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Interview with Charlene Sturbitts by Don Nicoll

Summary Sheet and Transcript

Interviewee

Sturbitts, Charlene

Interviewer

Nicoll, Don

Date

January 31, 2003

Place

Washington, DC

ID Number

MOH 393

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Biographical Note

Charlene Sturbitts was born in Chicago, Illinois on June 16, 1950 and grew up in Washington, D.C. Her father was employed on the overt side of the CIA. She attended private schools, and Sweet Briar College. She worked on a volunteer basis for the Muskie presidential primary campaign. After graduating from college she spent a summer as an intern on the Subcommittee on Air and Water Pollution and was then hired in the fall by Leon Billings as a researcher for the subcommittee. She attended law school at night at Catholic University while continuing her work preparing drafts for what would become the 1977 Clean Air Amendment, graduating in late 1978. When Senator Muskie left the Senate to become Secretary of State, Charlene was asked by George Mitchell to join his staff working on environmental issues.

Scope and Content Note

Interview includes discussions of: Clean Air Amendment; Superfund; name changes of the Environmental Subcommittee and the Public Works Committee; and the different legislative styles of Edmund S. Muskie and George J. Mitchell.

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Transcript

Don Nicoll: It is Friday afternoon, the 31st of January 2003. We are at the offices of Billings and Sturbitts in the Muskie Foundation. Don Nicoll is interviewing Charlene Sturbitts. Charlene, you had worked for Senator Muskie and his air and water pollution subcommittee, or what was it called in the beginning?

Charlene Sturbitts: The name originally was the Subcommittee on Air and Water Pollution, and it changed in the mid-seventies to the Subcommittee on Environmental Pollution because we got a lot more jurisdiction, so it was not just air and water; it was hazardous waste, toxic substances. So that's why it became Environmental. And it's no longer that, but -

DN: What is it called today?

CS: Actually, it's not one subcommittee now. There are three environmental subcommittees within the Environment and Public Works committee. One is called something like Clean Air and Wetlands, one is called Fish and Wildlife, and the third has something to do, oh, there's the Hazardous Waste subcommittee, and then there is, I believe, a fourth one that relates to water issues, both water pollution and drinking water.

DN: And what has happened to the jurisdiction of the Interior committee, or what used to be the Interior committee?

CS: They still, they lost jurisdiction over NEPA, which they originally had, that's now in the Environment committee. They still have jurisdiction over a lot of the water programs that are, water supply programs that are in the Interior Department. And they have jurisdiction over some of the national areas, like national parks and refuges. But they don't have any jurisdiction over environmental regulatory programs.

DN: I'm interested that particularly the wetlands moved out of Interior jurisdiction into the

Environment and Public Works.

CS: Yeah, and it's been there for a while. There was a reorganization of Senate committees in the mid-seventies, where they tried to consolidate jurisdictions logically, and that's when the Environment committee got a lot more programs under its jurisdiction.

DN: So you went through that period. And then the major transition for you came in 1980 when Senator Muskie left and Senator [George John Jr.] Mitchell came. Was there a hiatus there?

CS: No, not really. Senator Muskie left in May, I believe, to become secretary of state. And a new subcommittee chairman was named, it was Senator [Maurice Robert "Mike"] Mike Gravel of Alaska, who was running for reelection that year and actually got defeated. But in any event, so I worked for, nominally, for Senator Gravel for probably maybe three weeks. All of the Muskie subcommittee staff had been told that we could stay on the committee payroll at least until December, because otherwise, since he was no longer the chairman, we would have been gone. And I really hadn't thought at all about what I was going to do next because it was such a shock that Muskie left so suddenly.

And so one day Jim Case, who was Senator Mitchell's AA at the time, called me and asked me if I would come and talk to him, and I didn't even know what it was about, come talk to Senator Mitchell who, I don't even know if I had met him as a senator. I'm sure that I had met him over the years, but didn't really know him. In any event, I went to talk to him and he asked me if I would come work for him and do his work on the environment committee, because he planned to stay on that committee. He was given Muskie's seat but not Muskie's seniority on the committee. So I thought about it and decided to do it, and so I went to work for him in the middle of June. I left the Environment committee staff on a Friday and started with Mitchell on a Monday. So I basically had very little transition.

DN: And in the end, did it mean that your responsibilities were very similar, or did they shift focus because of his role on the committee and because of your working out of his office?

