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Berl Bernhard

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George J. Mitchell Oral History Project

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Berl Bernhard

(Interviewer: Brien Williams)

GMOH# 062

February 9, 2009

Brien Williams: This is an oral history interview with Berl Bernhard. We are in the Washington, D.C., offices of DLA Piper where Mr. Bernhard is senior partner. And this interview is for the George J. Mitchell Oral History Project at Bowdoin College in Maine, the day is Monday, February 9, 2009, and I am Brien Williams. First I'd just like to make note that you have conducted three interviews with the Muskie Oral History Project at Bates College, which covers that part of your association with Maine politicians, and you and I have had the opportunity to sit down and do this kind of a project with the Robert J. Dole Institute of Politics at University of Kansas in Lawrence, Kansas. So those are just by matter of reference and background.

(Telephone interruption)

Okay, I'd like to start out with your first recollections and contacts with George Mitchell, sort of when, where.

Berl Bernhard: It was during the mid-'60s, and I can't remember the date when George came down to work with the senator, but around 1964 maybe, or '65, I was asked to do some legal work for Senator Muskie, whom I really didn't know. And subsequent to that, he became chairman of the Democratic Senatorial Campaign Committee, and Joe, Senator Joe Tydings of Maryland was the vice-chairman, [whom] I had worked for [] in his [Senate] campaign effort. [I served] as [vice] chairman of two of the major counties in the state, so he had recommended that I become general counsel, and be the first general counsel of the Democratic Senatorial Campaign Committee.

George was then, I believe, about that time beginning to do some work for Senator Muskie. I can't remember -

BW: He came on Muskie's staff as AA from '62 to '65.

BB: That was it, so that was how I met him, it was during that period. I think it was in '64 []. And we didn't have a great deal of contact during that period because I was still on the outside, and counsel for the DSCC was obviously volunteer work for which one didn't get paid. That's a story in and of itself because no one really wanted a general counsel since that was not how business was conducted in those days. That's a side story.

But I did work with George a [] bit during that time, and I can't remember specifically, it was on some legislative issue, and if you ask me which one it was I think it had to do with Ed's early involvement on the Clean Air Act. [p/o] I became much more involved with the Senator after he became chairman of the DSCC, and George was [] working on some of the Democratic political activities.

[] We really started working most closely together [] after, or in preparation for Ed becoming the vice presidential candidate in '68. I was still general counsel of DSCC and so I spent a reasonable amount of time working with [] George [on a quick project regarding] Hubert [H. Humphrey, who] didn't tell us until the afternoon of the convention in Chicago [in '68] that he had picked Ed to run with him and Ed had not, and no one on his staff had [asked] anybody to draft a speech. And so there was great scurrying about in the afternoon, and it was Leon Billings, whom you may know for his quiet, non-assuming ways, and George and myself, and I don't remember who else was working at it, but we were all scampering around writing pieces. And I don't know if you recall Ed's speech at the convention, but it was written on a series of different kinds of legal pads, none of which, because we didn't have time to have it all cleaned up in time, so he filled in a lot of the detail.

But as a result of his becoming the nominee, I got to know George much better. We traveled a good deal together. I was then working, writing speeches, trying to be a liaison with the Humphrey campaign. [George] was one of the people [who] was working very hard to get the Eugene McCarthy and the Bob Kennedy people (who were not very happy about Ed at the time because of the war), [to work with us in some way]. And I would, I was kind of operating as, I don't know what you'd call it, maybe staff director, I mean I had all those unglamorous [] projects, like getting the campaign plane, working out the financing, working out some organizational problems – it was the job no one wants, okay, but some way or another Ed thought I ought to do it.

So George and I traveled [the campaign together]. We wrote a number of speeches for [Ed], most of which he did not think [spectacular]. All the speeches that he didn't like [were discarded as having 'broken backs.'] [p/o] Now George was [unique]. We can go into that retrospectively after we go through some of the specifics. But George was, as you probably know, and is, how do I say this, very contained and disciplined. But at the same time there is a difference between George and Ed – if this is what we ought to be talking about, I ought to talk about it.

Ed really, at the core, did not like campaigning. Period. He was easily annoyed; he recognized that it had no [substantive] function other than to get elected [and] that it had no organized [purpose] of accomplishing anything, other than to get [] elected. Now, I say all that, and not in denigration of Ed, but in recognition that George was [] different. George, I think, although he would probably deny it, I think rather enjoyed the fray, in his own way, which was [] professional, very disciplined, and always, from the day I knew him, [he] was [] articulate and precise. He was the only person I can remember [who], on one of our flights, [] actually [resorted to] a dictionary to [examine] the implications of certain words that were used. [p/o]

But George, on a personal basis, had a natural warmth and was, I think, and I'm talking about even during the early periods of the '68 campaign, '67-'68, had a quality that attracted people to him because of this warmth, which didn't always show but you felt [it]. Ed did not do that. Ed was maybe, and George and I would probably agree, one of the smartest people we've ever met, and a principled person of unblemished integrity. George had those same kind of qualities, but he attracted people because when he wasn't, didn't have to be 'on.' He [was] a very warm personality.

Now Ed, in contrast, did not seem to enjoy life very much, most of the time. He could be funny [], but he was a person given to serious purpose in life. And while George had the same thing, he didn't wear it on his [sleeve] – he didn't have any sense of preachment. And the one quality that I think they shared but in different ways is, [both George and] Ed [were] pretty good listener[s]. If you had something explicit to say, [then say it]. [They] did not have much tolerance for the extremities. George seemed to have the ability to find common ground even on [those] extremities. I don't know if this makes a hell of a lot of sense, but it did to me when I just said it. [] In terms of the capability of working, [both were perfectionists. Neither was easy].

