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Belden, Roy oral history interview

Don Nicoll

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Interview with Roy Belden by Don Nicoll

Summary Sheet and Transcript

Interviewee

Belden, Roy

Interviewer

Nicoll, Don

Date

January 28, 2003

Place

Washington, D.C.

ID Number

MOH 387

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Biographical Note

Roy Sanford Belden was born June 24, 1963 in Meriden, Connecticut and grew up on a small farm in Canterbury, Connecticut. He is a Bates College graduate in the class of 1985. He interned in Senator Olympia Snowe's office during one Short Term, doing case work in Maine. He moved to Washington, D.C. and interned with Senator Henry John Heinz III for a short time, then worked for Congressman Toby Roth for three-and-a-half years, during which time he attended law school. In 1990 he was hired by Chadbourne & Parke where he first met and worked with Senator Muskie at the end of the Nestle Infant Formula Audit Commission (NIFAC).

Scope and Content Note

Interview includes discussions of: Bates College; Ed Muskie; working in Olympia Snowe's office; working for Senator Heinz; law school; Nestle Infant Formula Audit Commission (NIFAC); and working with Muskie.

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Transcript

Don Nicoll: the 28th of January, 2003. We are in the offices of Chadbourne & Parke [LLP], 1200 New Hampshire Ave. NW, Washington, D.C. and we're interviewing Roy Belden. Don Nicoll is the interviewer. Mr. Belden, would you state your full name and spell it, and give us your date and place of birth.

Roy Belden: Yes, Roy Sanford Belden, it's R-O-Y, S-A-N-F-O-R-D, Belden is B-E-L-D-E-N. I was born on June 24th, 1963 in Meriden, Connecticut. My father's name was David Belden, and my mother's name is Nancy Belden.

DN: And what was your father's occupation?

RB: My father managed a fertilizer plant in East Windsor, Connecticut.

DN: So you grew up in a rural setting associated with agriculture.

RB: Yes, I grew up on a small farm in Canterbury, Connecticut, which is a town in eastern Connecticut. The town was about two to three thousand people and we had, there was about a hundred, a hundred and twenty-five sheep and pigs and some cows, a few goats.

DN: So you got a real education in raising animals, and growing crops, too, I presume.

RB: Yes, that's right, corn and hay, and then going to the fairs during the summer.

DN: Were you a 4-H-er?

RB: I was, I was a 4-H-er.

DN: Did your mother work outside the home?

RB: She was a nursery school teacher for several years, and then she went to work at the middle school in Canterbury, Connecticut as a teacher's aide.

DN: And after high school, you went on to college?

RB: That's right. I went to high school in Norwich, Connecticut, and then went on to Bates College in Lewiston, Maine, was at Bates starting in the fall of 1981 and graduated in June of 1985.

DN: And what was your major there?

RB: My major was Political Science.

DN: Was that an interest that developed at home, or was that something that was stimulated by your schooling?

RB: Really, I think it rose out of a class I had in high school called Problems of Democracy, which was a very interesting course. And then I also, as a 4-H-er, had a trip down to Washington, D.C. for a week when, I think, I was a junior in high school, and that was also a pretty interesting trip.

DN: Did you ever dream in those days that you might be working with a Bates graduate named Ed Muskie?

RB: You know, I really hadn't thought about that.

DN: As a matter of fact, a question about your Bates education. Did you learn much about Edmund Muskie at Bates?

RB: I did learn a little bit about him. My uncle was a graduate of Bates College, and he was very fond of saying that it was the college that Senator Muskie went to. So I knew a little bit about the senator, and then when I was in college I interned for Olympia Snowe, who was a congresswoman at the time, and that was sort of my introduction to politics. And I learned a little bit more about Senator Muskie and his history when I was working for her.

DN: Was that in Washington or in her district office?

RB: It was in her district office.

DN: Doing case work?

RB: Yes, case work. I think I was there for a few weeks, they have Short Terms at Bates College, which is basically a sort of a six week long course. And it was during a short term period that I worked for Olympia Snowe's office.

