publisher of a progressive newspaper; his mother was a crusading journalist. He graduated from high school in Helena, Montana in 1955, and then attended Reed College for one year in Portland, Oregon. He completed his undergraduate studies and took graduate courses toward an M.A. at the University of Montana at Missoula. Billings worked as a reporter and organizer for farm groups in Montana and California. He moved to Washington, D.C. on January 4, 1963. While in Washington, Billings worked for the American Public Power Association for three years as a lobbyist. In March 1966, he was offered and accepted a job on the Subcommittee on Air and Water Pollution on the Public Works Committee. He worked for Muskie helping to coordinate work on environmental policy. From 1966 to 1978, he served as Muskie's chief of staff. He served on the Democratic Platform Committee staff in 1968 and in 1974, was co-chairman of a Democratic National Committee task force on Energy and the Environment. He later served as President of the Edmund S. Muskie Foundation; a tax-exempt foundation endowed with a \$3 million appropriation from Congress to perpetuate the environmental legacy of Senator Muskie.

Scope and Content Note

Interview includes discussions of: Environmental Subcommittee; Democratic Platform Committee; Muskie's speeches including the Democratic National Convention; 1968 campaign; environmental legislation; 1969 Presidential campaign; Muskie's legislative style; Earth Day 1970; Auto Emissions Bill; Clean Air Legislation; EPA years; Office of Environmental Quality; National Environmental Policy Act (NEPA); and Muskie's difficult relationships.

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Transcript

Don Nicoll: It is the 1st day of May, 2002, a Wednesday afternoon. We are in the offices of Billings & Sturbitts, and this is the second interview with Leon Billings. Don Nicoll is the interviewer. Leon, we had agreed at the end of our last session that we'd start talking about the 1968 campaign, beginning with the period leading up to the Democratic National Convention.

Leon Billings: I suppose this will develop as I talk, but in the course of my work on the environmental subcommittee I came to know a young, very young lobbyist named Tom Boggs, who was representing people who manufactured recreational vessels. And we had a provision that I think was in one of the early water acts that required the installation of marine sanitation devices, which his organization was opposed to. And over the period of that time he . . . I guess in '68 I was thirty-one, Tommy was probably twenty-seven or twenty-eight, and his father was [U.S. Representative Hale Boggs (D-LA)] made chairman of the Democratic platform committee. And so Tommy put together a team of people, Gene Thoreau, myself, others, to staff the platform committee.

And this was sort of a, I had permission to do it, you know, and it's important to put it in a historical context. In 1968, there were virtually no limitations on what a member of the Senate or a member of the House could do with their staff. You could, you know, whether you did their laundry or got their groceries or drove them around the state or whatever it was, those were more common than they were exceptions. And there were no limitations on what staff could do politically, you could be as active politically as we wanted. In fact, I don't even think there were any limitations on our ability to contribute to our own bosses' reelection effort.

So anyway, I took on this responsibility and staffed some hearings that were held here, including the famous confrontation between Phil Burton and Dean Rusk when Rusk had to leave the room

because Czechoslovakia had been invaded by the Russians. Anyway, we went off to Chicago, I went off to Chicago with the platform committee, and Muskie showed up about a week after I did. There were not a whole lot of Muskie staff around. Were you there?

DN: Yes.

LB: Yeah, you were there, Sandy Poulin was there.

DN: Gayle [Cory] was not there. Ron [M.] Linton came, he was no longer on the staff at that point.

LB: Muskie had a paucity of staff, you know, he had a bunch of, you were there primarily because you were part of the Democratic delegation from Maine more than because you were from Muskie's staff.

DN: No, actually I wasn't there as a delegation member. I was there with Ed as his assistant.

LB: Oh, okay. And, you know, Ken Curtis and all those guys were sort of hanging out. And about, on the day, I guess it was Wednesday, there were lots of rumors floating that [Hubert] Humphrey was going to ask Muskie to be his running mate. So Muskie, or you, or both, tasked Berl Bernhard and I to write an acceptance speech. So we went off into a corner room at the hotel, which, the windows were open and there was all of this stuff going on in Grant Park, and Dick Gregory and Gene McCarthy and so on, making speeches to stir up the crowd. Gail Martin, who then I think worked for the Sergeant at Arms Office, was working with us transcribing the speech. And we wrote and wrote and wrote. And I think to a degree the speech got radicalized a little bit by what was going on in the world around us.