Let me put it another way, since we're talking about, even though we're talking about '67-'68. George had a capacity to get things done without being either volatile or difficult or captious. Ed could be very, very difficult to work with, and he generated – and this was, [and] is, a major difference between the two – [Ed] generated [] fear in the people that he was working with because he did have, shall we say, a bit of a temper. Whether George had the same feelings, I don't know, but I do know that he was always controlled, he didn't reflect anger. He may have felt that way, but he didn't show it. I don't know how they were so consonant except on substantive issues. They were [quite] different [personalities].

During the campaign George did a good deal of relational work with the Humphrey campaign personnel, as did I. There were some differences. I had, I think, more difficulty than George did at the time, because I was [assigned by] the Senator [as] the one to deal with the McCarthy and the Kennedy people, because I'd been the director of the U.S. Commission on Civil Rights [(under Kennedy)], and they thought that was all Kennedy, all, as Senator Hollings would have said, "The liberal fuzz-ball position." So I got to know [the McCarthy and Kennedy] people. George knew them, but I don't think he had to negotiate with them. It made his life a little easier.

He was always productive. He had another, there was another quality, since you talk about differences as well as common traits. George has hidden somewhere, in his soul and his physical makeup, staggering amounts of energy, which he does not show all the time. Ed, by contrast, would be the no-energy personality. [p/o] Later on we'll get to very briefly '71-'72 because it showed more there. But a number of times during the '68 campaign, in fact at one point in Cleveland I walked out of the Muskie campaign because of a fight that I had had with him over his refusal to come down and talk to the key Kennedy people who were staying in the same hotel, and with whom I thought we could strike an understanding. And that was also true of a

little session we had, I had, at Ed's suggestion with Senator McCarthy. But he was exhausted all the time. Part of it was the internal pressure he put on himself to always say the right thing. I believe, watching George over a long time, he has as good a grasp of: one, the English language; two, a real capability of relating complex issues [to] the needs of a good civil society – [more so] than Ed did.

Ed never got over, for which I have to credit him but it wasn't good politics, he never got over a sense that if you asked him a question, he not only had to answer that question, he had to give the fifteen to twenty reasons how he arrived at his decision. And that was a put-off to most people who listened to him. They didn't want to be lectured, and besides, the attention span of the American public is about thirty seconds. So George did not have that senatorial disease of talking too much. And that old comment [of Ed's], which I always found somewhat ironical [] – "You know, there's an old Maine saying, 'Say nothing if it doesn't improve on silence.'" You may have heard that. Well George comes close to that, Ed [could be] the opposite, okay?

But in any event, the campaign went well. And we almost won [] – another week, I think we *would* have won, and I do believe that Ed would have made a great vice president, and I always believed he'd make a great president, because of his brain, because of his capability of articulating very important things, even though from a political, straight political standpoint, as opposed to being a real substantive leader, there was something lacking. [He did not easily connect to the public]. Maybe understanding when attention span runs out and when not to – oh, I'll tell you a funny story about that with George in '71-'2, but that's another one. [So] George and I worked together on a number of different things during the next, I guess the next two years, before Ed gave that speech back-to-back with Nixon, that kind of evolved into a potential presidency, and which was also probably the singular reason for the fiasco of the campaign, outside of all the dirty tricks, which I testified at the Watergate hearings about. But the fiasco was that he gave such an absolutely – remember it was the fireside speech in Maine. It was spectacular. And I can't take credit for writing it. I screwed around with it, but he called in everybody, Dick Goodwin and Doris Kearns, you name it, they were all, everybody, George, me, every clown he could find had something to do with it.

But what happened was that I don't think any of us, and I was working a lot with the Senator by that time, I don't think any of us perceived that it would galvanize support nationwide with an alacrity that we couldn't deal with. And so people were writing and calling, and we had [no way to respond]. And so we had to hurry around, scurry around, and try to see if we could accommodate what was really a tsunami of support. When we failed to respond to it, people got angry and thought, 'Well he's not capable of doing this or that.' [But] it was impossible [].

Now, that's the first part of what happened, and it would contrast again with George. I don't know what he was doing then, do you recall? It's '67, I guess he was still there, he didn't leave.

BW: He was practicing law in Maine and then became the assistant county attorney in '71, and then joined the campaign sometime in '71.

BB: Right, well, but he was no longer part of the staff operation. And I was [] on the outside, so I had an easier time in a way. But we did have a [] bad situation in '71. Ed called George to come down to help, and I don't remember when George became U.S. attorney, that was later or, I don't know the exact year.

BW: '77.

BB: George did not participate [immediately]. [(substantial deletion)]

After ['72 campaign] two things [] happened. [] He became a [U.S.] senator [p/o].

BW: [In] '80.

BB: Eighty, right, because Ed became secretary of state, and I went with him into the State Department at that time. I certainly was part of [the] effort to convince Joe Brennan to appoint George, and went up with Ed to the Brunswick Naval [Air] Station when he talked to Governor Brennan about appointing George to the Senate. He hadn't been a federal judge that long, but George [] convinced people that he was a reliable and very smart guy [possessed of] good judgment. So when we went up [to Maine, we confronted the effort] of Hathaway to be appointed [to the Senate]. I was [] strong in my [expression] that it should be George. [We] met with Brennan, and I remember the whole conversation [] clearly [to the effect] that Ed said that President Carter had asked him to become [his] secretary of state, he was inclined to do it, but [would] only do it if George Mitchell were appointed to the Senate. And we had quite a lengthy discussion, and finally Joe said he was prepared to do that, at which time Ed called Pres. Carter. We flew back [to his] office. [] Done [].

And so I did get to know George more during that period, and right through, I guess right 'til now, because we spent a lot of time together. He became majority leader and [] after that he joined [our] law firm. We spent a good deal of effort on that. [Later] I convinced him to succeed me as chairman of the firm, which pleased me to no end.

I'm trying to think of - We talk about contrast. It's fascinating - style. Let me say this in a noncritical way about Senator Muskie, because I have [been and remain] a great admirer of his and I think he accomplished amazing things from the Budget Committee to Clean Air, Clean Water, all of which George carried on. And sometimes the pupil exceeds the master, and in many respects George did that.