DN: And you continued your political interest after you graduated.

RB: That's right. I graduated in '85 and then came down to Washington that summer and had a

couple of internships, and then started working for Senator [Henry John] Heinz [III] from Pennsylvania in August of 1985, basically in his mail room helping with opening mail and writing a few letters and things.

DN: And how long were you there?

RB: I was with Senator Heinz for a year, and then got a job with a congressman from Green Bay, Wisconsin, Congressman [Tobias Anton] Toby Roth, and was with him for about three and a half years.

DN: And was it then that you went to law school?

RB: That's right. I had started in the evenings when I was working for Toby Roth in, I think it was 1988, I started in the fall, and he let me sort of start, continue to work full time and then go to school in the evenings. And then I did that through January of 1990. I had applied for a summer associate position with Chadbourne & Parke and interviewed with them in the fall of 1989, and then started as a summer associate, which is sort of a three-month sort of trial period where they have law students come in during the summer and give them a taste of what being a lawyer might be like. And it was that summer of 1990 that I met Senator Muskie.

DN: And did you do any work with him during that summer, or did you simply meet him?

RB: Actually, I did do a little work for him that summer. The senator was involved with the Nestle Infant Formula Audit Commission, NIFAC. And at the time there was two attorneys at Chadbourne who served as sort of staff members for NIFAC, Eric Swenson was the senior lawyer, and then Greg Chafee was a more junior lawyer. And I would help them on occasion with a few NIFAC related matters.

And then at the end of the summer, Chadbourne asked me to come back as a full time attorney when I graduated from law school. And they also asked me to work as a law clerk while I was in law school, about twenty hours a week, and my position would be working with Senator Muskie. So I, in the fall of 1990 I became sort of the new NIFAC staffer, because at that time NIFAC had been in existence I think for seven or eight years, and while there were still a few claims that were outstanding, the bulk of the work of the commission had been completed. And the two lawyers that had done a lot of work on NIFAC up to that point had really sort of transitioned into other roles at the firm and they were looking for someone who could sort of be part-time staff for the commission and really be sort of dedicated to Senator Muskie.

So I did that from September of 1990 through the end of May, '91, the beginning of June '91, and then I took about a month off to sit for the Bar. And then when I came back that fall as a first year lawyer, I was still working with the senator, as well as starting to do some environmental work in the environmental practice group.

DN: So your work with NIFAC spanned your law clerk time and the beginning of your work as an associate in the firm.

RB: That's right.

DN: And so you were working with him on a current issue, and dealing with issues that in part he'd created one might say, in the environment.

RB: That's right. Yeah I um, as a junior associate I tended to do a fair amount of research. So I would be researching a particular provision of the Clean Air Act and Senator Muskie's name would, is throughout the legislative history of the Clean Air Act and also the Clean Water Act. So at the time I was doing a fair amount of work for paper companies, and they were always, there was all these issues that came up with compliance with environmental statutes and it was quite frequent that I'd have to go back to the legislative history.

DN: Did you ever have a chance to talk with him about some of that history?

RB: Never about specifics, but just in general. You know, I would maybe perhaps ask him one question here or there about the Clean Water Act, the Clean Air Act. But, yeah, I knew the senator had pretty firm beliefs about the statutes. And our clients, the paper companies, at times were on the other side trying to figure out on the one hand what was really intended here, and if we do need to comply with this, what are the mechanisms that would make it perhaps the most cost effective to comply.

DN: Now, when you got into the NIFAC work, as you indicated they were beginning to wind down and had a few cases to deal with, or claims, at that point. What were the outstanding issues, were they simply individual claims or were there some broader questions on the table at the time?

RB: From what I can recall, there was maybe a dozen claims that were outstanding, or maybe as many as a dozen and a half, eighteen. And these were claims that were brought by basically sort of social organizations that were tracking Nestle's involvement with infant formula in Third World countries. And they would sort of monitor Nestle's activities, and then they would file a claim with the commission saying that, for example, Nestle was distributing infant formula pack.

