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Interview with Kermit Lipez by Andrea L'Hommedieu

Summary Sheet and Transcript

Interviewee

Lipez, Kermit

Interviewer

L'Hommedieu, Andrea

Date

September 20, 2001

Place

Portland, Maine

ID Number

MOH 317

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Biographical Note

Kermit Victor Lipez was born in Philadelphia, Pennsylvania on August 18, 1941. He grew up in Lock Haven, Pennsylvania and attended Haverford College and later Yale Law School. He worked for the Civil Rights division of the Department of Justice. Lipez began working for Governor Ken Curtis in September 1968, and after three years became a legislative aide in Muskie's Senate office preparing statements and research for Muskie's speechwriters. After a year, he returned to Maine and authored the book: *Kenneth Curtis of Maine: Profile of a Governor*. He opened a private law firm in Maine in 1975, and Ken Curtis joined the practice. He became a judge of the Superior Court in 1985, was appointed to the Maine Supreme Judicial Court, and later to the U.S. Federal First District Court of Appeals.

Scope and Content Note

Interview includes discussions of: Lock Haven, Pennsylvania; paper industry in Lock Haven; Maine income tax issue; Maine state elections of 1970; Ken Curtis; Muskie and the vice presidential campaign of 1968; John McEvoy; Court of General Jurisdiction; challenges of campaigning; driving to the airport with Senator Muskie; Senator McGovern suggesting to Senator Muskie to join him as his vice presidential candidate; Senator Muskie's speech at the National Press Club early in his campaign; Muskie and legal needs for the poor; Frank Coffin;

and Joe Albright.

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Transcript

Andrea L'Hommedieu: This is an interview with Kermit Lipez on September 20th, the year 2001, at his office in Portland, Maine. If you could start by giving me your full name and spelling it?

Kermit Lipez: My full name is Kermit Victor Lipez, K-E-R-M-I-T, V-I-C-T-O-R, L-I-P-E-Z.

AL: And where and when were you born?

KL: I was born in Philadelphia, Pennsylvania on August the 18th, 1941, although Philadelphia is *not* my hometown. I was there I gather just for the purpose of being born. I'm actually from a small town in central Pennsylvania about two hundred miles from Philadelphia, a town called Lock Haven, Pennsylvania, which is where I grew up.

AL: And that's where you grew up.

KL: Yes.

AL: What type of a community was that?

KL: It's a beautiful little town on the banks of the Susquehanna River. The nearest larger community of significance I guess would be State College, Pennsylvania where Penn State University is located. Lock Haven is a town *still* of about twelve thousand people, perhaps best known for being the home of Piper Aircraft Corporation where the small Piper planes were built, Piper was located there for a long time.

AL: What, so is that what the economic driving force was in your community?

KL: It was, along with a large paper company, which had located in Lock Haven for many years. So the leading industries were the Piper Aircraft and the paper, this paper company. I don't remember, I think it was originally owned by perhaps the Curtis family. It's gone through a number of hands over the years, and actually it was most recently owned by Hammermill which also owned, at one time, a paper company in Maine. So central Pennsylvania, like Maine, is a heavily forested area and the paper industry was a very important part of the, a great part of the economy in central Pennsylvania as it is here in Maine.

AL: And politically, what was the atmosphere in the town? Do you have a sense of that?

KL: A little bit. My father was the, after a career as a small town lawyer, he was the, became the county judge. Actually officially referred to as the Court of Common Pleas, and that was an elective office so he had to run for office, so I had an awareness of politics. My father was a Republican I think because his father had been a Republican, but my father was I think it's fair to say a very open minded Republican who voted for the best candidate in the state and national elections as well. But he had to be a, he had to be involved politically so, yes, I had some political awareness.

That part of Pennsylvania is, and to this day, is certainly much more Republican than it is Democratic. In Pennsylvania politics, central Pennsylvania, is considered a strong Republican area, whereas the cities, Philadelphia in eastern Pennsylvania and Pittsburgh in western Pennsylvania are really the Democratic strongholds, so I'd say the politics of Lock Haven were more, certainly more Republican than Democratic.

AL: Was there any coal mining in the area? Or was that in a different -?

KL: Not, it's a little further away. Not . . . we did not have coalmines in Lock Haven. I mean, there was a community about sixty miles away called Philipsburg, Pennsylvania where my aunt and uncle lived, they had coal mines there. So the coalmines were not that far away, but the paper industry was really why Lock Haven came to be.

I mean, there used to be log runs, logs would be cut further up the river and floated down the Susquehanna and there was actually a lock, hence the name Lock, that was used to help move the logs down the river. And there was a large hotel where the loggers would rest, it was a haven for

the loggers, hence the name Haven. So the very name Lock Haven really comes from its logging paper industry history. And sadly it's, the paper company after being in Lock Haven for over a hundred and twenty years I think is actually finally closing its doors this fall. I still keep in touch with what's going on in that community and that's the last of the big industries that's about to leave Lock Haven. So it's a big blow, and of course some of the same things are happening in Maine, too.

AL: We've seen a lot of that in the last two years actually.

KL: We have, that's right, yeah, we have.

AL: If you were to look back in your memories of Lock Haven, yesterday and today as you still keep in touch, and compare them with what you've experienced here in Maine, what are some of the similarities and differences between the places?