CS: Actually, the responsibilities were very different. There were many more, because when I was on the committee staff I had responsibility for certain laws, issue areas. I did clean air issues, I did energy issues, toxic substances I did. But in any event, the issue areas on the committee staff were divided up among several people, whereas when I went to Senator Mitchell's staff, I was in his personal office and on his personal staff and I was responsible for all of the subjects that the Environment and Public Works committee did. And not just environment, but highways, surface transportation, you name it. So it was really overwhelming. I never realized how different it was if you were in a personal office as opposed to a committee office, and most people on the Hill, if they do both, they start in a personal office and aspire to a committee office, because you get to really go into issues in more depth because you have more time to deal with them, you have fewer responsibilities. But I did it the other way.

But I was glad I did it, I mean, it was a great experience, it really was. And I, early on got, not that I had to get Senator Mitchell involved in environmental issues, but I think I did make them

interesting to him and he really made it one of his focuses. And so it was a great experience to have so much interaction with him. I had a lot more interaction with him than I did with Senator Muskie, because the Environment committee was his principal committee and we were always doing something on that committee, and always had issues that Mitchell wanted to be involved in. And so it was really gratifying, if exhausting.

DN: Did you cover all of the natural resource areas for him?

CS: I did not cover energy issues, but I did cover all of the natural resource issues that were in the Environment committee. And then eventually it just, it was too much, and so we did have fellows, congressional fellows, who would do some of the issues that were less important, and so that helped a lot. And then as he got a little bit more senior on the committee, we persuaded the Environment committee to have one of their staffers help us out. So we worked it that way, even though we didn't really get an allowance from the committee to pay someone. Instead, they lent us some manpower.

DN: Now, could you describe the sorts of things that you did for Senator Mitchell in connection with the Environment subcommittee?

CS: Well, probably the most important thing I did was introduce him to the subject of acid rain. In the very first week that he was in the Senate, I had been working on a major amendment to, I think it was to an energy bill, and it related to acid rain. He was doing it with Senator [Robert] Stafford. And then Muskie was gone, so we had Mitchell step in to be the co-sponsor of the amendment with Stafford, and that was the beginning of it. And so I really made it sort of a proactive initiative. The Democrats were in control of the Senate then, but only until the election of November 1980, but because the Environment committee had always been a bipartisan committee, he still was able to, after the election when the Republicans took over the Senate, he was still able to really stay in the role of initiating ideas and working with Senator Stafford to do that. And so, as I said, I think that was the most important thing I did for him. But there were a lot of other things that we did that involved, basically, hearings.

This was in the era where there were a lot of controversies at EPA relating to Ann Gorsuch, who was the administrator, and also her hazardous waste program which had been politicized. And so the Environment committee started an investigation of that, and so we responded by really aggressive questioning. And that lasted, that probably lasted close to a year, so some of that was responding to what was going on in the committee. There were always bills that were being marked up, and so whatever the subject was, I would always brief him on whatever the bill was, all of the amendments, and make recommendations as to what he should do on the amendments and on the bill. And he frequently offered amendments. So it ran the gamut from being the initiator to basically dealing with the business that was coming before the committee that others had initiated.

DN: Now, you were a lawyer by then.

CS: Right.

DN: And you were doing a fair amount of drafting, I take it.

CS: I wasn't, I had done a lot more drafting over at the Environment committee before I was a lawyer. I did do some in Senator Mitchell's office, but the committee staff really was doing the major drafting of the bills that were coming out of the committee at that point.

DN: What was it like briefing him in comparison with briefing Senator Muskie?

CS: Well, it really was different because, first of all, you know, he didn't have the background in environmental legislation that Senator Muskie had, and so he was really starting at the beginning. So he was a lot more inquisitive in the sense that he wanted to know a lot of basic information that Senator Muskie had known for years, so you started at sort of a different point. And the other thing is that Senator Muskie had been involved in writing the very first versions of all of these environmental laws, where Senator Mitchell came in at a point where the, for example, the Clean Air Act, was extraordinarily complex compared to what the Clean Air Act had been when Muskie started. And so Muskie built on his knowledge over decades, whereas Senator Mitchell had to dive in to these laws that just had gotten arcane. So it was, I think the briefings were so different because he had a lot of catch up to do in order to be able to dive into the legislative process. And he really wanted to understand everything before he took it on.

DN: And so you got through the acid rain legislation. How did the amendment do?

CS: You know, I left before it, it was not enacted into law until 1990. I left in 1985. It had passed the Environment committee twice in two different Congresses, but never gone any further. So it actually wasn't until George [Herbert Walker] Bush was president that the two sides, mainly the electric utility industry, and the proponents of the amendment got together and really started making concessions. And so I missed all of that, because I left in 1985.

DN: Is there a, was the problem in the White House, or in the House or in the Senate?