But around, and that, we started at nine o'clock in the morning; around four o'clock in the afternoon we'd heard nothing. So we wrapped up the draft and went down to Muskie's suite and you and Jane, and Ed and I think Sandy Poulin, there may have been other people there. Very shortly after we got there Muskie got an invitation to go up and see Hubert [Humphrey]. And I believe that was just shortly after four o'clock with the convention starting at seven o'clock, which seemed like an extraordinarily short period of time to be making a decision like that. And he went up, and my recollection is, too, he didn't want to look at the speech that we had drafted. Whether that was because he thought it would jinx things, or because there was no reason to waste time on it if he wasn't going to be nominated. And I think by then he pretty much figured nothing was going to happen, time had passed. And, by the way, you're in a position to correct me on any of this, but this is sort of my recollection.

DN: Oh no, you're right.

LB: So he came back downstairs, and I may be creating words, but he said something like, "Let me see the draft." I mean, it was, there was no beating the chest, he's asked me to be vice president. It was sort of a matter of fact, "Let me see the draft." He read it and he said, "That's all wrong, it's the wrong message for me." And he said, "I guess I'll have to write it myself." And if I remember correctly, he took Sandy Poulin into the bedroom of the suite, dictated off the

speech, she came out and typed it, he worked on it a little bit, showed it to us, and I think he said, "You may correct it technically but don't try to change the thrust of it."

And for myself, and I think for Berl, we both thought it was a terribly calm and uninspiring message, but we accepted his admonition and went down and got in Ken Curtis' car and had to break through the demonstrators to go over to the convention. And then watched him perform that speech. I guess perform is a good word, and it was a remarkable demonstration of his intellectual capacity. Because, not only, I mean, nobody had any question that his speech would be well delivered, but a lot of us had real reservations about how well it would be received. And it was received just, it was exact, it was perceived by people as exactly the right tone. Didn't upstage Hubert, was a "reach across the aisle" type, kind of speech, and was extremely well received. That was certainly not the first time where my instincts differed from his and I lived long enough to learn that I was wrong, but it was one of the more glaring examples of his acumen and my lack thereof.

DN: There's a little footnote we might put in there, Leon, about that, the delivery or performance of that speech. It was effective for both the audience in the hall, and for the television audience. And he sensed the need to reach out to people at home watching the speech on television, in a way that most orators did not. Most of the speeches from the podium at the National Convention were delivered in the old fashioned stump speech style, which translates very poorly into television, but Ed had this instinctive understanding of that.

LB: Well, before, and I just recall, before this event occurred, the, he was drafted either by Carl Albert or the president, or both, to manage the debate on the Vietnam plank. And I was tasked to write three minute speeches for the people who were going to speak on the pro plank side, and his instructions were very clear. There were to be no pro Vietnam speeches, there were to be conciliatory discussions of U.S. policy, but we were not to provide an opportunity for Phil Burton and his gang to demagogue the issue.

And he was adamant not only about that, but that he got to select who would speak in favor of the plank. And we had a list and he, not only, just to show you something about the hands-on the nature of the man. Not only did he select the people, but he also selected the order in which they would appear. And, I was busy literally backstage writing these speeches out, these three minute speeches, and I can't remember, Gene Thoreau may have been back there writing with me, because we had six or seven of them. And all of a sudden, onto the stage, out of order, bursts Wayne Hayes of Ohio, who was not on our list. He got put into this by the White House people who were running the convention. What was his name, Jack -

DN: Valenti?

LB: No, no, Cranshaw or Kreslo, the guy that, the White House guy that was major domo of the convention. And he, I mean he literally just interposed him into the And Hayes got up there and gave this demagogic pro-Vietnam war speech that just completely, I mean Muskie was fur-, he was beside himself with rage over this, him going on. And of course it gave Burton and his crowd the opportunity to feed the animals, you know. [Abraham] Ribicoff, if you recall his speech. But it was an interesting piece of history, all of which is clearly, I'm sure recorded on

tape somewhere, at least the speeches were. After the convention, he went off to, what was the name of that, Waverly?

DN: Waverly, Minnesota.

LB: Did you go?

DN: Uh-huh.

LB: And Jane, right, the three of you. And I'm not sure whether I went home, yeah, I guess I did go home but I was only home for a couple days. And then I went off to advance his appearance in San Francisco and Sacramento, which was really the only time I advanced on the campaign. You will recall that during that time we were trying to write the, some Clean Water Act amendments, and trying to correct a problem that we had with respect to liability for oil spills that we had, a problem we had created when we wrote the '66 act, probably I created, because I was naive. And in the process of correcting that problem we had, the Torey Canyon broke up off the French coast, and some other incidents. Santa Barbara hadn't occurred yet but there was another one.

DN: What was the nature of the problem, by the way, with the clean up?

LB: The problem with the law?

