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Interview with Eliot Cutler by Andrea L'Hommedieu

Summary Sheet and Transcript

Interviewee

Cutler, Eliot

Interviewer

L'Hommedieu, Andrea

Date

June 27, 2003

Place

Cape Elizabeth, Maine

ID Number

MOH 401

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Biographical Note

Eliot Raphael Cutler was born in 1946 in Bangor, Maine. His father was a physician and his mother was an economist. His father was responsible for the reorganization of the Maine university system and the Cutler Health Center in Orono, Maine is named in his honor. As a sophomore in high school, Cutler transferred from Bangor High School to Deerfield Academy. He attended Harvard University and Georgetown Law School. While at Harvard he was involved with the Harvard *Lampoon*. He worked as a legislative assistant and clerk for Muskie from 1967 to 1972, and was a senior staff person at the O.M.B. during the Carter administration. He is on the Board of Visitors of the Muskie School for Public Service at University of Southern, Maine in Portland, Maine. He is also a member of the law firm of Akin, Gump, Strauss, Hauer & Feld, LLP.

Scope and Content Note

Interview includes discussions of: law school; 1972 presidential campaign; Muskie's dislike for campaigning; winning the states; media leaks; rivalry within the campaign staff; Leon Billings; Environmental Impact Statement (EIS); War Powers Act; constituent service and legislation; the Secret Service; 1968 vice presidential campaign plane staff; fear of flying; John McEvoy; Carter-Mondale campaign; NEPA (National Environmental Protection Act); NFBs; and the

OMB.

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Transcript

Andrea L'Hommedieu: This is interview number three with Eliot Cutler at his home in Cape Elizabeth on June the 27th, the year 2003, and this is Andrea L'Hommedieu. And we had ended last time talking about the cancellation of your Bar exam your first year, and what happened

then?

Eliot Cutler: Well, there were take home exams over the summer, so I took them home, or I took them to my apartment in Washington and did them, and then I went to work full time on the campaign. Well, I had been working full time with the campaign anyway, but I spent the summer obviously, working on the campaign. Then come fall I went back to law school again except that, even though I'd gone to very few classes the first year I went literally to no classes the second year. And about two-thirds of the way through the year I, through the semester, I tried to quit and they wouldn't let me. They said, well, you can quit but you can transfer, you can show that you, it was incomplete, and that was a very good thing.

So I decided, well, I'm going to have to take the exams. And so I went to Don Nicoll and asked him for, I think it was a two-week leave of absence, after which time I promised I would quit law school for the duration of the campaign. So I got two weeks and I went to my parents' house in Bangor and I got up every morning at seven o'clock and sat in this one chair in the living room, it was a wing chair, I'll never forget, and read every reading assignment for the semester and went back and took the exams, did well enough to get invited to join the *Law Review* - that's pretty good for somebody who'd never been to class - and then I quit, I mean I took a year and a half off from law school and worked, really genuinely worked, I had been working full time anyway, but I worked full time and then some on the campaign. And then after the campaign, but that's another whole story, but where do you want to go from here? Want to talk about the campaign, or did we, we've done that?

AL: Yeah, we just really touched on it in terms of some of the things that went wrong. But the workings of the campaign itself and how that came together would be interesting.

EC: Well, one of, Muskie's great weakness of the campaign of course was that his support was a mile wide and an inch deep, as someone wrote. And as soon as he showed any weakness at all, all of the leaders of the party, and particularly leaders of the party in the primary states who had been formed, just left in droves. And he didn't have, we didn't have, the campaign had not made, in retrospect, anywhere near a sufficient effort at building grass root support for his candidacy. There was an assumption, we were riding I think, still riding the assumption that came out of the '68 campaign that, that he would be the nominee and he would be the next president, it was sort of a given because he had been so popular in that '68 campaign. And that had a lot to do with the way the campaign staff was, was assembled.

