

George J. Mitchell Oral History Project

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(Interviewer: *Brien Williams*)

GMOH# 077
February 7, 2009

Brien Williams: This is an oral history interview with Jeff Peterson for the George J. Mitchell Oral History Project at Bowdoin College in Maine. We’re in Jeff’s home in Falls Church, Virginia, and today is Saturday, February 7, 2009, and I am Brien Williams. Jeff, would you start by giving me your full name, its spelling, date and place of birth, and your parents’ names?

Jeff Peterson: Sure, Jeff, Jeffrey Ward Peterson, J-E-F-F-R-E-Y, Ward, W-A-R-D, Peterson, P-E-T-E-R-S-O-N. My father’s Dr. Merrill D. Peterson, my mother Jean H. Peterson.

BW: And the date and place of your birth.

JP: March 23, 1954, in Lexington, Massachusetts.

BW: Good. Would you give me a little bit of your background, where you grew up and your education and so forth?

JP: Sure, I grew up in Lexington, Massachusetts. At the age of about ten my family moved to Charlottesville, Virginia. My father was teaching at the time at Brandeis University, he’d just finished a book on Thomas Jefferson, and he was offered a job as a professor, the Thomas Jefferson Professorship of History, at the University of Virginia in Charlottesville.

We moved to Charlottesville in 1963-64, and that was a time of some civil unrest in Virginia, and other places around the country, related to schools, racial issues. It was an interesting transition for our family, but ultimately Charlottesville turned out to be a great place to be. I finished high school there, went to Bowdoin College in Brunswick, Maine. After a couple of years working in Maine got married, went to, moved out to Seattle, Washington, to go to the University of Washington Graduate School of Public Affairs. I got a master’s degree there, and I started working part-time in Seattle for the Environmental Protection Agency regional office in Seattle, worked while I was in graduate school to make some money, but also I really enjoyed working with EPA and found that there was a lot of cross connection between the graduate work and studies I was doing, and the work I was doing at EPA, so it really was a good combined experience.

And after a brief time, that was the early eighties, there was a, EPA was not hiring right at that point, as I graduated from University of Washington, and I worked for a time for Seattle City

Light, the publicly owned electric power utility serving Seattle, but did have an opportunity to get a job about a year later with EPA back in the Washington headquarters office and my wife and I decided that, as much as we liked Seattle, we wanted to be back on the east coast so did that and worked for EPA for several years. And about that time I had the opportunity to work on the Hill, starting in Senator Mitchell's office, and then for the Environment Committee for another eight years about. And since then, I left the committee in '94, actually ninety-, early '95, and I've been with the Environmental Protection Agency since then.

BW: Okay, very nice. Good summary. What was your thinking in choosing Bowdoin?

JP: Well, I had looked at quite a number of different liberal arts colleges, I knew I wanted to be in New England, I, kind of growing up in Lexington to the age of ten, I had sort of imprinted with a New England outlook and always had a little bit of a transition coming to Virginia. And my thought was to get back to New England for college if I could. Turned out that I really loved Bowdoin when I got there and looked around, had a great interview with the dean of admissions there, who had I think a lot to do with my getting accepted and ultimately having the chance to go there, and really had a great experience there.

BW: And then what motivated you to move to the opposite coast?

JP: Well, I'd been working, after I graduated from Bowdoin, for the, a regional planning agency in Bath, Maine, and really enjoyed working with local governments. It was the kind of job where you could meet with local selectmen, planning commissions, three or four evenings a week easily, working on things like comprehensive planning or environmental issues or zoning or transportation or coastal protection, at a very local level with really tangible projects. And at the same time, I was interested in some of the bigger environmental issues and knew that probably to get into some of those other areas I would be, it would be good to have some advanced degree work.

I was very interested in public administration issues, partly because that was a lot of what I was doing in the regional planning job, and I actually had a friend from Bowdoin who was a year ahead of me who was in the Graduate School of Public Affairs at Washington, gave it great reviews, was very positive about it, and that's how I sort of learned about it. I ended up applying there, got accepted, and that's how I made that sort of transition.

It was a kind of a different place, but it was a good thing to do at a comparatively young age, to sort of see a whole different part of the country. My wife and I had just gotten married, and so we didn't have a lot of, we weren't carrying a lot of baggage. We, her brother actually drove her VW car square-back out for us, and biggest single thing we had was a Laser sailboat, which was strapped on the top of the car. And that made it out there, but we didn't have much else beyond that, and so it was easy to move out and go from there.

BW: When did you, quote/unquote, 'get your calling?' What, was it while you were at Bowdoin, or maybe even earlier on, where you sort of knew the direction you wanted your

professional life to go in?

JP: Well, I think I had a pretty clear idea for a long time that I was interested in public service generally, certainly at high school. I was pretty involved in local politics in high school. I kind of hate to admit it, and I certainly never advertised it when I was working for Senator Mitchell, but I was pretty well sold on George McGovern as a presidential candidate back in the day, and somehow had, somehow had missed the Muskie, the brilliance of Senator Muskie, which I learned to appreciate later.

But one of the things that Senator McGovern had been supporting was a local, or state conventions that had diverse representation, and part of the representation idea was that there should be younger people involved in conventions. Virginia had a state convention at the time, and I was elected from my precinct to be the representative, one of the delegates from the city of Charlottesville to the Virginia state convention, as a senior in high school, and I think I was technically the youngest delegate at the Virginia state convention. And it was a great experience, and really kind of locked me into a strong interest in both government, but also politics and also Democratic politics. I later learned that probably things would have worked out better if I'd been a Muskie delegate, but -

BW: Why?

JP: Well, working with folks who had, in Senator Mitchell's office who were, many of whom had worked for Senator Muskie, when they heard that I'd been a, had anything to do with George McGovern, I took some serious shots over that and I was educated as to my obvious failings at a young age, and that I should have had the insight to recognize that Senator Muskie was the way to go. And I guess I'm mostly convinced that they were right.

But it was a great education and an opportunity to really kind of see government wheels turning in a very kind of tangible way. And for, it was many years later actually at, I can't remember the exact year but one year in the Maine State Democratic Convention, and I think it was the year Senator Mitchell was running for reelection, I'd have to look that up, but a number of staff, I think a half a dozen of us from Washington went up to Portland for the convention in Portland. I thought at the time, I hadn't been to a state Democratic convention since that first one I'd been to for McGovern, and the obvious links between McGovern and Muskie were, I remembered all that all over again, but.

BW: So can you recall your first awareness of George Mitchell when-?

JP: Well probably, I was working at EPA and had a job working for the Office of Water, which was in charge of the drinking water and clean water programs. They had a lot of interest in the Clean Water Act; I was interested in the Clean Water Act legislation. There were lots of people working on that topic, and while I was able to do some work on it, it was clear that I wasn't probably going to be able to be substantively involved. But I learned enough to know who the members of Congress were who were involved in that, Senator Mitchell was the ranking

member on the subcommittee of the Environment Committee, with jurisdiction for the Clean Water Act.

I had the Maine background from college and having worked in Maine, and actually at the time, the several years we'd been back in Washington, my wife's family was in Wiscasset, still is in Wiscasset mostly, so we'd been back up to Maine quite a lot, so a Maine connection seemed like an obvious thing, and so I was interested in learning a little more about Senator Mitchell because of the Maine connection *and* the Clean Water Act connection. And that was really what prompted me to enquire of his office whether having someone from EPA working for him on a detail would be of interest to them, and it turned out it was and that's how it worked out that I went over there for a detail at the beginning of 1985.

BW: How frequently did that happen? Did EPA have lots of people on assignment to members of Congress?

JP: It was comparatively rare. There are established programs for government employees to get experience on the Hill, some of them are run by different organizations around town. And EPA at that time would occasionally identify someone who would be selected to fill a position on a competitive basis, to be available for a detail.

I kind of short circuited that process a little bit by, I sort of knew that you didn't *have* to follow that route; it was also possible just to be on a detail regardless of sort of the more traditional route. And I think I had a, I had a maybe a general kind of intuitive feeling that if there was a good fit between a person at EPA and a member of Congress that usually something could be worked out.