There's a, I don't know how you relate, explain this, but what I've been trying to say is, George had a way of accommodating, of compromising, in a way that was *not* antagonistic []. [It appeared both a natural] ability - I think it's both innate and heavily trained - [and cultivated]. I mean, he [could] go from [silence during] an entire meeting, or relatively little, and then [proceed to] give one of the best speeches you've ever heard. He's a great public speaker. [p/o] He is generally of very good humor when he speaks, and then when he becomes [substantive] he becomes one of the most articulate people in the country.

You hear talk about him listening, and I said that early, that is something he does almost naturally. And his capability of absorbing information, which he has an interest in, is uncanny. Ed Muskie had a lot of that, but it was much more confrontational. He would listen but then in private would get into an all-out barrage if he didn't agree with it. It was much more contentious. George seemed to have this ability, that's why he's done so well on these peace [efforts. He] accommodate[s] very different views [easily] [p/o] and then assimilate them. Ed didn't assimilate [as willingly, nor expend himself on his energy on intrusive politics] [p/o].

The [telling] example I can remember was the night before the Florida primary in 1971, and we were down [at] the Dupont Plaza Hotel in Miami. I was in the lobby the last night trying to organize our advance people and our get-out-the-vote people. We had a whole lobby full of them, people from all over the state of Florida. Ed was not there, he was upstairs. So I went up to his room, and he was lying in bed reading a book. He was a great reader of good books. He was reading some book about Regina the XVIIIth or 12th or 14th or 104th - I don't know what the hell it was, but it was a heavy tome, and I said, "Ed, would you get out of the rack and come on downstairs, we have all of our people down there and I think they [] need to be pumped up. This is going to be a tough [primary]. We just got by in New Hampshire, but we now [must] do this."

"Let me read you a passage from this book, it's brilliant English," [he responded]. I looked at him, I said, "Ed, you know, I don't give a [damn] about that book. I'm trying to win a campaign, come downstairs. I've been out all day doing -" well he [declined]. Then I went downstairs to say he was otherwise committed in time, the usual rot. And about midnight, into the lobby comes Hubert Humphrey, full of life, everything was great, shook hands with every one of our volunteers. And I knew it was over. I mean it was so clear that one person was ebullient about campaigning, and the other person [was not].

So George, by contrast, did not [dislike campaigning]. And he has a second capability, [p/o] he knew how to raise money. Ed made it clear day one, "I hate this." And if I told you all the stories about how bad he was on fund-raising, you [might] believe them but not enjoy them a great deal. But George was very good; he thought it was [simply] part of the game.

[p/o] George accommodated to what his life was [] to be once he became part of public elected life. As good as Ed was, and I don't know of anyone who was a better senator than he was, he never accommodated to that. There was no [joy]. It was all serious [o/p]. George was better than that, and it made a huge difference. [p/o]

Nonetheless, Ed in many respects made George's life what it is. [George] was working with a pupil, a disciple, who really respected the man for whom he was working. And that was always apparent, to Ed and I think to all of us, that George had a particular spark in him or something about him which was magnetic to Ed. And Ed really just, I mean, he worked [to help George obtain] the U.S. attorney's job, federal job, the Senate, everything. Ed greatly respected George. So it was kind of a [happy] consonance of different personalities and different interests.

Ed had a [] more troubled family life than George [], and that also, it seems to me, made a significant difference. I must say, when George came with the firm after he'd been majority leader, we gave him pretty well free rein because that's the only way he would come over here, and, of course, Senators Bentsen and Dole were already here, and then Ann Richards and, it was a really [] good time. And George and Bob Dole had a very, very, [] cordial relationship. The kind of thing that was real about bipartisanship, as opposed to the phoniness that's going on with the bailouts and all that verbal rot [and nastiness].

But that was a part that I need to address, because when I went to talk to Senator Dole about joining [my] firm, being an old Democrat I [am], and particularly since, one, he was head of the Republican National Committee during our campaign, '71-2, and I remember one time – he followed us everywhere, and [countered everything Ed would say with]: “The truth is, the truth is,” and that was when I made my [memorable] comment about calling him ‘the truth assassin.’ And so we, I wasn't quite sure how he'd feel about my talking to him about joining the firm. He hadn't decided what to do, [but] when he heard that George had joined the firm, it was like a light bulb going on and he said, “Oh, there's no one in the world I respect more than George Mitchell, and if he's there, I really need to talk to him, to see if there's a fit. But I'm sure if he's there, I'll be comfortable.”

Well the fact is, [there existed] an uncommon mutual respect, which *both* of them had worked on [in their respective Senate jobs], where each one would talk to the other in the morning, and talk about ‘no surprises’ and relay information that they ought to know, that kind of thing. George had much to do with that. He went out of his way to be a bipartisan leader [as] Dole [also desired]. So that was another characteristic. Now, Ed had some of that, but Ed's personality did not lend itself greatly to compromising on issues. George was much more willing to compromise on the edges. Ed, when he had made up his mind, was not [] willing to compromise on [much].

I remember the fights when he decided he wanted to have a Budget Committee, for which he should earn the eternal respect of this country, even though, [as a country, we [] violated every principle that was espoused and articulated in it. But I remember when that was being [formed, a basic issue] was [whether it was possible to set [] stringent guidelines for spending that would avoid deficits. Everybody had an idea on it, and I remember at one point they had a conference, because the House and the Senate were in different [modes], and there was this huge blowup about the possibility of a statutory enactment demanding a balanced budget – this was before we [confronted] the whole amendment issue. And I thought, being naïve, that it sounded to me like some of the fights were on the edges and small, not really at the heart of what a budget committee could do.

