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Interview with Ken Cole by Mike Hastings

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George J. Mitchell Oral History Project

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Kenneth M. Cole, III
(Interviewer: *Mike Hastings*)

GMOH# 097
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Michael Hastings: The following is a recorded interview for the George J. Mitchell Oral History Project, an activity of Bowdoin College. Today is Friday, May 8, 2009. The time is five past nine in the morning. I'm at 10 Free Street in Portland, the law offices of Jensen Baird Gardner & Henry. The interviewee is Mr. Kenneth Cole, a partner in the firm. I'm Michael Hastings, the interviewer. We begin, Mr. Cole, somewhat formally. If you could state your full name and spell your surname.

Kenneth Cole: Kenneth M. Cole, C-O-L-E, the third.

MH: And could you give your date of birth and your place of birth?

KC: November 3, 1946, in Portland, Maine.

MH: And your father's full name?

KC: Kenneth M. Cole, C-O-L-E, Jr.

MH: And your mother's full name?

KC: Lena, L-E-N-A, T. Cole. My mother being, jocularly from my father's, always a war bride, she was Lena Tarquinio, she was a nurse from Staten Island, but he met her during the war.

MH: How do you spell Tarquinio?

KC: T-A-R-Q-U-I-N-I-O. Pasquelena, to be true, not even Lena.

MH: Okay, Pasquelena, okay. Can you tell me a little bit about your father, if you can profile him for me.

KC: My father was also from Maine, grew up on his grandparents' farm in Windham, which is a suburb of Portland now, but then was a very small rural community. [He] went to the Merchant Marine Academy just prior to, at the beginning of World War II.

MH: Here in Maine, or U.S. Merchant Marine?

KC: No, the U.S. Merchant Marine Academy at King's Point. And in World War II [he] was the first officer and then captain of an air-sea rescue boat in the North Sea. He rescued downed fliers and things of that sort, was at D-Day for example, picking people out of the water.

MH: So he was in the Navy, he was in the Navy?

KC: Well, no -

MH: He was in the Merchant Marine.

KC: He ended up, this is more complicated (*unintelligible*), it was only World War II, he was in the Army Air Corp, even though he was a captain of a boat rescuing downed fliers, but anyway, and when he was done he had a Merchant Marine license. But again, he met my mother during the war and instead he went back to the farm, took that over from my grandparents, tried to raise chickens, unsuccessfully, and then became a professional Boy Scout. He wrote the *Boy Scout Field Book*. My grandfather was a woodsman and my father had learned, my great-grandfather I should say, my father had learned from him, and he became the director of volunteer training for Boy Scouts of America.

And so when I was in fifth grade we moved outside of New Brunswick, New Jersey, which is where their headquarters was then, to what was called the Schiff Scout Reservation, which was this beautiful piece in the nicest suburban part of New Jersey that had been given to the Scouts by the Schiff family, which is the *New York Times* [family], in honor of their son Mortimer, who died in World War I and who was active in scouting. And my dad taught professional Scouts how to be professional Scouts, about the outdoor part of scouting, because most of them were sort of administrative stuff, somebody had to tell them about the outdoor part. Wrote for *Boy's Life*, and was the editor of the *Boy Scout Field Book*, and wrote the number of sections and put the lists together.

MH: This is like the handbook for all Scouts?

KC: Well, there's a field book and a handbook, he wrote the field book which is about the outdoor portion, so he was a character.

MH: Did he, so he was a good writer?

KC: Yeah, and his best friend was Euell Gibbons, if you remember the, *Stalking the Wild Asparagus* and all that, and he would take people, including me, two weeks into the frozen north to live in igloos that you made yourself or, again me, dropped in the Adirondack wilderness for two weeks to live off the land, things of that sort. Nowadays they would consider it child abuse.

MH: Do you remember the farm in Windham?

KC: Oh yes, and in fact my folks, when they retired, he had sold the farm back when he went to New Jersey, back in the late '50s, early '60s, but he kept the farm wood lot which was like a forty acre parcel in Windham. And so when he retired he went back and built a house in the middle of that forty acres. And my dad died about three years ago and my mom died about two, and we then sold their retirement home in it, but split up the rest of wood lot to my siblings who all wanted some piece of it because it had been in the family since the 1880s or something like that.

MH: I see. Had it always been a chicken farm?

KC: No, that was my father's attempt. No, it had been just a typical small farm with some cows, some chickens, subsistence farming as it was up until the early World War II era.

MH: And so, what age were you when you went to New Jersey?

KC: I was in fifth grade, beginning, middle of fifth grade, so I was eleven or twelve. Culture shock in the extreme, because Bernardsville, New Jersey, where we went, is where, for example, Jackie Kennedy had her place, half the town was enormous estates for people who lived in New York, and the other half were sort of middle class folks who got up and got on the Erie Lackawana and commuted to New York to work. So it was not rural Maine, because Windham, when I was living there was thirty-five hundred, it's now about nineteen thousand, so it was culture shock.

MH: What was life like in New Jersey, as a middle, and during secondary school for you?

KC: It was interesting in one sense. That's probably why I went to Bowdoin. Again, my father was very outdoorsy, I was always very outdoorsy, I never had focused on the intellectual activities of life, but in fifth grade in New Jersey, at least in Bernardsville, they already were focused on what college they were going to go to, and we had a lot of kids who were very bright and I ended up finding out I was bright, which was a nice discovery. I had some very good teachers in fifth, sixth, seventh grade who basically caught me up, because Windham schools were not Bernardsville, New Jersey schools, and really helped me tremendously.