The campaign staff was largely assembled from veterans of the McCarthy and Kennedy and Humphrey campaigns in 1968, really skilled people, really the best and the brightest, the people everybody wanted, almost all of them came to work for Muskie. Some of the old McCarthy people, not many I suppose, went to work for McGovern. But Muskie was the place to be, and so, you know, we had people like Mark Shields, Jim Johnson, Tony Podesta, and all these people whose names are, have since become, at least in political circles, sort of household names for other reasons. But they were all leaders in the campaign, together with George Mitchell and Don Nicoll and Berl Bernhard.

The problems were that neither George, nor Berl nor Don had really ever had any serious

experience in national politics or presidential politics. And whether it was for that reason or other reasons, there was not a sufficient understanding in the leadership of the campaign that the kind of support Muskie had was by nature limited and not strong. That, coupled with Muskie's fundamental dislike for close quarters retail campaigning outside of Maine, and in the context of this sort of assumption that he was going to be the next president, really crippled the campaign fatally. I mean, it was clear by February that our margin in New Hampshire was not going to be as great as everyone expected, and that, indeed it was already clear in January, and that we really didn't have a lot going for us other than state chairs and state leaders in the other states, and that if we didn't do well enough in New Hampshire we were going to be in trouble. And that's what happened.

You know, Muskie was really pretty good I understand, I was never really involved in it, but I understand he was pretty good at retail campaigning in Maine, you know, close quarters person-to-person stuff. And, but he, he didn't like to do it. He certainly didn't like to do it outside Maine. And he was not tireless; he got tired easily. And there was a lot of pressure to give him what he called "white space" on his calendar, and he used to scream at me for not giving him enough, yell at me, he was yelling, not screaming, for not giving him enough white space. And he blamed all the 'nameless, faceless bastards' as he called them in the back room who, NFBs we used to say, who he didn't know and who he thought were just going to kill him by over scheduling him and over committing him to do things. Well, you can't run a successful campaign without putting in a lot more effort, frankly, than he was prepared to do.

You know, he was not, at least in my experience and observation, he was not, he was not a person who was comfortable with small talk, the kind of close quarters retail campaigning that's so important in primaries in caucus states. He certainly wasn't comfortable, as I pointed out I think in our last interview, campaigning against other Democrats, he'd never done that in his life. And I don't really think he liked people a whole lot, you know, I don't think he, I mean he liked some people and he had many close friends but, and he liked people conceptually, you know, he liked, you know, he was dedicated to the human race. But I don't think he was ever comfortable, you know, just spending time with people. He didn't like people that much, at least in my experience with him, you know, and so there were very few people that he wanted to deal with and not many he wanted to see and so it was hard. And it was pretty clear that he wasn't going to win, at least to some of us by January, certainly by January. And then of course we had the, flatbed trailer incident in New Hampshire.

AL: Were you there for that?

EC: I was not there for that. I was the head of scheduling and advance in Washington and my responsibility was to schedule the whole campaign, schedule him. And he and I had an argument about whether or not he should do this event, this was not something that had been scheduled for a long time. This was all, this was all prompted by attacks on Jane that appeared in the *Manchester Union Leader*, and Ed wanted to go respond. And this was something the *Manchester Union Leader* did as a matter of course to Democrats, and indeed had been doing it to Muskie for years because, you know, he was from a neighboring state and a liberal Democrat, and Loeb hated liberal Democrats. Well, all of us in Washington were counseling, and I think other people were counseling, "Don't do this, don't go there." Well, he did. And whatever the

emotions were that he displayed that day, they were in that day and age not acceptable. Today, of course, it's perfectly acceptable for presidents and presidential candidates to cry, but it wasn't then.

And a lot of people attributed the result in New Hampshire, which of course he won, he won New Hampshire. He won New Hampshire, he had won Iowa, he had won in Illinois, really this was his third straight victory. But it wasn't by enough to meet expectations, and he was crippled, absolutely crippled. And going to Florida, there was nothing there, I mean Florida was a difficult state for him in the first place, and this made it even more difficult, and then the rest of the campaign was just a spiraling sort of, out of the race. And finally, I think after the Wisconsin primary perhaps, can't remember when exactly, you know I had spent, all of us had gone out in the field after this, I think I went to Ohio, and I think I went to Wisconsin, spent some memorable time with Harold Ickes in Wisconsin, and also a memorable time and much more enjoyable time with Mark Shields in Ohio. But by the time the campaign wound down we cut back to a skeleton staff in Washington; Jim Hall was the one political coordinator we kept on board.