Interestingly enough, the guy I worked for at the time at EPA was the assistant administrator for Water, he was Jack [E.] Ravan by name, had been on the Hill for many years as administrative assistant to Strom Thurmond, and was a very conservative, had a very conservative outlook. At the same time he was a great believer in the importance of understanding what went on in Congress, and that federal agencies often didn't really have a clue what was going on on the Hill, and he believed that it was important for more people from federal agencies to have experience in Congress. And it occurred to me that maybe he would have a problem with my working for Senator Mitchell, a Democrat from Maine, but he said at the time, "It's the experience that's important, it doesn't matter whether you're working for a Democrat or a Republican, you'll get great experience either way. And if he's someone who wants you to work on issues that you would be working on at EPA, then that's fine, sounds great for me, I think you should do it." That was his basic take on it, which was a little bit of a surprise to me but I think, looking back on the experience, I absolutely understand what he had in his mind, and that I have the same kind of outlook, I think, if I got presented with a similar situation today.

BW: Who was the chairman of the subcommittee?

JP: John Chafee from Rhode Island, and he had a, he had a very strong staff, I think he had

more time in Congress than Senator Mitchell. I think there always was a very strong and warm personal relationship between Mitchell and Chafee. Chafee was really a wonderful person, as well as a wonderful politician, and a great environmentalist, but he was a very easy person to like and to get along with. And I think he also, he was also always very supportive of Senator Mitchell, I think he appreciated both Senator Mitchell as a person, but the New England connection and the interest in the environment. And I don't know enough about the earlier years, but I think Chafee and Muskie must have had some kind of relationship. I never really asked about that, I never saw it because of course Muskie wasn't in the Senate by the time I got there. And of course Mitchell had worked for Muskie and must, I think had probably known Senator Chafee in some form early on, so.

BW: Did Chafee have an EPA person on his staff?

JP: No, not from EPA.

BW: And that wouldn't have been a contentious matter that Mitchell had expertise from a government agency, and the chairman didn't have?

JP: Well no, I don't, I never perceived that, and I think of course they were in the majority so they had more staff than we had. In fact, part of the reason I think the Mitchell office decided to bring me on, or offer to bring me on, was that the committee had a difficult full agenda that year, they were also going to be working on Superfund legislation. The person in the personal office, the staff person, Charlene Sturbitts, who was covering a lot of what the committee was doing, a lot of the environmental stuff, I think really wanted to focus on the Superfund reauthorization. And at the same time I think trying to do that *and* Clean Water together would have been a really difficult job. So I think she looked at having me being able to cover the Clean Water stuff would have given her a cleaner time to invest in really getting the Superfund work done.

And that was part of the logic of bringing me on. Had they not been able to do that, I think Charlene would have been trying to cover meetings, sort of constant meetings, and trying to stay up and brief the Senator on both things. And the I think the majority, being better staffed, realized that there are some advantages to having the minority also be well staffed, because then they're not feeling like things are running out ahead of them or out of control, or they haven't been briefed, or no one's explained this to them so they don't really understand the issue. The majority needs the minority to be a strong cooperative partner, and for that to happen it's important to have good staff on both sides. So I think they were happy to know that Mitchell would be staffed on the issues.

And as it turned out the working relationships at the staff level were really good. On the committee staff, of course, was Phil [Philip T.] Cummings, who probably more than anybody, majority or minority, was the expert on the Clean Water Act, and Phil did play an important role in staffing Senator Mitchell, I wasn't doing it all alone, and he was representing the full committee but also supporting the ranking member of the subcommittee, and of course I was

new, I was, sort of, 'Never done this work before,' so I learned the ropes pretty quickly but I would have been really in over my head without some help right up front.

And Phil had been, before the Senate had become, come into Republican control, he had been majority on the staff and had worked for Senator Jennings Randolph for many years and had tremendous expertise and knowledge, and also had, I think, a lot of trust among the Republican members and the staff. So he was a tremendous mentor to me, someone who really helped me both with the substantive issues of the Clean Water Act, which I knew to some extent, but also in Senate procedure and what do you need to do to get the guy you're working for to be ready to go to this hearing or able to deal with this meeting or what have you. Between Charlene in the personal office and Phil in the committee office, they were a tremendous help to me.

BW: And you remained on EPA payroll.

JP: For the original plan. Of course most details are for a one year period. Come the end of one year, it's often possible to extend it for another year. We were right in the middle of a reauthorization process at the time, and the agency went ahead and did that, at Senator Mitchell's request.

BW: So you were a good deal.

JP: Well I, we were doing a lot of work, it was great. And I would have been very sad, to say the least, to have had to spend only the first year and to miss out on the second year because it was really just starting to get interesting. And also, for someone who's just sort of come into that kind of job, I, after the first year you've kind of done, you've been around the track once, and while I hadn't sort of done things like working with the House on the conference bill and all that, I was starting to get my feet on the ground and feel like I kind of had an idea what to do and when, how, and made some of the obvious sort of first mistakes and felt like I was moving on, and so I was delighted to be able to spend the next year.

And then of course, as it worked out, this was at the same time that Senator Mitchell was engaged in the leader's race, and as a result of the leader's race and the reelection of majority of members, it was possible for the Senate to change control to Democratic control, and what it meant on the Senate Environment Committee was that the staff ratios of people working for the Democrats increased, whereas people working for the Republicans decreased. And because several staff positions opened up on the Democratic side, now the majority side, they were able to offer me a position working for the committee. And while I worked for the committee, and the chairman of the committee, I was mostly focused on working for Senator Mitchell.

BW: Can you sort of tell the story of that Clean Water bill of '87 and sort of the autobi-, or the biography of the major piece of legislation?

JP: Yeah, I can give you the general outlines and then maybe if there are areas you want to go into a little more. It should have been the Clean Water Act of 1986, and it would have been if

it hadn't been for the, President Reagan's veto, so it became the act of early '87 when it was, the same basic bill was passed again in the new Congress.

And so the process began, well I should say the process had begun by the time I got there in early '85, at the beginning of that Congress. And there was some work underway, but it hadn't progressed very far, I think a few hearings had been held, but the Environment Committee was going to really put a more intensive effort into this. Partly it was driven by a concern for, by the president and the White House, for the cost of the Clean Water grant program. At that time it was running several billion dollars a year in grants to local communities for sewage treatment plants. I think President Reagan was very interested in getting the federal government out of the sewage treatment business, and saw that as a program that could be ramped down to save money. This was sort of in the era of David Stockman and the whole OMB trying to wrest control of out-of-control government spending.

And one of the big issues was: well, would there be just a termination of this important grant program? Local communities felt it was absolutely essential to meeting the goals of the Clean Water Act and they absolutely had to have federal support to make these new sewage treatment plants financially affordable. And Senator Chafee was in the kind of difficult position of, I think, feeling like there was a real need for financial aid to communities to do these projects, but also wanting to find a way to respond to the president's requirement and interest in finding a way to disconnect in a few years from this program.

So one of the things that – this was a major topic of conversation and debate and policy development. It turned out that there was a proposal for shifting the grant program into a loan program, so that money would be provided to states for a number of years, about five years, they would take that money and make loans to communities at very low interest rates, and that those loans would be paid back to the state funds, not to the federal government, and that over the years, as each round of new appropriations went out as a loan, the communities would be paying back more and more of these outstanding loans and then the money they paid back would revolve out again as another set of loans. And that if you gave enough capital to start these state specific loan efforts, that they would become kind of a permanent source of revolving financing to help the communities.

And Senator Chafee felt like that was a key idea that could bring the president along, rather than perpetually providing these grants. We would capitalize these loan funds at a diminishing amount of appropriations for about five years, there'd be a total capital investment, and then the federal government would stop making any payments to these funds and they would be self supporting. And so that was kind of presented as the compromise, and that with that a lot of other things related to other policy aspects of the act could also be developed and packaged together, but the real key new idea and the politically important idea was that there would be this new approach to financing sewage treatment projects and that they would be, there would be an end to the ongoing, indefinite federal investment.

BW: Were there prototypes for this kind of an arrangement in other government programs, or

was this kind of a unique or new idea?