KL: Well I think my interest in coming to a place like Maine, which was just real serendipity and we may want to talk about that a little bit later, but I think the, my interest in coming to a place like Maine was because I grew up in a small town in central Pennsylvania and like the small town life very much, and recognized that Maine was a place that offered many of the same qualities that made me feel good about growing up in a place like Lock Haven. Small towns are wonderful places to raise families. You have a sense of belonging, you have a sense that you can matter, you get a sense of continuity from knowing people over a long period of time, people care about each other. And those are aspects of life that I think are difficult to find in larger cities. I've been in larger cities, I've worked in larger cities, and those were good experiences, but I was drawn to a place like Maine with smaller communities with the values that I think are characteristic of smaller communities. So I think the fact that I grew up in a small town added to the attractiveness of a place like Maine for me.

AL: Now when you grew up, you decided to go to college.

KL: I did.

AL: Where did you attend college?

KL: I went to Haverford College, which is a small school just outside of Philadelphia, one of the schools founded by the Quakers, along with schools like Swarthmore and Bryn Mawr and some others. And it's a great little school, I had a good experience there.

AL: During your schooling were there any teachers that influenced you in, maybe in shaping how you look at the world?

KL: I wish that I could say yes because it would be nice to have such a memory, but I can't honestly say that there was one professor who really had a profound effect on my view of the world. But I will say that I had a freshman English teacher named Jim Harper, now that I think about it, who for the first time made me appreciate the value and the difficulty of good writing. I had done very little writing in high school, it just wasn't required of us, and so writing weekly

essays as we had to do in this freshman English course was a very big deal. And he was a, took an enormous amount of time with us, criticized our work with great care, and I think for the first time made me realize the value of good writing, the hard work it requires, and I think instilled in me a love of language that I really did not have before. So I, yeah, I think he would be the one that I would remember from college I think as probably the most important teacher I had.

AL: And you decided after to go to law school.

KL: I did, I did.

AL: And was that from your father's background that led you in that direction, or -?

KL: I'm sure that had a big influence on me. I wasn't completely single-minded about going to law school. In fact, I actually started law school right after college and decided maybe I had made that decision a little precipitously so I asked the folks at Yale Law School where I went whether I could take a leave of absence and maybe come back in a year after trying some other things and they said I could, and so I had a wonderful year. I actually landed a job as a news clerk at the *New York Times*, which was fascinating. Then I ended up teaching freshman English at Penn State University for half a year. And so I looked at other things that interested me: journalism, teaching. But I decided after all of that that maybe law school was really what I should do, so I went back to law school and I was ready for it this time, so I finished law school. So I, yes, I'm sure my father's influence was important in the choices that I made, but I did take a close look at some other possibilities before finally settling on the law.

AL: And at what point were you an intern with Senator Muskie? Was this immediately after law school, or was there time in between?

KL: No, no it wasn't. After law school I spent a year with the Civil Rights division of the Department of Justice. But it was during that year, near the end of it, that I found out about the possibility of a job in Maine. Which had nothing to do with Senator Muskie. I heard from a professor whom I had known well at Yale Law School that the young governor of Maine, a fellow by the name of Ken Curtis, was interested in hiring perhaps as many as two people to work on his staff. And I actually had always thought, I'm not sure why, but that working for a governor would be just a wonderful job. And I had actually had an experience in Maine after my sophomore year of college, I came to Maine to work as a tennis counselor at a camp called Camp Kennebec in the Belgrade Lakes region, and I had loved, I loved Maine. I thought it was just a beautiful place, and so when I heard about this job possibility I was very interested in it. And so I came to Maine and interviewed with Governor Curtis and a couple of people on his staff and he offered me a job, and that's how I came to Maine. And that was the, that would have been the fall, September of 1968, yes.

AL: And so what was it was it like working for Ken Curtis?

KL: It was wonderful. It was everything that I could have hoped for. Personally, Governor Curtis, since then he's become a good friend so I now refer to him as Ken, but of course he was Governor Curtis to me then, he was a wonderful person to work for, very accessible, very

respectful of staff, fascinating to me because he was trying to do so many important things. He had a large reform agenda, and one of the reasons that he wanted some help was because he thought he needed help to carry out this large agenda.

He had not had too much success the first two years of his administration and he recognized that he needed some help and so he reached out for it. And he had asked a wonderful man named Al Mavrinac, M-A-V-R-I-N-A-C from, who was a professor at Colby College to help him with his legislative program, and Al had agreed that he would do that but he could only do it part time. So he really needed somebody who could be working on it full time. And Al Mavrinac was one of the people that I met when I came to Maine for my interviews and we got along well, and I think Al told the governor that he thought I would be a good choice to help him with the legislative program. So I was really hired to help Al Mavrinac with the legislative program, and it was just fascinating from day one. And that was my focus, helping Al, and through him the governor, to get the legislative program together for the 104th Legislative Session.

AL: A lot of people have expressed how universally liked Ken Curtis is. I've tried to get a sense in my interviews of understanding what it is about him that's so likeable.

KL: Well, I think there are many ingredients of that. First of all, he is a man without pretense, without arrogance, without any need to impress by being overbearing. He just. He's just very down-to-earth, likes people, makes it obvious that he likes people. He's a very comfortable person to be with. He's got a wonderful sense of humor. He is a remarkably upbeat personality, he's one of those rare people who, no matter what's going in his life, and there have been many hard things in his life, he always seems to make the people around him feel better. He is a large presence wherever he is without trying to be a large presence. It's just that the natural force of his personality. And he has a genuine fondness for people, he truly cares about the people around him and he cares about the lives of people in the larger sense, and that's one of the reasons he wanted to be governor, because he thought that the people of Maine had been shortchanged in many ways over the years and he was determined to change that. And it was that desire to make the lives of people better that drove so many of his reforms.