DN: Yes.

LB: The 1924 Oil Spill Act created liability for the spiller. And Jim Wright of Texas got an amendment into the conference agreement on the '66 Clean Water legislation that made that liability triggered by gross negligence. And as I said, naiveté and inattentiveness, it slipped through and so we were trying to correct it. And we tried to correct it in '67 and didn't get anyplace. And then we passed, then we got into this whole idea of a comprehensive oil spill liability scheme. And we passed what was then called the Water Quality Improvement Act. And we, the House didn't do anything on it for a long time and Muskie was off on the campaign trail and it was, must have been I guess September.

So all of a sudden the House decided that they were going to pass it so they, rather than go to conference, they amended our bill and sent it back to us. We, and this was maybe two days before we adjourned, and I called Muskie on the plane and I said, you know, "Here's what they're doing," you know, "we can accept their amendment or we can amend the bill and send it back, because I don't really want it to die on our court." And he said basically, "Screw 'em, we'll be back next year." Not to suggest that he thought he was going to lose the vice presidency, but he thought, Muskie always was prepared to wait for another year for a better outcome.

And so we sent the bill back to the House. And literally, the House, [Richard] Dick Sullivan, some legislative maneuver, got it amended again and sent it back to us. And the Senate adjourned *sine die* [indefinitely] when Charlie Hackney, who was the bill clerk in the House, was pounding on the Senate door because he wanted the bill to die in the Senate chamber, not in

the House chamber. But it was a good example of Muskie's legislative style. Same kind of posture he took with respect to the 1970 Clean Air Act when he said, you know, "Gentlemen, I'll be back here next year and we'll start this process all over again. If you want to go home without acting on this bill, it's up to you, but I'm not going to compromise." And he basically took that position, though it was by long distance from the plane.

And again, he was, because ultimately the oil spill bill that we passed, the Water Quality Improvement Act of 1970, was even tougher than the one that died in 1968. And so each time it came through it got tougher. And was the, just for the historical record, that provision of law established the fundamental law on which Superfund is based. Because it also had a provision that dealt with hazardous material spills and releases. And that section 311 of the Clean Water Act is the predicate for all of the Superfund liability provisions. Muskie was not in the Senate, he was in the State Department when Superfund ultimately passed in 1980. And people have said to me, "Well, that's not a Muskie law." I say, "Go back and look at the oil spill bill in section 311, you'll find it." In fact, the most controversial, progressive parts of Superfund were written in 1970, not 1980.

DN: He was a recycler as well as a foundation builder. Even by remote control. So during the campaign, at least the early part of the campaign, you were pretty much tied up with legislative business.

LB: Yeah, yeah the, I came back after the Sacramento-San Francisco advance, and I was stuck. I mean, you know, he made it clear to me, you made it clear to me, that somebody had to mind the store, do the work. I wasn't very happy with it, I wanted to get on the, everybody else was on the plane. I wasn't, but I survived that.

DN: In Washington during the '68 campaign, did you work with the Washington office of the campaign? George Mitchell, John Martin and company, Berl?

LB: Not a lot. You know, I worked a lot with them in the early part of the presidential campaign until paranoia took over that operation. But, you know, it's hard because, you know, after the, one of the things that grew out of the '68 campaign was a conclusion that I drew. And I'm sure I wasn't alone in that conclusion but, that we, and I'm sure you drew the same conclusion because it happened, is that Muskie could no longer just get in the plane and bop off and go give a speech someplace. He had to have somebody traveling with him.

(Tape paused for phone call)

He was obviously now a national figure. And I think the first trip he made after the '68 campaign was the Clean Air speech he gave in Louisville, Kentucky, and I traveled with him. And then I, you know, I made a number of trips with him in early '69, the most memorable of which was, he went off to campaign for John Melcher [in Montana]. John Melcher, who was running for an interim Senate seat, House seat, that had been vacated when Nixon had appointed Jim Battin to the court. And I went out to Montana a week early to visit my family and then joined up with him in Great Falls, no, joined up with him in Billings, where he did an event for Melcher. And then we flew to Great Falls in a two-engine plane, because I was admonished that

Muskie didn't ride in one-engine planes. And the, he made a speech there. And then we got on a flight out of Great Falls to come back to Washington and we were in coach. And Senator Muskie didn't like coach, but coach didn't like him either. This was a man whose legs were as long as any person I've ever seen. And when he sat in coach he literally had his knees up to his chin, and he was very unhappy. He was extremely unhappy about being in coach, and he made sure I knew it. As if I had something to do with it.

