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Freshman, John oral history interview

Don Nicoll

Interview with John Freshman by Don Nicoll

Summary Sheet and Transcript

Interviewee
Freshman, John

Interviewer
Nicoll, Don

Date
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Place
Washington, D.C.

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Biographical Note

John Freshman was born July 6, 1946 in Miami Beach, Florida. His father, Desmond Freshman, was in the Foreign Service, so he spent his early education in Germany and his high school years in Maryland. He worked for Senator Richard Schweiker, Vermont governor and then Congressman Robert Stafford and Senator Edmund S. Muskie. He was and is very active with issues of air and water pollution, especially "clean water" issues.

Scope and Content Note

Interview includes discussions of: National Commission on Water Quality; and the 1972 Clean Water Act.

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Transcript

Don Nicoll: It is the 28th of January, 2003. We are at the offices of John Freshman at 1050 Thomas Jefferson Street NW, Washington, D.C., and Don Nicoll is interviewing Mr. Freshman. John, would you state your full name and your date and place of birth?

John Freshman: John D. Freshman, I was born July 6, 1946 in Miami Beach, Florida.

DN: And what were your parents' names?

JF: Desmond and Lucille Brett Freshman.

DN: Now, did you grow up in Miami?

JF: No, I grew up in the Washington area, with a few sojourns overseas. My father was in the

Foreign Service.

DN: So you had plenty of exposure to government service then.

JF: None whatsoever.

DN: None at all?

JF: None whatsoever. I grew up, I was just a suburban child, it could have been Chicago or Denver or anywhere else.

DN: And where did you go to school? You went to school in different places around the world I take it.

JF: I did elementary school in Germany, junior high and high school in Maryland, very close to where Ed Muskie lived, in fact I went to Little Flower Church, and went away to Middlebury College in Vermont.

DN: And after college what did you do?

JF: After college I was a clerical employee of a senator from Pennsylvania, who became Ronald Reagan's vice presidential candidate in 1976, named Richard Schweiker. And then I moved back to Vermont and worked in the governor's office, and from there I was fortunate enough to get a position with then Congressman Robert Stafford. In the House, Stafford was on Armed Services, he had no record or interest in environmental issues whatsoever. His issue was in fact, and the one that he wrote a book on, was a volunteer Army. We were appointed to the Senate when Senator Winston Prouty died.

I had remembered Prouty when I was working with Schweiker because he was key on the defeat of two of Richard Nixon's Supreme Court nominees, Clement Haynsworth and [G.] Harrold Carswell. Haynsworth was probably qualified in typical Nixonian style. When Haynsworth didn't get it, he sent them someone worse. Prouty was an interesting guy, he had been a congressman for twelve years, and was also in the class of '58 as a Republican, but he had an interesting aspect for a politician in that he had no right thumb. And if you think about that for a minute, you can realize what that entails.

In any event, Stafford was appointed to the Senate as the sole at-large congressman, and we came over and came smack into the middle of the conference. We were appointed to the Public Works committee and came smack into the middle on the conference of the 1972 Clean Water Act. And I looked around and I said, “This is the most interesting, stimulating, important thing I've ever seen in my life. This is what I'm going to do for the rest of my life.” It was really an epiphany, in a way that you're very fortunate if you have it.

Muskie was obviously the key player, but there were many, many important players at the . . . . The chairman of the House committee I think was [Harold Terry] “Bizz” Johnson of California, I'm not sure about that. Tom Jorling was the staff for Senator Cooper, who was, became one of

my very favorite figures of all time. John Sherman Cooper of Kentucky, who you may remember from Vietnam. Leon Billings was of course the larger-than-life charismatic figure, except for when Senator Muskie was in the room. And the whole thing was just too exciting for words

I decided then that as much as I liked Stafford I needed to try to find a way to work for Muskie. And I was naive enough to think that I could change parties and change senators and make all that happen. And in fact, I did. In the fall of 1973, the '72 Clean Water Act had a, appointed a commission to study whether or not the phase two set of technology based controls in the Act were cost effective and should be implemented.