CS: The problem was really, well it was in the White House as a result of the affected interests, primarily the electric utility industry that just opposed it vehemently. And the mine workers were also opposed to it because they believed that it was going to create job losses. So that meant that Senator [Robert] Byrd was also vehemently opposed to it, and at the time he was minority leader, so that didn't help either. But that created a problem in the Senate, but the problem really was the industry.

DN: The industry and the employees in the industry.

CS: Yeah.

DN: How did Senator Mitchell deal with the opposition, and particularly as the opposition was expressed through senators like Senator Byrd?

CS: He always dealt with opposition by responding to their arguments with substance, he, that was his approach. And he just always wanted to have good substantive arguments, and he

always used them very well.

DN: Did he ask you to bring in the substantive arguments?

CS: Yes, yes.

DN: And how did he test you on your arguments, or did he test you on your arguments when you presented them to him?

CS: Well he always, basically I learned really early on that he wanted to know what the sources of the information were. And he never really tested the arguments other than to want to be sure that in fact there were good, credible sources for the information. He, he used, he always, or quite frequently, he used other people's information, scientific information, analyses done by reputable outfits, as opposed to just creating his own argument.

DN: After acid rain, what were the major issues to confront you?

CS: Superfund, hazardous waste, was the other big one that we dealt with, although he was not quite as involved in those issues as he was in Clean Air. He got involved in the Superfund issues in the sense that there, it was obvious that the Reagan administration was politicizing the program and sending money to states of members that were Republican and not vice versa, and also that they were trying to slow down the total amount of funds that they were spending. And so he got involved mostly in the issue of the politicization of the program as opposed to amendments.

We did have one big Superfund amendment which, again, passed the Environment committee but never made it into law. And that was the issue of compensating human beings who are harmed by a toxic waste site, because they live around the site. And that was his big push and that was also heavily, heavily opposed by industry, the insurance industry opposed it, as did the chemical industry. And so we did get through an amendment in the Environment committee that provided compensation to people who had been harmed, but we lost it on the Senate floor. So that was a big loss, and that never did make it into law, to this day.

DN: And there again the industry opposition was the, the key.

CS: Yes, yes it was. And they did everything they could to defeat it, and they managed to.

DN: Was the nature of the opposition during that period, the '80 to '85 period, different from what you'd experienced in the seventies? More intense?

CS: No, it was actually very, very similar, same players, a lot of the same people who were still around lobbying for the same companies. There were fewer lobbyists in the '70s to the mid '80s than there are now. And actually when you continually deal with the same people you really get to know them and they weren't all my friends, but I had good relationships with a lot of them, even the ones that were never going to agree with me or my boss on an issue. It was a lot more cordial than it is now. And there were also fewer staff people, so it was easier to know lobbyists.

But no, I'd say their arguments and their tactics were pretty similar between the '70s and 1985 when I left.

DN: After that round, what other issues were coming that were of great interest to the senator or presented to him between, that was, what, '82?

CS: Yeah, '82.

DN: And '85?

CS: To be honest with you, none of the other issues really stand out in terms of things that he actually took an initiative on. There were a lot of pieces of legislation going through the committee, but I just don't remember anything particularly major other than the Clean Air and the Superfund amendments. I'm sure there probably were some, but my memory is just failing me.

DN: During this time, were you asked to deal with some of the legislative issues, the environmental legislative issues, in terms of Maine concerns and responding to constituent inquiries from Maine?

CS: Definitely, definitely, he really, he put a premium on that. And with the acid rain issue, that was a very popular issue in Maine, so for the most part there wasn't, there wasn't much of a problem there. I'm trying to remember if the Maine utilities really did much with our office. And I don't recall that they did, because under the acid rain bill that we had, Maine utilities didn't have that much of a reduction requirement compared to a lot of other utilities in the midwest. It was the Midwest utilities that were most active. There would be Maine issues that arose, for example, related to a specific hazardous waste site: Was EPA doing enough? That sort of thing that I did deal with. So, yes, whenever there was a Maine related issue on the environment I dealt with it. There really weren't that many issues other than, as I say, a hazardous waste site that wasn't getting enough attention, that kind of thing. It's not like constituent issues related to Social Security or something like that.

DN: Now when you were dealing with the companies in Maine, whether with a hazardous waste site or an enforcement problem, what kind of a response were you getting from the EPA in those days?

CS: Slow response. Not very good responses.

DN: Was this because of what was happening generally to the agencies in the administration, or because you were representing a Democratic senator and they simply weren't going to spend the time on you.

