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Recommended Citation

Matz, Marshall and Institute of Child Nutrition, "Marshall Matz" (2016). *Oral History Project (all interviews)*. 83.

https://egrove.olemiss.edu/icn_ohistories/83

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Marshall Matz

Marshall Matz served as General Counsel to the Senate Select Committee on Nutrition and Human Needs and also as Special Counsel to the Senate Committee on Agriculture, Nutrition, and Forestry before becoming Washington counsel for the American School Food Service Association.

JB: I'm Jeffrey Boyce and it is December 15, 2016. I'm here in the Watergate complex with Marshall Matz. Thanks for taking the time to talk with me today Marshall.

MM: Jeff, I'm honored you came all this way to visit with me.

JB: Can we begin by you telling me a little bit about yourself, where you were born and where you grew up?

MM: I was born and raised in New England. After law school I took the Connecticut bar. I decided I wanted to move to a more rural environment and I presumed that would be northern New England, Maine. But as I was applying for jobs I was offered a position with South Dakota Legal Services, which sounded like the most exciting opportunity I had, and the most strange.

JB: The most rural I can imagine.

MM: The most rural; it was even more rural than Maine. So I said yes on the spot. And the reason that's relevant is that I moved to an Indian reservation in South Dakota. That was 1971, the year I graduated law school. In 1972 a Senator that I had never heard of, our senior Senator from South Dakota, George McGovern, was the nominee of the Democratic Party. So I got very caught up in that campaign and went to work for Senator

McGovern. He became a very good friend of mine, and he eventually became George. After he lost to President Nixon in 1972 he said, "Marshall, how would you like to move back to Washington and be my lawyer on nutrition programs?"

JB: I wondered about the connection. So that's how you met Senator McGovern, you took the job in South Dakota.

MM: It was total coincidence, total. When I turned down the job in Maine I assumed that Senator Muskie would be the nominee, but I moved to South Dakota because it was even more rural and more challenging. And the chance to work with Native Americans was really exciting.

JB: What sort of work did you do with the Native Americans?

MM: I was working with South Dakota Legal Services and we were representing Native Americans against the federal government, the tribe, against the state on criminal issues, civil issues. Sometimes we'd fight with the IRS. Sometimes we'd represent individual Indians who'd been arrested for driving while intoxicated. It was the whole range.

JB: The whole gamut, OK.

MM: The whole gamut. So I actually spent the very first year of my practice as a lawyer mostly in tribal court, going into tribal court every single day on behalf of somebody on some charge. I don't want to get too bogged down here, but it was great fun. The states have no jurisdiction on the reservations. It's either the tribe that has jurisdiction, or the federal government, depending on the nature of the crime. But anyhow, Senator McGovern lost to President Nixon, and here we sit in the Watergate, which was the scene of the crime

so to speak., He offered me a job, because he thought I was from South Dakota. It was years before he found out I wasn't **really** from South Dakota. I was a transplant.

JB: How interesting.

MM: In any event that led to a career in nutrition, and then that became agriculture, and it grew from domestic agriculture to global. So, now our law firm specializes in agriculture across the board, including nutrition, both domestically and globally.

JB: So what was that first committee that you worked on? You were general counsel for McGovern on the?

MM: I wasn't general counsel at first, but I started as assistant counsel to the Select Committee on Nutrition and Human Needs, which everyone called either the Hunger Committee or the McGovern Committee.

JB: OK.

MM: Eventually I became general counsel. That committee then merged in 1977 because it was so popular. It actually merged into the Senate Committee on Agriculture, and it became a permanent subcommittee, as opposed to a select committee, which is for a finite term of time. And a select committee has no legislative jurisdiction. The subcommittee on Agriculture had legislative jurisdiction, which means it could pass laws. I stayed there for a couple of years. In all it was seven years working for Chairman McGovern on the Hill. Senator Dole was the senior Republican. We became great friends, and of course the two of them sponsored a series of legislation. All of the Dole-McGovern bills, or the McGovern-Dole bills, on school lunch and food stamps and WIC, we created the WIC Program, and then after they both left office we were still in

concert. Under President Clinton we created the Dole-McGovern International Feeding Program. They had left the Senate at that time. I was no longer working for the Senate, but we were all still working together on behalf of feeding kids, here and around the world. It was quite an extraordinary experience.