And I remember Ed having [] a constructive dialogue with Senator Goldwater, who was a strong supporter of Ed's on the Budget Committee, really thought it was a great idea, but Goldwater had a few things that he wanted in the bill. And Ed thought, ‘That will compromise this bill, I can't talk’ – well, I was at a meeting down in [one of] the Capitol [] little getaway rooms. We went

down there, and Goldwater came down. Goldwater [could be] very funny, [but] it was a ferocious discussion about [the budget]. And at the end of it I thought, 'For God's sake.' I didn't say it but I was saying to myself, 'Ed, this is nothing, give in on it.' I mean, but he wouldn't.

Well it finally passed. And then who turned out to be the first person, when we flew back from Brunswick, Maine, to be in his office? Senator Goldwater, who said, "I'm here because I just got the good news [appointing you secretary of state]. This is the only single thing that President Carter has done which I can endorse, and I'm going to move without hearings to have unanimous consent of your approval today." And everybody voted for it, except Senator Helms, which was fine. We were on our way to Austria the next day anyway and didn't know what [] we were [expected to do].

But George could much more easily work out a difference [with someone] like [Goldwater]. A lot of it was demeanor. When [Ed] was [] angry about something [] he [could be] ferocious. He was very big, and very smart. He had what I would only refer to as instant rage. George never displayed [] that. He was just as tough as Ed was but he never showed it, and therefore people thought they could reason with him and they could work out accommodations. So there [was] that very significant difference.

And I don't know where you want to go with all of this, I mean how specific we want to get. I just know that, a part of it comes down to, I think, George is much more comfortable with himself than Ed ever was. George always has to think things through himself, what he usually comes out with is a reasonable accommodation, reasonable compromise.

And in an odd sense, people didn't feel they'd been had by George when he might be in one 180 degree disagreement. I think they always felt somewhat violated by Ed, because Ed was a person who [] would not accommodate a lack of [total] respect for [a] heartland principle. So it's all those things I think that made them, make them very different folks [].

BW: Well, how do you, first of all, were you involved in George Mitchell's '74 campaign for governor?

BB: No, I was not involved in that. I've heard a lot about it, but I was not involved in that, no, N-O.

BW: And how in your own mind do you account for the fact that he wasn't successful in that election?

BB: Well, I can tell you stories. I don't know, I wasn't there, okay? I can tell you what I heard, but it's all hearsay. I had heard, one, it wasn't a sophisticated ground operation [p/o]. The criticism I heard was the same kind of stuff that I used to hear when I was running the Muskie thing in '71 and '72, [namely] that we weren't well organized [and made unwarranted assumptions]. And that despite the fact that [George] seemed to be a popular individual, there

was a certain I guess, as the words that someone once used, naiveté about what gets people to come out and vote, and the extent to which you have built up a network of friends before you launch into [war]. I [] talk [only] from hearsay [].

BW: I'm struck by the contrast between directors of presidential campaigns today, I mean Atwater, and we could go on with names. And you and George Mitchell by comparison almost were kind of naïfs coming into this, would that be correct, or is that unfair?

BB: Oh, I would say it was at the core fair. I'd never run a presidential campaign. I'd been involved in other campaigns, but I'd never run one. I knew a number of things that had to be done that – and I think was true of George as well – we knew that Ed was, if we were naïve about a presidential campaign, we were [quite] sophisticated compared to our candidate.

Putting together a presidential campaign, where someone who is the candidate, in his soul, is not committed to the abuse [to which one is subjected in] a presidential campaign, makes that potential for winning negligible. [p/o]

There was an assumption made that – which was in a sense too bad – but there was an assumption made during that period that Ed was such a popular national figure that it would attract political operatives in many states, and that the younger people would rally around because of his Williamsport speech in the vice presidential race. Well, what turned out was that Vietnam engulfed everything. And I do believe that when you combine the dirty tricks, which were very extensive, I mean I must have fifty pages of testimony listing them all in the Watergate hearings, but when you combine that with the ferocious anti-Vietnam atmosphere, and the fact that he had run with Hubert in '68, you had a situation where it attracted two types of people: it attracted some of the, kind of the moderate, maybe middle aged folks who thought maybe there was some value in Vietnam, and the second thing it attracted [was] the people who were not young, who didn't want to see young people going to war, and, therefore, you had this combination of difficulties.

I remember we put a youth group together, and the problem that we ran into was the combination of, as I say, Vietnam, the fact that George McGovern spoke to them in language that they really understood - "End the war, get out, we'll save you from the draft," blah-blah-blah – and the inability to attract volunteers. That [] second group [] we just failed to get. So to the extent that there was naiveté on our part, I think that we failed, even though we understood it, we failed to figure out how it was possible to convert our candidate into a person that would have wider acceptance among the young anti-war people, the middle aged indifferent people, and the fact that Ed wanted to do the right things but didn't [] relate [well] to some of the minority communities. There was a [] combination of things.

It certainly vitiated the efforts that I think George and I made. He was political director, I was campaign manager; I had all the crappy jobs. But I was trying to be the one to help, we worked together trying to identify people to run each state, both in state and out of state. [p/o] It was very hard to recruit. And as a result of all of this uncertainty, I would say, unequivocally, we

couldn't attract the money.

Then lastly, people didn't understand at the time, and I don't think we were naïve about this, I think one part of what we did was indispensable, and it was controversial. It was the endorsement [approach]. The endorsement concept was our substitute for volunteers, since we couldn't get the young people lined up – they were all McGovern – we thought that maybe going to the middle of the road with all the important people that we could identify who thought Ed would be a great president – and I still think he would have been – was to get everybody [] of [] consequence to say, "This is the man who should be president," and people would respond to that.

I don't think it was naïve necessarily, because I don't think we had a choice. It wasn't like, 'Let's go get these endorsements because that's what our campaign should be.' We had no choice. We didn't have the money, and we didn't have the emotion. So if we use the word naïve, I would accept that and say we were naïve about some things, and very realistic about others, and entrapped in a historical climate that was not controllable.

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BW: Just briefly, how did you and George break up your responsibilities, and did you sort of stick to that divarication?