CS: I think it was what was happening to EPA generally. There was a slow down in every single environmental program within EPA during the Reagan administration. So I don't think it was by virtue of Senator Mitchell being a Democrat that some of the problems in Maine didn't get attention.

DN: And you left in '85.

CS: I left in '85.

DN: Why did you decide to leave?

CS: I only decided to leave because I was so burnt out. I would have loved to have stayed, because I really, I loved working in the Senate and I loved working for Senator Mitchell. But I just, I decided that I had to get a life because I just worked really long hours. And if I had started working in the Senate for the first time in 1980 I could have gone longer, but I had already worked in the Senate for eight years before I went to Senator Mitchell. So that was why I left, just to get a little bit of a handle on my schedule.

DN: I'm intrigued because you indicated that the two major issues which you encountered fairly early in the '80s, the acid rain and the Clean Air Act, and then the hazardous waste Superfund question, were the major issues. And indicated that there weren't any major issues that you recall dealing with in that subsequent period, but you were still very busy.

CS: Well, I was dealing with both the acid rain issue and the Superfund issues until the day I left.

DN: They continued.

CS: They did. In fact, the set of Superfund amendments wasn't enacted before I left either, even though our amendment in that series of amendments failed, that bill wasn't passed until I left either, it wasn't passed until 1986, a year later. So that was just unfortunate.

DN: But it was a terribly time-consuming set of issues, then.

CS: It was, it was. And the other thing is that even though those were our major initiatives that I recall, there was all of the other committee business that the senator had to vote on. And so, even though it was less important in terms of his priorities, he still had to know what those bills said and whether there was a Maine impact, and if so they had to be fixed. So there was always the backdrop of all of the other committee business that he had to know about, even if it wasn't as important to him personally or politically. As a member of the committee he had to have a position on everything that went through the committee.

DN: Now, had he become majority leader? Not during the period that you were there.

CS: No, no, he became majority leader starting in 1987.

DN: So you were dealing with those issues when he was a member of the Senate without special responsibilities in the Senate.

CS: Right, he was the ranking Democrat on the Environmental Pollution subcommittee.

DN: That happened fairly quickly?

CS: That happened in 1981, and actually I can really take credit for that, because he was the most junior senator on that committee. When the, he was put on that subcommittee when he came to the Senate just as the most junior member. And then when the Senate went Republican in 1981, there wasn't as much interest in being a ranking member as there was being a chairman of the subcommittee. And so I went to the staff director of the Environment committee, who worked for Senator [Jennings] Randolph, and said, "You have to make Senator Mitchell the ranking Democrat, he's going to be in a tough race. He's got an election in two years and he needs to have this issue." And eventually they did it. And, you know, having worked on the committee I knew how much better it was to be a ranking member than to just be a member of the subcommittee. So that's, I guess, the other reason that I was so busy, because the ranking member has to sign off on everything that the subcommittee chairman wants to do, and so -

DN: Who was the subcommittee chairman then?

CS: Senator [John H.] Chafee of Rhode Island, and they worked really well together.

DN: I was going to say, I assume that they were fairly close in their points of view.

CS: They really were, they were a great team.

DN: And how much difficulty did they have in working with their colleagues on the full committee?

CS: Actually, at that time the committee was very moderate, and so with the exception of some westerners, conservative westerners on the Republican side, there was a lot of agreement on most issues, because it would be all the Democrats and at least half of the Republicans. Because when the Senate went Republican, Senator Stafford of Vermont was the chairman of the full committee, so he also was a New Englander, so there was a really good axis there.

DN: Now that's quite a contrast with the Public Works committee as it was in the 1960s, and had been in the '50s when the south westerners dominated the committee.

CS: Oh, that's right. [Senator] Dennis Chavez from New Mexico was on there.

DN: [Robert Samuel] Bob Kerr of Oklahoma, and then Senator Randolph was the, well he was fourth, but the ringer in that group was Pat McNamara of Michigan who was the number three Democrat, and then Jennings Randolph.

CS: And there was also, who was that guy, there was another one from the southwest who was really not too smart. Who was that?

DN: That must have been later.

CS: I won't remember his name until later, but in any event. The committee has swung back now. It's got a very large western orientation, conservative. Idaho, Colorado, in any event, Oklahoma.

DN: Well what you were facing during that period, it appears, was a committee with a strong northeast core that could reach agreement on legislation, progressive environmental legislation, and then face a Senate that was far less progressive on those issues.

CS: That's exactly right, and it just became conventional wisdom that a bill that came out of the Environment committee was going nowhere, because that's what happened.

DN: That must have been pretty discouraging for Senator Mitchell.