JB: How did the different sides of the aisle manage to work together in those days?

MM: You know, in those days it just didn't matter. And agriculture in general is a more bipartisan issue than other issues. So even today they work together better at the Ag Committee than they do on Defense, Foreign Affairs, or Trade. Ag is still better. Chairman Pat Roberts and senior Democrat Debbie Stabenow, they worked hard together on a child nutrition bill in 2016 that did not become law. But it was not for a lack of effort. And they have a very good rapport. So it's still better than other areas, but back then it was seamless. In fact the committee staff, we all sat together. The majority staff, the minority staff, we sat together. It was just seamless. You tended to serve the senators on the committee that were interested in whatever subject you had knowledge about. I knew something about nutrition and I knew more as we went along, and it was George McGovern and Hubert Humphrey and Ted Kennedy and Bob Dole and Chuck Percy that were interested in nutrition. So those were the senators that I served, and it didn't really matter what party they were in. It was just a fun, fun, unique experience and you were young, and I had long, curly hair, and had no clue how rare and unusual and extraordinary this opportunity was to do good things on behalf of the most powerful people in the United States.

JB: So there really were 'good old days'? It's not just a -

MM: Yes. There were good old days, and I'm hoping there'll still be some ahead of us, but - and the irony of it is I still staff Bob Dole to this day. I meet with him every couple of months, mostly for personal reasons, because it's just a deep friendship, but in this transition I've had the opportunity to actually discuss with him the transition to the Trump Administration and work together a little bit on that, but let's keep that a secret.

JB: What were the highlights of that first committee you worked on? What were some of your proudest moments, or some of your most frustrating, or both?

MM: Well I mean they had - Senators McGovern and Dole and the committee - just an extraordinary record of accomplishment. People cared about feeding hungry kids and feeding a hungry country. At first I didn't staff child nutrition. I staffed them on food stamps, and my friend and colleague who you interviewed, Alan Stone, did child nutrition.

JB: Who sends his warm regards by the way.

MM: Tell Alan hi back. But we reformed food stamps significantly. It used to be, believe it or not, that you had to buy your food stamps, which seemed crazy, because people were poor. And if you were that poor, having enough money at one point in time during the month to actually buy your stamps was very difficult, particularly for the elderly on fixed budgets. So we fundamentally reformed the Food Stamp Program so that people just got the net amount and you didn't have to buy stamps. We expanded school lunch and school

breakfast. We created the WIC Program. I'm saying the royal "we", because Senate staff, we're always more arrogant than House staff, but as you get older you just take that liberty. It was Senator Humphrey who had this idea that food stamps weren't enough if you were pregnant or lactating and you had a young infant. You needed something to supplement the nutritional basket. Everyone thought it was a good idea. No one even asked how much it would cost. We had no clue. There were no budget committees at that time. There was no budget. So everyone thought it was a good idea. It was enacted. And of course now it's feeding six, seven, eight million people. Those were very, very proud moments. And that team of McGovern-Dole continued even after they left the Senate, as I said. When President Clinton was in office they approached him on going global. And he liked that idea and he dedicated \$300,000,000 to the McGovern-Dole Global Child Nutrition Program.

JB: Did you work on that program?

MM: Yes. I was at the White House with them when they announced it and President Clinton said, "Let's do it." I remember Senator Dole turning to Senator McGovern. Now mind you, both had run for President, both were the nominee of their party- different parties- and both failed. But at one point Bob Dole said to George McGovern, "Senator, I always wondered what the Oval Office looked like." And of course everybody got a chuckle out of it. It was a friendly time. Bill Clinton started as a George McGovern staff person in 1972.

JB: I didn't know that.

MM: As did Hillary Clinton. But at this point of course everybody was good friends and working together to feed kids. So it's been a very extraordinary legacy that I

certainly didn't appreciate when I was fresh off an Indian reservation, and Alan Stone didn't appreciate. We just didn't know what we had. Of course now when you look back you say, "Oh my gosh."

JB: There had to be some frustrations. What were some of the tough moments?