And Muskie wanted to go to Miami with his delegates, and so we entered a phase of the campaign that we called Operation Roll Back the Stone. And it was not a particularly happy time, you know. We used to, we'd send Muskie places occasionally on a private jet or something to make an appearance, but it was just sort of a try to stay alive, see if McGovern stumbled, see what happens, you know, be there with your delegates, make a speech. We were actually at the convention, I mean one thing I remember most about the convention, frankly, is lying around the pool at the hotel, I mean we had nothing to do, and not much spirit, energy, to do it with. None of us liked McGovern and, I shouldn't say none of us, some of us picked up and went to work for McGovern, but I didn't. And uh, when the convention was over we went back to Washington and I got ready to go to work as counsel, without a law degree at that point, nonetheless counsel to the subcommittee on air and water pollution. And then the Eagleton thing happened, you know, Eagleton, it was discovered that Eagleton had had some kind, I can't even remember what it was -

AL: Was it a nervous breakdown or something?

EC: Yeah, but it wasn't serious, Tom then and is a confident, terrific guy, he was a great U.S. senator. But, again, it was, in that day and age it was disqualifying, and he was off the ticket and McGovern was searching around for someone to take his place on the ticket. And he, you know, he decided that the best person to have on the ticket was going to be Ed Muskie, and so he called Muskie and asked Muskie to be on the ticket with him. So, here we were, this was going to be the second time that Ed Muskie ran for vice president, with a guy who no one believed could win, and a guy who Muskie didn't particularly like. Well, I shouldn't say that, didn't, certainly wasn't close to politically and they were never particularly friendly.

But Ed being Ed took this very seriously. And instead of saying no, which is what he should have said right off the bat, he decided to, you know, he sort of liked being in the spotlight again I think, and so he went to Maine. He wanted to go to Maine, he wanted to go to Kennebunk to think about it. So we rented, chartered a plane for him and sent him up to Maine. And this was a

big, you know, the press was all over him suddenly and, you know, the cameras were at the airport and following him, "What are you going to do, Senator, what are you going to do?" And he takes off for Maine. And there wasn't one of us who thought he was going to do this. This was all, we thought, one part feeling an obligation to give it some serious thought, one part wanting to go to Maine and this was a good excuse to do it, and three parts enjoying being in the spotlight again. Okay, you know.

Well, he went off to Maine, and about an hour after he left, I was sitting in the Senate office and the phone rang for me, and it was Bruce [Morton], whatever his name is, that's funny I forgot, he's now a CBS political analyst and has been for years a top flight political reporter. And, but in those days he was a young political reporter who had covered the Muskie campaign and who I'd gotten to know. And he called me and said, "Well," he said, "what do you think about this? What's going on?" You know, "Tell, what hap-?" I said, "Well, he's gone to Maine to think about it." And he said, "Well, what's your take on all this?" or something to that effect. And this was right during the time when we were trying to extract ourselves from Vietnam, from the Vietnam War, and we had just pulled the battleship Missouri out of moth balls. The notion was that it was going to go over and do something, I don't know what. And I said, you know, (Bruce Morton), I completely forgot, and I mean, I knew better than this, after all I'd been the deputy press secretary, I'd been dealing with the press for 5 or 6 years by that point, I completely forgot to say that it was going off the record, because he was a friend. So I said, well, I said, "This is nuts," I said, "this is a lot like pulling the battleship Missouri out of mothballs," you know, "and sending it over to, you know, trying to send it over to the coast of Vietnam." And Bruce said, "And then what happened?" I said, "Well, the Missouri never fired a shot." He said, "That's right." So that was the end of the conversation.