JP: It wasn't completely new, but I think we felt it was a very new application in the, to the environmental financing area. And a lot of the initial work related to developing the first bill that was the subject of the first round of the hearings in the subcommittee was focused on that topic. But there were other topics, key ideas in that sort of early stage involved developing a new program for control of non-point sources of pollution, diffuse pollution, runoff, and the development of storm water controls for urban storm water discharges particularly but also from industrial and construction sites. And so all of those were being debated.

There was also a strong concern for toxic pollution and the development of a toxics provision. All of these were ideas that were being generated as a result of the hearings. Senator Mitchell was the, as the ranking member of the subcommittee, was working closely with Senator Chafee on designing the first range of hearings, the scope of them, the witness lists, dealing with the administration and their testimony, and using those hearings as a basis for putting together a bill. And principal folks working on that for Senator Chafee, Bob Hurley, Steve Shimberg.

There were a number of other substantive elements of the package. It was a pretty comprehensive, grew to be a pretty comprehensive revision of the act, involving updating enforcement authorities, some new, entirely new programs related, for instance the National Estuaries Program was created as a part of this process, which is now many years, in effect it's now protecting twenty-eight individual estuaries around the country with comprehensive planning and EPA support and participation.

So there were lots of different issues out there in the organization of the first versions of the bill. Of course subcommittee markup and then full committee, I don't re-, I don't have the dates exactly in mind but, exactly when floor action occurred on that package, I think it was in the fall. And we had a, I think a pretty constructive relationship with the House staff, of the House Transportation and Infrastructure Committee, which had developed a pretty comparable bill. I mean there were some differences, but we were able over the next year to make a lot of progress with that. I think we had a pretty good working relationship on the Senate side among the staff and the members, and a lot of interest on the House side.

There were some areas of controversy, particularly with respect to things like protection of wetlands, where I think on the Senate side we felt like the House proposals were, would be a weakening of the current protections. So there were issues to resolve, but on the whole I think there was a pretty strong interest in seeing good progress. And ultimately the conference report was passed, the president vetoed it, and early in 1987 we took the bill back to the floor, passed it again, and sent it to the president, so.

BW: The override.

JP: Yes.

BW: Right.

JP: With an override vote. And I forget the override vote.

BW: Oh, it was huge.

JP: But it was virtually, virtually unanimous.

BW: Yeah, eighty-six to fourteen in the Senate -

JP: Oh, thanks, you've got that there.

BW: Four-oh-one to twenty-six in the House.

JP: I thought, I forgot that there were fourteen against it, I thought it might have, my memory is that it was a little less than that.

BW: So which of these various, what was the final outcome in the bill in terms of the grant program and some of these other issues that were being so much a part of the hearings?

JP: Yeah, well the centerpiece, the new approach to financing sewage treatment, was pretty well worked out as a, I would really say a, on a three-part, between the House, the Senate and the administration, I think worked pretty cooperatively to work out the details of what would, what the eligibilities would be, how the mechanics would all work, the states were pretty involved in trying to learn sort of the mechanics of this and what they would have to do to make this all work. So it was a very constructive process, and that really was kind of the most, the easiest thing to express in press releases and, it was the kind of thing that came to dominate the macro-level discussion.

But there were so many things, so many other important amendments to the act which you had to get down three or four paragraphs into a press release before you could start talking about them. And even then they, it was hard to get them to clearly articulate it in press lingo, explaining the new program for controlling non-point pollution, or why the stronger enforcement provisions were so good, or any number of those.

Probably one of the most underappreciated provisions of the bill was the storm water, the expansion of the permitting program to address storm water, which had been a very controversial issue as to whether storm water constituted a discharge that ought properly to be regulated under the discharge permit program with enforceable requirements, or whether it, those discharges were really more like runoff and diffuse runoff, which belonged in the, outside of the permit program, outside of the enforceable authorities. And so it was a very important accomplishment to provide essentially for a staged process for EPA to expand the permit program, first starting with large municipalities and then focusing a few years later on smaller municipalities. And looking back on it, I think really, although the, it's probably safe to say that the storm water

program, even today, isn't quite what was originally envisioned at that time to need to be, it has been a tremendous step forward that was really facilitated by that statute.

And interestingly enough, the idea that the revolving loan fund appropriations from the federal government would ramp down and terminate, which had been so central to the political consensus on the bill, has never materialized in fact. We still provide- Even this year's appropriation and probably next year's appropriation will continue to provide over a billion dollars at least, if not more, for capitalizing these same sewage treatment funds. And not only that, the idea from the Clean Water Act was borrowed some years later and a new fund for funding drinking water facilities was created in the Safe Drinking Water Act, using essentially the basic, the same model as was built in the original '87 amendment.

BW: So the fact that it's still revolving, it's not a show, sign of failure of the program, or not? I mean the original intent was for it ramp down the -

JP: Right, well that would depend on your perspective. I think the local communities and the states feel like, "Well the more money we can put out there, the better the environment will be and the better the communities will be." And so I think it's, if you had the impression of the OMB from the Reagan years, they would say that, "Well Congress reneged on the deal that they were going to actually terminate this and live with so much capitalization and no more."

At the same time, I think it's also fair to say that the program has evolved a little bit differently than was advertised at the time. Part of what was used to make the pitch to shift into this new financing mode was that the value to communities of a very low interest loan was in fact in some ways comparable to the grant that they would get under the old program, which was limited to fifty-five percent federal funding, and the community had to work with the state or use their own resources to pay the forty-five percent. And they were going to pay market rates of interest on their share, even if they got the free grant money for only a little more than half.

So the market rates that they would pay, strung out when you ran the numbers out over the twenty- or thirty-year life of their bond financing, actually started really to add up. If you could save all that interest by offering them a loan at one or two percent for the entire amount, then all the interest saving, you could work out in equivalency of value, and it varied depending on what your assumption about the prevailing market rate for bond financing was, and if the, at the time we were doing the bill, the cost of money, the interest rates, were comparatively high. I can't remember exactly, but seven or eight percent, and when you were that high, those interest payments on the local share really got out of hand. So if you could get away from all of that and have a very, if you assumed a two percent loan for the total amount, it was actually equivalent to like a forty or fifty percent grant.

So that was the argument that I think we used with some success, that we weren't offering the local community a dramatically different funding package. Unfortunately, I think, a couple of things have happened. Not only have we continued to provide the capitalization, but for many years subsequent to that, during the nineties particularly, the interest rates dropped, the prevailing

interest rates on the market dropped, which meant that the sort of perceived deal of a loan, even at the low interest rate, wasn't quite as good as it had been.

And we didn't anticipate that the state financing authorities that were created to run these loan programs would be as interested as they had proven to be in optimizing the returns to their own state fund. So we were dealing with the League of Cities, and the counties and the local governments who were trying to manage the financing of these projects, and they wanted to get as a low an interest rate as possible. The state agencies that we created, once they had capital to hold, they would start loaning the money out, but they weren't loaning it out at one or two percent, they would say, "Well prevailing rate is seven, or six, I'll give it to you for five, and you're going to get a deal there, and you'd rather have it from me for five than to pay six, right?" And they would say reluctantly, "Yes, but those people in Congress said we were going to get it for two, where's the two?" "Well, we're not really doing that because we think it's in the state's interest to get as much money from you local governments as we can."

So I think we were all disappointed over the years to see that many of the states, not all of them, but many of them, could have offered lower interest rates and saved communities money, but chose to offer only the rate they had to offer to make the money go out the door. So in that sense, having the appropriations kind of continue on, it's just one of a number of things that evolved as the program, and they all kind of balanced out a little bit.

BW: Overall, you and Senator Mitchell were happy with the outcome of this process.

JP: Yes, I think on the whole the bill was a really strong bill. And obviously since then it hasn't been possible to put that combination of factors together again. I think Senator Mitchell felt that it was a good bill nationally for the country, and it was a good bill for Maine. We worked very hard to have a Maine connection to the bill and to make sure people from Maine had opportunity to testify, both in the formal hearings, but also to talk to Senator Mitchell about issues they had. And I think he was very happy with it as a whole, looking at the really big picture and with a little bit of hindsight, and knowing how things played out as he was majority leader and the pressure that he was putting against the Bush administration at the time about things.