MM: Well there were, although by and large most of the moments were good. I do remember when President Carter was elected and he proposed the Department of Education, which has been created. But originally when he sent the child legislation to Capitol Hill he proposed that all the nutrition programs be transferred from the Department of Agriculture to the Department of Education, which we thought was a bad idea for a variety of reasons. The link to agriculture was very important, so we didn't want to give up that base. And even today the education establishment in the United States has never fully embraced the nutrition programs as a part of an education day. They think of it as a support system. So we opposed that - we of course being the senators opposed it, and we did win. We did prevail and the Department of Education was created, but the child nutrition programs stayed at USDA. I don't think of that as a bad memory. I just think of it as a challenge that we had to deal with, and we did.

JB: And so after you left the Hill, what was next?

MM: I left the Hill in 1980 after seven years on the Hill, and I've changed firms a few times, but I've been practicing agriculture and nutrition law ever since. As you know, our law firm specializes in agriculture and we are a full-service agriculture firm. Within that space I tend to be the global nutrition person, global agriculture person, and still have deep commitment to

child nutrition. There's a special place in our heart for that. Even though there was a sad ending to our SNA chapter, there's a good feeling about those programs and what we did. As you know, some thirty million kids plus are being fed every single day, plus breakfast, which was insignificant when we started. It's a good feeling.

JB: Tell me about the good old days first of the ASFSA and then SNA. You worked with, at least in child nutrition, some pretty well-known ladies. I understand you were instrumental in getting the first person from child nutrition into the Undersecretary position at FNS. Is that correct?

MM: That is true. We had a wonderful relationship. Josephine Martin recruited me. It was at the San Francisco ASFSA convention, and I was still working on the Hill, and she came up to me and said, "You know, I think you should leave Capitol Hill and go to work for ASFSA." I was flattered of course, and loved Josephine and all the SNA presidents. They were just such a wonderful group. But I thought about it and said no, I wasn't ready to do that, but if I left the Hill to join a law firm I'd be just honored if they became my first client. And that's what happened. They made a commitment to use me as their attorney and I used that to jumpstart a legal career. That was 1980.

It was years later, we were feeling our oats, and I was talking to the SNA Executive Board and the PPL Committee, and everyone's wondering, "Well, who are we going to get in the next administration to deal with?" And I said, "Well, why are we waiting and seeing? Why don't we make an effort to get one of our people into the administration so that we have one of our people somewhere in the lineup?" Everyone seemed to like that

idea and we put our heads together, and there was a consensus on which SNA person to support so we weren't competing with each other. And for a variety of reasons Shirley Watkins' name was put forward. And at first the Secretary, and I think it was Mike Espy who was the first Secretary for Bill Clinton, there was a feeling 'how can you have a school lunch lady who's running a little program in a little town somewhere' - even though Shirley was in Memphis and it was not a small program - but the perception of a school lunch lady running a hundred billion dollars' worth of programs was quite a stretch. It was a new thought.

But we all organized, first within the organization, and then we networked with our allied organizations, the anti-hunger organizations, the agriculture groups, our friends, and we generated enough support that, to make a long story short, we prevailed. Shirley didn't become Assistant Secretary, but she was the Deputy Assistant Secretary, did a great job, and as a result we had enough credibility to do it yet again. And of course Janey Thornton came in later on and when she left Katie Wilson came in. They did fabulous jobs, but it required a lot of organizing, a lot of credibility, a lot of networking with other groups. You have to get everybody within SNA to agree.

JB: Wasn't there a big letter-writing campaign?

MM: Yes, absolutely. But even that was mellow, or thoughtful, because you don't want a massive letter-writing campaign - some of the presidents don't like that. Some don't mind. Some feel it's more of a quiet campaign. This time - I mean it's interesting - President-elect Donald Trump for the very, very first time actually has published a form for applicants. So if you want to apply to go into the Trump

administration there is actually an application as if you were applying for a Civil Service position, but yet it's a political position. So things have changed with automation, and we'll see how that turns out. But it's a clever idea. It's certainly a sign of the times, but that's really how it happened. We figured we had a right to play in this space and to be involved politically so we organized within SNA and then we organized with all of our allies, because SNA's not the only organization that gets to express an opinion. If you're running a program of \$100,000,000,000 there are a lot of people that are interested, and more people that are interested now than were back then, a lot more.