Well that night, on the Cronkite CBS Evening News, there's Bruce Morton reporting on Muskie going to Maine and at the close of his Stand Up he said, "As a long time Muskie aide and campaign staff member told me today, this is like the battleship Missouri . . ." I remember I was watching that news program with my girlfriend at the time, and I looked at her and I said, "This is a problem." And I stewed about it for an hour and finally called Kennebunkport to apologize, to say I was - first of all there wasn't going to be much question about who it was. There wasn't anyone else who was a long time Muskie campaign staffer, you know, besides me. I mean, Don Nicoll, but that was about it. And Don was not even on board at this point, so it was just me.

And so I called and apologized and, well, as I later learned, as it turned out, Jane Muskie was absolutely livid and insisted, apparently, that I be fired. This is what I've come to learn. I've never really asked Jane about it but probably, it's probably true. And that, together with the fact that John McEvoy, who was the senator's new administrative assistant, relatively new, came in before the campaign started, didn't want me around, whether because he saw me as a rival or what, he didn't want me around.

AL: Couldn't put your finger on what it was?

EC: No. Maybe it was that he just didn't like me, but he didn't want me around, that much is true. So the fact that Jane was insisting and John was recommending that I be fired for this, that

this was a real breach of discipline, loyalty, the fact that I'd been around for five years, four or five years at that point and was about the most loyal person you could imagine, didn't seem - anyway, so I was fired. I was fired that night. So Leon Billings thought this was ridiculous, and he persuaded Muskie that I should be allowed to come back to work at the subcommittee, since I wasn't going to be under John McEvoy's supervision, or in his office, and so that's what I did. And I then became counsel of the subcommittee and was there for another year or so.

AL: I'd like to go back to Leon Billings, and if you could tell me a little more about him. You know, his style, his personality, how the office worked with him, and what his relationship was with Senator Muskie?

EC: Well, Leon and I became very close friends the moment I came into the office in 1967, that summer I started work there. And I became, you know, sort of adopted by Leon and his wife Pat, spent an enormous amount of time at their house on (*sounds like: Rickover*) Road in Montgomery County. And after Pat died I introduced Leon to his new wife, Leon's my daughter's godfather. I mean, there's a very close longstanding relationship. So what I say about Leon, whom I love dearly, is, you know, all in that context and what I say is not necessarily objective. You know, Leon is a very, very smart, stubborn, tough minded, dyed in the wool liberal. Totally willing to challenge any shibboleth, any sacred cow, you know, unwilling to take no for an answer, always trying to figure out how to politically make something work, and completely dedicated, then and still, to Ed Muskie. Basically, in 1965 or '6, he sort of signed up for life and he's been just extraordinary. He is clearly the keeper of the flame in a way no one else really is.

And his relationship with Muskie was pretty different from most other people's in the sense that, and I saw it develop over time. I mean when he was, in the late sixties, early seventies when he was at the committee, he was another staffer like the rest of us and Muskie would yell at him and he'd never yell back and it was, you know, he was just like the rest of us. And then later when he became administrative assistant, and then certainly when he went to the State Department as Muskie's executive assistant, he became increasingly close to Muskie personally. And Muskie, increasingly I think, dealt with Leon on a, on more of an equal footing. And I think by the time Muskie retired from the Senate, Leon was really sort of an equal. Not an equal, I mean he was sort of the one person that was still on the staff who Muskie really had come to confide in, certainly ever since Don left. And by that time, you know, Muskie would yell and he'd yell back. And, after all, he had been the principal contributor to some of Muskie's great successes, and Muskie obviously knew that.

I never worked for Leon when he ran the office, I mean I worked for him at the subcommittee which was a very small minority, five or six of us, I don't know how many, not very many, it was a very small little family; we were sitting there dreaming up these environmental statutes. And, I mean he wasn't, it wasn't, I mean I don't think there was anything remarkable about his management style, so there wasn't really a management challenge or issue. We were always just pushing the envelope, we were always breaking new ground in that committee, doing stuff that had never been done before, writing these statutes, putting together coalitions in the subcommittee. It was a very nonpartisan or bipartisan effort, and we were working with Republicans all the time. And Leon was good at that, I mean he was, though he was an intensive

partisan Democrat, still is, he was very good at working with Republicans. I don't know what, whether there's more that you want to explore.