And at one point he, he's talking about how he's been out there campaigning for six months, this was June, the primary was in June, it was early June, late May, for six months, and gets a little bit of regional news coverage, no national coverage at all. And he holds up this page of *Newsweek* which shows Ted Kennedy holding up a school drawing that Patrick had done. He said, "You know, I'm out there for five or six months campaigning on public policy issues and making important statements and I can't get a goddamn story in the *Washington Post*. And Ted Kennedy proves his kid is dyslexic and he gets a picture in the newspaper." And he said, "I am through. I'm going to go out and make speeches for money. I am not going to do this, I'm not going to pursue this campaign any more. I am done." And my recollection is he came back and told everybody that, and he got off the campaign trail and we started off on these, making these fifteen thousand or ten thousand dollar speeches. And then along came Chappaquiddick and he was propelled back into it. And I honestly don't believe he was ever happy with that. I mean, I think he would have been happy had he gotten off the '68 campaign and just gotten right on to the '72 campaign, but I think once having gotten off he was not happy to get back on.

DN: At that point, were your duties more and more focused, or returning to focus on environmental legislation?

LB: Yeah, I mean, the only travel I did with him was basically, he was making environmental speeches, except Montana because of my, because that's my home. But yeah, we switched back. You know, in '69 he held some hearings, and it was very difficult for the campaign. Not so difficult in '69 and '70 because for practical purposes the campaign was run out of the Senate office, as opposed to a campaign office. And he had it in his mind that he was going to continue to be a United States senator and continue to do his job, so there was a lot of work to do. There was, we had this Water Quality Improvement Act, the oil spill bill, we had to get through. He had introduced Clean Air legislation which was going to be a major expansion on the '67 act, which turned out to be a radical change from the '67 act. He was, you know, I can't really comment on what, I mean, I know he was doing stuff in intergovernmental relations and so on.

So he was sort of in Washington four or five days a week, and then out, after Chappaquiddick, out campaigning on weekends. He did not, my recollection is he did not make a lot of trips out of town when the legislature was in session, unlike today's candidates. So yeah, my focus shifted entirely back to that, from an occasional trip. I would, you know, draft some speeches, and we had, I'm not sure whether Eliot [Cutler] was on the staff yet or not.

DN: Eliot had come and stayed with us from '68 on.

LB: Anyway, so, we, you know, we were tasked to write speeches and we were expected to answer mail, which was a great distraction. Plus, we were expected to perform a staff function

legislatively, which is very different than what staffs do now. His, the, what happened in the '69-'70 period was, we had Earth Day in '70. We had a sort of a sea change of national focus from the Vietnam war to domestic policy. Environment became sort of the release for all that pent up frustration that people had held through the war. And he responded to that, even though at times his response was personally unpleasant. His political and his philosophical response was very aggressive, extremely aggressive while, you know, maintaining his insistence that this kind of legislation be developed on a bipartisan basis.

The key, I learned early on, most liberals, and while Muskie was perceived as moderate he had an extremely liberal voting record, as liberal if not more liberal than George McGovern, who was considered a liberal. Most liberals didn't have the patience to sit out the more conservative Republicans whose legislative strategy was to talk an issue to death. And Muskie would go to a mark up or to a conference, and he would sit there like he had lead in his butt, and he would wait and wait. He'd wait for a quorum, and when a quorum would come he would engage in debate until essentially he wore down the opposition. And it was a great lesson which has actually served me in good stead as a state legislator; to show up, stay, outstay the opposition, and just wear them down, rather than letting them wear you down.

But he was just in that, that was true in the '72 Clean Water Act. We had, between the subcommittee and full committee, we had something on, over forty business meetings, mark ups. And this is when he's running for president mind you, which really infuriated McEvoy and Bernhard and others who had other, and Eliot and other people who had plans for him elsewhere. And then we had more than forty conference committee meetings. I mean, it was, no, actually I think I misspoke, I think we had forty mark ups and conference committee meetings, but no piece of legislation today has more than one or two. But it was a matter of just sitting through all of the stones that could be thrown at him, until he finally got most of his way. And, I mean it was a style that just was not imitated by progressive Democrats, they were all too intellectually lazy and too impatient.

DN: Let's drop back a little bit to '70 and the Earth Day celebration. What was his connection and yours to that event?

LB: Reluctant. The combined, I'm not, again, I'm not sure, I can't put together in my mind where the campaign was in 1970, whether it was downtown or on the Hill. But the decisions, the decision was made that he would start Earth Day with a sunrise ceremony on Cadillac Mountain, on Mt. Desert Island. He would then, I believe, come south to Philadelphia, and there may have been a stop in between there in Boston, but I'm not sure, but, I think there was. And then he would, he'd make an Earth Day speech in Philadelphia. Then he would catch the train to Washington and I would pick him up and take him down to that Shakespeare amphitheater on the mall where he'd make an evening Earth Day speech.