So we would analyze the claims, comparing them with the NIFAC guidelines that had been developed by the commission, and then the senator would make a ruling on the claim. And typically what would happen is that I would work up the claim into our standard format and then sort of propose a conclusion. And then I would meet with the senator and we would walk through the claim and then walk through the proposed conclusion. And oftentimes he would make changes here or there, I mean he had some pretty definite views on how they should be handled.

At the time, I think it was maybe only one or two issues that really hadn't been brought up in prior claims, but I seem to recall that there weren't, there was nothing that was really, at that point in the commission's history there really weren't that many outstanding sort of big issues that they had to deal with, these were more sort of marginal issues that were certainly important,

but they weren't as fundamental as some of the earlier issues that the commission dealt with.

DN: Now, you indicated that Senator Muskie would rule on these. Were these matters that did not need to go to the full commission?

RB: Well, I guess when I meant rule, he would come up with the proposed conclusion. So he would take my draft and formulate it into what would be sort of a proposed commission position. And then we would bring those before the full commission during their quarterly meetings. So really I misspoke when I said that the senator ruled directly on it, but he would essentially come up with the proposed conclusion based on the initial staff work. And then the commission would vote on it and debate the different conclusions.

DN: What was it like bringing drafts to him?

RB: Well, you know, it went really smoothly, looking back on it. I've heard lots of stories about Senator Muskie because I, having worked with a couple members of Congress. I knew enough to kind of ask around about the senator's preferences and how he sort of dealt one-on-one with staff people. And so, you know, I made sure that when I went in there I was well prepared and could answer the questions, and it would just be the two of us sitting down and sort of walking through these.

And I guess what always struck me was that he had a way of getting sort of right to the point. You know, he'd just, and maybe that's just being a good lawyer, that you spot the issue and you get right to the crux of the matter. But he didn't, the senator wasn't one to really beat around the bush, and he had a, he had firm opinions about, about how things should come out. And you know he would, he would sort of work with me on the language. And then we'd go to the full commission, and at times there were disagreement among the commission members. And I only remember one or two occasions where he actually raised his voice but, I mean, there were some spirited arguments back and forth at the commission meetings.

DN: Was there a pattern to the disagreements? That is, issues that broke down along predictable lines among the commissioners?

RB: There was. I can't remember a particular issue that really stands out, but I do remember that there were sort of certain factions almost, on the commission, where you could almost predict that two or three were going to take one position, and that three or four on the other side would sort of take another position. And then they would argue back and forth and then tweak the language of the conclusion, and sort of come out somewhat in between.

But the senator was a very sort of eloquent speaker, and could kind of move the conversation in a way that he thought the commission, I think, should come out. I mean, it didn't always work that way, but he was able to sort of have a strong view on what he thought should be the ruling, and then kind of helped steer the commissioners in that direction. But knowing that the different personalities on the commission and the different histories that people were, different commissioners who were sort of predisposed to sort of have one position.

DN: Were the major issues at this point questions about Nestle's compliance with the earlier agreement? Or were there questions still about the underlying agreement itself?

RB: I think it was more really compliance with their earlier commitments, and really it was a situation where they were holding Nestle to its word. And on occasion I can remember that the senator would have discussions with Thad Jackson where the senator would be pretty blunt about his position on what the guidelines say and what Nestle should be doing.

DN: Now, I've heard it said that one of the problems in compliance was the fact that Nestle had separate corporations in different countries. And so Nestle's in Switzerland didn't always completely control those companies. Was that really the fact, or is that a perspective from inside Nestle's?

RB: I think that may be a perspective from inside Nestle. Because I, it seemed to me that Thad Jackson, who was Nestle's sort of Washington point person, seemed to speak with a fairly unified voice. Thad would take time to get back to the corporate folks at Nestle headquarters. But I always got the sense that when we got a response from Nestle that it had gone through the right channels and that this was Nestle's position, and that there wasn't sort of rogue companies in the different Third World countries that were doing things that were improper.