The committee was, the commission pardon me, was called The National Commission on Water Quality. It was chaired by Nelson Rockefeller, Governor Rockefeller, and he had four vice chairmen, Senator Muskie, Senator Howard Baker, and two congressmen. They actually changed quite a bit so over the period of time there was a number of congressmen. For a while it was Bizz Johnson, for a while it was Bob Jones of Alabama, for a while the Republicans were John Paul Hammerschmidt of Arkansas and [William Howard] Bill Harsha of Ohio, but they, there was more than that.

But the senators never changed, so when we met in executive session we had Nelson Rockefeller, Howard Baker and Ed Muskie, which was a pretty high powered crew, and very much fun to be around. Although I was employed by the commission I was really Senator Muskie's clean water person, to my great pleasure, and spent as much time on the sixth floor of the Dirksen Building as I did on 18th Street.

DN: Now the, you've mentioned your epiphany in observing the work of the committee and particularly the conference on the 1972 Act. I'd like to drop back to your days in Middlebury. What was your major there?

JF: I was a very poor political science student with, it didn't really interest me the way it was presented in college. And if I had it to do over I would have majored in English, where Middlebury was very strong and I was good at. I wasn't involved in campus politics. I was appointed to a few things but I wasn't really, politics was just not interesting until the sort of disorder part of the Vietnam War came up. But even then it was more just ‘well this is interesting’, but I wasn't really involved at Middlebury at all.

DN: Now, in light of that, what led you to go to work for Senator Schweiker?

JF: Oh, I was desperate for a job and I answered an ad in the paper. I was living with my parents in Bethesda and I just, I needed to, I had some college credits I had to finish and I needed to get a job to support me while I finished my credits. I had decided by then that I needed to get a little more serious about my career and my life, and so I needed to finish Middlebury and I needed a job.

But working for Schweiker was not particularly interesting because I was really on the clerical end of things. So I didn't really, that was just a way to make a living. But I met Congressman

Robert G. Stafford because of my Middlebury stuff, and I used to hang around his office some. And so that actually led to the time when I could walk in and see this conference and fall in love with the process and the energy and the excitement.

DN: Now, what were the major issues they had to deal with in the commission work?

JF: The major issues were the, what we call the technology based standards for point sources of industry and municipalities. And they were expressed for industry in terms of two phases, best practicable control technology, and best available control technology; best available obviously being a higher standard. With respect to municipalities, they were expressed in terms of secondary treatment and beyond secondary treatment. And the analogy broke down there, but with respect to the first phase of technology-based standards for industry and municipalities, which were due by 1977 I would say, along with the catalytic converter, those were by far, by far the two most important environmental measures that have ever been instituted in this country. And I would say that nothing was even remotely close to those. Taking the two sets of water standards as one, and then catalytic converters as one, I don't think anything can get close to the level of achievement that those things, the level of improvement that those things achieved.

DN: How did the discussion, both the investigation and the discussions play out, particularly . . . .?

JF: Well, they were quite political. More than I expected. I think I was a little, a lot naive, and I thought we were going to take an honest, well we did take an honest look, but I thought we were going to take a nonpolitical look at the, you know, whether or not the phase two standards, especially for industry, that's really where the debate was, should happen. They were due to go into effect in '83, this was '73, '74, '75 and a tiny bit of '76. But what was really going on is that Muskie and his close staff, i.e., Leon Billings and, were determined that the commission was not going to undo all of the difficult work that had been done in 1972, which leads to the obvious conclusion that Muskie hadn't particularly wanted that commission.

And you had Governor Rockefeller, who was a fascinating man, and the president, and all of industry wanting to use the commission as a mechanism to give them regulatory relief, and they were pretty united in that. And in fact, the commission's recommendations were vigorously disagreed with by Senator Muskie because the commission kind of did what, there were fifteen people on the commission, I earlier mentioned only the executive committee. And the commission kind of came out with recommendations along the lines of maybe this is all too expensive, and Muskie issued a blistering dissent. And when the Clean Water came up, Act came up in 1976, but particularly in 1977, the commission's recommendations were not implemented at all.