AL: Well, talking about the time you did legislative work for the senator, and you talked last time about the subcommittee on air and water pollution and EIS, Environmental Impact Statement, and you talked a little bit about the supersonic transport, and you mentioned something that I was interested in knowing more about: you said, you mentioned Section 4F of the Transportation Act as being significant environmentally. Could you go into that further?

EC: Well, really it was known as Section 4F because originally it was Section 4F of the Federal Highway Act. It's a provision that says that before a federally aided or permanent transportation project can proceed, it has to be determined in circumstances where the project would have to use certain defined categories of protected lands, park lands, wildlife refuges and the like, that there is no feasible or prudent alternative to building the highway or airport or what have you in that location. And it's been historically one of the strongest substantive environmental statutes. By substantive I mean not simply procedural like NEPA, which is the EIS requirement. But substantive insofar that it requires federal agencies to make findings and those findings to be reviewed by a court and so forth. And that provision has been instrumental in stopping an awful lot of highways, airports and so forth in constraining them or forcing them to change their directions or their locations in which they're going to be built. It's really survived the test of time, and it's a very important provision of the law. And that's, you know, that's a provision that Muskie was largely responsible for, like others.

But I think the point I was making last time was that the addition, in addition to the Clean Air Act and the Water Pollution Control Act, and the Superfund and so forth, all of which he is, all of which are in his dossier of legislative accomplishments of great national significance, there were various other provisions scattered around, environmental and other statutes, for which he was largely responsible. I mean, the fact as I said last time, that NEPA requires an environmental impact statement as opposed to a finding is of enormous significance and it's something for which he was solely responsible. The Federal Disaster Relief Act, the great changes that were made in that Act after hurricane Camille in I think 1969 or '70 were largely the result of hearings that he insisted on having in the Gulf Coast. The Section 4F, I mean these are all in addition to the things he's so well known for, like the War Powers Act and the Budget Act and the Model Cities, and all of the environmental legislation, the statutes themselves, there are all these various other provisions for which he really was responsible.

AL: You mentioned the War Powers Act? I haven't talked to anyone who's explained that actually.

EC: Well I can't explain it, in the sense that I wasn't there when it was enacted. But it defined the relationship, you know, there is a Constitutional relationship between the president and the Congress involving the declaration of war. And as you also know, presidents have often committed U.S. troops to conflicts without the declaration of war, including Iraq most recently. And there was, during and after the Vietnam War, a lot of debate about exactly what the limits of a president's authority were in this respect, and those limits were clarified and the relationship between the president and the Congress was really established by the War Powers Act, for which

Muskie was personally responsible. And so when you read about resolutions of Congress that authorize the president, or support the president's decision to send troops to Iraq, for example, those are resolutions that are adopted pursuant to the War Powers Act.

AL: Also in regards to your legislative work, I'd like to get views on the connection between constituent service and legislation. Do you have a perspective on that?

EC: Well, it's a limited perspective, in the sense that I don't think there was a whole lot of connection. I mean, constituent service in Muskie's office was a branch over there. It wasn't, as I recall, it wasn't central to the office. I shouldn't say it wasn't central to the office, it was central to the office, but it wasn't something to which he paid a lot of attention personally. There are some members of Congress who pay enormous attention to it, but I never was under the impression that Muskie did. And I can't identify any, I mean I'm sure there were relationships you could, you know, suggest that one of his, and I'm sure it's true, that one of his, one of the roots of his commitment to environmental activism was having come from Maine. But I don't think it's a, I don't think that was the, I think it was a motivating factor that was overrated and I think that, certainly there's no constituent service aspect to it.

AL: Do you have recollections about the closing of Dow Air Force Base and the role that Muskie's office played?

EC: No. I mean, recollections of it closing, sure, but I can't remember when it was. It was long before I went to work for him.