DN: How did Nestle treat the members of the commission? Was it an arm's length truly independent role for the commission? And how did they react to Senator Muskie, that is how did the company react to Senator Muskie?

RB: Well the first, let me take the first part of your question. In the, I guess the two plus years that I was involved with the commission, I always thought that it really was at an arm's length. Thad Jackson was friendly with the senator and with members of the commission, but I don't, the senator didn't have any problem telling him his position on issues that came before the commission. Or even just informally saying, you know, this is a real problem, this has to be corrected, even before you got a formal sort of resolution to a complaint. So I do think it was at arm's length, and I think Thad Jackson had a fair amount of respect for the commission members, and for the senator, and for the job that they were doing.

And at times the senator would have to sort of go beyond Thad Jackson, who was the Washington point person, and communicate in letters directly to the CEO of Nestle, which he did. I remember drafting at least one letter for the senator's signature that went to him, that went through several drafts. And the senator certainly had his, it was his letter that went, a very personal touch on it.

But, yeah, I think Nestle appreciated the job that the commission and the senator did, but at the same time I think they might have thought that it was a bit of a thorn in their side. You know, when we proposed, when the senator proposed to wrap up the commission's work, there wasn't any objection from Nestle. There came a point, it was in, I think it was in late '91, early '92, I guess it was sort of the fall of '91, towards the end of '91 when they, the senator had proposed

wrapping up the commission to the commissioners, and at that point it had been I think nine years that the commission had been in existence. And I think it just, the senator felt it was time and the commission members realized that, I mean there was a few I think that thought they still had a lot more work to do, but on the whole I think that the commission thought that it was time to, that they had completed their mission and it was time to finish. And Nestle didn't object to the commission winding up, I mean, they had gotten some firm guidelines in place. And I think it really served a useful purpose.

DN: Have you been able to follow what's happened subsequent to the work of the commission?

RB: I haven't followed it that closely. On occasion I'll read, occasionally some news articles on infant feeding in Third World countries. And from the little I've read, I think it still is an issue in certain countries. And I don't know if really Nestle is the, sort of the chief culprit, I mean I think there's other infant formula companies out there that, you know, did not go through the process that Nestle went through. But it's still an issue.

DN: But in the now twelve years since the commission wound up its work, it has not risen to the level of controversy that it was before the commission.

RB: No, not at all, not at all. And that's one thing, when I started working with the senator I really sort of had to come up to speed on infant feeding in Third World countries and had gone back and read through some of the earlier commission materials, and really got a sense of how controversial an issue it was. And how important an issue it was. I mean, this was at a level where you had a number of prominent religious organizations boycotting Nestle, along with other social organizations but it was, a lot of the, some of the churches that really took the lead on it and worked through WHO.

And so it was definitely a very significant issue, and I think Nestle's response to it was pretty unique. I can't recall seeing another company set up a commission to really audit their performance. And I, you know, there are organizations that are sort of watchdog organizations now that kind of monitor what corporations do, but none that I've seen that have been created for a specific issue, and headed by such a well balanced group of people, and headed by someone with the credentials of Senator Muskie.

DN: Have you got an impression of how it transpired that Nestle decided to, one, name the commission, but more important for our purposes, settle on Senator Muskie as the leader of the group?

RB: Yeah, I don't have much insight into that, other than, I know Nestle was looking for someone. I got the sense that Nestle was looking for someone that could really take control of the commission and be sort of a unifying force, but someone who was very prominent as well. So that, I mean what they did was very sort of unique, creating a watchdog agency on their own, and the chief criticism is that you're created by Nestle and funded by Nestle, how can you be independent? But hiring someone like Senator Muskie, who really had the credentials as a

honest, very thoughtful and brilliant person to take on a role like that, I think that went a long ways to sort of dispelling the notion that you've hired this former politician to be a head of a commission and it's, you know, it's really sort of in the back pocket, and that's not the case.