JB: Who were some of the allies you worked with?

MM: Oh, we worked with certainly the anti-hunger groups, FRAC, the Center on Budget and Policy Priorities, but then a host and a range of agriculture groups where we were seeking allies from them, because it is still the Department of Agriculture and it's the Secretary of Agriculture that makes that call in great part. It was an interesting experience. I think SNA now as a result has dramatically more credibility than it did in the early days, significantly. Current politics have changed things, but the basic premise that somebody who runs a school lunch program is qualified to administer the programs nationwide I think is now an accepted fact.

JB: Did their move of their headquarters to the nation's capital improve their image or their profile to get more done?

MM: I've thought about that. It's good that they're here. I think their level of involvement has helped;

their outreach from the field has helped. I don't think the mere fact that they're here in town dramatically influenced their credibility. Lots of things did. They've grown as an organization for sure, and coming to town was a positive thing, but I don't think it was a game changer.

JB: OK. I just thought in Denver they were so far out.

MM: It's true, but you know, it's a funny deal. There's almost a reverse bias. In some people's minds being from Denver gives you more credibility than being in Washington. SNA's power does not come from being in Washington. SNA's power, to the extent they have power, comes from representing 50,000 people, or 55,000 people, however many members they have now. I don't represent them anymore - it comes from representing constituents. That's where their power comes from. Whether it was me or somebody else representing SNA here in DC, you walk into a member of Congress's office or a Senator's office- where does your power come from? Your power comes from the fact that you're speaking on behalf of a constituent. And a white hat constituent, somebody back there in their congressional district who's trying to feed the children. That is where the power comes from.

We've had this discussion long and hard about the SNA PAC. Did we need a PAC? Does it help our powerbase? Yea, I think they needed a PAC, and it's a good PAC. But we used to call it a creampuff PAC, because it's so small. It supplements their powerbase, but that's not where their power comes from. Their power comes from representing constituents, and to that extent I don't think it mattered a lot whether you're in Denver or Washington. There's a convenience factor being in

Washington. It's a good thing they moved to Washington, but -

JB: But they had their Legislative Action Conference every year even when they were in Denver, correct?

MM: Absolutely.

JB: And I hear they were some pretty good lobbyists.

MM: I'm proud of those years. We did well. It was disappointing when our paths were separated, because I thought we had a very productive thirty-one years. We had a long history of accomplishment. There were increased challenges ahead as the issues got more complicated. People were caring more not just about feeding kids, but the quality of the food, the greater detail on the specs. People were looking at not just a healthy diet and a balanced diet, but all of a sudden you're getting into the grams of sodium and the grams of fiber. It became a more complicated and specific menu pattern, so the issues got more complicated. But it was a very, very proud thirty-one years of accomplishment, and I'm sorry it separated precipitously, which I thought was a wrong decision, but I'm sure others thought was a wise decision.

JB: Were there maybe a handful of key proud moments that you had working with them?

MM: It would be hard, Jeff, to give you just a handful. They were my first client and they were special. There's no doubt about it. And the mission was special, feeding the nation's children. Good Lord, it certainly justified your existence. Those past-presidents became very good friends, Josephine and all the presidents we've just mentioned, and Jane Wynn in particular, and Thelma Becker - these people became friends of mine.

And they watched my family grow up. They watched my kids literally from birth until now my daughter's about to become a mother. I remember taking my daughter to the Las Vegas convention.

JB: The SNA convention?

MM: The SNA convention or ASFSA, I don't remember. So Hayley was about ten or twelve, and they teased me. What kind of lawyer brings their daughter to Vegas? The guy has to be a little daffy. But we had a ball, and the SNA Executive Board, Hayley, and I went to some of the shows together. But I got teased about that. It was a family affair and there's no doubt about it. And we were on an important mission, which was to feed the nation's children. I don't remember any - I'm sure there were some challenges, but we faced them.

JB: Ketchup as a vegetable?