DN: How did Muskie deal with those divisions at both the political level and at the technical level, in dealing with his fellow commissioners?

JF: He was remarkably persuasive and patient. And he was not in charge, he allowed, you know, Rockefeller to be the chairman. He didn't contest him with any intensity or vigor. He allowed the process to work at the commission level. I think that he wasn't deeply engaged in

the commission itself. I think he thought that he would get his turn when the commission was done and the legislation came up for review. He allowed it to happen.

DN: And what did you see your role under those circumstances?

JF: Well, I thought I had two roles. I thought one of them was to represent the senator's point of view that in fact you shouldn't listen to the doubters, because most people in those days, you could characterize the seventies as the days when all of the major industrial establishment in the United States and the municipal establishment insisted that they couldn't do the things that they were being told to do with respect to pollution control. And we, after watching them for a while, before my time and during my time, developed a philosophy that you need technology forcing standards to get them to do it. And that in fact, if you tell them that they have to do it that they'll find the best ways to do it, you know, in the classic sense of American industry.

And the best example of that would be the, what we called the best practicable control technology of the 1977 standards for industry and the catalytic converter. I mean, they could do it and they did do it, and it made America a lot better. But if you'd listened to them then, and if you went back and looked at the comments that the commission received from industry, and if you talked to the lobbyists from industry that we did all the time, "No, we can't do it. It's too expensive," you know. And the fact is that we didn't believe that, and I think history is going to be pretty kind to us on that front.

There's a wonderful story associated with the '72 Act that, I think that almost nobody knows. And maybe I'll take a minute now to tell that, because it's a little different than the issues that I've just been talking about, but I don't, I'll be surprised if anybody else will tell you this story. In 1972, when I was still with Stafford, the uniform national permit program, what we called the NPDS Permit Program was put into place, so that you had a way of putting standards on every point source in the country. And the dredging industry, which dredged all of our harbors and rivers in the United States, was adamant that their industry not be included, and they were very powerful in the House Public Works committee, very well represented, and not wanting to be under control of EPA, that was it.

So there was a three paragraph exemption from the NPDS Program, three paragraphs, less than a page of text, which was called Section 404. And Section 404 has probably gone on to be the most controversial part of the Clean Water Act. It was a three paragraph exemption for dredgers, and then when you dredge you have to deposit the dredge material somewhere - we call that fill. And in a whole other section of the Act, in several, actually twice in the Act, in other parts of the Act, the waters of the United States, the navigable waters doctrine, and that's another too long a story, but from 1899 was redefined to be all the waters of the United States. So what the dredgers had done in their zeal to get out of the Section 402 Permit Program, had created a national permit program for all dredge and fill in wetlands throughout all of the waters of the United States. It was one of the best examples of unintended consequences I've ever seen.

So in 1974 when a judge ruled that, yeah, in fact navigable waters does mean all the waters of the United States, and that does apply to 404, you had a full blown national regulatory program of enormous scope that is still being debated to this day. Today the debate is isolated, wetland,

isolated water created out of an exemption. And we codified that in '77, but the genie was out of the bottle, we didn't create it out of whole cloth in '77, we just institutionalized it.

DN: But were you conscious of that, the implications of that change?

JF: I was very conscious of the implications of that change. And I got particularly conscious when Senator Fritz Hollings walked up to me on the floor of the Senate sometime in 1974 and said in his basso profundo, which I can't duplicate, he said, "John, I just got a call from one of my farmers and he told me that he's not going to be able to take a leak in his backyard under the Corps of Engineers rules that was just passed. Is that true?" And I began to realize the enormity of this. But oddly, and interestingly, Senator Muskie and Leon Billings were never remotely, slightly interested in the 404 program. They viewed it as what it was, which was an aberration, not an aberration on its way to being a full blown regulatory program. Never once were they interested at all, including in 1977.