MH: Did you do public schools throughout your time in New Jersey?

KC: Yes, but in principle the Bernards High School was the number one rated high school in New Jersey, and the reason it was, was because when the very wealthy kids got kicked out of school, they had to come back to a public school. So we had the chairman of Uniroyal's son, we had all these other people in my high school class. Meryl Streep was a year behind me, I directed her in high school. It was a very interesting high school. Anyway, I was just very fortunate that it was the next town down from where the Schiff Scout Reservation was in Mendham, and that there was a little bit of class actually, that my father was able to buy a nice house, and so I got a great education.

MH: Were you involved in scouting yourself?

KC: Oh, God, yes, that's not a voluntary question. Yes, I was, I did Cub Scouts and Boy Scouts and was on the Explorers. I never made Eagle Scout because I couldn't swim for the life of me, and you had to pass life saving which would have been life-ending for me. I couldn't, which ironically was also true of my father, who as I said was a captain of a PT boat in the North Sea. If he'd ever fell in without a life jacket he'd 've drowned.

MH: People have estimated many of our lobstermen here do not know how to swim. You had an interest in theater in high school? Tell me about that.

KC: Yes, I acted in plays and then as an upperclassman, a junior, senior, I directed, it was even more fun. And it was fun just because it was a very active program and good, again, good to teachers that helped in it. It was just fun, it was one of those great things to do, and when I went to Bowdoin I didn't do it at all.

MH: What other interests did you have in high school?

KC: I was a skinny little kid and I ran, I was in the cross-country and outdoor track. I was one of these well-rounded [kids], which is what you were supposed to be then, and I was the sports editor of our little newspaper. I was [] treasurer of the National Honor Society, that kind of stuff.

MH: So as high school was winding down what did you, what were you looking forward to?

KC: Actually, again, I enjoyed high school but I was looking forward to escaping New Jersey. And I applied to Bowdoin, early admission, it was all I wanted to do. My uncle had gone there and other relatives had gone there and so I was kind of directed in a sense to apply, and I was very happy to get in 'early admission' and coast through the rest of my junior, my senior year.

MH: So was it your only application?

KC: That and Rutgers, Rutgers was the state university, yeah, that was it.

MH: Tell me about your introduction to Bowdoin. You say you had family connected, so you'd probably visited before, right?

KC: I had visited. My father's brother had gone there, who ended up being a music professor at Gorham, Ronald Cole, and was there forever. I just loved it, I thought it was beautiful, I wanted to come back to Maine, and like so many Bowdoin graduates, especially in the era of non-coed education, it really was 'mother Bowdoin,' it just kind of enveloped you and took care of you, no question. I remember it was, compared to now it wasn't expensive, but it was expensive, in present-day dollars for then, and I had saved and saved. I'd also been a paper boy and I had worked in the summers, I'd done all sorts of stuff. And I probably had \$5000 saved

up, and I think the first year was a little over five grand, and it cost me my entire five thousand, no scholarship. And I remember Dean Kendrick was still there, he hadn't retired yet, and he said, well, "If you get through the first year we'll take care of you." I got out of Bowdoin owing \$800. I mean, it's a great place, no question about it.

MH: Now you and, you and George Mitchell must have had some of the same faculty.

KC: Athern Daggett, people like that, absolutely. In fact, I have the job I have today where I've been since 19-, I had clerked here in '71, I've been here as a lawyer since '72, because Athern Daggett told Merton Henry I got As in his constitutional law class, and I was a bright enough guy, he should hire me. And that was [as an] undergraduate, that had nothing to do with going to Cornell Law School.

MH: Other professors that you particularly remember?

KC: Athern Daggett I remember as wonderful, I remember Geoghegan as *god* – I'm sure you've heard that from other people.

MH: Yeah, I have. I had them both.

KC: I mean my wife went to Bowdoin class of '76, and was a religion major and she totally thinks Geoghegan was God, and I only think of him as god with a small G, she thinks of him with a large. I remember Rensenbrink, he probably is the one who drove me to be a Republican, because he was so far on the other extreme. Dan Levine in history was a lot of fun; I basically was a government major but I probably took more history courses than I did government ones.

MH: Your experience is very similar to my own.

KC: It was just fun.

MH: Athern Daggett was actually acting president of the college when I, when I began, I mean, when you ended I guess.

KC: Yeah, we had James Stacey [Coles], and he was just leaving and Athern was taking over, yeah, exactly, yeah. And it was Coles with an s, no relation. And one my first jobs here, by the way, ironically also, was that his son avoided – avoided isn't, well, I guess avoided is the right word – avoided the draft, and finding him the Mohammad Ali exception.

MH: So you, Athern Daggett talks to Mert Henry here.

KC: Well, I went to Cornell, I actually was *Law Review* and was recruited to go to New York firms, but again, part of my Bernardsville experience was, I didn't *want* to go into that lifestyle. I watched all those people's parents, who they never saw, got on the train at six thirty or seven and came home at nine thirty or ten, and didn't want that. So I came back to Maine, and I just

drove here. Nobody interviewed me, and Mert apparently checked up on me by calling Athern and that's the basis probably of my being hired.

MH: So, when you were in law school did you know the kind of law you wanted to practice, or is that, did that evolve after you got here?

KC: It evolved, I really had no idea. In fact, like every young law student, I wanted to be a trial lawyer. Everybody wants to be a trial lawyer that all watched Perry Mason, et cetera, and when you get out and start *doing* some of it, and this is the segue to George, you learn that it's really not something you want to do. George enjoyed it, because I think he interlaced it with some interesting criminal cases, murder cases, but civil litigation is 'hurry up and wait.'