He's just a very caring person, and people sense that in him. You know, and he really, he just hasn't changed in the, my goodness, now the over thirty years that I've known him. He has changed, really hasn't changed at all. He's still the same very likeable, down-to-earth, considerate person that he always has been. So I'm not surprised when people still describe him as one of the most beloved of the Maine politicians. He's just a remarkably likeable, decent human being.

AL: What were some of the tough issues, or big successes that you had while working with Governor Curtis?

KL: Well, the issue that always comes to mind, and I think will always be associated with Ken Curtis, is the adoption of the income tax. And that was the, that was in many ways the centerpiece of his agenda for that legislative session, 104th Legislative Session. And it was the centerpiece not because he had any particular fondness for taxes, but he simply understood that without resources of revenue raised in the fairest way possible it would simply not be possible to

carry out other reforms that were needed-- reforms in public education, reforms in the university, reforms in health care, reforms in government reorganization and economic development. A lot of those reforms, not all of them, some of them were structural, did not require any money, but a lot of them simply required an infusion of new money to make things happen. And so without an income tax as the source of new revenue, a lot of the reforms that he cared about simply were not, they were not going to happen. And of course any new taxes are politically risky, but when you not only add to the tax burden, but you do so with a whole new tax, and one that sounds scary to a lot of people, a tax on their income, it's politically very explosive. So that, there's no question that was the big battle of that 104th Session, it was I think the great triumph of that session, and if Maine did not have that income tax so many of the advances that we've seen since its adoption would not have happened, it seems to me. It really was a major achievement, which continues to play an important role in the political and social life of the state. So that was sort of the big triumph.

AL: And as you said, it is a risky thing to introduce a new tax. And that was fairly close to the reelection time, wasn't it?

KL: Indeed it was, yes.

AL: And he did squeeze by and become reelected.

KL: He did.

AL: How did that, what was it like during that time period of the campaign. There must have been some tense moments maybe, or -

KL: Well there were. I mean, he was running behind the whole time. In fact, he was very concerned, just to provide the context for his concerns: Senator Muskie of course had run for vice president in 1968 and had performed brilliantly, and at the time of the 1970 elections here in Maine there was already a bunch of talk of his being the presidential candidate in 1972. And many people were already proclaiming him the frontrunner and, although of course he hadn't announced any intentions. But the election in Maine in 1970 was seen as important to his prospects for running for president. It was expected that he would win by a large number and, so therefore he had to win by a large number. And Ken was very concerned that his unpopularity, which was based on the income tax, might be a drag on the ticket. And he in fact talked to Senator Muskie about that and had told him that if, if he was going to be a drag on the ticket in such a way that it would hurt Senator Muskie that he would not run for reelection. And Senator Muskie said, no, I think you will be the strongest candidate that we can field and I think you should run. And so, so Ken threw himself into that race knowing that he was far behind. And in fact he actually got some results a couple of weeks before election day that showed him still losing rather badly to Attorney General Irwin and he knew that that information would be so demoralizing to the staff that he kept that to himself. Only, like only Ken and perhaps Allen Pease, his administrative assistant actually knew those results. I think Senator Muskie and I would bet Don Nicoll probably knew those results, too, but they were not shared generally with the staff.

So Ken was running far behind all the time, was running behind even as the end of the election year, but he just threw himself heart and soul into that campaign and I think that by the sheer energy of his personal campaign made a big difference. Of course he benefited greatly, and he would be the first to acknowledge this, from having Senator Muskie at the top of the ticket. It was a very strong ticket with Senator Muskie at the top, you had Congressman Hathaway running for reelection, Congressman Kyros running for reelection, so the Democrats had a very strong ticket and the only really tough race was Ken's. So he was fortunate to be surrounded by such strong candidates, I don't question it was a big plus for him. But in the end I think he won by about five hundred votes, after a recount that was almost completed, I think the attorney general conceded before it was completed. But I think he, the final official tally was something around five, a little over five hundred votes.

AL: That's close.

KL: That's very close.

AL: Even in a small state like Maine, that's close.

KL: That's very close, for sure.

AL: Where's the logical next step, in terms of where did you go after your time with Ken Curtis?

KL: Well, as it turned out, I don't know if it was so logical, although it felt kind of, as you put it, logical to me, because I, after Ken was reelected, and I should mention that I'd really been serving as his legislative assistant and legal counsel. And for the period of his campaign for reelection he asked me to take over his speech writing and press secretary responsibilities. Neil Rolde, who among his many gifts was a wonderful writer, had been doing that work for Ken but Neil was running for I believe the house at that time, so he was busy with his own campaign so Ken asked me to take on that work, which I very much enjoyed. And then after he was reelected, he asked me to become his administrative assistant because Alan Pease, who had been his administrative assistant, wanted to go back to teaching at the University of Maine here in Portland, at least he felt he had a commitment to do that for a year, and so I agreed that I would be Ken's administrative assistant and I did that. But I was ready to move on, I had now been with Ken for, it would have been three years, and that was the period when Senator Muskie was very much involved with his campaign for the presidency and I had an enormous regard for Senator Muskie and was also, it would be frank to say, just drawn to the excitement of working in a presidential campaign. I enjoy politics very much and I thought, well, there's a Maine connection here to be sure, and I have enormous respect for Senator Muskie, and Washington would be a great place to be. So it all seemed perfect, and so I was fortunate enough to be hired as a legislative aide in Senator Muskie's Senate office.

AL: Now who actually hired you? Did you interview with one of the staff, or Senator Muskie himself?