And what I remember most about that has nothing to do with the day, there were two anecdotes. One is, he had this Chrysler convertible. And I can't remember who went in and met him at the train, but I was sitting out in the car and we had the car up on the curb, there was a fountain there and so we had it up on the curb, so it would be out of traffic. And he came out and he was not happy. Partially, he was late, partially he was tired, partially it had been a long day. But, you

know, it all sort of was welling up as he got in the car. And I just hit the accelerator, I shot off the curb, and he looked at me and he says, “What are you, some kind of a goddamn cowboy?”

Then he got down there and he got up on the podium and, you know, I mean, one of the magnificent things about Muskie is that he could be sitting in a private meeting with you just tearing you to shreds and venting all kinds of fury and so on, and thirty seconds later be up before a public crowd and you'd have no idea that the same guy you were just talking to was the one that was talking up there. And he started out by saying, “It's so nice to see all of you young people out there on the grass.” And, I mean, the place reeked of marijuana smoke. I to this day don't know whether he meant that to be a double entendre, or whether it was just because of all these people sitting out on the grass, but it brought down the house and he owned them, he absolutely owned them. And then he made a great speech, and if I remember correctly it was extemporaneous. I would even bet you we don't have it recorded. But, you know, it was one of those moments where for thirty seconds you didn't ever want to see the S.O.B. again, and then thirty seconds later you're so damned proud of working with him that it takes it all away.

DN: As you moved, 1970 was Earth Day, it was also the year of the Clean Air Act, and you were talking about dramatic changes in that legislation.

LB: Yeah, he underwent somewhat of a metamorphosis in that legislation. Partially, Muskie used to say, and I'm sure always thought, that the man who was in the middle was in control. And I believe in retrospect that he worked very hard to create the middle so he could be in control of it. In this particular year, he had a young and aggressive former attorney general from Missouri, Tom Eagleton, who was new to the committee, been elected in '68, and a young and very bright Howard Baker. Baker, a technocrat who had studied under Alvin Feinberg at Oak Ridge, he was sort of a mentor of Baker's, had studied under him. And Eagleton, who had just run a campaign focused on the fact that the government made promises and never did anything.

DN: Excuse me, a correction, it's Alvin [M.] Weinberg, not Feinberg.

LB: No, Weinberg, yes, Weinberg, right. Anyway, Baker came up with, Baker believed that you really had to tell businesses what to do and then accept the result, and Eagleton believed in deadlines, and Muskie believed that no matter, there had to be a public policy basis for any kind of a regulatory command and control statute. And so he said, “First thing we'd have to do is protect public health. And I'm willing to go along with you, Howard, on achieving that through setting emission standards, but I want it understood the emission standards have to be tough enough to protect public health.” And there was a bit of a dynamic between the two of them. Baker didn't want to go that far, and Eagleton wanted deadlines, and the deadlines complicated how far Baker wanted to go. But Muskie said at one point, and I think this is probably in the transcripts of the mark ups which we kept, that, and if not, maybe in admonition to me, he said, “Once you get to policy, you can always give time. Time is your, time is the tool with which you can be flexible.” So he was willing to give more time to achieve the health standards, but he wasn't willing to not achieve the health standards.

In the process of that discussion, we were discussing the automobile and, auto emission standards, and Muskie clearly wanted to get out in front of California on the auto emission

standards issue, and so he tasked me with calling John Middleton, who was then head of the National Air Pollution Control Administration, and asking John what it would take in the way of reductions from automobile emissions in order to remove the automobile from the national pollution problem, at such point as you had a turnover in the vehicle population. A truly radical idea, but an idea that was endorsed unanimously by the subcommittee as being the way to go, and which some of them got nervous about later.

But the next day we had a business mark up at ten o'clock. And at nine forty-five I got a call from Middleton who gave me the answer to the question, which I typed out on my own manual typewriter, and with all the typographical errors, a one page memo to Muskie, which he then read to the committee. And the committee voted, I believe unanimously, to adopt a standard that required the auto industry to reduce their emissions by ninety percent by 1975, with a one year waiver.

And that was one or two days before the Congress was scheduled to leave town for the August recess. So Muskie ordered up a press conference and he presented the subcommittee's work, which had not leaked, and, with Baker there, with Cooper there, with Eagleton there, and others. I don't believe Jennings Randolph was there, he may have been. And the, I don't recall precisely the reaction of the press, but I do recall precisely the reaction of the auto industry lobbyists who just went nuts, screaming, "You haven't even held hearings on this! This is a brand new proposal."