BB: No. Well, it became, well let me tell you how it started. Ed asked me to put the campaign together.

BW: Now, we're talking '71?

BB: Seventy-one and '72. George would be the political director. We had no problems [] in terms of relationships. We were all swamped, we had very little help, we should have had a lot of help but when you have the Ed Williams and the Clark Cliffords and everybody that could be imagined, but we didn't have Lyndon Johnson, let me say that clearly. And we had the Kennedy support for McGovern.

It was not easy [p/o]. I don't know if you [would] remember the black vice president issue. [Ed] was asked if he were to be the nominee, would he pick a black to be his vice president and he said, "No," he wouldn't. Okay? That was probably the most honest answer you could give. Well Roosevelt Grier [the great NFL star], Rosey Grier, was working with us at the time. He called me up and [] went berserk: "I mean this is just awful." But look, keep in mind what we had, unfortunately, was the '70 election night speech, being overtaken by all the people who were irritated by our failure to include them and to be responsive to them and bring them in, in every way we could, because we were not equipped to do it.

[Then we had] the finance people, this was – well, let me put it this way. The Obama people

understood something that was not even available then, and that was the use of the Internet to raise money. It was very difficult, and Ed was probably [one of the] worst fund raiser I've ever encountered. He hated every moment of it. He felt it demeaning, and it was, he was quite correct, but it was something you eat if you want to run and that's how it is. George was quite different, George understood this was part of the game and he accommodated to it.

So, in short, neither one of us was greatly sophisticated, but there weren't a lot of sophisticated people, it wasn't like today, and there was damn little we could do about it. I'm just telling you, I don't know, in many respects, what we could have done differently.

I remember appointing Lanny Davis, who you may have run across, to run a youth operation for me, and his enthusiasm was limitless. He did as well as you can do, I have to say. Drove me crazy, because he had a lot of young people's, [some of whom], I considered at the time, kind of kooky, way-out ideas. But as it turns out, it wouldn't have made any difference on a lot of these things, because you know, this idea of [p/o] everything about Ed looked like Mr. Reliability, therefore the slogan was, "Trust Muskie," if you recall. [The young folks didn't buy it.]

There was a problem with that, and when the [David S.] Broder article came out about New Hampshire and the tears (which was [] unfair, and I've talked to David about it), it was wrong to start with, but George was up there at the time with him. I was fortunately down here [having been with Ed at] the drug [program] in Florida that same day, so then he flew up to New Hampshire [- Ed was tired]. It was very unfortunate, but I mention that because it was the kind of thing that should have been controllable. It was the kind of thing that if we had worked more assiduously with the press, and that Ed had more, been, a sense of more comfort with the press and they had liked him personally more, I think we wouldn't have gotten as bad a shot [].

Now, George would not have allowed that [press distance] to have happened. He would have accommodated the press, and he did accommodate the press. And it's the way he was as majority leader, I mean tough, fair, bipartisan, articulate, and very liberal. Both Ed and George were social liberals of the most dramatic type, but you'd never know it from either one of them. They both had that ability to look and sound middle of the road. It was [] brilliant. Maybe it was a Maine characteristic, because Bill Cohen, who's with us here [at the firm], had some of the same, he was [] out there on some of the social issues [as] a Republican and like Ed and George, they [all sounded] middle of the road [].

BW: Okay, let's take the period when George was in Senate. What kind of contacts did you have?

BB: Well, they were, they've always been reasonably close because, I don't know, we just hit it off. We're very different, have different interests, but I always felt comfortable with George, and I think it was reciprocated. And I went out of my way - and I only think of one or two times, because it was really important - that I ever talked to him about a legislative issue. I just didn't want to do that.

So I didn't see him that often. He would have some people in occasionally and I would be part of that. But you know, I did have some matters to deal with on some issues that were not legislative as such, but we always kept up a friendship []. George was [busy]. I [] tried to do what I could on the majority leader election. Not very successful sometimes, but I tried.

BW: Take a detour into that.

BB: [p/o] We were all trying to help George []. We were getting down to the actual election week and it looked like – and this is something that George just did very well (Ed did it well, too, but not with the same verve or fun about it, or challenge about it) – was counting votes. [p/o] If you asked him, “Where are we on this?” it would be within one or two votes. I mean he had a good staff on that, and he had a good instinct about it.

Well, we were down to the last week and Senator Inouye and -

BW: Johnston, Johnston? Louisiana.

BB: And they were all in this thing, and we thought there was about, George counted it and said, “There's a two-vote margin for me, and we need to pick up a few more votes.” And all I remember, because I'd known Senator Hollings for, since the Kennedy campaign, and so I got that one set. Well, he went into great, almost circus-like performance about why he could never support George, because George was too liberal and this and that. And we went 'round, around, around, around, I said, “George is going to win, Senator. It'd be better to have a friend than make an enemy, because he's going to win.” “Never in this lifetime is he going to win [], I'm supporting Senator Inouye no matter what happens. I gave him my word and that's it.” And I said, “Well you're going to lose.” This was the second, I guess the second vote, as I recall. George won by what, one vote? Two, one, a few, got a few more. But I did work on that, anyway.

And he was [] an absolutely spectacular majority leader. He really understood the art of compromise and accommodation, but never gave up on his basic liberalism. I mean never, but you never knew it. [p/o]

[] Then [] when he decided to quit, we talked about that and then I said, “What the hell, we've been doing stuff together for all these years, just come on over to the firm.” So he did. And he was a real contributor, and we had [much] fun. And of course then he moved into a lot of other things, including Disney and Northern Ireland []. Everything he's done, he's always done well.

I think at the core, at the very core, the difference between these two very great men, and I really do think – George would say this, you ask him who he thought the smartest politician that he ever met, or political or governmental figure, he'd say Ed Muskie. And I would say George is very close to having outdone his teacher, because he had more comfort with himself, I think a greater sense of enjoyment about the ability to be in a position to contribute [].