MH: Before we get too much into that, I want to cycle back a little bit. Tell me about summers. Did you, what where you, you said you had \$5000 by the time you started Bowdoin, how did you accumulate that, is it working on a farm, or in New Jersey or -?

KC: Oh no, no. I was working, I worked in New Jersey and -

MH: I'm interested in jobs that you had.

KC: Again, I'd been a paper boy all through high school and, junior high I should say, and saved everything. I was not a spendthrift. And then I worked in summer camps until I got old enough, sixteen, and could be a checker, and then I worked in the local A & P basically full time in the summer as a checker. And then finally I got, at Schiff, where my dad had been, by then he was in New Brunswick and not there, they had a big summer program and they needed a quartermaster, and I was the quartermaster for a couple of years, which was actually a great job. I ordered the food and got it in and delivered it, literally had a little old truck that I would bring around to the campsites to deliver, and I had to go off-site with a bigger truck and pick up ice because they had no refrigerators, and so in north New Jersey I'd get these sixty-pound blocks of ice and drive it down and chop it up, and deliver. It was an interesting job.

MH: You learned something in, during the summers.

KC: Yeah, learned a lot, it was interesting. And I guess that was the last job I had, was that, for the last two years before I went off to Bowdoin.

MH: And when you were at Bowdoin, did you work summers?

KC: I worked summers, a couple summers actually at Bowdoin in the library. When I first got there they were moving into the new library, the Hawthorne-Longfellow Library, and I worked that summer literally moving books. And then I worked the next summer, I was with all moves, they found they weren't happy where everything was, relocating books that we'd move to other parts of the stacks. Yeah, those pretty much, and that was a lot of fun.

MH: And of course since then they've moved the books all back to where you started.

KC: Exactly.

MH: Into the old building.

KC: Yeah, it was very amusing. And then I think the final summer I worked at a job which proved to me that I really wanted to be a professional, I worked in a factory in Connecticut making rotors for turboprops, on the second shift.

MH: Pratt & Whitney?

KC: Yeah, well it was a Pratt & Whitney subsidiary, yes, in Deep River, Connecticut, and again second shift.

MH: How did you end up there?

KC: I was engaged at that point to a girl from Essex, Connecticut, and we were going off to Cornell Law School and going to get married, so we spent the summer with her folks in Essex, and so I found this job. It paid pretty well, but you worked on this machine, it was a stamping machine that was about eight feet off the floor, you had to have ear things, and you were stamping out these plugs that would eventually become shaped into the little tiny rotors that fit all the way around the turboprop. And it was interesting. I was happy when that summer was over, made a lot of money but it was not a job, I mean the hourly rate was whatever, God knows, it was probably like eighteen dollars an hour, which in 1969 was a lot of money. And so it was a good summer job.

MH: Well I just wanted to get that, summer jobs I find, we often jump over them in these interviews and sometimes, once we think about them, it's very interesting to how peoples' work experiences change.

KC: Well, I went from that to the next year of being a house painter, after my first year at Bowdoin, I mean at Cornell, because no one hires you usually after the first year, and that was kind of a fun project. It was all Cornell lawyers, first year lawyers on a house painting job, and then I had a summer job here after that.

MH: How big a firm was it when you had your internship here?

KC: Eight or nine.

MH: How big is it now?

KC: It's around thirty. Some of them have grown exponentially even more than that.

MH: Tell me about the practice, how does it, how does it, I mean it's considered one of the larger firms in Portland, or a major firm in Portland.

KC: Yeah, major sort of, we're mid-sized, there's actually three firms that are around a hundred or slightly over.

MH: So how does it differ from the competition?

KC: This is like a recruiting interview. The principal way we differ, believe it or not, is one of the reasons I was happy to be here. I remember as a first year lawyer trying to get some work done that I thought somebody really wanted it, working on a weekend. And Mr. Jensen, Bowdoin class of twenty-something, coming in for some reason and saying, "We don't work on weekends, weekends are family time. We expect you can get your work done during the week." Now, that's not something you ever would have heard in New York, and not even something you would hear in most of the firms in Portland. In Portland they expect you to work, I think, Saturday mornings, unlike New York where they expect you to work all day Saturday and Sundays.

But that's to our detriment and to our benefit. Some people consider this place a country club firm because we don't spend the vast hours that other places do, and as a result of that we also don't get paid some of the vast numbers because, as we keep telling the younger lawyers around here, "Mr. Jensen doesn't make your payroll; it's your hours, times your rate, based on our collection coming back to you," which is a very simple business aspect which many people don't grasp. So it's a little more laid back, let's put it that way, than most places. And it's a lot more collegial because of that as well, because there isn't that same drive to make the most money. And so, at least I would say it was, it's still more professional.

The practice of law from even when I've been a lawyer, for thirty-seven years now, has gone from being a profession to being a business. And it's still business in the sense that we have to pay attention to the bottom line, especially in an economy like this, but we're still more professional, we're still more interested in what we're doing than the dollars that we're making for it. And there are a lot of law firms that have become much more interested in the dollars they're making for it.

MH: So how many partners does the firm now have?

KC: It's another difference of us, we have probably twenty-something partners.

MH: So it's not just three or four people and many, many associates.