KL: No, I did not interview with Senator Muskie himself. I interviewed with a fellow named

John McEvoy, who had fairly recently become Senator Muskie's administrative assistant. And I'd also, I knew George Mitchell very well because of my time in Maine, and I believe that George had a significant role in those kinds of hiring decisions as well. And in fact, I remember some very limited sort of negotiations with George over my salary because I had to be able to live in Washington and of course they were all very concerned about the money available for campaign staff, which I was not on the campaign staff, it was Senate staff. So I remember sort of a brief I think on the corner on a street in Washington a conversation with George about some salary. So he was part of the hiring process, but I didn't interview with George because we already knew each other. But since I was going to be working closely with John McEvoy and I had not met him before, I had to interview with John. And I don't remember anybody else that I actually interviewed with. I think John was the crucial one. Well may-, there were already some other legislative assistants there; I may have spoken with them as well. But I think it was John who actually offered me the position.

AL: And so of course you knew who Senator Muskie was prior to this. Do you have a recollection of when you first met Senator Muskie?

KL: Well I certainly have a recollection of when I first saw Senator Muskie. I don't know that I can recall the first time that I actually met him. But I do recall vividly a, I think it was probably a Jefferson-Jackson Day dinner here in Portland, this would have been in the fall of 1968, he was running for vice president. And he did come to Maine for an appearance. Obviously he was spending most of his time in other parts of the country, but I remember the occasion was at the exposition building here in Portland, the old Portland Expo, and the place went berserk when Senator Muskie walked in. I mean, he obviously was a great hero, and people in Maine had not seen much of him because he was so busy campaigning around the country. And I just remember the excitement of the crowd was infectious.

And I think that was the first time that I heard Senator Muskie speak in person, and he was fabulous, I mean he was a wonderful speaker. And he was speaking to a friendly, sympathetic crowd, and he gave a real stem winder of a speech and I remember that very well. It may not, this is not a very important detail, it may not have been a Jefferson-Jackson Day dinner because I'm not sure he would have been campaigning in Maine at that late a stage of his campaign. But in any event, it was sometime between September and November because I didn't get here until I think mid or late September, so it was sometime that fall. But that was the first time that I really *saw* him in person, and it was a memorable occasion, he was very, very impressive.

AL: Jumping ahead again to when you first became a member of Senator Muskie's legislative staff working with John McEvoy: what were some of the things you worked closely with him on?

KL: I had varied responsibilities. The, I did, I clearly had legislative aide responsibilities. I was responsible for covering legislative matters in the Senate. Senator Muskie was not around very much to be participating in those things, as you can imagine, but he was trying to maintain some senatorial duties so I was involved in those.

I did a lot of writing, I worked on statements, speeches for the senator about various issues of the

day, I was, had particular liaison responsibilities with a variety of task forces that had been set up to advise Senator Muskie on matters such as pension reform and welfare reform, primarily domestic type matters. I remember that Maynard Toll, who sat right across the room from me, Maynard was involved with foreign policy issues and I was much more on the domestic side working with Dan Lewis, who was the chief legislative assistant; I did a lot of work with Dan. And I just did a lot of writing, statements for the senator's speeches, covering a tremendous variety of issues. One of the particular innovations of John McEvoy which comes to mind was the, we had several wire service machines that were brought into the office so that we could be on top of fast-breaking news, and John decided it would be a good idea to have me and a gentleman named Joe Albright, who at the time was married to Madeleine Albright, that we should come in around six o'clock every morning and take a look at the wire service copy that had come in over the night and decide what were some of the issues that Senator Muskie should be commenting on that day. And so we were required to each take an issue and write a proposed statement for Senator Muskie, which could then be faxed, if they had faxes in those days. They had some way of communicating with the plane. And we were supposed to write this copy, and we did that both knowing that Senator Muskie would never use anything that we sent to him because he, Senator Muskie liked to fully understand everything and he would be reluctant to just accept something that a couple of young fellows in the office in Washington had composed that morning. It was supposed to get to him by about 8:30 or 9:00 so we always were preparing these under some time pressure.

So, I remember Joe and I both said to ourselves that we don't think this is going to work, and I don't think in the two or three weeks that we did that, that Senator Muskie ever used a single thing that we prepared. And I remember that it was an experiment that was abandoned after a few weeks. But we had a good time doing it, and it was kind of exciting to try to put together some good copy under those kinds of time pressures. We certainly knew what was going on in the world because we were supposed to know what was going on in the world. But that experiment was abandoned after a while. I think John McEvoy would agree that probably wasn't one of his better ideas, but it was a good try, but I don't think it really worked. But I, as you might expect if you were involved in preparing statements, speeches on domestic issues, you do a lot of different stuff. I think it would be more accurate to say I don't think I actually wrote speeches directly for the senator, I would be preparing material that could then be used by the speechwriters that the senator had. He had particular speechwriters, but I was preparing stuff to be used, hopefully used, by the speechwriters.

AL: Your time on Ken Curtis' staff, compared with what it was like on Senator Muskie's staff. I know we're talking state and federal, but what were some of the differences in the way the offices were run?

KL: Well they were very different experiences for me because Ken Curtis had a very small office, there were really probably about six or seven of us who had important sort of programmatic policy-making responsibilities. And in carrying out those responsibilities we worked, and I worked, very directly with Ken. I was with him all the time, meeting with him at the Blaine House, with him in the governor's office. I was fortunate enough to be one of his principal advisors and so developed a great close personal working relationship with him.