But I feel [] warm about him, and – I *liked* Ed, I mean Ed and I had fights that I don't even like to think about. I mean, he'd go into a rage practically, what I call instant rage about stuff, and I didn't even know what he was so mad at half the time. I've never seen George do it. I've seen George angry about things, but I've never seen him lose it. And the main thing is, I've not seen him take it out on someone working for him. He just didn't do that. [p/o]

You know, George is not the most [relaxed] guy in working together, because he's so smart he's usually ahead of you, so he is not looking for a lot of your help – except on his terms. He was like Ed in that regard. I don't know how I got involved with these birds. [p/o] [George] doesn't put his cards on the table very often, and you have to know him, you can tell, working with him, where he's going [], but he doesn't lay it out. That's not the game, that's not his personality, so-

BW: You've undoubtedly been around a lot of different senators, and do you think that George's approach, in terms like his relations with his staff and whatnot, not getting mad and so forth, is perhaps rare compared with the model, more the Muskie model where you have this enormous power and position, and in many respects you sort of expect your staff to be obsequious, I guess.

BB: Hmm. You know, I don't think Ed had the expectation that his staff was to be obsequious; I don't think he had that anticipation. They were cowed [by his intelligence and toughness] into that position. I really believe this, I think, I was lucky because I was never on [his] payroll. [*significant revision:*] So, for example, when I walked out on him in the vice presidential thing in '68, I could do it. I came back after two weeks after he called but I said, "Okay, but don't yell at me, because I'm not going accept that." I don't think he saw that as expecting people to be obsequious, I don't think he thought about it at all. His staff was sometimes intimidated, which prevented a sense of freedom to speak directly.]

There was [] the sense with his staff – [that] they were not prepared to have confrontations with him very often. There were two people who did, Leon did with kind of good will and funny, John McEvoy just fought with him, but that was [about it].

[As to] George, [p/o] I guess people were afraid to talk to George. He [] never demeaned [his staff]. And he could be very hardnosed about things, but it was not at the staff expense, or the people working for him. I've not seen that. As long as I've known him, which is what, forty years now or something? [p/o]

BW: During the time he was in the Senate, did you have many social occasions with him, and what was that like?

BB: Well, he's about as pleasant a social companion, if you're at various things, as you'll meet. I think he enjoys social interplay, particularly when he's not on the spot to perform or something and is just relaxed. [p/o] He's pleasant, he's humorous. If he knows he's on the spot, it's a little [] more discipline and control. [p/o]

BW: What about -?

BB: The only problem I find is, one, he doesn't drink – [] really a drag – and secondly, his eating habits are absolutely excruciatingly boring. Like what does he eat for lunch if you go? It'll be a little sandwich with lettuce and cucumbers or tomatoes or something like that []. I mean, it's George's eating habits []. [He] doesn't drink much, if any. Probably a sip of wine, maybe he sneaks one in. But he doesn't have too many bad habits, unfortunately. [p/o]

BW: Did you have one-on-ones or family gatherings, things of that sort?

BB: Oh, no, George was not into that ['Norman Rockwell'] family gathering bit. I [] was up at his apartment [in New York] at some functions and [for] dinners [].

BW: You mentioned that he conferred with you prior to his retirement.

BB: Yeah, he did.

BW: And how did -?

BB: I don't know the occasion when it came up, but you have to understand, when George has a discussion of consequence, the chances are that it is not a question of discussion as such – “What do you think about-?” all that crap, that's not the way discussions go. Discussions were, George has probably made up his mind ninety percent, and while he says, “We ought to talk about this,” what he means is, “is there some insuperable obstacle to my doing what I am intending to do [anyway]?” Those are the discussions you have on important issues.

And we did talk about it a little bit, and that was the first time I raised the question of, “Come on with us, we've got a [really good] firm, we're doing okay. You know [Harry McPherson well],” and Richards was [] joining, Jim Blanchard; the former governor had joined us, and Bentsen – everybody. “You're going to enjoy it.” But it was not [] an easy decision. He had a lot of offers, and he just wanted to go because, I think, of me, and friendship, and he knew Harry McPherson [so] well, so I think it was a comfortable decision. But if you say, did we have serious discussion, it was discussions predicated upon a different set of circumstances.

BW: In that, 'discussion,' quote/unquote, did you, like, ask him, “Well, why are you doing this?” And what was his answer?

BB: Well, I think when we talked about it – the sequence is a little fuzzy. I think he had decided that he had been fortunate enough to have one satisfying life career a number of times, and that it was time for him to make some money, to get out of the public limelight – it didn't last very long, as you know. But I think he had just decided, ‘This was time for change.’ It may have been part of the partisan deterioration, and he was sick of that kind of fighting, we talked about that []. But essentially, I think he had made up his mind when we chatted. It was, “Can you figure out a good reason why I shouldn't do this?” was more what I thought.

BW: So explain how these other major things that he was doing, Ireland and so forth, how did that work in terms of this end of things, the firm?

BB: Oh, well we all agreed when he came here that he was a widely accepted and respected public official, high level government leader, both national and international [], and that: one, he would be asked to do many political things; two, he'd be asked to, or he would want to give some speeches where he could make some money, and we agreed that that should happen. He also made it clear he wanted to go on some boards and we encouraged that.

So when he came here, there were expectations that were not predicated upon his producing chargeable hours and big clients and so on. Well, as it turned out, he *did* do a lot of that, and he would, he became [a really] active participant in the firm. I think he enjoyed the fact that Dole and Bentsen and Ann and so on were all over here, Richards, Blanchard, all of them. The expectations were accepted from our standpoint. He was an attraction.

[There were many legal challenges]. We had this huge potential matter dealing with [] Lloyd's of London, some of the problems they ran into, and we had hoped to represent one of the very big players []. And I remember talking with both Bob Dole and George about making a joint presentation to the client, which [they did and were] spectacular. They both worked at it, and they both handled it. We got the client and it turned out [] well [].