I, it's safe to say, and if I had been maybe a more experienced staff person at the time, if I'd really kind of known more about the bigger political picture, I might have looked at it differently, but I don't think there was necessarily an assumption that he as the ranking member of the subcommittee needed to endorse the decision to step away from the grant program and move to this loan program. This was in effect intended to phase out an important federal grant program related to environmental protection. It wasn't certain that it would work.

As the Democratic kind of champion of the Clean Water Act, as the ranking member of the subcommittee with jurisdiction in the Senate, if Senator Mitchell had taken the position, "We really don't want to go there, we don't think this will work, it's not proven, we don't want to see a termination of these funds," I think it would have been very hard to construct the rest of the

deal, all the other good things that happened. And yet that would have been a, a not particularly surprising position for a Democrat, particularly a strong environmental and a liberal Democrat, to take at the time.

And I don't know, it's hard to imagine if I'd had a few years of experience before that issue really kind of came into focus, "Are we going to get behind this new thing and try and use it to get a larger bill ultimately enacted, or are we going to let this Reagan-inspired dead end for the sewage treatment program, are we going to oppose that?" I didn't really at the time have sort of enough of a big picture as to how all those parts were moving. In the end, I think it was the right decision to support the new program, and it's continued to work pretty well. I think Senator Mitchell had a lot of respect, personal respect for Senator Chafee, also had a lot of respect for his judgment about whether this would work or not. If someone other than Senator Chafee had been the chairman of the subcommittee, it might have, Senator Mitchell might have seen it differently, might have been less willing to let this topic be discussed and played out.

It wasn't like he agreed to it unconditionally on the first day of the Congress, I mean there were hearings and there were lots of opportunities to talk about it, but I think at any point he could have stepped back from that as being the centerpiece and said, "Well, the traditional Democratic constituencies, those state and local governments, they want to keep the grant program and I'm going to stick with them, and this new innovation inspired by the Reagan White House or what have you..." It wasn't really, but it was conceived as a compromise that would get around the White House's determination to kill the program.

In fact, at that time the White House might have succeeded in dramatically reducing appropriations. It would have been a big battle but, so I think while I don't recall ever having a meeting where anything like that starkly was presented, I think it was very much on Senator Mitchell's mind that this was a key point of agreement between him and Chafee, and that if he were to back out of it, it probably would have meant that the bill would have not had the kind of ability to bring parties together that ultimately was able to get it passed.

BW: You mentioned that at the same time a bill was working its way through the House. How did that, first of all, from a totally naïve standpoint it seems silly that two bills on the same topic are being worked on independent of one another. But was there a lot of collaboration so the language before it ever got to conference was fairly comparable, or how does that work?

JP: Well, you're right, it would make sense. But it often doesn't happen, and it didn't really happen in this case. While I was staffing Senator Mitchell and the folks working for Chafee and sort of the full committee staff person, Phil Cummings, there were four of us sort of all working together at the staff level, Phil and I on the Democratic side and Bob and Steve on the Republican side, and Jimmy Powell working for Senator Durenberger also on the Republican side, and Ron Outen, I shouldn't forget Ron Outen, working for Senator Stafford, we were working very sort of, much as a unit on the Senate side.

We were obviously aware of the bills that were being introduced in the House, and, but I was not

in regular contact with counterparts on the House side, we weren't comparing notes, we weren't asking sort of big picture questions: "Do we really want to get into this revolving loan fund and lose the grant program? Do we really -? How do we want to deal with storm water? How do we - ?" There was nothing of that kind. The House did their thing, we did our thing, as best we could, with the notion that, "If all the stars align and both bills pass respective houses, we'll meet you all in conference and we'll hash it out."

And I think in a perverse, not perverse but a sort of an odd way, that's actually really productive, because it allows for the different interests and views that kind of naturally come to the House side as opposed to the Senate side, to get expressed. If somebody had some sort of cross House-Senate control, I think some of the spontaneity and the innovation that naturally arose in the two different processes might have gotten tamped down a little bit. While I think there were certainly parallels and commonalities in what we were doing, we had different language; we had different words on almost everything.

That's because different individual people had put the words on a piece of paper, and sometimes we thought mostly our words were better, and they thought their words were better, but that was part of the process in the conference, of figuring out that, "Well in this case we actually like your language, it turns out, on reflection, it's better, or stronger, or whatever, than ours." Or, you know, "We actually like our language but we can live with your language, and because this is a give and take process, we're happy to go with your language on this." And I think as a result of that, probably on balance, the bill was both stronger as it ultimately got enacted, and it also had more likelihood of broad member support, particularly in the context of overriding the veto.

Because if a bill is perceived as being something that was really created in one, in the House or the Senate, and then just kind of adopted by the other, there isn't that sense of ownership, there isn't that sense of, "Well yeah, that's," you know, "I got that thing in that bill and I really want to see it pass." So that it's almost like you need to keep the processes kind of separate, let them, let people build their own confidence in what they've done, and their desire to see the way they've got it, and then use the conference process to fight out and hash out what's really going to be in the final bill. And the art of that is that you get both a strong final product but also something that is recognizable enough to both House and Senate that they're still interested in fighting to pass it, much less passing it over a veto.

BW: Now, I think I'm right in this case; the Democrats were in the majority in the House.

JP: Yes.

BW: So that would be another -

JP: That was a further, not, I wouldn't really call it an issue because we worked very closely with those folks, regardless of, at the staff level, regardless of sort of who they happened to be.

BW: So when the House bill came to conference, it also contained the loan program in

replacing the grant program?

JP: Yeah.

BW: How long did the conference process go? I mean not in exact days, but just sort of generally?

JP: Yeah, my recollection is that it was a pretty intense period for several months. Three or four months actually.

BW: And who made the decision who was going to be party to the conference?

JP: Well, there's of course two tiers, there's the member tier and the staff tier. The staff tier is pretty well working out among the staff, the member tier is, obviously starts with the chairmen of the full committees, and the chairman of the subcommittee, and their rankings. And then, then the appointment as a conferee is, could get complicated depending on the bill. It's more complicated on the House side because they have more members, but in the case of the committee we were drawing people from the subcommittee as well as a couple of full committee members.

BW: And was most of the work done by staff, or was it evenly divided, or how did that work?

JP: Well, it's a little hard to, I wouldn't say most. The vast bulk of the work was done by staff, but the really hard part was done by the members. And there is a natural process where people who are pretty informed about the substance, know pretty well where their bosses are on the substance, can hash out ninety percent of it. And frankly, to have a member sitting in a conference room for hours, days, weeks on end, going through this wording, that wording, is just not practical. And so I don't think this process was really much different from any other comparable sort of thing, that the vast majority of the bill was assembled, cobbled together from the two different, lots of drafts were exchanged – this was before the email word-processing phenomenon, so I'm sure it's very different now. Took a little longer back then to actually assemble the draft, share it, comment back, more meetings. That rolled along for a long time.

But that process really, the members are posted as to what's happening and how that's all going, and they have the opportunity to say, "No, I really don't like that thing." But that whole process is really intended to distill down what are the hard nut issues where we just frankly just can't agree. And a good example, well this is probably less an issue in the conference than it was actually in the Senate floor debates, but the allocation formula is always a subject of a lot of member-level interest, because it's the one place in the bill where a state financial amount is identified. And when you, it wasn't actually a dollar amount, it was a raw percentage, so if there were going to be two-and-a-half or 2.4 billion dollars appropriated for the Clean Water state revolving fund starting in 1987, there was a formula in the bill that said, "Maine will get X percent of that, New York will get X percent of that, and Rhode Island will get X percent of that." And everybody knew, and the press and the public knew, what that dollar amount was.

So members would naturally, that was something where they could fight for, “More money for my state.” And there was of course the notion that, “Well, it should be based on the need. What’s the need?” So we had countless, long, convoluted meetings with, talking with EPA about, “Well, what do we know about how big a need there is in Michigan versus what’s the need in Louisiana? And how do you judge that fairly, and how do you come up with a good number that is the true need, and will give each state the amount they most adequately and appropriately need?” But then you get the whole question of, “Well is that also a politically acceptable solution?” and then how do you kind of behind the scenes, it’s where the staff makes its monies, how to find a way for the politically acceptable solution and the needs-based solution to somehow harmonize into one set of numbers. And sometimes it requires a little twisting and bending, and maybe even cracking of arms and legs to make it all work.