I would not pretend that I had anything like that relationship with Senator Muskie. Senator Muskie had a very, had a lot of people working with him, both in the Senate office and in the campaign office, and I did not work directly with Senator Muskie. Most of my work would go to somebody like Dan Lewis who did work directly with the senator, or to John McEvoy. They would take whatever I had worked on and then consult with the senator about it. So I did not have that kind of immediate working relationship with Senator Muskie, nor did I expect that I would. So that was certainly very different.

And also I did not have the level of responsibility that I had had in Maine. I was given a great deal of responsibility by the governor and loved that, and was in a much more subordinate position when I worked in Washington for Senator Muskie. But I had known that would be the case, and I did not mind or resent that. I knew what position I would have and I felt fortunate to have that position and loved that experience. Not the outcome of what happened in that election year, but I had a wonderful time. It was also quite exciting as you can imagine and, at least until the campaign started to falter, you know, we thought we were going to be working for the president of the United States and that was a very heady prospect. It was something that I'd be frank to say I was very drawn to along with a lot of other people. But regrettably, it was not to be.

AL: Did your position end then when the campaign was over, or did you continue to stay on?

KL: Essentially, no, I was really with Senator Muskie for, oh, about a year, just a little less than a year actually. Yes, the campaign did end, and I really, I did not want to continue to be a staff person for someone. That had been a wonderful experience and it was right for that time in my life, but I really felt that I needed to start to do some things for myself. And more specifically I had really not practiced law. I had gotten out of law school and I had this job out of law school for a year at the Justice Department which was fine, that was a real lawyer's job. But then I had been in government now for about four years and so I felt that if I was serious about practicing law I thought I should probably try that, that it was time to do that. And so, I did not want to continue to work on Senator Muskie's staff. I think I would have had that option, but I decided it was time to move on to something else.

AL: Now I know that Peter Kyros, Jr. was working on Senator Muskie's campaign at that time. Did you, even though he was on the campaign and you were legislative, did you have some contact or get to know him at all?

KL: Not too well. I had met Peter from being in Maine, and I saw him a bit during the campaign. But he was very much on the campaign side of it, and so I really did not see Peter very much. I think he was probably on the plane with the senator. I think he may have been out campaigning with the senator a lot. So I really did not see him very much.

AL: So at that point you left Senator Muskie's staff, and did you come back to Maine to practice law?

KL: I did. I had to make a decision at that point, through some people, actually one particular individual that I had met while working for Senator Muskie, I was told that I could join a law

firm in Washington, which had some attractions. But I have to say my heart really was back in Maine and Ken Curtis and I had talked about the possibility of starting a law firm when he left office. He, having been reelected in 1970, starting a new term in '71, he was going to be leaving office in January of '75, so we talked about starting a law firm when he left office. So I decided to go back to Maine and start to practice law, and I just opened an office by myself. I took a little time off to, I took some time off to, I wrote a book about Ken Curtis and my experiences with him, and so I took that time after leaving Senator Muskie to do that, and then I had to take the Bar exam, but, and I did that. So I was back in Maine, and I think it was probably the fall of 1973 I started to practice law, and then I did that through the balance of '73 and 1974. Then when Ken left office in January of '75 he and I, and a couple of other folks, started a law firm in Portland. So we were back together again.

AL: Let me stop right there and change the tape.

*End of Side A
Side B*

AL: We are now on Side B of the interview with Judge Kermit Lipez. So you then went into a law practice with Ken Curtis and some others. That was in 1975?

KL: It was.

AL: And at some point you were approached to be appointed to the bench. When was that?

KL: Well, I wish I could say that I was approached to become a member of the bench. The truth is that I thought I would like to be a member of the bench and so I expressed an interest in a position, and that was actually in, well I went on the bench, on the Superior Court in 1985. It was, I think it was June of 1985. And some time, something like, well prior to that, probably some time in 1984, a judge named Sumner Gaughin had announced he was going to retire and noticing that I realized that that might be something that I would like to do, and so I let then-Governor Brennan know that I would be interested in a judgeship if he were to look favorably upon that idea, and eventually Governor Brennan nominated me for the Superior Court. So I cannot say that I was drafted by popular demand for the position. It was something that I had indicated I would like to do and was able to get enough support to eventually be nominated.

AL: And on the Superior Court, I guess I know, I'm trying to ask this the right way, I don't want to ask about, you know, the cases, but what was it like going onto the court, can you speak in those terms?

KL: It was, I loved it from the moment that I started. The Superior Court is the, what's formally called the Court of General Jurisdiction, which is just a fancy way of saying that you hear every kind of case imaginable: civil cases, criminal cases. Civil cases can involve disputes of small significance except to the parties, I mean not a great deal of money or property involved, to law suits involving huge sums of money, and some of them involving terrible personal injuries. And on the criminal side you can hear cases that are misdemeanors all the way to murder cases. So there's a tremendous variety, and I loved working with the lawyers and with

the juries, and it was a very, it was a very public type of work and I loved, frankly, being back in the public sector. I had loved my years working with Gov. Curtis and Senator Muskie, and although I enjoyed my years in private practice I found my associations very satisfying and enjoyed the experience of building a law firm, I think my heart was always back in the public sector. And so being a judge allowed me to combine my interest in the law, which was very strong, with doing public service work which was very important to me, so it was an ideal combination. So I was very happy to be back in the public sector, and loved going to work every day because everyday was a little different, there was always something new, something unexpected, there was nothing routine about it. And I really felt very fortunate to be doing that kind of work, and still do feel fortunate to be doing that kind of work; it's great work.

I actually, I have some, either now or later, I do have some specific memories of Senator Muskie which I could share at some time.

AL: Now is great.