DN: You mentioned within the commission there were strong differences of opinion. How did the personalities interact in that setting, and how did Senator Muskie deal with very different personalities as well as the people with different opinions?

RB: The senator I think was a master at sort of, he knew when to raise his voice and when not to raise his voice, and he knew when to sort of sit back and let the commissioners argue among themselves, and then step in with sort of a forceful opinion. I mean, there were very different personalities on the commission; there was, a number of physicians. And there was, at least two members were from churches, and then there was a nurse. So there was, a number of different interests involved, and some very forceful personalities. But the senator's was probably the most forceful. And I remember him on occasion raising his voice, but it was more for effect than because he was actually angry.

And, I'll just tell you one aside, which is a little different from the commission. After the commission had disbanded, I didn't have that much contact with the senator other than going down the hall to say hello to him probably once a week or so and to ask how he was doing, because he had different projects that he was working on. But one day he had gotten a subpoena which was from a lawsuit involving Nestle. Nestle U.S.A. was suing one of the other infant formula organizations, well companies, because it was trying to enter the U.S. market. And the infant formula company responded saying that there weren't barriers to entry in the United States, and they turned around and I guess countersued Nestle.

But the long and short of it was that Senator Muskie got subpoenaed because of his role as being, with the Nestle Infant Formula Audit Commission. So I accompanied the senator up to a deposition in Maine and, with a more senior lawyer here at Chadbourne. And during the deposition the lawyer who was asking the questions was sort of clearly on the defensive from the get-go, because he was asking questions and the senator was sort of firing back saying, you know, "Why are you asking that question? That's not relevant," Or, you know, he's being very lawyerly but he's using his voice. And at one point he just got very upset and so we, as his attorneys, we halted the deposition and so we took a break, and then he went back. And by that time they had sort of lost their desire to ask the senator many questions, and so the deposition ended.

And then after the end of it we went out to lunch, and as we were sitting around the table the senator turned to me and said, "So, how do you think I did?" I said, well, I thought you did pretty well, senator. But the sense was, was that he was using his anger because he wasn't really mad, he just, it was a little bit of, theatrical. But the person that was really in control of that deposition was Senator Muskie and not the attorney who was asking the questions. I just, I found it fascinating. And the NIFAC meetings were in a sense like that, where they debated the issues, but the senator would really control the agenda and guide the commission members to a decision. It wasn't always sort of exactly what he had proposed, but it was usually pretty close.

DN: What did you learn as a lawyer and also as someone facing from time to time public policies you used to deal with in your experience with Senator Muskie?

RB: Well, that's a good question. I think I took away quite a bit. I'll never be the type of speaker that Senator Muskie was, or an individual that has as much presence as he does. He really was an individual that, he was tall and when he walked into a room he would command the room. But I did get, I think that sense that, you know, you need to listen to all sides, but you can still hold your opinion. But part of the process is just the listening process to make sure that everyone has an opportunity to sort of say their piece, and then, you know, you can go forward with your conclusions. So I think that was one thing I learned was to sort of how, I mean, it's a skill in sort of trying to, you know, manage a commission like that or when he was in Congress, you know, get the senators to go along with some of his legislative proposals. But yeah, he was a great individual.

DN: Are there any things that we've missed about the commission that you think should be on the record here?

RB: Yeah, I guess the only thing I'd maybe like to mention is at the end the commission put together a sort of final report. And the senator had quite a bit of, put quite a bit of effort into that, sort of the final report, which was kind of the final chapter on their accomplishments and what was completed. And I recall that there is sort of a final report where the senator sort of summed up that, you know, we've completed our mission. But he set out clearly sort of, this is what our objective was and we've met that objective through these different mechanisms, and that after nine years the commission has met those goals and it's time for it to disband.

DN: Very good sir, thank you very much.

End of Interview