DN: Did you get a clue as to why they weren't interested?

JF: I think they thought that it was not central to what they were trying to do. And I think that I vigorously disagreed and realized that if I wanted to have an impact on 404 I needed to do it quietly, and I didn't think anybody would check whether or not Muskie was on board with me because my bona fides were pretty good by then, so I just worked on it. But if I'd ever had to deliver Senator Muskie, I didn't know if I could until we got to the floor of the Senate. And Muskie had a terrible back problem in those days, and he was taking some sort of muscle relaxants which had him a little groggy, and because of this lack of wanting to be on the point by Leon and Muskie, we had delegated that issue to Senator Hart, Gary Hart, who's back in the news.

And the opponent, for purposes of wanting to cut back the scale of the 404 program, pardon me, I'm in 1977 now, on the floor of the Senate, but I'm trying to take the 404 story all the way through. Our opponents were many, but one of them was Senator Bentsen, who was a wonder-, I really was very fond of him. He was a conservative, so if that bothers you that's a problem, but that's the only bad thing you could say about Lloyd Bentsen, and I wouldn't say that's a bad thing. And, you know, Senator Bentsen was pretty well geared up for this, and Senator Hart was woefully unprepared. I had been with him for two days in the mid west, I had talked to him, he had done no homework, and so the debate started. And it was not going well, and Hart was not doing well.

And Muskie was sitting in the chair in the back, watching as he could out of one eye but somewhat slumped in his chair, and I was looking at him, and he was looking at me. And I said, I went over to him because I was down in the well with Senator Byrd, and I went over to him and I said, "You know, this isn't going very well." And he said something, not a quote at all, but something to the effect that, AJohn, you know, I don't care about this program." And I said, "Well, I know you don't, but you don't really want to lose it, do you?" Again, none of these are quotes, this is my recollection of the gist of the conversation. And he said, "No." And I said, "Well, if you don't want to lose it, you're going to have to get up and do something."

And I went back and I said, "Senator Byrd, could we have a few minutes?" He was very easy to deal with on the floor of the Senate, I never had any problem with Senator Byrd, and he said, "Why?" And I said, "Well, Senator Muskie would like it." He said, "Sure." So we suggested the absence of a quorum, and I said, "Could we go in the cloak room for a few minutes Senator?" And he said, "Sure," and he, "now what's this about, again, John?" Again, these are not quotes, these are recollections. I've learned all my life to be very careful when I'm quoting, that's why you're getting that thing. And I explained that we had a, we had created a wetlands protection program and that from an environmental point of view it was very important. And we were codifying it in the statute, and we were applying broad jurisdiction of the waters of the United States to it and that was the heart of the matter. And that if you wanted to cut it back that was fine, but you didn't have anything to put in its place and that Senator Bentsen was representing a typical sort of a developer industry point of view here. And that it was not, you know, that environmentally it was important to protect these wetlands. And I handed him a few things, and he sort of grumbled and mumbled, and he didn't say a word to me.

And so I just left the cloak room and went back to Senator Byrd and I said, "Well, let's proceed and get this 404 thing done." Because when you were, in those days it was so much fun because when you were staffing an issue you got to staff the Senate, you didn't just staff your member, and that was a responsibility. I mean, I always made sure I did both sides of the issue. And Leon would be working the political stuff off somewhere else, and I was the person that this means this, and this means that, and this means another thing. I'm afraid I could tell stories about that day until six o'clock tonight, which I won't.

So Muskie comes back out and he kind of looks around, and he puts his lavalier microphone on, and I still don't know what he's going to do, and Hart is doing a terrible job. And he says, "Mr. President," and to this day there has never been a more lucid, cogent speech delivered on the importance of Section 404 in the entire history of the Act than the speech that Senator Muskie. Who was, you know, had, was either taking muscle relaxants or pain pills, I don't know what it was, who didn't really care about the program but was persuaded by his young staffer that the issue was going down the tubes, delivered that day. Nobody has ever been close on 404 than that day, Senator Muskie, who had decided not to do it.