KC: Right, right. That's what they call leveraging, which is how most partners make a lot of money. You hire a lot of associates, you bill them out at a big rate, you pay them as little as you possibly can and you skim the difference. And we've never been that way. We make people partner and tell them they're responsible, and they're going to earn their own income, basically.

MH: So, does the firm currently specialize in certain areas or, or is, whenever I've asked a question to any lawyer in Maine, not just for this oral history project or, but they always say, "Maine's a small place, we do everything. " That seems to be the standard answer.

KC: The standard answer, and it's correct. As a firm we pretty much do everything, pretty much, just about every[thing]. But not each individual, we all have different areas we work in. My end, I have principally a municipal practice, with some real estate development tied into it, because a lot of municipal practice is development work and so in municipalities developers want to hire somebody who knows about it; so you end up doing development.

MH: So you have to be familiar with state site location laws and zoning, zoning -

KC: Exactly, subdivision and all of that.

MH: All that kind of thing -

KC: Exactly, and that started as a very small practice but thankfully the state and federal government have made municipal government very complicated and so now it's a very busy practice. And we have like seven, six or seven lawyers who do just that.

MH: When you started your career, Maine did not have a comprehensive zoning act.

KC: Correct.

MH: Now, now we very much have one.

KC: Well, there's still no requirement for zoning generally, there's only what they call shore land zoning, which is required statutorily, but you can still be like Augusta, which had no zoning, zero, until, five years ago, other than the -

MH: You can use the default -

KC: Right, you fall back on the shore land, but that was only for the shore land areas. That's why Augusta is such a mess; they had no subdivision law – that was only passed in the mid-'70s – had no site location act, it was only passed in '72. In fact one of my first acts here was to write with Merton a brief to try to have that thrown out as unconstitutional. We were representing something called Maine Clean Fuels, which wanted to put a refinery down the coast at Sears Island. All of those environmental land use controls have basically been adopted in the last thirty-plus years.

MH: Are you one of these unfortunate lawyers who has to go in evenings and sit with town councils and -?

KC: Yes.

MH: Do you do a lot of that still?

KC: Yeah, none of my kids are lawyers, they basically said they didn't want to work nights, and I would say, well you don't have to. But that's my practice, and I didn't mind working those nights because those are, it's interesting work usually. Sometimes it's boring as hell, but a lot of the times it's very interesting, and yes, my clients are town councils or selectmen, and gosh, that's when they meet, or planning boards, or zoning boards.

MH: Have you been involved at all in unorganized territory work, or?

KC: Only in that we do the real estate work for Plum Creek.

MH: Oh you do, oh, interesting.

KC: We did not do their permitting. Preti did, Preti did the permitting for the big project, but we had to do all the underlying, put together the description of what the size of Connecticut looks like when you're going to grant conservation easements, and everything else that was done too, all the legal work underlying that.

MH: It's certainly a busy client.

KC: A very busy client, very interesting client, yeah.

MH: Now, when you came in 1973, you said you'd been here as a summer intern in the summer of '71?

KC: Right, I came in '72.

MH: And then you graduate from Cornell Law School, and then - ?

KC: Yes, '72, and came here directly.

MH: And you came here directly. The Senator was a partner here at that time?

KC: Yes.

MH: What was your relationship with him?

KC: Like any associate, my relationship was I did whatever he told me.

MH: I see, I see. Did you work with him on any cases?

KC: Yes, oh yeah, a number of cases. Basically, again, he was a litigation partner basically, and he would send me out to do various things. I remember a personal injury case where somebody got killed, literally, crossing the road, and I went out and interviewed the undertaker, because the other side was claiming that there was alcohol involved and that it wasn't our driver's fault, it was the person's fault for being drunk. And so that I had to go talk to the undertaker about what had they found, that sort of stuff, just research type things, doing a lot of legwork for him.

My favorite one was, gosh, I don't think I'd been a lawyer six months and he sent me to go do a deposition on a personal injury case again, and again, it was the other side of a crossing the road case, it was a little old lady from Falmouth who had crossed the Falmouth Road to get her mail and – she must have been eight-five – and got clipped by somebody. I don't know if they were speeding or not but they were, the insurance company that was defending the driver was deposing, and the attorney who did it was infamous at the time, now retired, his name was M. Roberts Hunt and we all called him the last Nazi. And he pretty much accused the woman of lying down on the road to get hit so that she could defraud the insurance company and get money. This is an eight-five year old lady that could barely walk, who is in tears and everything, and I'm in there trying to defend her from this M. Roberts Hunt. And I remember that I was coming back and telling George, and George saying, "Well I thought you'd find it a learning experience." I said, "Oh, thanks." Oh God, yes, things like that, I did a lot of leg work.

George also did some real estate work because he represented the diocese on a lot of development stuff and as a result of that, we did a couple of very major elderly projects.

MH: This is the Catholic Diocese of Portland?

KC: Yes, yes. We did a couple major elderly projects in Waterville and elsewhere, and so I did a lot of real estate work, running around, getting those ready for him. And those were very complicated, innumerable documents and descriptions, and what people forget is we didn't have word processing then, so that was incredibly complicated to get documents done, then you had to send them to Manchester, which is where the HUD regional is, which was involved with the financing of it, and David Aborn was the general counsel over there, I think he's been general counsel for thirty-five or forty years, maybe he's finally retired, and he would always make changes. And back then a change in a forty-page document did not -

MH: All the flimsies had to be changed.

KC: Unbelievable, yes, and so a lot of complicated real estate work.

MH: Now, were you assigned to George Mitchell specifically, or you -

KC: No, again there were only eight or nine lawyers here, so it wasn't -

MH: Who were the other lawyers at that time, when you first came in?