And so the next day, Randolph told Muskie that he wanted to hold hearings, and Muskie said "No," which was sort of interesting because Muskie was only the subcommittee chairman. But he said, "No, that would delay the process too much." So he agreed to circulate the bill for comment, and agreed that the comments would be treated as if they were part of a hearing record and published and made available. And one of my recollections of that particular, he said, and then the staff can work it out while we're gone in August. And I said, "Whoa," I said, "wait a minute." I said, "I'm leaving for Maine tomorrow, too."

But at any rate, we had a meeting. He left, it was a Thursday or Friday that this announcement was made and he left, went off to Maine, went to the Allagash I think to go fishing. And so we held two meetings hosted by Tom Jorling, who was the minority counsel, and myself, one on the stationary source side of the law, and one on the mobile source side of the law. The one on the mobile source side of the law was held on a Saturday morning because we really did want to get out of town for vacation, and it was in the committee room and the auto industry lobbyists were all there. And they, at one point Tom was describing what we did with auto emissions, and one of the lobbyists said, "What you want us to do is all build a Volkswagen. You guys are nothing but a bunch of goddamn Communists." So it sort of went downhill from there. And after Muskie came back we voted out of committee.

And during that time, the, for the first time in my recollection, the CEOs of the auto companies actually came to Washington. They had always before sent either their chief engineers or their political people, and in fact I think at that time only Ford had somebody of vice presidential rank, Rod Markley, in Washington. And so, I think who showed up was Lee Iacocca who was then with Ford, Pete Estes, who was then General Motors. I've drawn a blank on the guy from, John

Ricardo from Chrysler, and a guy named Jerry Myers who was vice president of American. And they came into Muskie's office, which was then 221 was it, or something?

DN: Right.

LB: And they sat down and they discussed the auto emissions. I think you may have been in that meeting. And afterwards, I mean it was a very unproductive event, Muskie turned to us and said, "If that's the quality of American business leadership, I can understand why the Japanese are beating the hell out of us." Do you remember that? And so then we got the bill out of committee and had a fairly strenuous debate on the floor. The, at one point with Bob Griffin, who ultimately didn't vote against the bill, it passed unanimously. I think it was something like eighty-eight to nothing, and that's the occasion on which Gene McCarthy said to Muskie on the way to the elevator, he said, well, Ed -

End of Side A
Side B

DN: . . . of the May 1 interview with Leon Billings. And you can start on the conference.

LB: So we finally went off to conference and the, we had a meeting with the House, and it was in that little conference room right near where the bomb went off sometime later. And, Muskie thought he had an agreement, the House agreed to the auto emissions standards provision of the bill. And so we went out and announced the agreement, and then, said we had to come back after the election, there was going to be a lame duck session to work out the rest of the details. And lo and behold, we got back, we had a letter from then secretary of HEW [Health, Education and Welfare], Elliot Richardson, denominating the administration's objection to the legislation and all of the House members suddenly lost their memory of the agreement that they reached before the election. And needless to say, Ed Muskie was furious. And I think he was furious not just because they lost their memory, but because it made him look foolish, having said that this issue had been resolved.

So we continued to confer and the House conferees in the '70 act, if I remember correctly, were Harley [Orrin] Staggers, Paul [Grant] Rogers, and a very conservative Democrat from Oklahoma named John Jarman, and Ancher Nelson of Minnesota, and I believe Jim Broyhill of North Carolina. And Jarman's family were big auto dealers in Oklahoma. And it came to pass that then columnist Jack Anderson wrote a piece about John Jarman and the conflict of interest he had on the Clean Air Act, and, to which I may have had something to do with. And John Jarman ceased showing up at the conferences after that piece.

And we got down to the, basically the adjournment conference, it was just on the eve of adjournment, and Muskie called the DemocraC, Senate conferees together in the secretary of the Senate's office, or Sargent's office, I'm not sure which. Anyway, he called us together and he said, he instructed the staff to go out and come back that afternoon with a series of alternatives that might resolve the differences with the House. And this may have been a moment in which I felt more used than I've ever been. So Tom and I came back with three or four alternatives, and we presented them to the committee. And if I remember correctly the conferees were Randolph

and Benson and Muskie and Eagleton and, you know, there were seven or nine, something like that. And Muskie listened very attentively to our presentation, and then he said, "Everyone of those proposals suggests a two-year extension of the deadline." I said, "Yes," because that was the issue. And he said something like, "Well, god dammit, I'm not going to go in the House and propose that we gut the goddamn bill. And I don't think anybody in this conference committee is going to go in there and tell the House that we want to gut the goddamn bill. What have you guys been doing for the last two hours?"