DN: That must have left you -

JF: On cloud nine, on cloud nine.

DN: Now, let me take you back to '72 and 404 when it came up. You were then working for Senator Stafford. And were you and he both aware of the implication of it then?

JF: No, clueless. Stafford was, didn't really get engaged in environmental stuff until much later, and I was way too naive to figure it out. We were clueless. I don't think anybody knew what they were doing, to be honest with you, until the court ruled in '74 that in fact all the waters of the United States meant all the waters of the United States. I don't think anybody knew it at the time. I think we went back and figured it out.

DN: Now, a quick question about Senator Stafford and you. You decided after being with him

not very long that you wanted to move over and work on environmental protection legislation. How did he greet that departure?

JF: Benignly. I think he, I don't think I had the skills he needed then. And I had gotten really single-minded and he was not at all interested in environmental stuff. And he was also a very nice man and would never stand in my way. It was a nonevent. It's hard to imagine in this day and age, it was actually a nonevent. The Muskie staff, Leon asked me to quit Stafford and go and be unemployed for a couple of weeks, so that it didn't look like I was jumping from one to the other, which is the only time in my life I was ever on unemployment was about a month.

DN: Now, when you finished the commission work, did you go to work directly for the committee?

JF: Yes, I did.

DN: And what were your official responsibilities?

JF: The Clean Water Act, and ancillary issues.

DN: And in the next several years, did you work primarily on Clean Water issues, or did you get involved at all in the Clean Air Act?

JF: No, I worked on Clean Water issues. Karl Braithwaite worked on Clean Air issues. We were the two sort of principal lead staffers; there were others that worked on other issues.

DN: Describe, you've alluded to Leon Billings and his charismatic behavior. Tell us something about working with him, and also working with Karl.

JF: Well, it's, working for Leon Billings and Ed Muskie, and it was really both, was graduate school for me. I was not a very rigorous skilled person when I showed up. I had more energy and ambition than skills to go with it, and it's an irreplaceable time in my life. And I thought Leon was all the things that you know, brilliant. Clearly at the time he and Bill Van Ness, who worked for Senator Jackson and did all of the Alaska issues, were far and away the two most effective members of the Senate, other than leadership kinds of jobs. On the substantive committee side of the House.

And Leon was abrasive, still is, but that abrasiveness is not very well described, because he had a very warm side and a great sense of humor. And there have been a lot of Leon wannabees over the years who get the abrasive part, but don't get the warmth and the humor part. You know, Leon keeps his friends, people who have disagreed with him speak of him admiringly, even though he would ridicule his opponents. I mean, the stories are obvious in Bernie Asbell's book about the paper airplane, etcetera, etcetera. What it comes down to is a, my entire thirty years of experience in this time of ascending responsibility, happily ascending skills, ascending ability to figure things out, he is unique. But he was also childish and had an ego which could tolerate no other ego except for one. And if you know history, and if you observe things, you've seen that before, where Leon was in charge of his entire domain and reported to one man. And the

difference between Leon Billings when Muskie was in the room and Muskie wasn't in the room is beyond the beyond of comprehension. And I found my time with Muskie beyond fabulous. He liked to travel with me, which was a great compliment to me. I was a poor speech writer, I was good at some things but not that, and I'd write these speeches and he'd deliver them.

But I found working for Leon day in and day out to be difficult, and in fact that's really why I left. We finished the Clean Water Act in '77 and I needed to allow my ego to grow a little bit, and Leon did not tolerate the growth of other egos, and so by and large, you know, he had to suck out all the oxygen of every room he was in. And I think that somewhere in there is the key to his success and the key to his brilliance, but for, you know, a young person who also had an ego, it was a difficult relationship. That's all professionally.