KC: Well, Jensen, Baird, Gardner, and Henry were alive at that point, George was here, Bob Donovan, who later became a judge – in fact who only died about three weeks ago, Bowdoin class of '48, wonderful guy – who did the municipal stuff, and I did a lot of stuff for him initially. Going down that, George was here, there were, Walter Webber, who did real estate work, wonderful guy, also died two or three years ago, became the head of the Mason Charitable Trust and went down to Lexington and ran that, and then developed pancreatic cancer. Job he'd always wanted, finally got it when he was like sixty-one or sixty-two, basically it's the Owen Wells job of nationally giving away money, and you live in Lexington, you know, won the reverse lottery, poor guy. Then there was another lawyer who came in with me named Don Kopp, who had been a military lawyer and, he's now retired. That's pretty much it, when I run down through it. It's like Alec Guinness, if you remember *Kind Hearts and Coronets*?

MH: Oh, very well.

KC: I'm Alec Guinness in that, you know, I just -

MH: Right, crossing off the names in the back of the -

KC: I didn't have to kill them all off, I just outlasted them all in my instance and made it to the top. And so there's no diaries, and I don't get to be a duke.

MH: Tell me about your, your evolving political interest. When did it begin?

KC: Well, pretty much when I got here. Because 1972, when I got here, was the famous Margaret Chase Smith primary with Bobby, Robert Monks, Sr., and one Merton G. Henry, a partner here, who pretty much was the managing partner then and therefore the guy instrumental in hiring me, knew I'd been involved to some degree in some Republican stuff and said, "Why don't you come with me?" And so we ended up driving Margaret Chase Smith around to a number of things and handing out pamphlets and doing different stuff, helping out, because Merton had pretty much been running her stuff since he ran the college Republicans for her in 1948, or something like that, so Merton had always very much been active in her campaigns. So I did a lot of just scout work, nothing official, running around, doing errands, stuff like that, helping out in that primary, which she won but which damaged her so much that Hathaway won the general election. So, that got me initially involved basically, as Merton's bag man, that's what it came down to. And it was fun, it was interesting.

MH: Had Mert Henry actually ever worked on her staff?

KC: No, he worked on -

MH: I was under the mistaken, for a while I believed, because this, George Mitchell said, you know, obviously had a relationship with Mert Henry before he came here to the firm.

KC: Mert worked for Senator Payne, who was the one who lost to Muskie. And Mert was his AA, and so I'm sure George had met him in D.C. in some way or another. And when Payne lost, Mert came back to Maine and joined Jensen and Baird.

MH: Did he also, I read somewhere, and I, and I wasn't, I only read it once, but I read that he actually was an instructor at Bowdoin for awhile, Mert Henry, when he, is that, do you, are you aware of that, or is that?

KC: I'm not aware of it.

MH: Okay, I questioned it when I read it -

KC: He might have done like George Isaacson did over the years, some of the senior seminar kind of things, but I don't think he ever was employed, no, no. And his wife, Harriet, before Curtis made her a judge, was employed by the university, and she did some instructional stuff on environmental law and things of that sort.

MH: So you begin with Mert Henry carrying things around for Margaret Chase Smith.

KC: Yes, and I went back to Windham, because that was where my family was from. And somebody sent me a picture while I was gone, ironically, believe it or not, of my daughter's fiancé sends me this picture while, because he did a closing for me while I was gone on the sale of an old schoolhouse in Windham, and it's a picture of my father sitting on the stoop of that schoolhouse, one-room schoolhouse, with this fellow's great-grandfather, on either side of the teacher, Mrs. Allen; they went to school together. That's how small Maine still is in some sense.

So, I went back to Windham, and it was rural, and not many people were living in Windham and I remember Mr. Baird saying, "Well that's not exactly a typical suburb" (i.e., I should have gone to Cape Elizabeth or Falmouth or something). And well, that was where my family was from and I still had relatives there and I would be comfortable there. He still didn't quite approve, but anyway, I went back to Windham, moved out to a nice house on the lake, which was a nice place to be. And because there also weren't many lawyers there, I got dragged into helping out when they decided to go from a 'selectmen' to 'council' format and write a charter. And I got appointed by the selectmen to [the] charter commission, there are nine members, six elected, three appointed, and I got appointed by the selectmen to be one of the charter commission members, and I helped write the charter.

And it was kind of fun, I got to meet a lot of people, some of whom I'd literally gone to elementary school with, see them again. And so they had a council election, and I lived in North Windham on the lake and nobody else was running, and so I ran, unopposed. They had like twenty-one people running for seven seats, mine was the only unopposed, so it was a good first election. I remember, in fact, George teasing me about it, that that was the kind of election to win. And Windham was a very strange set up. It's a nonpartisan election, but you're nominated

by a party, unlike most towns where it's by petition. You could go by petition if you wanted to be an Independent, and so I'd enrolled as a Republican and was nominated.

MH: Were your parents Republican?

KC: Oh yes. Oh, I shouldn't say that, my father was *very* Republican and my mother, again, Pasquelena Florencia Tarquinio was very Democrat, and they cancelled each other out. Though she I think occasionally did, could vote Republican, if you browbeat her enough into it. Though she probably still voted the other way and just said she had, I don't know. But yes, my relatives were.

MH: Now, I did read your, your firm biography that's online and you were, you were it said on the National Committee from 1990 to 2004?

KC: Yup.

MH: And you were chairman in 19- ?