MM: That was a challenge, but the point of it is we all approached it together. I remember when some members of Congress proposed that we get rid of USDA commodities, or cash out the Commodities Program. That was a very, very divisive issue. In fact the House Education Committee decided not get rid of commodities on a TIE vote, a TIE vote, which was the closest and most aggressive battle I can remember. Chairman Ford, who was then head of the House Education Committee, actually accused me of a conflict of interest because I had worked for the Senate Committee on Agriculture.. He demanded - I think it was Jane Wynn who was ASFSA President - Mr. Ford demanded that SNA poll their PPL Committee, one by one, to make sure that the representation we were making to the Congress was accurate, and that SNA, as opposed to Marshall Matz, opposed getting rid of commodities. So, the hearing

adjourned and SNA did in fact poll all members of the PPL Committee, and the next day we went back to Congress and said, "No, it was really a vote of the PPL Committee, and we want to stay with commodities because it provided a good political base for the program", which it did. It was a smart decision. That issue comes up every once in a while. Cash is more efficient. It's easier to distribute. But we thought the commodities gave us a political base that was important to keeping the program. And when years later Speaker of the House Newt Gingrich proposed a block grant, all of our agriculture allies helped us oppose that.

Block grants are again another issue. It concerns me that I don't think folks at the grassroots necessarily understand what a block grant is. A block grant terminates the School Lunch Program. Yea, it gets rid of some rules, but it gets rid of the guarantee that the school food service authority will get reimbursed for every meal served. It will provide a fixed amount of money and if there's a recession and the number of kids on free lunch goes up they may be short of cash. So I think it's quite important.

JB: And so what are you up to these days? Tell me about that.

MM: It's interesting. When you're an agriculture firm you get involved in a wide range of issues. We're still involved in domestic school lunch. We still represent ACDA, American Commodity Distribution Association, all of whom are SNA members, so we stay involved. I still represent some of those Indian reservations where I started.

JB: Really?

MM: Yes I do. As a matter of fact we have a lawsuit against the Department of Agriculture, which we now have settled, at least I hope so. I do global agricultural development. I probably commute once a year at least to Africa, working to help African leaders increase production of agriculture. The Global Child Nutrition Foundation, which was an arm of SNA, is a client. But so are forestry issues and research issues. We also represent South Dakota State University. If it touches USDA, our firm's probably involved with it. It's a fun assortment. I spend much more time at AID, the Agency for International Development, because my practice has really gone from domestic nutrition, and domestic agriculture, to global agriculture. It's still interesting and it keeps me going and that's why I haven't retired quite yet.

JB: I can tell you enjoy it.

MM: It's been a great, great thrill.

JB: Thank you so much for taking the time to talk with me today.

MM: Jeff, I'm thrilled to do so and flattered that you came all this way to talk to me. You're forcing me to recollect a little bit and bring back just wonderful, wonderful memories. I feel like when it comes to food and nutrition and agriculture I've sort of been a witness to history.

JB: You have.

MM: I don't think Alan Stone and I had any clue at the time. Alan was the other person - McGovern hired two people off the campaign, Alan and me, and each day we'd sort of pinch ourselves and say, "Why in God's name, with all the talented, bright Ivy League kids that were

working on that campaign in '72, did McGovern choose us?" Eventually after he lost his Senate seat, George McGovern became a member of our firm and we remained close until he passed away.

JB: Oh really?

MM: Yes. And the historian in you might enjoy this story. When our law firm moved here to the Watergate, which is where we are, thinking back to the Nixon-McGovern campaign and the break-in at the Watergate which led to the impeachment effort of President Nixon, George McGovern put out a one-sentence press release that got picked up all over the United States that said, "I sure hope nobody breaks into my office this time." And his office still remains. Our conference room is still called the George McGovern Conference Room, and we do a lot of work on nutrition.

JB: Honoring a great man.

MM: Honoring a great man, and Bob Dole lives in the Watergate right behind us. Secretary Jack Block is a member of our firm. He was Ronald Reagan's Secretary of Agriculture and we've named our other conference room after Secretary Block, because we don't see agriculture or nutrition as a partisan issue.

JB: As it shouldn't be.

MM: No, it shouldn't be. Feeding kids is not a partisan exercise, and agriculture production's not a partisan exercise.

JB: Well again, thank you so much for taking the time today.

MM: Jeff, good to meet you. Thank you.

JB: Thank you. It was a pleasure.