AL: During the '68 campaign, I understand that Peter Kyros, Jr.'s role was like baggage master? And he worked with the Secret Service agent Howard Drucker [*sic* Druckman]?

EC: Druckman.

AL: Druckman, sorry. What do you remember about Peter, Howard, and the other Secret Service agents during that time?

EC: Not a lot. I mean, Peter is a very close friend and a client, and someone I've known for, you know, since 1967. My memories of the, I mean, I remember that Howard Druckman was a Secret Service agent, and Howard Druckman was responsible for the plane, the plane was his domain. And unlike most of the Secret Service agents, Howard was young, had just been to law school, had just graduated from law school. And the whole, I think he was largely in the Secret Service to stay out of the Army, I mean I think it was a draft issue for him. And so he wasn't sort of an uptight forty-year-old like most of the Secret Service agents. And Peter and I were young and Howard was young, and there were a bunch of reporters who were young, and you know, we all sort of hung out together. But, I mean I don't remember, I mean, and it was fun, it was great fun, but you may jog my memory with some things but I don't have any, I mean it's not of any particular significance historically.

AL: I see, okay. I thought perhaps there were anecdotes that you remembered about that time period.

EC: You know, I'm lousy at remembering most anything, I mean things that -

AL: So during that time when Peter was the baggage person, were you just getting to know him or did you already know him and you hung out?

EC: I'm trying to remember. But Peter was the baggage master in 1972, wasn't he?

AL: I think it was '68.

EC: Marshall Stern was the baggage guy in '68.

AL: Okay, I'm not going to argue with you.

EC: Peter, in 1968 Peter worked in the campaign office in Washington, he worked with Michael Burnham and others. I mean, he worked in the office in Washington, and Marshall Stern was in charge of the baggage, I mean now I'm remembering this, he was in charge of the baggage, and it was Marshall and me and Howard Druckman. By 1972 Howard Druckman was an advance man for us, he'd left the Secret Service, he was a lawyer in New York, he was an advance man for the Muskie campaign, and Peter was in charge of the plane in 1972, I mean sort of the plane manager. That's, those are the facts.

AL: Okay, good. I'm just going to stop and turn this tape over.

End of Side A

Side B

AL: This is Side B. And you were telling the different people that were involved -

EC: Sixty-eight, in 1968, the vice presidential campaign, on the plane the plane staff was Don Nicoll, George Mitchell and Berl Bernhard were often on the plane sort of interchangeably. Dick Dubord was usually there, Paul Brontas was the sort of onboard manager of the airplane, Marshall Stern was in charge of bags, luggage, which was a huge job. Bob Shepherd was the press secretary, I was the deputy press secretary and did some writing, speech type writing. Jane Fenderson, you know, Jane Fenderson Cabot was on the plane, and Susie Nicholas was usually on the plane, and there were probably some other people who I've forgotten, but that was sort of the traveling staff.

AL: And who was Marshall Stern?

EC: Marshall Stern, now dead, was a lawyer in Bangor; his father was Ed Stern who was a well known judge in Bangor and before that a well known lawyer. Marshall was one of the leading criminal defense lawyers, or became later one of the leading criminal defense lawyers in Maine, and became a very close friend with George Mitchell so many years later, and was killed in an awful car crash near Bangor, must be six years ago, maybe more, (*unintelligible phrase*).

AL: Paul Brontas was also from Bangor, wasn't he?

EC: Paul was from Bangor, although he was, I mean, I didn't know him, he was older than I. And he at that time insofar as I know, I don't know if he's maybe retired by now, but he was then a lawyer at a law firm in Boston called Hale & Dorr. But Paul had come from Bangor, so there were I guess three of us on each plane.

AL: There were a lot of Maine connections during that campaign.

EC: Yeah, there were a lot of Maine connections during that campaign. In fact, most of us were from Maine except for Berl.

AL: I'd like to ask you about your fear of flying at the beginning of the '68 campaign. How did it affect your involvement and how were you able to overcome it?