KC: Of the State Party in '94, which was the year we won everything. In fact we missed by one vote, carrying vote.

MH: Talk about that a little bit, how much of your time did it occupy?

KC: Oh, that's why I only did it for one year.

MH: Why did you win everything? What's your analysis of the -?

KC: Oh, because there was a tidal wave nationally and we benefitted by that tidal wave. I got involved in local town politics and that got me into county politics and that got me elected to the State Committee and then, as with everything else, nobody had any adequate lawyers and I did municipal, so I did a lot of election law too, so I started representing the State Committee. And then, Charlie Cragin was the National Committeeman then, and Charlie got George [Bush], Sr. to give him a great job, which was to be the chair of the Appeals Board for the V.A. basically, and so he got that job.

MH: For the record, tell me who Charlie Cragin is.

KC: Charlie Cragin was a lawyer at Verrill Dana, ran for governor in 1982 and a very bright guy, grew up in Maine, interesting character. His grandfather was basically the president of the hospital, one of the most respected physicians around, his father was an absolute ne'er-do-well who went to -

MH: Was that Mercy Hospital or was it Maine Medical?

KC: Maine Medical. His father was an absolute ne'er-do-well, who went to prison for tax evasion and other things. Charlie was always an overachiever to prove who he was and what he was. In fact he was also a 'third,' Charles L. Cragin, III, so we shared that in common too. And Charlie and I were good friends, we did vacations together at one point with family and stuff like that. He got that job, so he nominated me to be the national committeeman, and it was a very contentious, as always in Maine on Republican politics, very contentious, because the conservative faction very much wanted that position.

MH: Harold Jones.

KC: Yes, and others, very much wanted that position, and I, with Charlie's help, got elected. And then my job pretty much was to raise money for Maine elections, which is what you really do on the National Committee, and fight back the conservative faction, which is what Republicans have done in Maine forever. Merton was sort of ultimate Rockefeller Republican in Maine, I channeled Merton, basically, that's what I did as well, and that's certainly what Olympia and Susan do, and that's what Jock did when he was elected. I mean, conservative Republicans don't get elected in Maine. The only one that ever did was James Longley [Jr.], by basically not being totally conservative and by the fact that he also had the right candidate opposed to him, which was somebody, a nice guy, a state senator from Biddeford, but who did not come across as particularly professional, and Maine voters vote for the most competent person as they perceive them, and that's what I've always seen, not really the party.

That's why George, back to segue, could decide to take the appointment for the U.S. Senate, even though he couldn't get *elected* dog catcher and David Emery, who was ahead by almost thirty points in the polls at that point could lose, because David became too much of a Washington pol, gained too much weight, was too white, just looked like a southern, a Democrat almost in the old sense, and George had time during that time that he was appointed to become the most competent guy, so that he could win an election easily carrying Cumberland, Falmouth, Cape Elizabeth, because they were voting for the professional to be the senator, not for a Republican or a Democrat. And that's how Maine politics work, and that's why the ladies will always win unless somebody truly remarkable shows up. So anyway, my job was to fight with the conservatives in the Republican Party, which I did endlessly, including having, at various times having certain people removed by the Sheriff's Department from conventions because I'd also become a chair of the convention and other things.

MH: Now did Maine only have on National Committeeperson?

KC: Yeah, it's like the U.S. Senate. Each state has three, there's a National Committeeman, a National Committeewoman, and the chair. In my instance I had both seats, and you could hold both, you can be chair and all that.

MH: For one year -

KC: Right, you get two votes actually, it was kind of odd. So we have the same votes as California basically, which is always sort of ironic. There are 165 on the National Committee because we get their – Guam, Puerto Rico, the Virgin Islands, and D.C., I think that's all of them, get you up to fifty-five. There must be one more out there somewhere.

MH: Guam.

KC: Guam, yeah, so, I got that job anyway.

MH: I worked in the early '70s for a Republican candidate for the Congress, and I was astounded by how bad the registry lists were. Is that, is that something that persisted during the time you were there? And I found it the same thing in the Democratic side, I also worked for a Democratic candidate and I was just amazed at how poor these lists are and how difficult it is to keep track of who actually voted the last time.

KC: It persisted up into the mid-'80s, and then some of the people in Reagan's political staff, Ron Kaufman, I don't know if you were around then but he was the National Committeeman from Massachusetts, but he was also Reagan's political director. He was the one that got Charlie the great job. Also, by the way, is somebody who used to work in Washington you'll appreciate, was able to get Charlie's secretary from Verrill and Dana appointed through the Civil Service stuff to be his secretary as chairman of the Board of Veterans' Appeals; something which should be completely impossible in the Civil Service system. But anyway, it happened. So, Ron could always accomplish great things.

He was smart enough to get a lot of money channeled through the RNC to not just Maine but to all the states to get a computerized voter list put together, everybody had to collect the papers and it all got entered, and it gets updated every two years. And that was the key to a lot of Republican wins, and that certainly was the key to Bush's wins, Bush, Jr., W., I mean it was turn out the base, that was how he won.

MH: Yeah, know who they are.

KC: Yeah, and you have to know who they are and that wasn't -

MH: The Senator did something similar in 1981 when he, being frustrated with the list that he was given, he put somebody out on the road that just went town to town with a van and a Xerox machine -

KC: And that's, that's worth it, absolutely, because that's the key.

MH: Then he had something to work with.

KC: Right, you've got to turn out the base. That's politics, always.

MH: Do you, do you find that your involvement with the Republican Party in Maine, did it help you, help you professionally, or hurt, or was it a diversion?