KL: Okay. I was just, although I was there, as I said, a little less than a year, there are several incidents that I recall which may be of some interest. One, I thought was rather poignant, actually, was when Senator Muskie, and I would place this I think probably in I would say January of 1972 when he was really about to embark on a very intensive national campaign. I remember he brought us all into his Senate office, his personal office, (by all I mean everybody who was working on his Senate staff and people, he had committee staff as well), so he brought us all together. I think in part, I know John McEvoy thought this meeting was important because we all, although we all accepted the fact that we could not work directly with Senator Muskie, I think we all missed the fact that we did not see more of, did not have much personal interaction with him. And John knew that that was a frustration. So he thought it was important for morale I think that the senator meet with staff personally. So we had this meeting and it was very revealing. Because I remember Senator Muskie saying to all of us that he had no doubt at all about his ability to handle the presidency and it was something that he would, without minimizing the responsibilities that he would like to do and thought he could do well, but he had to admit he did not look forward to the campaign ahead with the demands of daily campaigning. That was something that he did not particularly enjoy, and he was telling us that because he said, look, if I seem short with you at times, if I seem unappreciative at times, it's, I'm not trying to be unkind, I'm not minimizing the importance of what you do. It's just that sometimes I'm not as considerate as I should be because this is not something that I really enjoy doing all that much.

And it was, I thought it was a very revealing comment, that he would acknowledge and share with us a certain foreboding about the demands of the campaign itself. So, getting there was not something that he, the process of getting there was not something he looked forward to. Getting there I think was something that he was very eager to do. And I thought that was a very revealing moment. And we, I know we all appreciated his candor.

I also remember a time when for some reason, this was some months later and I think this was after the senator was back in the office a lot more because he had I think withdrawn from active campaign because the campaign had not gone well. And the one thing you never wanted to have

to do in Senator Muskie's office was drive him to the airport, because Senator Muskie was, I had been told, a notorious back seat driver, always insisted that he knew the best way to get wherever you were taking him. And taking him to an airport was a particularly grueling experience because he was always afraid he was going to miss the plane. And so for some reason, they couldn't find anybody else to drive him to the airport. I was there, and John McEvoy asked me to drive the senator to the airport. And I didn't know Washington that well. I knew how to get to National Airport by a particular route, and I remember as luck would have it the one route that I knew, the streets were blocked off, there was road construction or something. So we had to go a different way and I do recall Senator Muskie's famous irascibility came to the fore because I didn't know where I was going, and we were running late, and it looked like he was going to miss his plane and he was not happy. And I just, I have never been so nervous in my life, driving the car, and I had this old stick shift Pinto which was hardly a car worthy of Senator Muskie and, (although he never groused about that). But I do remember that that was an anxious trip for me to the airport, and we did just get there in time. But I do remember at the end, I'll always remember this, he was actually quite gracious at the end. Once we got there and he knew he was going to make the plane, he thanked me for taking him there. And I, that was my, perhaps my most extended personal visit with Senator Muskie, but probably not the ideal circumstances.

And the other vivid memory that I have, this is also when Senator Muskie was back off the campaign trail, and in fact not only was he off the campaign trail but this was after the convention when Senator McGovern had been nominated. And I was still working for the senator and I was now spending a lot of time on the Senate floor as a legislative aide. And I remember I was sitting with Senator Muskie on the couch at the back of the Senate chambers and Senator McGovern, who was also on the floor, came over and sat down next to Senator Muskie, and this was not long after Senator Eagleton had to withdraw because of the revelations about the psychiatric treatment he had received. And Senator McGovern was without a vice presidential candidate, and there had been some speculation that he might ask Senator Muskie to be his vice presidential candidate because the senator had performed so brilliantly in that role in 1968 and the feeling was that Senator Muskie would bring a lot to the ticket and perhaps help make up for some of the deficiencies that were seen in the McGovern campaign, and in Senator McGovern at that time.

So Senator McGovern came over and sat down next to Senator Muskie, and I wasn't trying to eavesdrop, I had just been sitting there talking to Senator Muskie about some piece of legislation that was on the floor, and I heard Senator McGovern sort of introduce to Senator Muskie the possibility of his joining him on the ticket. He did not offer it to him, but he just, I remember Senator McGovern acknowledged the problems that he was having, and I don't pretend to remember the exact words now, but there was... The thrust of the conversation was, would you think you might have any interest in serving as my, serving with me as the vice presidential candidate. And Senator Muskie took it in, was noncommittal; certainly did not reject it out of hand. And I remember Senator McGovern left and Senator Muskie and I finished our conversation about whatever the legislative business was, and I remember sort of walking back to the Senate office having this ethical dilemma. I mean, I had just heard what was clearly a very significant conversation, and was I to treat that as sort of confidential so that I couldn't tell anybody back in the office about it, or should I just wait for the senator to share it with

whomever he wanted to share it. And I, whether I resolved it properly or improperly I don't know, but I really could not keep that to myself.

AL: Had to tell somebody.

KL: I had to tell somebody. And I assumed, and I can't, I think I either told Dan Lewis about it or John McEvoy. I'm sure I would have, I wanted to tell John about it, I suspect I told Dan about it, but I do remember, the reaction in the office from whomever I told about this was not very positive. I do remember this, in the sense that that would not be a good idea. Then of course it soon became known in the office that that, not from me, I'm sure the senator must have shared it with, obviously with John and I'm sure other people as well.