Personally, he's the godfather of my son Nick. I don't think, there are very few people in this world I've ever been closer to, and he's a wonderful warm person, but can be very difficult. Not the abrasiveness, that's easy, you can just thrust and parry. If you know how to be in a locker room, if you know how to deal with the way guys sometimes deal with each other, the abrasiveness was nothing. But it was the insistence that there only be one light around when he was in the room, you know, made it sometimes hard.

And of course he always carried this torch, he wanted to be Muskie's AA. We didn't call them chief of staff in those days. So when Maynard Toll, Leon was hoping that that was going to be his turn, I think there may have been someone else, I don't remember. And then when I left in '77, I arranged my departure, I didn't consult with him. I was trying to leave and find another place, and Carter just came in so it was obvious and it would be an easy thing to do. But what I didn't know and we didn't discuss is that this time he was going to be chief of staff, so I could have been over on the subcommittee with a little more room to grow. And I think I'm as much responsible for that as him. And of all the professional things I've ever done, and I've had a wonderful, wonderful professional run in this town, the one thing I would do differently is stay there longer while he went over to Muskie's office, and more fully experienced the committee role, you know, frankly, without him right there. Only thing in my entire professional life that I wished I'd done differently. And even so, I had a great run with Carter, so you could look at it in another way and say, well, actually it worked out fine.

DN: Now before you went to the Carter administration you were working in the committee as you said, and the other key figure at that point was Karl Braithwaite. What was he like in comparison with or contrast to -?

JF: Karl and I were equals. I would, Karl would have gotten the job of staff director but, which he should have, but we were colleagues and we had our own areas of responsibility. And Karl was more technical, I was more political, Karl was more analytical, I was more intuitive, it was a nice balance. He's a wonderful man who brought a very, you know, equanimity and easy to get along with. Just a fine guy. I don't think he was as intuitive and political as I was, and I think that there were things that I could do better than him, and things that he could do better than me. And he was much more suited to be Leon's staff than I was. He had a more, he was more willing to let Leon take the lead on everything and support him. And I had some trouble with that, which I put on me, by the way, I mean that's just difficult for me to do.

DN: Now you left the staff and went to the department of, or the EPA.

JF: I actually went to OMB.

DN: You went to OMB.

JF: I decided that I wanted to get out of the environmental stuff, and I did leave, I mean I've said this, I left a little more quickly than I should have. I basically took the first good job in the Carter administration I could get, and I wanted to bump my salary up. And I wanted, I thought I wanted to get out of the environmental game. I didn't, but I thought I did, you know I was young. And so I actually went to work for the President's Reorganization Project which, Jimmy Carter was going to reorganize government. And I was actually involved in putting the Federal Emergency Management Agency together. I was the lead lobbyist for that, which brought me back around to the government operations and affairs Ed Muskie rather than the environmental Ed Muskie, which was fun. And I'm glad I did that. And so I actually lobbied his office, and him to a lesser extent, on an issue that was not an environmental issue. We had reorganization plan authority then, so you really needed to avoid a negative vote, you didn't actually have to get a positive vote. And in those days, Senator Muskie was in that hat.

And I just sort of stayed away from the environmental committee for a while. I realized that was a mistake later, and I'll get to that in a minute, when I went back to EPA, but at the time. And in those days Muskie was, we used to say about Dickey-Lincoln School when the environmentalists would ask us, because they hated it, because it was going to be a big flood up on the St. John River, we used to say, you know, well, I don't know why Muskie's for it, but every great man has at least one bad idea.

And I used that argument again years later on this point I'm about to talk about, which is that Muskie and others, Javits and Carter, Jimmy Carter as president, all believed in this concept of sunset. It would have been the worst thing in the history of the world if that had happened, because they thought that regulatory authority should expire if it wasn't renewed, and think about what Reagan would have done with that, much less Gingrich would have done with that is beyond the beyond. So a friend of mine on the committee who worked with Javits, whose boss supported sunset, myself who worked for Carter who supported sunset, and there was a Muskie guy who supported sunset, decided that this could not be allowed to happen, that this was a, that these were great men that we worked for, but they couldn't do this.