[George always made himself] available when [needed]. [It] was not that he had to bring in x-number of clients or things like that, but that he would be available to help us when we [] had someone that we thought might be a very good client for the firm or was and remained one [p/o].

So the expectations were [] met, and then I just had *had* being chairman, I started the firm with Jim Verner, and I finally said, "This is bad." So George came down to see me one day, when I said I was going to step aside as chair [after twenty years]. I just had [had it]. So he came in to tell me that was a wrong move to make, and I said, "Well, from your standpoint; it's the right move from mine. But I'll tell you George, you have responsibilities here and I really think that you've got to take over as chair, okay?" There was total silence for a second, and then he got to the door and turned around and he said, "I guess I'll have to do it, but I came in here to convince you to stay on." So, he was fine, he was great.

BW: What period of time was he chair? No, I mean how long was he chair?

BB: For a few years, and he was very good. I mean it wasn't like an honorary chairmanship. He took it seriously. He would have meetings, he had agendas. It was George. You've got to accept the one thing about him, if there's anybody who demands professional organized activity in an institution, you're looking at him. And so we would have agendas, and we would have votes – we never did that with me, I was ad hoc –we would have limited discussions and that kind of thing. He was just superb.

And then [] we moved over here [i.e. DLA Piper]. We decided we had to enlarge ourselves in view of the global competition, George was very active with me and one other person in interviewing with other firms. We [had] let it be known that we were thinking about [merger]. I remember we went to one place in New York, it was about the – I'll never mention the name – it was about the most arrogant group of people I've ever encountered, and George and I sat there and listened to this for quite a while. I remember we went down to the lobby and George looked at me and said, "If that's the kind of thing I have to put up with, I'm not practicing law." And he was serious. He said, "I could not do that." And I said, "George, I couldn't either." [p/o]

But he helped all the way through, was delighted with the relationship with DLA Piper, [and] was [] instrumental in expanding the firm. As you probably know, he's been all over the world with the firm, helping, and he's brought in some very significant clients [], so he's a [] success.

BW: Was he chairman prior to the Irish negotiations, or was it -?

BB: What years was that? I can't even remember any more.

BW: Well, that was '95-'98, so that preceded his chairmanship, obviously.

BB: Yeah, I think so, I think that's right.

BW: Okay, that's not important.

BB: I think you're right.

BW: Did you – two things are a little bit unclear to me. One is Bill Clinton's asking him to go on the Supreme Court, or not, and secondly I've read -

BB: [I believe that to be] true.

BW: He did ask him.

BB: I think so.

BW: And second was the matter of secretary of state?

BB: With Madeleine, whether it was going to be him or Madeleine. You know, Madeleine worked for Muskie, too, so this whole thing was a little bit [close]. I've got to be [careful] because Madeleine's on my board on the Middle East Investment Initiative, so I work with her on that a lot, including this morning.

I – this is personal observation, maybe in error – I believe, and I'll shoot myself probably for saying this, but I believe that Bill Clinton's intent was to make George secretary of state. I say that [speculatively] for a [] reason, including the fact, if you remember, that [George] took the

role of being Clinton's opposition during the course of the [campaign debates] [p/o]. I [venture] it was Madame Clinton who wanted a woman, and Bill was somewhat vulnerable at the time. And so I *believe* that that's what [might have] happened. And of course Madeleine *was* over at the U.N., and so Hillary Clinton, I think, could argue experience, [but] Bill Clinton thought that – I believe – that George was the person who was most helpful during his career, his presidency. If you remember, he led a lot of the defense of Bill Clinton during the impeachment proceeding. So it was a most delicate situation, which might have turned out differently had it not been for my favorite person, Monica [Lewinsky]. That's my view. Okay? What else can I say?

BW: Were you involved in the Sharm el-Sheikh fact-finding at all?

BB: No. The only thing I was involved in was that Jim [Pickup?] asked me to take a look at some of the language of it, but I was not involved in that.

BW: But you were in the Liberty Fund, the American Red Cross/Liberty Fund?

BB: Oh, six straight months. That was tough, that was really tough. George was involved in great detail. Jim Pickup and I were the carriers – I can tell you, that was one of the hardest things I [ever did]. I was personally in charge of investigating the United Way of America during that mess, and I thought that was the most complex, difficult job that I'd had in a long time. This was worse, everything was wrong, with fraud, a lot of fraud, manipulation of finances, manipulation of personnel, a disastrous structure for the Red Cross, the [Red Cross] president having made a comment about [their having] too much money and [] President Healy was going to redirect some of the funds. So we had everybody – Eliot Spitzer was on our back, George and I went to see him at one point, not to line up anything, just to see him, to try to get him off our back, because he [allegedly] was going to indict everybody.

[In short,] George was *intimately* involved []. [He exhibited] the best demeanor, and when we met down here [i.e. in Washington D.C.] with the people who had lost [family] in the Pentagon crash, and then we met with, a number of times with a number of the people in New York who were both burned and injured, or they'd lost someone, George's handling of that [disaster was], in my judgment, [] one of the most sensitive and effective connections I'd ever seen with people who were in [a state of] deep grief and anger. We had [] a few meetings at our offices, at our old law firm building, and I remember sitting next to him was this woman, [attractive,] thirty-two years old, [p/o] whose face was burned and she couldn't speak any more, her voice box had been burned out, and I remember George dealing with that, dealing with her. And it was really [] extraordinary[ily] sensitive. He related to them. They knew he [felt personally] impacted, and he did it with both toughness and sensitivity. I thought one of the best things I'd ever seen him do.

BW: And looking back on it, the resolution in terms of -

BB: Was perfect, I mean it was a better job than I thought we'd ever do. It was [] tough, but it was a [stellar] Mitchell performance, [] both intellectually adept and humanly helpful. [po] I mean, it was touching [].