But there was – I think this got reported at the time – that there was a longstanding disagreement between Senator Moynihan and Senator Bentsen on the committee as to whether the relative shares of their amounts were fair and appropriate. And this went back and forth and back and forth for quite a while, and of course both of them were very well, major figures in the Senate at the time, and neither one of them wanted any perception that somehow they’d been gotten the better of, or somehow they didn’t get the best deal for their state. And finally everything had been worked out almost to the last final dot, but we were still hung up over whether New York was getting enough, or whether Texas was getting enough, and at the time Senator Bentsen was the full committee chair so he really felt like he should be, you know.

And finally Senator Moynihan turned to him and said, “Well, what’ll it take to make this deal?” And he just, Moynihan basically just scraped off the top of his allocation, what he thought he needed to get Senator Bentsen to agree that that was the right account, and that did it. So that was not something the staff could have ever done, it was a personal gesture on Moynihan’s part, after months and months of fussing between them over this. And there were lots of other cases where stuff like that -

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JP: - you know, worked out, or didn’t.

BW: So during conference you were pretty much full time on this.

JP: Oh, this was full time straight out pretty much from the day I got there. An occasional Maine related issue came up that I was able to work on, and then a little bit of dips and things, but especially for the second year, it was definitely a straight out.

BW: Mentioning Bentsen and Moynihan, two real heavyweights in the Senate of course, were there others that were particularly critical parts of the Water Act, and where did Mitchell fit into the picture?

JP: I think that the '87 amendments were important in the sense that that legislation was really, I think, one of the last products of a committee that was really focused on cooperating to get good, strong environmental legislation. And in the years that have passed, I think the committee hasn't been able to do that as well, anywhere near as well, as it had in the years leading up to, and probably going back really to the early seventies, the period between the early seventies and that Clean Water Act amendment – possible exception of the Clean Air Act amendments that came in the early nineties, where I think there was kind of an effort to rebuild that to some extent. But in a lot of ways, the committee has polarized since the '87 amendments, and a little bit since the Air Act, and the, it's been much harder for the committee to get the kind of cooperative bipartisan ability to work on legislation.

So I think that it would be important to understand that in that context, Senator Mitchell was working very closely with Senator Chafee, Senator Chafee was working very closely with Senator Stafford, Senator Mitchell was talking, maybe not quite as closely but still closely, with Senator Bentsen, and there were strong, in a Republican controlled Senate, there were strong environmental Republicans, particularly Senator Stafford and Senator Durenberger, who wanted very much to see the bill passed. So Senator Moynihan was also involved, but his strongest interest in the committee had always been more on the infrastructure, less on the environmental policy side. He was involved in a lot of environmental policy, but I think his principle interest was in other parts of the committee's jurisdiction.

But really that network of Mitchell, Chafee, Stafford, and Durenberger and Bentsen, and Senator Lautenberg as an important member, very strongly supportive of the infrastructure work, worked very effectively as a team in the committee process in the Senate floor debate process.

BW: Stafford was chair; who was ranking, on the full committee?

JP: Bentsen.

BW: So let me just pause here for just a second. What was it like moving from Mitchell's staff then to the committee, how did that transition feel to you?

JP: Well, it was actually very easy for me. I didn't feel like it was a big transition at all. Maybe just a little bit about the two years that I was on the staff. I think I was very fortunate in that, unlike some other people who immediately went to work for a committee, to have come to the Senate first in working for a, directly for a member on the personal staff. There's really nothing like kind of being directly in the group of people who are personally supporting the Senator, as opposed to working on just Environment with members who come and go, or even if your member, even if you know something about the interests of the member you're working for on the committee, if you haven't worked for their, in their personal office, you sort of miss an important dimension of what's going on, what's important to the member. And so being able to work directly with the legislative staff in Mitchell's office was a great experience.

And also, because I knew something about Maine and because I was interested in Maine issues, there was the network of people in Maine who were supporting Senator Mitchell in different Maine, or Senate offices, Mitchell's offices around the state, and so if there were an interest, an environmental issue in Portland or in Bangor or Lewiston, there would be somebody to call. And I knew enough about what was going on back there to be interested in what they were doing, and I think they were interested in knowing somebody in D.C. actually knew something about Maine and was interested in them. So that was part of the dimension of working there was the connection back to Maine.

But also part of the connection was just being part of the legislative group of people who were supporting the Senator. And at this point, we were mostly it. Senator Mitchell hadn't sort of moved through the process that he would follow into the majority leader job, and ultimately, toward the end of the time I was working for him, there were lots and lots of people who directly or indirectly were working for him as majority leader – in the policy committees, in the committees that he was, that he actually served on, the Senate floor staff, the personal staff, the Maine staff. It would be interesting to see, and maybe there really aren't very many people other than the Senator himself who could reconstruct the wall chart of the, starting with George Mitchell at the top. You know, there were, there grew to be many, many tiers, and many, many people, who, in one connection or another, were working for him.

But in 1985, that wasn't the case yet, and it was the home state staff, when he was going back most every weekend, and they, we used to, we would hand him off, he was our responsibility until he left on Thursday night or Friday or whenever he left, and he got on the plane and he was gone, and we could all relax. And somebody, Larry Benoit in Portland would pick him up, and they had a schedule and they did events and there were meetings but, and we would send him up with his briefing papers on stuff, if it was a meeting, and occasionally I did some meetings with him up there.

Maine was an important dimension of it, but the personal staff during the week was a great experience in working with that whole team. Partly because we all had a lot in common, we were all interested in Maine, I think we all had sort of somehow figured out that George Mitchell was a great person to work for, maybe by coincidence or maybe by plan, we'd sort of managed to sort of get there. And while there were always people who were trying to get their issue or their topic to be the most important thing, we worked really well. I always thought it was a really good, cooperative working relationship.

And when I moved to the committee, my official employment status changed and technically I was reporting to the chairman of the committee, but it was understood that I was working for Senator Mitchell, but posted to the committee. So while I didn't sit in the Russell Senate Office Building any more, I moved over to the Hart Building and I got paid by the committee, not by Senator Mitchell – of course I'd never actually been paid by Senator Mitchell, I'd been paid by EPA – it never seemed like a dramatic transition, because I was still regularly going back to the Russell office, either to have lunch with people or to talk to people about what was going on. And when I had been in the personal office, a lot of the time, particularly the last year that I had,

although all my stuff was there, I had spent a lot of time in meetings over in the committee in the Dirksen Building, in the meeting rooms there, so it didn't seem like a big jarring adjustment.

BW: Just one footnote here, when you met in conference with the House members, where did those meetings take place?

JP: Well they rotated; sometimes we found a room actually in the Capitol, sort of neutral ground. Sometimes they were on the House side, the T and I [Transportation and Infrastructure] Committee conference room, sometimes they were in our conference room.

BW: Right. How did – you talk about this community of folks in Mitchell's office – did you have staff meetings with the Senator, or were most of your relationships with him unilateral or small group, or how did that work?

JP: I think everybody found a way that they could communicate effectively with him. I mean people that stayed, anyway, did. In my case, I think I felt most comfortable giving him a, as good a clear written statement of an issue as possible, and I'm more comfortable usually writing than I am talking, I'd have been happy to write all this out for you, but. And I think I was really lucky in that Senator Mitchell happened to be someone who had higher tolerance than a lot of other senators would have, and that I later worked for proved to have, for the written word. And probably I got better over the years at learning how to write to him effectively and how to communicate stuff. I'm sure I was able to shorten stuff.

But unlike, I think, some offices, which, for instance, might have had a, "Well, that memo was too long, next time the senator wants it on one page." While I never got that back from Mitchell, "This memo was too long," you know, "make it shorter." I would on rare occasion send him long memos, and I always got them back, they always had, you can see them in the files, they're all up at Bowdoin I think, most of them, and they all had the pencil checkmark on the top, which meant that it was ready to go out. And for a while I was never sure; did that mean he really read it or did it mean that it sat in his inbox long enough and he didn't want to read it at all? And while I'm not certain of this, I'm pretty sure now that, based on hearing from him later about something he could have only gotten out of that memo, that usually when it was, had that little pencil checkmark that was sort of so obviously his, that he had read it.