And so one of my proudest moments is killing sunset. And I was never called on it, and if I'd been called on it I would have quit. I thought it was really important, I knew what I was doing and I said, I'm not going to let this happen, this is a bad idea. We worked too hard to get these things in place. And of course I was thinking of environment and resource issues, I wasn't thinking about trade issues and communications issues. But we had created this thing by then called the Regulatory Council which was going to be our answer to the anti-regulatory *powers*, and Doug Costle of EPA was chairman of it, that's how he and I became close.

I wore two or three hats. One of them was I was a Regulatory Council guy, and so I was in

touch with the Mike Perchucks and the Joan Claybrooks and the Charlie Ferrises of the world and that's when I got this idea that, you know, and sunset was in my portfolio for the White House. Again, I had like four hats in those days, it was fun, it was really fun actually. And one of my hats was all of the regulatory issues. They had a bunch of lawyers that, you know, couldn't find the Hill, and you know, Carter was terrible at dealing with the Hill anyway, God love him, he was terrible. I mean all the stuff you hear is true. And so it was sort of fun.

I never had a chance to sort of talk to Muskie about that. It's probably just as well, he probably would have yelled at me. But I didn't care, I was ready for him, anybody who wanted to call me on it. So I just spread the word in the Government Affairs committee that the White House really didn't care about it and would just as soon, you know. We were going to say the right things, but we didn't really want it to happen. And I'm proud of that.

DN: And no one ever called you on it?

JF: No one ever called me on it, but I would have stood up if they had. I'd already reconciled with myself that, okay -.

DN: Who were you dealing with the Government Affairs?

JF: Ribicoff and Javits, who supported it, Javits did.

DN: What about Ribicoff, did he feel -?

JF: He was indifferent.

DN: He was indifferent too.

JF: Which was not a totally unique thing for Ribicoff to be on an issue.

DN: Right. Now, you say . . . .

JF: And then Doug Costle recruited me to go over to EPA, he said, you don't, "You need to be over here with me." And so I went over to EPA and, you know, thank God got back into environmental stuff. And so when I was fired I was able to have a substantive EPA portfolio to take with me.

DN: So you were there from, what, '78?

JF: Half of '78, '79, and the first part of '80, or no, all of '80, '79 and '80, excuse me.

DN: What were your responsibilities there?

JF: Anything I wanted to work on. I was like the senior advisor to the administrator.

DN: Did that bring you back into working with the environmental committee?

JF: Yup, and by then there'd been just enough distance that it was fine. I was always happy to see Leon, that's when we started to get close again and we've gotten, we're closer now than we've ever been. But we've been close, right since then. I just needed that space to organize myself a little bit.

DN: Now, how much contact did you have with Senator Muskie from that period on?

JF: Almost none. The early eighties were a very difficult time for a Muskie-Carter Democrat who needed to make a living. I'm not a lawyer so I couldn't just rotate into a law firm, obviously the corporations wouldn't have hired me then. If you recall in '80 the Senate went Republican also, which was why, I just never thought I'd go to the private sector, I thought I'd just go back to the Senate because so many people would have been happy to hire me. I had, you know, I was close to George Mitchell and close to Pat Leahy, I mean I was really, and a lot of people that I had staffed over the years. But of course that wasn't available, and those were difficult times.

The Muskie people dispersed for a while. I'm the only guy that worked for both the, Muskie's not the right equation here even though I worked for Leon Billings and Doug Costle, who were probably the two largest figures in environment in the seventies, you know. I would say that's a fair statement. They were unbelievably different, but they were rivals for the job of administrator, but Leon never had a chance, he was just a foil. I was on the inside on the other side. I wasn't helping Doug, I wouldn't have over Leon, but I was on the inside by then. I was a transition staff person for Carter and got to know all those people at OMB, that's before I went there in '76, you know, and I knew what they were doing. But I was the only one that worked with both of them, so I, Doug's people dispersed and Muskie's people dispersed. And you know, we were left with trying to make a living, I mean that was really a challenge then. I didn't know if I was going to have to leave town.