EC: I wouldn't call it fear of flying. There is a real fear of flying that some people have that paralyzes them, it doesn't let them on an airplane. I was a nervous flyer, white knuckle flyer, and the least bump or, you know, would make me very nervous. And I cured it, sort of cured it, by sitting up in the cockpit a couple of times, which in those days in a charter you could do and it was great. I mean, I used to sit up in the jump seat in the cockpit and I loved it. And I discovered that when I could see out the front, I was not nearly as, and see what the pilots were doing, I was not nearly as nervous as I was sitting in the back of the tube and not knowing that the plane suddenly going like this was what it was supposed to do. Since then, I had one other sort of, I mean, I mean but while I was sitting up there I saw a couple of near misses, too, which was scary. But since then, except for one period that I don't recall very well, I don't remember when it was when I was nervous again about flying. Since then I mean I've flown so many, literally millions and millions and millions of miles that for me now it's like getting into a taxi cab or getting on a bus, I mean I just, it's what I do, it's part of my life.

AL: We didn't go into much detail about the late part of the '68 campaign and its ending. Would you talk about that in terms of the mood and events that took place, from your perspective?

EC: I don't remember them all that well, Andrea. I mean, I obviously remember that we were closing ground, and closing ground, closing ground, it was getting exciting, the crowds were getting bigger for Muskie and for Humphrey. I don't recall any particular events, I means it's, I apologize, you know, it's thirty-five years ago.

AL: What about the staff's mood as you came to the close?

EC: Well, you know, people were hopeful, excited, I mean we knew we'd closed the gap. I think everybody believed that if we had another week we would have won. I think most of us were skeptical that we could win, because we didn't think there was enough time left and that proved to be right.

AL: So it was, it felt like it was still gaining momentum?

EC: Sure, there was no question about it, and that's what all post election polling suggested.

AL: Could you talk about some of the changes that took place in the Senate office during and after the '72 campaign? Were there changes?

EC: Well, Don quit. I can't remember exactly when it was, it was sometime after '71.

AL: It was around there, yeah.

EC: And I think, I guess that's where John McEvoy took over. I was out of the Senate, I mean I was not there, I was out, I was at the campaign office, and I don't think I virtually set foot in the Senate office for months and months and months, I mean from the time we opened the campaign office virtually until Muskie quit active campaigning and we started Operation Roll Back the Stone, I moved back to the Senate office. But, I remember Don quitting, I don't remember why, although there was a lot of dissatisfaction with his management of the campaign, or his involvement in it. But by that time he had become less involved in the campaign. I really, I mean I just, I don't, I just don't, I can't shed much light on it. I wasn't involved in any of those doings.

AL: But do you remember how maybe the office felt or ran different with the changes that were made?

EC: No, because I was not, my, I never was back, after, I was a legislative assistant and was on the Senate staff until I worked in the campaign. I came back from the campaign, still on the campaign staff but working, as I recall, working mostly in the Senate office. And then the convention came and then I was fired, and then I went back to work in the subcommittee staff. And by that time McEvoy was running the legislative office, was running the office as Muskie's AA. But we were very independent of him and that office, I mean by that time Leon and I had established our own relationships with Muskie, particularly Leon, and we didn't really feed much through John. John was focused on other stuff, he left the environmental stuff to us, so I was never around the Senate office that much after that. I mean, I'd stop in and see Gayle [Cory] but that was about it.

AL: You mentioned in I think it was during Operation Roll Back the Stone that you had spent some time in Ohio with Mark Shields?

EC: Well no, that was before that; that was while Muskie's campaign was still active. After New Hampshire, after the New Hampshire debacle, we said, sort of the office, the Washington staff which had grown very big by then, we sort of said, this is crazy, we got to get out in the field, and so we all went to various places. I went to Ohio and Wisconsin, and Mark was in charge of Ohio and he and I worked together trying to rescue what we could of Ohio for Muskie, which was, I can't remember how we did in Ohio.

AL: What was it like working with Mark Shields?

EC: Oh, it was great.