CS: Yeah, I think it was, I think it was very frustrating. Because we all believed in what we were doing, and to write legislation that you think is needed and is correct in its direction, and then to have it die year after year is, is frustrating. And there really hasn't been much environmental legislation enacted since the seventies. I mean, there's been one set of Clean Air amendments, one set of Superfund amendments, and one, two sets of Clean Water amendments. That's pretty much it. Now, there's more minor bills, but it just, it doesn't happen anymore.

DN: In the period when you were working for Senator Mitchell, had the issues, the fundamental issues related to environmental protection, shifted in ways other than political? I'm thinking about, what were the real challenges for the society in dealing with the environment? Were they the same as they had been in the seventies when you first came to the committee and simply more refinement, more effectiveness? Or were there underlying changes in the society and its needs that meant that new focuses should come into play if you could get the support?

CS: I don't think there were changes in the needs of the society or the environment. What changed over the years was the level of technical complexity. As certain benchmarks were reached, it became clear that there were other ways that the law needed to be changed to deal with new technologies, loopholes that had been created in regulations, or through court decisions, or simply through industry's ingenuity. And so the laws became almost like regulations.

I mean, the Clean Air Act, the length of the Clean Air Act has probably tripled. Superfund is fairly complex, too. And it's because the Congress decided that they had to be more specific. If they wanted to reach a certain goal, they couldn't leave it to the regulatory agency to write the regulation with a lot of discretion. So, for example, the current Clean Air Act is virtually incomprehensible to the lay person, it's just arcane, as I said earlier. So that's how I think things have changed. You have to have a far more technical understanding of air pollution, say, in order to understand the Clean Air Act and to deal with it than was true in the past.

DN: And when you say understand air pollution, you mean understand the chemical complexity, physical complexity, or physical complexity and legal complexity?

CS: I think it's more the former, the science of air pollution needs to be understood. And then

also the details of the technologies that are available to deal with air pollution, and how much can be done with technology, or not done.

DN: And was Senator Mitchell having to get up to speed on that kind of complexity in the early eighties?

CS: It didn't really, it didn't start in earnest really until I would say the late eighties when the Clean Air amendments were being deliberated on in earnest, and that's when it got a lot more intense.

DN: I would like to take you back to the seventies again and think just a minute about what Senator Muskie, and later Senator Mitchell, faced. Was there any anticipation during that period, when the legislation was being written, that indeed as one worked through the initial dealings with gross pollution, as it were, that it would become much more complex, much more difficult to enforce?

CS: I don't think anyone envisioned it becoming quite as technical as it is today. But it was clear in the seventies, for example, in the second round of Clean Air amendments in 1977, that the statute was going to have to become more specific. So it was really this gradual process, and it will probably continue that way. I'm not sure any of us focused on exactly where it was going, other than to know we had to address certain issues that weren't being dealt with adequately. So it was an incremental process.

DN: Now as you look back on your work for both Senator Muskie and Senator Mitchell, were there any great differences in style that you encountered in the way they worked, and the way they thought?

CS: Definitely. I mean, in some ways they were polar opposites. Because we know how Senator Muskie could emote and really show flashes of anger in, during the legislative process, as well as in dealings with staff. Senator Mitchell really did not do that. In fact, in dealing with staff, he rarely expressed any displeasure, I mean he kept it in more. I'm sure there were times, you know, when he wasn't happy with what someone did, but he did not tell them. Whereas I think it was really somewhat the opposite with Senator Muskie, he was up front with that.

In terms of legislative style, since I wasn't with Senator Mitchell after he was a lot more seasoned as a legislator, I don't know what he was like in his later days, as far as a strategist. But I thought that there was no one better than Senator Muskie in the Senate in terms of negotiating that legislative process to get from A to B. And, yes, he had a lot of staff help on the substance of it, but there were times when he was the only one reading the Senate the way it really should have been read, and figuring out how to get to the end game. And as I say, I really don't doubt that Senator Mitchell was a very good strategist also, I just wasn't there. And particularly when he was majority leader, you know, I saw that from afar but not up close.

DN: And you were there when he was first learning the ropes on the legislation.

CS: Correct, correct.

DN: And it should be noted that when he was an assistant to Senator Muskie, he did not deal with environmental legislation, that wasn't his bailiwick.

CS: There was not much environmental legislation at that point, right? It was just beginning.

DN: It was just beginning. He came just about the time the committee was formed, and his responsibilities in the office were in very different areas, and so he had done that, then gone away and came back fresh to deal with increasing complexity. Thank you very much.

CS: You're welcome, Don, I enjoyed it.

End of Interview