KC: Helped me professionally, actually. In one simple sense in that a lot of the suburban ring around Portland is, or I should say nowadays was, Republican, and so it was very easy for town councilors to hire me because they had worked with me on other things. And again, this firm now represents almost the entire suburban ring. And we actually represent some of the urban, we actually now do Westbrook and South Portland, and we consult for Portland regularly. So we've built a pretty substantial municipal practice. It helped, because you knew the people and people want to hire somebody they know and that they're comfortable with.

MH: States develop their own kind of unique political cultures, as do cities, you know, Mississippi's political culture is different than Maine's.

KC: Ah, but Mississippi has the smartest Republican I've ever known, however, Haley Barbour.

MH: How, in the years that you've been in the municipal law field and in Maine party politics, how have you seen the state's political culture change?

KC: In many ways it hasn't. The old style labor Democrat machine, it's evolved, but it's still the Democrat side pretty much. The Democrat side have sort of their crazy liberal wing, but it's sort of the wing, and on the Republican side, the Rockefeller Republicans still run the Republican Party, but as has been my history, always by a whisker, always, the conservatives *almost* get control and everybody else says, oh God, we can't allow that, and they all come out and we beat them back one more time. But whenever they have managed to win things, like George Mitchell again, let's not forget, the lowest return ever on an opponent was Jasper Wyman's seventeen percent against George. That's how well conservative candidates do in Maine. Or Linda Bean who ran for Congress, I think Linda might have got thirty-five percent or something like that.

MH: Was that '92 or '94?

KC: Yeah, that's when Tony Payne said the wrong thing at the wrong moment, something about he might raise taxes, and lost the primary, and Linda got killed. Republican conservatives don't win in Maine, but we can never persuade the conservatives that that's the case because, just as the liberal Democrat green wing doesn't care if they win, it's what counts, there are Republican conservatives that it's just the same, whether they win is totally immaterial, matter of principal. Politics is about winning elections, and it's amazing that some people don't perceive that. That's all I can tell you.

And again, you go back to '94 and Haley Barbour, smartest man I know, who came out of the

Reagan White House, took over, there was a very contentious election in '92 for chairman of the Republican Party. It was so much fun to be a National Committeeman because there was no president so nobody was telling you what to do, which is what happens when there was a Republican president, there were like six or eight people that ran for it, a couple of them later became senators, Ashcroft and what's his name, Spence Abraham, people like that. I backed Haley, I knew him generally, I thought he was cunning.

MH: You had worked with him -

KC: Just in some political stuff involving George [Bush], Sr. I thought he was cunning, smart and charming, and he was all those things. And in '93 we had a summer meeting in Los Angeles, or beginning of '93 or '94, and he said, "Bill Clinton has set himself up, and we don't have enough money. We want to borrow like ten million or twenty million dollars." And the Republicans had never done it, being conservative, and fiscally anyway, the party wants to go borrow that because we think we can make a landslide sweep here. And we all thought he was nuts, but we allowed it because everybody liked Haley. He went and borrowed the money and they got the landslide sweep, he was absolutely on. Bill Clinton had pretty much self-destructed, which is what I'm sure Obama is thinking about as he proceeds towards the elections in 2010.

So, it was a lot of fun, I was state chairman then, we won the Senate for the first time in thirty years and we missed the House by one vote, and the Democrats cheated, miserable, because the one vote was Mona Hale who was a representative from Sanford and who was very ill and couldn't attend the organizational meetings. So, as you may remember, in Maine, the attorney general, the secretary of state, the treasurer and the controller, or whatever it is, are elected by a caucus of the House and Senate, it would have been a dead even tie. They came in and said they had her proxy, this is a representative body, and said they had her proxy and could vote it. It's a caucus, and there's no court that will interfere with that, it's completely a political thing. That's like George Mitchell not showing up in the Senate and, give you his proxy to vote it. It's totally ridiculous, and they did it. And the Republicans were stupid, they had negotiated with them like for a week to split those offices and to split who would be, one would be different things, speaker of the House, do it one year and one year off, which is what they've done when they're tied. They wouldn't do it, they thought they could force the issue, and instead the Democrats cheated and voted a proxy, and so they had one vote more by voting her proxy, which was totally ridiculous. I still remember to this day, because I was running for attorney general, so I lost by that one.

MH: You lost by one? Oh, I didn't realize that.

KC: Oh yeah.

MH: That was going to be my next question; during all of this period did you ever have the desire to run for something?

KC: Yes, so I lost, well attorney general, again, was not so much a statewide election but I actually lost by five votes because two Republicans were turncoats, because it's splitting you when it's one to one, because it's an even number if it's three people. I think that's like five votes even though it's only two plus one. But, I still remember it to this day. I was sitting in the gallery of the House watching it, unbelievable.

MH: Have you run for other offices other than -

KC: Town council and things like that, yeah. And I did run for the state Senate once as a sacrificial lamb for Charlie Cragin. I ran against David Huber in the primary, because he was running against Sherry and they were trying to distract him, and then I ended up running against Bill Diamond who killed me in the general election.

MH: He was running against Sherry Huber.

KC: Yes, and I then ended up running against Bill Diamond in the general election, got murdered. But it was fun, it was very enjoyable. I enjoyed the process. And other than that, no (*unintelligible*).

MH: I thought, you know, I thought perhaps George Mitchell announced that he wasn't going to run again because you'd become head of the Maine Republican Party in 1994.