BW: We've talked about the Supreme Court, we've talked about it, well, not much, I guess -

BB: The Supreme Court, the damn thing, I think if George could have been chief justice he [might] have accepted it, but I don't think he would have otherwise.

BW: Now what about his aspirations in terms of Major League Baseball?

BB: Oh [damn], you have to bring that up. Well, I had [] assumed, and George I think really hoped but he didn't quite say it, that he would get the job instead of Bud Selig. And Selig had the inside move, because he theoretically owned a team, which he didn't really. I think George would have liked to have done that, I don't have any question about it. I think, you remember the guy who finally got a hold of the Red Sox, had the Miami team first, and George went on his board down there - I forget his name - and then George was happy to go on the board with the Red Sox and get an infinitesimal - I don't know what he got out of it, but a small amount of ownership.

But he loved baseball. He still does, the Red Sox he's always loved. So I knew, I mean, look, look - I have to be careful with some of it. George's wedding, okay, to Heather - Karen my wife and I went up [to New York City], and I thought it was going to be all of Washington. It turned out to be a typical George surprise, it was [mostly] his old friends from Maine [p/o]. But one of the people who was sitting at my table was Bud Selig, and I thought, oh - this was before he was finally named - and he was warm and pleasant with George, and I thought, "What a bunch of b.s." But then I realized it was just a very smart move on George's part, that if there were a possibility that Selig for any reason could not or would not take it, he would turn to George. Didn't quite happen that way, but -

BW: So then what was George's reaction when he got the steroids investigation?

BB: What did what?

BW: What was his reaction, I mean was that sort of like, "Oh well, I am now in this realm at the national level and -"?

BB: Oh, you mean with the investigation.

BW: The steroids, yes, right.

BB: I don't think he thought about it one way or the other. I think that was, George is very good about one thing, it's the old thing, one door closes, another opens, and why worry about it. Don't spend your life worrying about the past. I just thought he saw this as another public service and a challenge. I don't think he saw it as justification or, "I finally beat Selig at it," or something. I don't think he saw it that way, but I'm sure he must have had some internal satisfaction about it.

BW: Were there any, he did that as part of the firm, or?

BB: Oh yeah, oh yeah, we had a lot of people that the firm assigned to it, it was a big investigation.

BW: But you're not in anything now, legally?

BB: Like that?

BW: No, in the steroid issue, which is -

BB: No, I think it's done, except for the grand juries and the question about Barry Bonds and some of the others, but no, we're not in it.

BW: I was struck in the Bates interviews, you talked a little bit, characterized the '68 convention and what it was like being in Chicago at the time and so forth, and then just looking at your career, from the sort of genteel era of JFK and working with Harriman and that generation -

BB: It was very different.

BW: Through Chicago '68, through Vietnam and Watergate and the Reagan revolution and so on, how do you make sense of that, what do you see as the trend or the, how does it look to you? This is sort of a concluding, almost concluding, long big question.

BB: Well, I think the country goes in cycles. The unfortunate part of those cycles, but maybe it's part of the fortunate, good fortune of being a democracy, is that those cycles always seem to generate partisanship and bitterness. But the long term future of the United States, in my judgment, is really quite secure. It's a troubled time, we've had them before, this is going to be a little more difficult because it's spilled over the borders into global problems, which have a direct impact on us.

Our role in the world, and I would bet George's view of the world, would be that we're not just global, but we have to figure out different systems to accommodate, economic as well as military []. We are no longer capable of ruling through fiat, [] we have, [beyond] our security, [] the problem of deep antagonisms, religious in [] major part. But I *do* think that there is a growing recognition, not with all of these greedy people in New York who have caused a major part of [our economic problems], but more and more, [our citizenry has recognized that] government can[not] take care of their problems all across the board. I think there's more of an awareness that, 'Give us an individual opportunity to succeed, and we will and the country will.'

[(*significant revisions:*) But it is a different world, and it's going to be a world, in very real respect, a world without borders. And it's the kind of challenge that is not dissimilar, not

dissimilar to the kind of thing George is going to confront in the Middle East. It may be “Mission Impossible.” I made a bet with three Palestinians who were here yesterday, they’re working on a project, that George, should his system tolerate it, will resolve the Middle East dilemma within five years (or never). I took odds on it. I said, “You don’t know him the way I do; it’ll happen.” Obviously anything can change the scene], including more belligerency, but the future I think, for our country, despite the growth power of China and India and Russia continues to be a problem, I think these are solvable issues. They’re the kind of issues people like George Mitchell have confronted their whole lives. And I think we as a nation are confronting it.

One of the [] misfortunes of the last eight years, not just Iraq – that was bad enough – but the sense of fear that has pervaded [our] country. That I think can change, but it’s got to change, and secrecy has got to be much less of a major factor in American life []. That could destroy us.

You know, if you hear people like George Mitchell talk about what our Constitution means, and has to mean for a civil society to be ordered and to rely on the greatest strength we have, and you know, it isn’t trite to just say, “It’s the people”. It isn’t what you *order* them to do, it’s what they feel within themselves that liberates their talents and gives their families opportunity, a decent education and a decent job, I think that’s where our strength is. But we have to have leadership that understands that this is not the world it was, or ever [will] be. We can’t rule the way we have [].

BW: You – last question – you have used a lot of adjectives in the course of this interview about George Mitchell, but I was struck at the end of the interview you gave me about Robert Dole, you sort of summarized things as ‘life spirit,’ the term you used to describe -

BB: They’re very different personalities.

BW: So what would the key words be for George Mitchell at this stage?

BB: Brilliant, professional, disciplined, decent, reliable, I think the embodiment of what our founding fathers hoped our leadership would be, caring. You know, in a way, everybody gets to a certain point in our system, in our society that, what I call payback time, that the society has treated you, a generic you, well, it’s time to pay back the society. I would say George has led a life of paying back for the opportunities given [].

BW: Great.

BB: Okay.

End of Interview