DN: Did you go into consulting at that point?

JF: Yes, yep, more sort of traditional environmental consulting rather than lobbying, which I do now. It was a real struggle in '81 and '82, there were no, you know, Muskie was gone, Carter was gone, you know, they fled. Not Muskie, but Carter just departed. It was a very difficult time.

DN: How long did it take you to recover in a sense?

JF: About a year, a very intense year, but a year. By '82 I was fine and have been fine fortunately ever since. But I didn't see Muskie again for a long time after that.

DN: Now, you mentioned before we started the formal interview an encounter with him in the mid-eighties I believe.

JF: Yes, right before he died.

DN: That would be in the nineties.

JF: In the nineties, yeah, I don't think I saw him more than once or twice in the eighties, if at all. But there were some Muskie gatherings, and I might have gone to one or two of them, but I sort of felt like I'd, he had a special place for me and I sort of felt like I'd done that, and now I was doing something else. And I don't do much environmental stuff any more anyway, I do more California water, western water stuff now, I have some old environmental clients that I handle.

But somebody had a, we had a party for somebody that I was close to, and I just for the life of me don't remember who it was, at La Brasserie on Capitol Hill, and about half way through the party the senator showed up, I think he was using a cane by then, with Jane, and sat at a round table, and it was a nice day, we were all outside, and he just sort of held court. And we, a bunch of us went over one at a time. It was a very respectful, wonderful thing, you know, nobody came over and jostled, so when his table was empty I walked over and sat next to him and had the most pleasant encounter, and I just am so happy that it happened. And I said, "Senator, you wouldn't believe the army of bureaucrats that we've created, bureaucrats at the state level, bureaucrats at the federal level, bureaucrats in environmental groups, bureaucrats in think tanks, bureaucrats in corporations. You would be stunned at how many people work on the issues that we developed in the seventies, I just can't imagine that you would believe it." And he looked at me with that light smile and said, "I probably can't."

And then shortly thereafter I found out about his death and it was a wonderful, it was sad that he died, but it was a wonderful day. His eulogists were George Mitchell, Madeleine Albright, Jimmy Carter, and his son. I don't think I've ever experienced a more uplifting day, even though it was associated in some fundamental way with a passing which was a sad thing, but it was not a sad day.

DN: You've mentioned all of the people who were out working on environmental issues as bureaucrats, if you will. Were these people who were inspired by the legislation, or had some kind of direct contact with the Muskie -?

JF: Not at all, not at all, either. Some of them may have been inspired by the legislation, but the last time I checked the EPA had ten thousand, eleven thousand people. And every state has an environmental agency, and the environmental community has grown enormously, and every corporation has an environmental department, and usually environmental people at their individual plants. And none of these have a connection to the legislation, I think they're probably more connected to the regulations.

DN: You remarked earlier that working for Senator Muskie and Leon Billings was your graduate school. What was it that Senator Muskie taught you?

JF: Muskie was incredibly intellectually rigorous, and you would prepare material for him and he would read it and find the flaws. And it was matter-of-fact with him, he wouldn't jump on you, he would just say on this page you said this, but on that page you said that, and they don't reconcile. What are you doing, what are you saying? He would challenge you intellectually, and I got much, much better at being up to the challenge to where it didn't happen so often, and I was

extraordinarily proud of that. He was just, he was so intellectually rigorous and intellectually honest. Regardless of his political point of view he insisted that the facts be thorough and organized and complete, and he would not accept a false argument for the sake of making a point; he was not willing to do that.

DN: What do you think were his major contributions as a legislator?

JF: Oh, I don't think there's any question, while he did many things, that his, the historic major contribution was the development of the original environmental legislation. I just don't think the stuff on government ops, like the Budget Act, rise to that level. Nope, I just think it's indisputable.

DN: Thank you, John.

JF: Thank you, Don, it's been a pleasure.

End of Interview