Well, I mean it was a tour de force. Not even Jennings Randolph, who would have killed for that extra year, said anything. And Muskie said, "We want to go back in there and tell them that we're going to stick with the proposals that passed the Senate." And everybody nodded their head, and they went back in. And Muskie said, "No, we met, we voted, and we decided not to send it, so if you guys can't accept our proposition, we'll see you next year." And Stagers said, "Give us a moment." And they went out and huddled, then came back, and he, Paul Rogers, who'd always been with us. And John Jarman's proxy came out of Stagger's pocket and he voted it to get it out of committee.

And we sent it down to the White House, and the, there were all kinds of rumors about what happened to the bill. The best rumor was, or the best story was, one of the White House people, a guy named John [C.] Whitaker, who was an assistant to Ehrlichman, said that the bill had actually been sitting on the radiator in somebody's office and had fallen behind it, and that's why it was so late in getting signed. And, but you know, there were lots of rumors, that Nixon was going to veto the bill. So Randolph went down to the White House and saw the president and begged him to sign the bill, and I think [John Sherman] Cooper may have been with him. And all of a sudden there was this, the bill was signed I believe on December 31, 1970.

Muskie was in Maine for Christmas. But these, the gang in the White House who couldn't shoot straight, invited Randolph and Cooper and several other members of Congress. Did not invite, specifically did not invite Senator Muskie to the signing. Well, he wouldn't have come back to Washington for the signing anyway, but we managed to get a headline in the front page of the *Washington Post*, which said "Nixon signs Clean Air Act, Muskie not invited," which was a lot better than the alternative.

You know, we didn't, I didn't talk about, one of the key things that happened in 1970 was the National Environmental Policy Act. The National Environmental Policy Act was a product of Senator Henry "Scoop" Jackson of Washington attempt to get on the environmental bandwagon. He was not happy that Muskie was getting all of the environmental credits. And so he held this colloquium and produced this bill called the National Environmental Policy Act. And needless to say, it also, I'm not sure whether his bill actually created the Council on Environmental Quality or not.

Muskie had introduced legislation to create an Office of Environmental Quality in the White House. But when this bill came out to the Senate, Muskie was furious that this bill would come out of a committee other than his own. And one of the things that I learned, that if you really wanted to get Muskie engaged on an issue, raise jurisdictional questions because he was very, very protective of his jurisdiction, which is an entirety, there are several stories about that. But

he told the floor leadership that he wanted to put a hold on the National Environmental Policy Act, and he did not want it to pass.

And my memory's a little fuzzy here, but one day Dick Royce was on the floor, supposedly protecting the committee's interest, and Jackson came over and called up NEPA. And Royce either was distracted, or more likely agreed to let it go, and it passed. And I think that was, I mean, Muskie was so angry at the leadership that didn't honor his hold, that Jackson would, quote, "sneak over there" and he and Scoop didn't have a great relationship anyway. Jackson would, quote, "sneak over there" and get this thing through.

So when Dingell amended the bill to put the Council of Environmental Quality on it in the House and sent it back with a request for a conference, and Muskie blocked the appointment of conferees. And he blocked the appointment of conferees for, my recollection is, several months. Finally, one day Muskie's on the floor, I'm on the floor, Mansfield beckons me over and says, "Ask Ed to come out to the lobby." So I go back there and I say, "Senator Muskie, Senator Mansfield would like to see you out in the lobby." So we go out there and here's Scoop Jackson sitting on the couch, and he [Mike Mansfield] says to Muskie, he says, "Ed, sit down. Leon, you might as well sit down, too. Now boys, you are embarrassing the Senate. I want to resolve this issue." And, I mean, you know, it was, you know, I mean I knew Scoop Jackson very well and actually he and I got along very well. But you know that those two, for whatever animosity they might have, the institution of the Senate was more important to them than anything else.

So then we began to engage, if you recall, in shuttle diplomacy between you and Muskie and Scoop Jackson, and I was the, I'd go see Scoop, then go back and see Muskie. And in essence not only did Muskie rewrite the National Environmental Policy Act, but he did something I've never seen done before. And that is, that in return for allowing Jackson to appoint conferees, he had to, Jackson had to, agree to come back from conference with Muskie's amendments, the most important of which was that the Environmental Impact Statement. A statement, not a finding, because Muskie saw this as a way for agencies who wanted to destroy the environment to justify their actions. And to require that that, the draft of that statement be circulated to environmental agencies, and, state and local as well as federal, and that the comments of those agencies circulate with the draft throughout the process. And anyone who's dealt with NEPA in the ensuing thirty years will realize that those three changes made NEPA the law that it is, I mean it would have been a nothing without it.