And I think over time I got to realize, and the thing that I think he did ask for, is regardless of how long is the memo, be really clear about what you want him to do. Sometimes it's obvious: here is your opening statement for the hearing. And he was, frankly I don't know if it was just me, but I think he was, with most of the staff he was very comfortable with the written word that we would give him. And I was always amazed on many occasions, that he would deliver very effectively the material almost verbatim. Other times he would ad lib it and improve it dramatically. But my style of communication with him was predominantly written. There were lots of opportunities for in person face-to-face, but they weren't so much formal.

Maybe somebody remembers them at a different period, but I don't remember staff meetings

with Senator Mitchell. We would have staff meetings with Rich Arenberg or with whoever was AA at the time, but actually comparatively few of those. They don't really, I don't really think many of those. But we would staff the Senator for an event, we would see him briefly before in the committee room. Mostly it was, "The hearing's going on, or about to start, we need the Senator." You know, before cell phones, this was before cell phones, we'd get on the phone and we'd call Regina, Regina was sort of sitting right outside his office – I don't know if you've talked to Regina but she would be a good interview if you could find her to do it, but – "Where is he?" "He left five minutes ago. And so he's going to come around the back door and go through the conference room to come out onto the dais." And so we'd catch him and, we'd catch him coming off the elevator or coming through the door, first question, "Do you have your statement?" "Got my statement." "Do you have any questions?" "No, I'm good." And he'd kind of, that was it, walk up on the dais, he was fine, he'd ask lots of good questions, some of which we or I would have written, but others which he would have dreamed up himself and that went fine. And so there was that kind of thing.

And there was a lot of that in event-sort of format, but he was well enough prepared that not only did he have the statement, either he had read it ahead of time, because he always got it ahead of time, or by, at some point he kind of had internalized enough of individual staff people and he said, "Well, this is Jeff's statement, I'm pretty confident that whatever Jeff's got here, I can just read." And I think at some point he probably got to the point where he would just take it and first off, never having laid eyes on it before, he would start, "Good morning, welcome to this hearing," and just boop right through it.

But there were other memos on substantive policy questions where it was, 'Do you want to sponsor this bill? Do you want to introduce this bill? Do you want to do a particular event related to one of the policy issues?' And so framing the discussion in, a little bit of information, what he would need to know about Maine, why he would want to do it, were there any other political consequences or substantive consequences, and then getting right to the, you know. And I got to the point where I would frame a question in bold at the bottom of the memo, with a 'yes/no/discuss,' and I almost never got back, and he would always check 'yes,' 'no,' or 'discuss' in the pencil check, usually I got a yes, occasionally I got a no, almost never got 'discuss.' And if it was 'discuss,' it was usually something I didn't know about Maine, or something I didn't know about a political thing with another member that he wanted to be careful about.

But it was, I think, unique in that you could give that kind of written material to a senator, and for me, just being who I was, I would have been much more reticent and much more maybe inarticulate or what have you if the member, if the senator had a personal style of relying on just, 'Just talk to me, talk to me, talk to me,' that wouldn't have been a good fit for me. And having had a chance to lay stuff out, do a good- Someone who's a federal judge has obviously got to have an ability to read through briefs. I think he treated a lot of the memos as he would have briefs, with a lawyer's kind of outlook and a judge's interest in, kind of ability to do that. And so he was a, that was a great fit for me, and I never really missed a lot of the interpersonal stuff.

I think over time, over the ten years I got so that I was sort of more comfortable. We'd done enough things, hearings in Maine, different meetings or events, where I think I got more comfortable with his personal style. Never to the point where, particularly chatty about anything other than the task at hand, I mean it was always very task-oriented, and he had so much to do, even at that early point, starting in '85, that I didn't ever feel like I was going to impose on his time for anything other than absolutely what I needed. But I think he appreciated it, I think he, there weren't probably people who were not doing that, but maybe, I was always very careful of his time and I would get what I needed from him and I wouldn't look for any more time than what I absolutely needed.

BW: Was he ever in situations where he was socially interacting with his staff, I mean did you have staff parties, Christmas parties or anything like that, or was it pretty much "tend to business?"

JP: We didn't have, we had a lot of staff interaction, and there were some occasions with Senator Mitchell specifically, but I would say, I haven't really tried to kind of figure it out exactly, but I would say it was predominantly staff. We would do things, not necessarily as like one hundred percent complete staff, but groups, occasional, add somebody here or there, but we would get together at people's houses. I remember, one party I remember exactly was at Regina's house, right, what was it, it's on the House side, she had a townhouse she rented I think with somebody, it was like E, D or E [Street] or something, right in the, there's a Mexican restaurant right there at the street they've blocked off, it was just up from there. But everybody was there, and Senator Mitchell came. I don't think he, he didn't spend hours there, he was probably there for an hour and, you know.

But he worked very much, he was working members if there was a staff specific party, he would be there, but mostly briefly. And, but we would do things, we went to Schooner Fair concerts, Schooner Fair remember, you could Google them, Schooner Fair, a folk group from Maine, based in Portland. Well, actually I think they're actually outside of Bangor, but they were very big at the time, and they would come down and do concerts here, like at the Birchmere [Music Hall] or other venues, and so we would do that. Often, Mary McAleney would sort of organize and sponsor those. Have you talked to Mary? Got to talk to Mary. But – and Martha Pope.

BW: Yeah, she's on the list.

JP: Yeah. Was another, you know, people would pull groups together and we would do stuff.

BW: What were, what was the change when he moved up to majority leader, in terms of his ability to spend time on environmental issues? You said the staff, his staff grew so enormously, while his responsibilities grew enormously, too. Did you see a lot, was there a lot less investment of his time in environmental issues, or did he keep up to speed pretty much with that?

JP: Well, I would say – anyone who's majority leader obviously has a full plate, and so

compared to the amount of time he could spend on environmental issues before, it was inevitably going to get a little reduced, and it probably, I couldn't quantify it really in any way, but obviously he had a lot of other things.

At the same time he was particularly, in those late '80s, early '90s, he was very active in a number of these other issues, including things like Clean Air Act and the Oil Spill Prevention Act, and he remained as a member of the Environment Committee, so he was very active in all of that process, and very, I think, viewed as a friend of the environment in the majority leader's job. So that if anything, I think from our perspective on the committee staff, having him as majority leader meant that the chances of moving environmental legislation or getting issues resolved were better than if someone who was not caring about the environment was in the majority leader's job.

BW: Right.

JP: But I mean the whole, it would probably be worth some time, on the whole subject of the Clean Air Act reauthorization and, I don't know if you've got Kate Kimball on your list, but you would surely get some great insights from her about particularly this period, and she was doing, you know, all the staffing for the reauthorization of the Air Act for him.

BW: Am I right that there were attempts to do Clean Water reauthorizations too, in the early '90s?

JP: Oh yeah.

BW: Do you want to briefly -?

JP: Sure. Well that was a long and painful process, ultimately unsuccessful. After the reauthorization in '87 there was an implementation period, and the authorizations for the new revolving funds I think went through '91, so in like, or two, '92. In the early '90s, from the committee staff point of view, we wanted to begin to move forward with a reauthorization process. Senator Baucus was the ranking member of the subcommittee at that point, I think Senator Baucus, and Senator Burdick had become chairman. Bentsen had moved to Finance, Senator Moynihan had become chair for a short time, and then Senator Burdick again, or then Senator Burdick, and so my hope was to begin to sort of organize, as the person on the committee most working on water issues, was to begin to organize a reauthorization process.

We developed a bill S.1081, which was I think intended to take the '87 amendments a step further in a lot of important respects, and we moved quite well on that bill. We didn't have a lot of administration support, unfortunately, and I think ultimately that bill got out of committee but not to the Senate floor, in the end. And the process began again in the next Congress. This time Senator Graham was chairman of the subcommittee, and again we made a lot of progress with a bill, and ultimately, after a lot of hearings, some markup, committee reported the bill but again we weren't able to get it enacted, passed in the Senate.