KC: I don't think so, it had nothing to do with that at all. And the other thing about politics, well you appreciate it, I'm sure, is that it doesn't matter if you're a Republican or a Democrat, if you're really active in politics, you get along with both sides. Because you know the game and what you're doing, and those of us who are really active in this sort of organizational side of politics are not as concerned about, and this is probably a bad thing to say but it's true, about the actual philosophic sides of it. What we're focused on is winning elections and how you do it. And there's a lot in common therefore, because our philosophies don't have to be the same, what we're dealing with is the same. It's never hurt me to be perceived as a Republican when a lot of the towns I represent have had Democrats elected. They still think I'm competent, that's all that counts when they're hiring me.

MH: You were here, you overlapped with George Mitchell from '73 to basically '76 when he became U.S. attorney.

KC: Right.

MH: Were you able to keep in touch after he became U.S. attorney, judge, and senator? Does he, did he maintain contacts with his -?

KC: With the firm, he would show up at various things and we would see him, socially at events the firm did, things of that sort, he always was good and came back and things. And see

him just socially when he was in town for some things, or he would wander by this place periodically to catch up with Mr. Jensen or Mr. Baird or Mert and just sort of stick his head in. George, personality wise, you have to go back again with George, during that same period he tried to run to be chairman of the Democratic Party, nationally, and lost.

MH: Right, and a very close election, to Bob Strauss -

KC: It was very close, right, and then he also tried to run as governor and lost. And George's problem was that on TV, at least at the time, he was completely wooden. He just did not come across as a likeable guy. And the funniest thing about George is, he is actually, in person, charming, funny, a real raconteur, I think, he's one of these guys that remembers all the jokes, the rest of us hear them and they kind of pass through your brain. No, George remembers them all. So you could sit there and just laugh your head off with him at a luncheon or something, always just as charming as could be, so it was so funny that personality couldn't be projected to get himself elected. So I always think of George as one of these people who always won by losing.

Sort of the Susan Collins type: Susan couldn't win because she was too wooden, came in third in the gubernatorial election, but in a Senate election, because she'd been out there enough and perceived enough finally to be professional and competent, she got elected. And I think of that very much with George, the same thing. The perception changed, that it wasn't whether you'd think he was funny or charming, it was, was he professionally competent. And that's what people would vote for, for the U.S. Senate. For the House, for whatever reason, they don't quite care as much, but for the Senate it has to be somebody who really will look good for Maine. And that professionalism on his part, that confidence on his part, really got carried through.

MH: Do you think that he still has a wooden -?

KC: No, I think he's learned much more over the years to project a more amiable personality on television or some other place like that. He learned certainly to do that in the Senate, and by the time he was Senate majority leader he was great, you could put him on any of those talk shows and he was great. He knew how to relax and be sort of jocular and make fun. Going back again to Haley Barbour, there was not a talk show or political reporter who didn't eat out of Haley Barbour's hand. He just could put them all at ease, tell jokes, do the whole thing, just seem like the most charming good old boy in the world, and he had a mind [] that was just sharp as a tack behind it all. And George finally had learned to sort of relax.

MH: Now, Barbour is now the -?

KC: Is the governor of Mississippi.

MH: He's the governor of Mississippi.

KC: Yeah, and you watch. I haven't even heard from him but you watch, okay?

MH: You will hear from him.

KC: You will, I will. I'm telling you, it's not going to be somebody from Alaska. You watch. It'll be very interesting over the next two or three years.

MH: Has, did George Mitchell's rise to majority leader and then to do the things he's done since he left the Senate surprise you in any way?

KC: No, because he was always incredibly bright, very competent, and sort of driven in a different way than the Charlie Cragin drive I was telling you about, but George was driven because of his own background. Growing up a poor kid in Waterville, Maine, Lebanese descent, Lebanese and Irish, it made him something to drive and go forward, which just seems to be something that happens in Maine.

If you'll just digress for one second, my wife, class of '76, her father was Charles T. Ireland, former president of CBS, Bowdoin grad '43 or '42 grew up on Munjoy Hill, fought in the Marines in Iwo Jima, came back, went to White & Case in New York after Harvard Law School, and worked his way to being president of CBS; worked himself to death, died of a heart attack at like fifty-five.

MH: Similar kind of profile.

KC: That same kind of drive, they are just total driven to prove themselves, and George reminds me of that very much, yeah, same thing. And very bright as well, I mean it's not just the drive; it's having the brains that go with it.

MH: I'd like to ask, this is a kind of a strange question but is there any, was there any question you expected me to ask about George Mitchell that I haven't asked that you'd like to answer? Or anything you'd like to say, as we're getting toward the end of this interview?

KC: I guess, was he truly a Democrat in a philosophical sense, in terms of how I saw him in terms of his beliefs and how he saw the law? Which I think is the sort of the broad question, and the answer I would say is 'yes,' that George would not only do the personal injury cases and the corporate stuff, but he would defend somebody in a murder case. He was somebody who did not just parrot what he said to be elected but actually believed it. That's a very important thing to say, because there are certain politicians I've known over the years who do just parrot it, and I don't think believe it for a second. No, George was coming in every sense from what he actually believed in his heart when he was representing the state of Maine, or the Democratic Party generally, or the U.S. Senate. And that's important, that's what made him so credible, and why he still is so credible. Why he could go to Northern Ireland and do something was because what he said, he meant. He really was coming from his true core, rather than just out there in part. And I think that's what makes him the statesman he is today, no question about it.

MH: That's the last word, thank you, thank you Ken Cole.

KC: You're welcome.

End of interview