Jackson went back to conference, and the, and Dingell, who was not then on Commerce, he was on the Merchant Marine Fisheries Committee, and he may have been chairman or whatever, but this bill would come out of Merchant Marine Fisheries, was furious at being told that in order to get his bill through, he had to accept amendments from the Senate, that, he'd never seen it, I mean, the Senate was amending their own bill in conference? So there was a meeting, again in the Secretary of the Senate's office. Scoop asked Muskie to meet with Dingell and the House conferees, so the, everybody was there but Dingell, and -

DN: Including Scoop.

LB: Including Scoop, and I think, you know, the Interior committee staff and, I mean I can't

remember who all the conferees were. But there came a moment in which people wanted to get started, and Muskie said something like, he predicated his sentence and then he said, John Dingell, and he was going to say 'gets here', and the minute he said Dingell, as he said "John Dingell", Dingell burst through the door. And he went ballistic about coming into a meeting having some sonofabitch talking about him, when in fact what Muskie was trying to do was reserve his rights to be in the meeting. And that led to a disastrous relationship between the two that went on through Muskie's history in the United States Senate.

DN: I think, as a matter of fact, the difficulties in that relationship started before, and it's quite likely that Dingell's reaction was based on the antipathy.

LB: Could well have been, I don't know where it would have come from, but it was clearly, I mean Dingell was ready to, whether it was this issue or if there was something more that you're aware of, he was furious that Muskie was screwing with this bill. He didn't like the style and everything else, and when Muskie was saying his name that gave him the basis for just going ballistic.

DN: I'd have to go back and check the record, but I think he took the side of the auto companies on some of the earlier Clean Air legislation.

LB: He might have. There's no, he wasn't on the Committee of Jurisdiction, and it wasn't until '77 when he was on the Committee of Jurisdiction, and he got on there because he prevailed on an amendment in the House floor. But the only, Dingell would be reasonably cordial to Muskie in later years. But he wasn't at all, it took him twenty-five years before he was reasonably cordial to me.

DN: Yeah, very tough. And given his place in the Polish American community, and Muskie's prominence, it's worth going back and taking a look at that relationship.

LB: Yeah, it was not Anyway, so the history of NEPA is not one that has really emit-, I mean I've written some speeches and I may have put it in an article or two, but. It's important because it showed, I mean the, I think one of the words that he personally insisted on was 'detailed' environmental impact, and I think detailed environmental impact statement, I think those were his words. I don't know whether you had any role in that or not, but I recall specifically a discussion on the floor where he said, "I want the word detailed in there," and so it was an ongoing negotiation.

DN: That would be essentially Ed who would insist on that.

LB: So that takes us through '70, interesting year.

DN: During that period, and probably we should wind up given your schedule, during that period, had Russell Train come on the scene, and were you dealing with him, or did that come later?

LB: Well, '70 was Ruckelshaus. Train was at CEQ [Council on Environmental Quality]. The

EPA was created in December 6th or 7th or 8th of 1975. The executive order, reorganization plan that created it, became effective I think on that day. And Ruckelshaus was the first administrator, and then Train succeeded him. Train was appointed head of CEQ sometime in 1970, because the National Environmental Policy Act was enacted well before the Clean Air Act

The Train influence, which, you know, we need to talk about at some point, the 1972 Clean Water Act and the role that John Tunney played, and the role Russell Train played, the role of the 1899 Refuse Act and the way Muskie used that to leverage a regulatory program that still works. And the relationship between Muskie and Train, which was one of the best, you know. I've always said that Russell Train was the best administrator EPA ever had. Russell used to talk about, he'd say, you know, "I don't go to the White House very often because I know when I go I've got to win." And Ruckelshaus used to say, "Well, I'd go there and I'd talk to Nixon. I'd go in and I'd sit down and he'd start asking me about precinct officials and county chairs in Indiana." And, I said, he said, "He remembered every one of them, wanted to talk about them. He didn't want to spend thirty seconds on what I was doing with the EPA, he didn't give a damn."

DN: Why don't we pause here, because going beyond the 1970 work is a lot of detail, both on the substantive side and then on the political side, and that really should -

LB: Yeah, because we got to get in, you know, when we get into '71, '72, we get into the heat of the campaign. We get into the Clean Water Act, we get into I'm not even sure my mind's capable of organizing all that stuff, but I'll try it.

DN: Well, we'll try it on another day, earlier in the day. Thank you.

End of Interview