Those bills would have both extended the sewage treatment program, but they would have added a number of other strengthening amendments to the act that, I think we were in the position of trying to move legislation where we had lots of good individual small ideas, but no great overarching big idea, and because the act could have, in effect, continue, there was nothing, nothing was going to expire, and even the authorizations were not technically needed in order for appropriations to continue. There needed to be sort of an overriding reason to reauthorize the act, and while we had lots of good things that we could do to individual pieces, and lots of strengthening amendments that we could do, ultimately it didn't prove possible to get a strong enough case to move legislation. And partly that was because there were, it was hard to coordinate with the House, the House bills were moving but they weren't all moving at the same time. And in fact, even since then, there has been no reauthorization of the Clean Water Act at anything like the comprehensive scale of the '87 amendments.

BW: What prompted you then to go back to EPA in '95, was that change in majority, I guess?

JP: Well, there was that, but it was more importantly Senator Mitchell's decision to retire. And I don't, he decided to retire obviously long before he knew that the Senate wouldn't be in Democratic hands in the next Congress, but at that time I had been working for the committee for eight years, most of that time I had been working for, pretty directly for Senator Mitchell, but trying to do a little bit of work, substantive work with the members in, who were assigned to the issue areas I was assigned to, particularly Clean Water and Drinking Water. And that's always a little bit of a difficult balance because my first loyalty was to Senator Mitchell, and yet I was being paid by the committee, and committee, other committee members, including the chairman and the ranking, or the full committee and subcommittee chairmen were expecting committee work out of me, so I was really trying to kind of keep both of those things going.

And as Senator Baucus became chair, rose to be chair of the committee, I think he was looking for, and his staff were looking for, well, shall we say a tighter-knit group of staff people on the committee focused on Senator Baucus, which is a very reasonable idea. And I think Senator Baucus and Senator Mitchell always worked fine together, got along fine together. At the same time, I think Senator Baucus wanted to have the committee be as much his committee, and so as the Senate went into Republican hands, obviously the staff author-, the staff funding authority switched to predominantly for the Republican staff and less money for the Democratic staff. So as someone who was not really a core Baucus person, had always been effectively a Mitchell person, I was kind of on the short end of the, this changeover.

And frankly, while I guess I could have pushed back on that and sort of tried to, with Mitchell gone, tried to kind of acclimate myself to a different set of parties and loyalties, I think I really just decided that I didn't want to do that, that I'd had a great time working under the circumstances I had been working, that ten years on the Hill was probably a good, solid experience, and that to try and change my skin, so to speak, and fit into a different office with a whole different group, and the experience with the Mitchell organization at that time, it had grown to be the Mitchell, the far-flung Mitchell enterprise had been so good that it was like,

‘Well, it’ll never be the same,’ going from working for majority leader to working for the chairman of the committee, never quite the same. And frankly, I think there was probably a little bit of a feeling on the Baucus side, not the senator so much himself but just in his staff, that me personally, and maybe this kind of was by implication with Senator Mitchell, were a little more on the green enviro side.

It was a few years there where Senator Baucus, you know, was kind of touch and go to get reelected in Montana as an environmental Democrat, and he had to be very careful about not appearing to be too sort of lost – losing track of his western roots. And so I think there was a feeling like, well, people looked at the Mitchell people, or me, as someone who was maybe further to the environmental side of the policies that maybe Baucus wouldn’t really want to be highlighting and that were in his interest to highlight as a senator who needed to get reelected, not just in the West, but in Montana.

I think on both sides there was a feeling like, “Well maybe this is just a good time to be gone and do something different.” And the opportunity to work for the new guy who was the assistant administrator for Water at EPA came up, and it seemed like that was a chance to keep doing a lot of the water stuff that I had been doing, to be outside of that sort of Hill environment for a while, and all in all it seemed like the best thing at the time. And looking back on it, I think it probably was the best thing.

BW: A lot of people have emphasized how the environmental issues were passed on sort of from Ed Muskie to George Mitchell; I mean there was a real continuity there. What about since Mitchell? Has Olympia Snowe and Cohen and Collins kept on that tradition, or did it sort of evaporate when Senator Mitchell left?

JP: Well, I really think that all the members from Maine are good environmentalists at heart. I think the state’s obviously got strong environmental interests. And at the same time, if you’re not on a committee that gives you sort of a platform for advancing legislation and for being a recognized expert in a particular area, it’s really hard to have that kind of national reputation.

Senator Muskie had, obviously, a lot of other interests, but he was, I think, absolutely recognized as an environmental leader, and I think it would have been hard for him to have done that without being on the committee. And I don’t, I didn’t mention earlier, but I had one brief experience in which, as a senior at Bowdoin, I had a year, or actually a semester studying in Washington, and it was a program run out of American University, you took some classes about U.S. government and then you, you had, at the same time you had an internship for the full time you were here. And my internship was with the Senate Subcommittee on Intergovernmental Relations, which was chaired by Senator Muskie. It was in the old Carroll Arms Hotel, which had been converted into Senate offices, since torn down.

So it was just down the street from the Russell office where Muskie was at the time, so I had a little experience working for a subcommittee staff that was working for Muskie. I wasn’t in his personal office, but I did a few things, I wrote a statement for him that he gave on the Senate

floor about oil embargos, vaguely I remember that. And I would tag along with him to a couple of hearings. Usually I was just getting his coffee and stuff like that, which was great. And I, so I remember being in this, the offices that became Mitchell's office, just a little bit.

And I always thought there was absolutely a transition between Muskie's work and the kinds of things that Senator Mitchell had emphasized, partly I think because Senator Mitchell worked for Senator Muskie, and also because it just was smart to keep working on some of those same things. And if for some reason Senator Mitchell had not become appointed as a member of the Environment Committee, he wouldn't have been able to do anything like that. And I think Muskie and Mitchell probably talked about, "Well what committees should you be on?" And I suspect that while Mitchell was on whatever committees he was on, Finance and what have you, I think there was probably some interest in having him, and he probably had the interest in maintaining the continuity on the Environment Committee because it is the platform on which you can advance legislation.

And ultimately, I think, it paid him good dividends. He's probably better recognized now in the environmental world for his work on the Clean Air Act than he is for his work on Water, and that's probably fair in the bigger picture. Although I think a lot of the stuff that he did on Water is probably not as well understood or recognized as it should be.

BW: Well this is one place where we can correct that.

JP: Well I think it was really just a whole array of things, not just the Clean Water Act reauthorization, which at the time I think he did get a lot of good credit for, with Chafee, collectively. But as the whole Clean Air Act debate evolved and the acid rain and the other air issues evolved, I think that is more fresh and had a bigger, and because of his majority leader thing, he had a more, people perceived him having a more tangible hold on that. And that's probably right.

But over the years he kept up a strong interest in all these other things that came up as issues. He had lots of legislation, most of which I wrote for him to introduce, but he did a great job of still maintaining that interest, the Coastal Protection legislation, the Marine Research legislation, particularly focused on the Gulf of Maine, and on other things. I mean he was very supportive of the initial work that we did on radon gas and the legislation that we ultimately got enacted on that.

And I had looked at the radon gas issue – this is maybe a good example of Mitchell being willing to look at a complicated issue that wasn't maybe the popular topic of the day in the environmental community, because when you looked at radon gas it was pretty clear that as big a threat as that was, it was really just part of suite of other problems related to indoor air pollutants. And I developed some ideas about that, put them into a legislative framework, and he was willing and very supportive of advancing that legislation, introducing it, advancing it, as best he could, for I think it was three different Congresses over a six-year period. And we never did get it enacted. I think we raised the visibility of the issue a lot, and we got a lot of good testimony

and built a lot of awareness. The bill itself, though, as kind of a legislative accomplishment, never did finally get done. And there still isn't a statutory foundation for dealing with indoor air pollution, but EPA now does a lot more work in indoor air pollution, I think there's a better understanding of the issue.

There were other legislative things, too, during that period, where a bill introduced by Senator Mitchell would, maybe not ultimately be enacted, but in some cases be included in a different bill that was finally enacted. Or there are cases where, just by introducing a bill, you have the effect of helping to frame the debate, and without that particular thing the debate would have gone in a different direction because it wouldn't have been shaped by that idea.

