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THE LEGACY OF SENATOR EDMUND MUSKIE

Robert E. Hirshon*

I am delighted to be with you this morning. My relationship with Senator Edmund Muskie actually predated my birth. It arose from my grandfather's ownership of a building in Waterville, Maine. On the ground floor was a dry goods and clothing store operated by my grandparents and frequently visited by Jane Gray, the future wife of Edmund Muskie. On one of the upper floors in the building was a small office that my grandfather rented to an aspiring young lawyer who had recently graduated from Cornell Law School and had returned to Maine to practice law. That young lawyer was Edmund Muskie.

The first time the Senator and I actually met was in 1986. My aunt and uncle, who lived in Bethesda, Maryland, took me to their favorite Chinese restaurant. That restaurant was also a favorite of the Muskies. As we were about to leave, the Muskies entered and Ed, Jane, and my uncle recognized each other and started to reminisce about Waterville. My uncle introduced me and to my surprise, the Senator recognized me. At the time, I was President of the Maine State Bar Association and the Senator was a member of the Association. I believe he had seen my picture on the President's page of the Maine State Bar Journal.

As a new member of the law firm Chadborne & Park LLP, the Senator was asked to chair an American Bar Association committee. He told me that his law firm had encouraged him to become involved in the ABA, but knowing nothing about the organization, asked whether I was interested in becoming his chair-elect of the committee. I immediately said, "Yes." Ultimately, I became President of the American Bar Association. It was Senator Muskie who brought me into the Association and not vice-versa, as so many people believe.

The Senator and I became good friends and constant companions at ABA meetings. We traveled together across the country. This allowed me to personally witness the genius of Ed Muskie.

At the beginning of our relationship, my responsibility was minimal. I was tasked with making sure that Jane's admonishment to Ed was followed: not to order dessert. In fact, the Senator never did. And he faithfully reported this fact to Jane in my presence when we returned home from our meetings. Of course, what was left unsaid was that I always ordered two desserts and no, I did not eat both!

In 1989, I was president-elect of the Maine Bar Foundation. The foundation was on the verge of initiating an ambitious project: a study of the legal needs of Maine's poorest citizens.¹ We needed a "headliner" to chair the commission. We needed an individual whose passion for the subject exceeded our own. We needed the "Man from Maine," Ed Muskie.

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1. Hon. Kermit V. Lipez, *Reflections of an Access to Justice Chair*, 62 Me. L. Rev. 585, 590 n.13 (2010).

Together with Nancy Chandler, the Executive Director of the Maine Bar Foundation, Mary Schendel, the former president of the Maine State Bar Association and Maine Bar Foundation, and L. Kinvin Wroth, Dean of the University of Maine School of Law and former president of the Maine Bar Foundation, we decided to ask Senator Muskie to chair the commission that would study the legal needs of the poor. Due to my relationship with the Senator, I drew the short straw and was requested to invite the Senator to dinner where we would make “the ask.” We realized that most of us, and most importantly, the Senator, would be in Denver for the ABA’s midyear meeting. Accordingly, we invited him to one of the best restaurants in Denver and reserved a table with a wonderful view of the city.

Unfortunately, that evening was a disaster. As I look back at it, I am amazed that the Senator agreed to chair the commission. First, that weekend in Denver was one of the coldest on record. It was so cold that the beautiful view we requested was completely blurred by the frost attached to both the inside and outside of the restaurant’s windows. Indeed, the Senator refused to remove his overcoat until we were able to get a portable heater near his chair. The evening was also a difficult one because the Senator’s sister had recently passed away and he was still grieving. To top it all off, he was very sick with an infection and was anxious to return to Washington.

Nevertheless, our group persevered.² We outlined our ideas and explained our plans to the Senator and asked whether he might chair a newly created entity, the Maine Commission on Legal Needs.³ Dean Wroth had agreed to serve as the chair of the Steering Committee. If the Senator were willing to assume leadership of the Commission, we knew we could attract everyone from the Governor of Maine to the Chief Justice of the Maine Supreme Court.

The Senator peppered us with questions. He was clearly intrigued by the idea of coming back to Maine and helping the citizens he had represented for a lifetime. He told us that he would need to think about our request for a week or two, but I could tell in his eyes that he wanted to accept our offer. Within two weeks he did so and the commission quickly formed. Not only did the Governor and the Chief Justice accept positions, but the president of the Maine Senate, the speaker of the Maine House of Representatives, the Senior Circuit Judge of the First Circuit, the state of Maine’s attorney general, the president and publisher of the state’s most influential newspaper, and many other important opinion leaders did as well.

The Senator rolled up his sleeves and took an incredibly active role as head of this commission for the next three years. It was his idea to have public hearings. Seven public hearings were scheduled around the state and the Senator attended all but one. You could tell that he was glad to be back in Maine and mingle with his friends and the people he had represented. Many times he stayed overnight at my home. My youngest daughter gave up her bedroom, but the Senator kindly agreed to share it with her pet hamster, Herman.

Many of you knowing the size of Maine, might wonder why the senator didn’t

2. Hon. Frank M. Coffin, *Introduction: Access to Justice—Its Past, Present, and Future*, 62 ME. L. REV. 421, 423 (2010).

3. *Id.*

fly into Bangor for the meetings he held in Penobscot and other more northern counties. The answer is very simple: the Senator hated small planes. Indeed, after flying to Bangor for a hearing that was about to be held in Presque Isle, he told Nancy Chandler, "Never again. You cannot take somebody my size and put him on an airplane that small. Don't you or your staff ever schedule me on that airline again." The Senator was deadly serious and in fact once confided to me that his worst vote as a Senator was for the deregulation of the airline industry. Soon after deregulation, planes to Maine were downsized to turboprops and it got to the point where the Senator flew into Boston and then drove to my home in Cape Elizabeth.

I will always cherish the time I spent with the Senator. I learned so much about him and so much from him. I was amazed that wherever we traveled he was recognized, whether it was on the streets of San Francisco (yes, I was the one who persuaded him to take a trolley car, but he needed no persuasion to order a Ghirardelli hot fudge sundae), or the beaches of Bermuda. The Senator and I also traveled to Hawaii, Gettysburg, New York, Philadelphia, Chicago, Miami, and many other cities. Wherever we went people would stare, recognize the Senator and immediately ask for his autograph. He and Hubert Humphrey may have lost the 1968 election to Richard Nixon and Spiro Agnew, and he may have withdrawn from the 1972 Democratic Presidential Primary, but he was still admired, well recognized, and loved by the average American citizen.

I was out of the country when he died and did not hear of his death until after his funeral. I had the chance to visit where he and Jane are buried in Arlington National Cemetery. I urge each of you to also visit his gravesite; it is a most serene environment. As you look at his tombstone, you'll immediately know why he will always be referred to as the "Man from Maine."

LEGAL AID AND LEGAL SERVICES: AN OVERVIEW

The Honorable Howard Dana