And there was then, it became public as I recall, that Senator McGovern had approached Senator Muskie about doing that, and then there was a period of some days, not a lot of days because Senator McGovern needed to resolve the matter promptly. But there was a period of some days where there was a lot of speculation about whether Senator Muskie would or would not do it, and he obviously consulted with people who were very close to him and important to him, and obviously ultimately decided not to do it which was clearly the right decision. But I did feel at the time like I was, not purposely, but I was eavesdropping on a little bit of history and I do have a, I do have a very vivid memory of that conversation.

AL: So you went from the Superior Court, then on the Maine Supreme Judicial Court, and now you're on the U.S. Federal First District Court of Appeals?

KL: Right, that's -

AL: I say that carefully because there's so many different levels or ways to be on the court. What is the biggest difference going from the state level to the federal?

KL: Well, the biggest difference is that there's just a vast new body of law that I have to deal with. Certainly as a state Supreme Court judge there were some federal law issues that we'd deal with, but most of the law that I dealt with was of course state law, or common, common law or state statutory law on the United States Court of Appeals. Although we have some diversity cases that involve state law issues, most of what I do involves federal law. That's an enormous body of law, so I have, I must say, working very hard over the last three years trying to develop some mastery of this vast body of law, and it's quite fascinating. But there's a lot of it out there.

AL: Yes, there is a lot of it. Do you, I mean you sort of train on the job, in effect, right?

KL: That's correct, there is no question about that.

AL: You're always learning and always referring to the federal law when something comes before you.

KL: Yes, the, most of the cases that I deal with involve federal statutes. The exception to that is the occasional diversity case where, because of our legal principles we use state law as the

basis for making the decisions, so some of that's familiar to me. But those cases are really the exception, so, I spend most of my time working with federal statutes of one kind or another. And not only is there a lot of federal law out there, but a lot of it is very complicated so it's, and there's a lot of law, a lot of *cases* that have been decided over the years in relation to those statutes. So there's a lot of law to account for, so there's a lot to learn. But I enjoy that process.

AL: Is there anything that I haven't asked that really leaves out something significant that you felt you'd like to talk about today? Or any recollections you have?

KL: I am trying to think about other recollections of, particularly of Senator Muskie that stand out. The only other one that comes to mind, and this, too, was in the, through the early stages of his campaign, I remember that I was invited to, along with some other staff members, to hear Senator Muskie make the very important speech to the National Press Club. That's an important forum in Washington, and this was again very early in his campaign. He was the acknowledged frontrunner at that point, and I remember that it was a really brilliant performance. He gave a set speech and then he took questions, and he was wonderful.

He was very eloquent, he was very clear, and you could tell that that rather difficult audience, the press corps there, were, you could tell they were very impressed with him. They knew that they were dealing with a man of great consequence who certainly had the stuff that was needed to be the president.

And I just remember we all felt so proud that we were associated with this Senator Muskie and with that campaign. And I'm sure you've heard from many people, as brilliant a speaker as Senator Muskie was, he wasn't always on sometimes. His one large flaw I guess as a speaker was sometimes he went on too long. But not that day. He, perhaps because of the format, it was, there were time limits, he was really masterful. And it's, when you think about those kind of occasions you can't help but feel sad that the campaign ended the way that it did. I think that, I truly believe that Senator Muskie would have been a fine president, and I do think that that conversation he had with the staff folks back in the Senate office as he was about to embark on the campaign was actually quite revealing and in some ways rather prophetic because he was telling us that he did not relish the campaign. And I think some of that came through on the campaign trail. I think that maybe the enormous demands of that were perhaps even more than he had bargained for, despite having been through it in 1968. I think there's a, there's a difference between being the vice presidential candidate and the presidential candidate. And I think he, maybe because he just didn't like it all that much, that he had some of the problems that he did on the campaign trail. But he was a very, very gifted man, and I just, I do remember that speech at the National Press Club. It was really a remarkable performance and I think was indicative of just what a brilliant man he was and what an inspirational figure he could be. So I, for a lot of reasons, I wish the outcome of 1972 could have been very different. I think he would have been a fine president.

AL: I have sort of a tough question for you in terms of recollections during that campaign. Was there a, was there a certain day when you all knew this campaign was over. I mean, was there a day when he came and said it was over, or was there the event in New Hampshire when you said, or was it later? Do you have a sense of how that played out?

KL: That is a hard question, but I do recall, I mentioned the teletype machines that we had in the office that Joe Albright and I used to write these daily statements. I do recall one of those mornings seeing on the teletype machine the story about events in Manchester the night before where Senator Muskie had been on the flatbed truck outside the *Manchester Union Leader* denouncing William Loeb for his unfair attacks on Mrs. Muskie. And the story describes Senator Muskie as having wept or broken into tears, there was some description like that. And I do remember, perhaps I was talking to Joe, perhaps there were some others, that we, we had a sense that this was not good, that just because of the way the story was immediately being played that this could be trouble.

And we already knew that Senator McGovern was making some real inroads in Senator Muskie's support, and we all knew very large expectations for Senator Muskie in New Hampshire because he was practically a native son, being from the state next door. And we, I cannot say that we knew that was the moment when it was all over, we certainly didn't have that sense. But we knew there was trouble here and we thought that this could be trouble in New Hampshire. And of course that turned out to be true. And really, though Senator Muskie won New Hampshire, he did not meet the expectations for winning in New Hampshire and because of that, and because he had been the acclaimed frontrunner for so long, that he really never recovered his footing after that.

And so it, it actually, I think what was almost breathtaking was how quickly he went from the status of frontrunner, acclaimed as the likely nominee, to a candidate whose campaign was essentially, is essentially over. That happened very, very quickly. And that was, it was very hard. And, as I'm sure you know, he did not, he withdrew from campaigning, he did not withdraw from the campaign itself. And I know there was a lot of debate within the campaign about that. I was not privy to any of that, but perhaps, I'm sure you've spoken to folks who were, and I think there were a lot of people who felt that he should have withdrawn before the nominating convention, that he should not have placed his name in nomination. But I know he felt very strongly about that. And I actually got very involved in the preparation for the convention.