AL: What's he like?

EC: He's the funniest guy in the world. Very smart, great at the time, path into politics, he's a great, had a great political mind, was very funny. It was fun, we had a good time. Do I remember any anecdotes? No.

AL: What's the best logical place, or time period to talk about after you went to the subcommittee working with Leon?

EC: Well, I spent, I guess I was there for about a year, a little over a year. And then when I graduated from law school and I was waiting for my wife to finish law school, I went to work for a law firm in Washington. And my, the only association I had with Muskie after that was testifying in front of his subcommittee on one, for me, quite memorable occasion because I was testifying against a provision that he wanted to enact in the Clean Air Act amendments in 197--, what became the Clean Act Amendments of '77 I think, and he lectured me and I sort of lectured back. And then, that I guess was in 1975, or '74 or '5.

And then I went to work in the Mondale, in the Carter-Mondale campaign. And then, I mean, I stayed in touch with all these people, with Leon obviously, I mean these were all good friends so I stayed in touch with them. But the next real connection that I had with him was when Carter wanted to make me associate director of the Office of Management and Budget. And from that, there are four associate directors and I was to be the associate director, and became the Associate Director for Natural Resources, Energy and Science which meant that I had all the environmental policies and agencies, and energy and natural resources and so forth, and so I became the energy czar.

But at the time that Carter made it known that he wanted to name me to that position, there was a great uproar in the environmental community over this because they didn't want, I had been a lawyer for a shopping center, the shopping center development industry and they thought that I would be a bad guy in this job. And so they mounted this huge campaign against me, there were newspaper stories and columns and it was awful, I mean, it was sort of hideous. And Muskie and Leon took this on as a personal cause, I mean, you know, Muskie spoke to the president, I mean not, you know, it was all, I mean they made it happen. And in fact, the woman who was leading the fight against me, a woman by the name of Marion Eddy, Carter nominated later to become a member of the Council on Environmental Quality, the CEQ. Well, that nomination had to go through Muskie's subcommittee and Leon just never found time to hold a hearing. (Laughter) Ask Leon about that.

AL: I'm interested to know what the provision was that you argued against Muskie for?

EC: It was, I can't remember exactly, it was something to do with indirect source regulations, or transportation control plans, a provision in the Clean Air Act that would have extended the federal agency's authority to control the development of big parking lots, like shopping centers and so forth, and something that my clients were opposed to. And it was, the choice was

between additional regulation of tail pipe emissions, and controlling the activities of automobiles. Well, as time has gone on there is now finally a provision in the Clean Air Act that really does that. But it does it the way it ought to be done, not the way it was proposed to be done twenty years ago, thirty years ago or so. I mean, if you want to go into it in any depth, it's a very complicated sort of, you don't want to know about it.

AL: We can always go to the official records if we want to dig more deeply -

EC: Right, find my testimony.

AL: What was it like working in the Carter administration?

EC: It was good, working in the White House was a great experience, working for Carter was a great experience. I had eighty people working for me, I had enormous power, authority to exercise, I became the sort of energy policy czar in the White House at the same time that I was associate director of OMB. It was a very heady time for me; I was very young.

AL: How old were you during that time, early thirties?

EC: Yeah, I was the youngest associate director of OMB in history at that point; I think there have been ones since who have eclipsed me in that regard, but I was quite young. And it was a great experience, I mean I, not particularly relevant to Muskie, but it was for me a terrific time.

AL: Is there anything else that you think we should add today?

EC: I can't think of anything. I mean, I've sort of, I think when we get together again maybe, maybe that there are other, I think it might be useful to have a conversation after you've finished a lot more of these with others and at some point I presume you want to start, I don't know how you go about doing this, but at some point where you start a retrospective look at everything people have said and start developing sort of thematic notions about Muskie and his career. I think that would be a good time to get together again. Because it's been, you know, I have a lousy memory for details and anecdotes, but I have a pretty good sense of major directions and why things happened and how things happened, and I think I have a pretty good sense of Muskie himself.

AL: Great, okay.

End of Interview