We had, for instance, a very difficult problem in Maine with combined sewer overflows, which had never really been tackled, completely solved as part of the '87 amendments. Cities like Portland, South Portland had combined sewer overflows – basically that means where part of the city had sewers that carried both sewage as well as storm water, so that in a heavy rainfall event all the water would run into the sewers and the amount of flow going to the treatment plant was more than the treatment plant could handle, and so they had to divert the high flow into the bay, carrying raw or very limited treated sewage. And those overflows were causing beach closings, they were causing health problems, and so, and there were eight hundred or so communities around the country that still had these, in effect, antiquated sewer systems, or inadequate treatment.

And there was a long debate about, "Well, should we just allow them, or should we completely control them? Or-?" It kind of came down to how big of a storm event do you really want to try and manage? And so as a result of some hearings and some legislation we put together and working with people in Maine, we came up with a proposal that was a pretty strong proposal for dealing with these, and bringing down the number of overflows to a certain rain event, as described hydrologically. And that bill, although it never got enacted, was viewed by the eight hundred communities who had these problems as sort of, I shouldn't really call it a threat, but as much as a demonstration of what strong support in Congress might ultimately result in enacting.

And by having it out there, the environmental community and the EPA and the municipalities ultimately agreed to a cooperative kind of process in which they hammered out a solution that they all ended up in a sense supporting as a consensus, a CSO policy, that was never, that was signed by those parties, it was never enacted by Congress, and in fact I think Senator Mitchell's bill probably couldn't have been enacted but it was out there as, "Well if we don't get together and work something out, Congress is going to do it to us, and we don't want that. And this bill that Senator Mitchell's introduced is evidence that if we were to let Congress just do it themselves, we might not be as happy with the solution as if we did it ourselves."

I think Senator Mitchell, by taking that position, he didn't, he wasn't saying, "This is the bill that should, without any single changes, be passed." He was saying, "This would be a strong bill. Let's go through the legislative process and work something out." And while that wasn't possible, it, just by having the bill, it did spur the affected community to go and work out a

solution that wasn't maybe as good as the bill, exactly as he had introduced it. It was probably as good as what would have ultimately been the product of the legislative process had it played out in the legislative context. And I think had he not done the bill, that consensus that there wouldn't have been the impetus for the group in the first place, and the consensus. There was a lot of good work that all those people did to build a consensus outside of the legislative context. But I think that's an example of where just the power to introduce a bill and to be perceived as having the opportunity to advance it, created a different outcome than would have occurred.

BW: Did you have a kind of final meeting with Senator Mitchell when your association with him was coming to an end, any one-on-one, or were you party to the time when he announced he was leaving, were you in the room at that time?

JP: Yeah, yeah, I remember we all went over to, there was a room in the Capitol, I don't remember exactly where it was. We didn't know, I didn't know what the announcement was. We just got a call, "Come over to..." and they had these funny chairs, I don't know, they were these, I can't remember exactly but I have this image of them as being gilded chairs or something, and sort of lined up. And so we just kind of filed in and when we were all sitting, kind of waiting, Senator Mitchell came out and gave a nice talk, explained he was retiring, and that kind of thing. We were all pretty stunned I think, frankly. Here he was absolutely sort of in a very important, powerful position in the Senate, and really in all appearances absolutely on top of his game, so to speak.

And I don't think it ever really occurred, it never occurred to me that he wouldn't be there for a long time. But I think he made a good case. I don't remember a lot of it actually, at this point, but I have one recollection that I, for whatever reason, I was sitting in the last row of one of these, in one of these chairs, and maybe we all still had kind of stunned expressions on our face when he finished talking and he was getting ready to leave. And he was, for whatever reason, he was walking by, or he stopped to answer a question or something, and he put his arm on my shoulder; I was, I guess I was sitting and he just set his arm on my shoulder. And I, he would, not something he would usually do, or ever, and I think it was sort of a little gesture of conciliation or something to, he'd known he'd delivered hard news, because all of us, we were all, we all understood that this was changing everything and the way we had been working and plans and sort of our perceptions of our own futures.

And for all the right reasons that he did it, I think he at that point, whether he had, walking in the door, he hadn't really kind of perceived how, the impression it would make on this group of people, or whether it kind of came clear to him as he was saying it. But I think I just felt at the time that he was trying to kind of, just offer some kind of statement about how important sort of the collective group of us were to him. It certainly made me feel a little better about the whole idea of, 'All of this changing,' and having to sort of find a new thing to go on to from there on out. There was still plenty of time at that point, he announced – maybe you have it there. We had months and months still, 'til the actual -

BW: But if he'd stayed on, you would have stayed on.

JP: Oh sure, yeah, absolutely.

BW: Well we've covered a lot of territory. Is there anything else you'd like to put on this oral history?

JP: Well, I'm sure as people look back on that whole experience, or if some day somebody scholarly wants to try and figure out more about how all that went, I'm sure they'll only do it with an interest in, sort of a biographical interest in Senator Mitchell. It's always seemed to me that there were a couple of really interesting things about that time and about Senator Mitchell. There is of course all the great stuff he did and sort of the substance, but what always seems more interesting to me is to sort of figure out what it was that really was the reason for the dramatic, sort of spectacular ascendancy, if you will; somebody who was initially appointed to the Senate, not a career politician in that sense.

I mean he was coming out of a judgeship, had been a lawyer, had political experience obviously, and had, with Muskie and in the Democratic Party of Maine, but was not a practicing politician, if you will, at the time. And had gotten himself reelected, and then got himself involved as, on the Campaign, Senate Democratic Campaign Committee as chair, and then became, was able to win the majority leader's battle, which is a whole 'nother story, something Martha could tell you a lot about, and Rich. But, and then to be a very successful majority leader, someone who all of his colleagues, and I look back, and taking nothing away from Tom Daschle or Harry Reid, I don't perceive that they run the Senate in the, with the same confidence and skill that Senator Mitchell did, or that the Senate has the influence in the broader policy world with the bureaucracy, et cetera, that it did then.

So one question is: how was he able to do this in such a short period of time? And then the second question is: and then why he left, and what was it that was the turning point for his decision that it was important that he leave, either to himself or to the people around him, including the extended staff? And in a larger sense, to make kind of, to take a position that someone, even someone as effective as he obviously was, to be holding power in an important governmental position, very high governmental position, for an indefinite period of time, is that a good idea in the way American democracy works? And how long was he majority leader, eight years? That was, he could have -

BW: Six years.

JP: Six years, yeah, he could have been majority leader probably for another ten or fifteen; he could be majority leader today, probably. And I think he looked at that and said, "That's a path, and, but there are other paths." And for understanding, I thought about it, why would he do it? There must have been lots of reasons, and what they were would be interesting for a biographer to try and understand. And I think people's perspective from this oral history probably would be a good resource, but really the best resource would be Senator Mitchell himself. But there were people obviously a lot closer to him than I was at that point, and there

were personal matters.

There was, I think, the notion about, I never heard him say it, but I do think that he had a, kind of a, I maybe blame Bowdoin College, but I think he had a liberal arts kind of outlook on, and a lawyer's outlook on politics and the legal system and probably read Cicero and had an appreciation, still does, of, people become entrenched in positions, and over a long period of time, have a lot of power in a position like that, and lots of historical reasons to think that it's not good for a person, it's not good for the institution they're trying to serve, and that there are reasons why you need fresh faces and fresh blood, and you've got to roll it over.

And yet, for all those reasons, it still came as a shock when he said, "Well, I'm retiring." And so that wasn't something a lot of other people thought about. So I think those are the, amidst all the things that were accomplished, and there were a lot of them, and all the great skills and abilities that he had and demonstrated and used in order to make all that happen, understanding why he would have accomplished the ascendancy so expertly, with all the skills that were needed to get there, and to have used the skills for that defined period of time, and then moved on. Now he's moved on to obviously great things, and I'm sure you've got them all there, but from the perspective of a staff person, one of many staff people at the time, it was a hard, it was sort of a hard question to get your - "Why would he do that?"

BW: Right, right. Thank you.

JP: It's a pleasure.

End of Interview