I was, I did a lot of work with the Rules Committee and the Credentials Committee, and so I, for me personally I was very happy that Senator Muskie decided to stay in because I had that experience. I did go to the convention in Miami; I had a role there. And I suppose there may have been some sense that, you know, one never knows what's going to happen, that the McGovern campaign might flounder at the end or something might happen. And so Senator Muskie would be there to step into the void if one was created. But that was not a happy time. I know it was very difficult for the senator.

I actually saw more of him during that period of time because once he withdrew from campaigning he was back in Washington and he was spending a lot more time on the Senate floor, so I was, I spent a lot of time on the Senate floor to cover legislation, advising him about legislation. And I could tell that it was not a happy time for him, I think that was very hard. And I suppose, although this is not the way I wanted it to be, it wasn't, that was the one time that I really did actually work very personally with Senator Muskie. I mean, I would, as I was describing that episode with Senator McGovern, I mean, I was on the floor a lot and it was my

job to, when the senator would come onto the floor to tell him sort of what was happening legislatively and to try to give him some advice.

Giving Senator Muskie advice was not the easiest thing in the world because I never seemed to have answers for all the questions that he asked. He had this very agile, probing mind and I always felt that I hadn't quite been up to the job in the sense I just didn't have *all* the answers that he clearly wanted. But I, it was just very challenging to try to meet his standards.

AL: I don't think you were alone in that.

KL: I think that's fair, I think that's fair. And I guess, well, I can't think of any other particular moment. I guess the only other thing that I would add is that in later years, although I didn't see Senator Muskie very much, I did see him a few times in his capacity as chairman of this commission on the Legal Needs for the Poor, which was a, it's just a tribute to him, and so characteristic of him that he would want to do that kind of work. And what I admire so much is that he really threw himself into that work. He was not about to be a figurehead, sort of an honorary chair. If he was going to do that, he was going to really work at it, and he did, and I think that's very much to his credit.

This may be one of the last things I would say is that I was really thrilled when I was sworn in for this Court of Appeals job that I had asked Mrs. Muskie if she would please come to the swearing in, and she did and it was just wonderful to see her again. And when I was going through that whole process for the nomination and confirmation, I made contacts with a lot of people that I'd known very well from the time that I worked with Senator Muskie and they were very helpful to me, and that was, it was very nice to be able to renew those acquaintances. But it's sort of an example of that sort of continuity that a place like Maine offers. You make these friends over the years and somehow they're still there when you may need them, or, and that was very nice. In fact Anita who's very involved in this project was a, I sort of reconnected with Anita during that time which was wonderful, and she was very helpful to me.

AL: Thank you so much for your time.

KL: My pleasure.

(Taping stopped)

(Interview resumed)

AL: This is an additional couple of questions on the subject of Frank Coffin. Could you tell me what your experiences and relationship has been with him over the years?

KL: Well my closest association with Judge Coffin has really come in, well recent years, since I've, since I became a judge. And I now have the singular pleasure of serving in the very seat that he held. He refers to me as his grandson because, I guess that makes Judge Cyr his son, and I'm his grandson because I'm sort of one judge removed from Judge Coffin. But the, just the pleasure of now being able to work so closely with him is just, is truly a singular pleasure. He is clearly one of the giants of our legal profession nationally, and yet he is just as accessible and

down-to-earth as anyone could be. He's just a delight to work with.

And for me, when I'm with Judge Coffin and we start to talk about Maine political history which I still retain a lot of interest in, I mean I feel I'm at the source because in many ways, as you well know, in conjunction with Senator Muskie, he created a lot of our modern political history. I mean, there's no question that he and Senator Muskie created the modern Democratic Party. And for me, having come to Maine in 1968 and having heard second hand a lot about those early years, when I can actually talk to Judge Coffin about that and hear from him directly, I just find it fascinating. And I guess the only way in which I would compare myself with Judge Coffin is that I think we both retain a great love of politics and so we're, we are constrained in our public roles from being political and talking about it, but when we're together privately there are no such constraints, and we both enjoy talking about politics a lot. And I'm often asking him questions about the Maine political history that he helped to create and write, so I, it's always just a treat for me to be with him. And, I mean he's just, as you've heard from many others and I will simply confirm, he is just a remarkable, remarkable person because he is so brilliant, and yet he is so down-to-earth and has a wonderful common touch, and he's just a joy to be with.

And I'm pleased that recently he got a little local publicity because he got this very prestigious award called the Devon Award for law and distinguished service to the federal judiciary. And I think as often happens, there are a lot of folks in Maine who simply do not realize what a treasure Judge Coffin is. Nationally in traditional legal circles people know that, but in Maine I think, because he's been out of the limelight in recent years, I think that is insufficiently appreciated. So I was glad to see that there was some more recent recognition of what a remarkable figure he is. And, I mean I have no doubt that he, I would bet Senator Muskie would acknowledge this, that even with all of Senator Muskie's great successes, without Frank Coffin there at the beginning I suspect a lot of that would not have happened.

So he's, he is absolutely one of the giants in Maine political, legal, and judicial history and he is a treasure. And like a lot of people I cannot wait to read his memoirs because he was there at the beginning of so much that's important about a lot of modern Maine political history. So I look forward to reading that.

AL: Thank you very much.

End of Interview