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Interview with Jamie Kaplan by Andrea L'Hommedieu

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George J. Mitchell Oral History Project

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Jamie Kaplan

(Interviewer: Andrea L'Hommedieu)

GMOH# 009

April 29, 2008

Andrea L'Hommedieu: This is an interview for George J. Mitchell Oral History Project at Bowdoin College. The date is April 29, 2008, I am at the home of Jamie Kaplan in Brunswick, Maine, and this is Andrea L'Hommedieu. Jamie, could you start just by giving me your full name?

Jamie Kaplan: My full name is James E. Kaplan.

AL: And how do you spell Kaplan?

JK: K-A-P-L-A-N.

AL: And where and when were you born?

JK: I was born in Bronxville, New York, on March 6, 1951.

AL: Is that where you grew up?

JK: No, actually I grew up primarily in a town called Nanuet, New York, which is in Rockland County, which is on the New Jersey side of the Tappan Zee Bridge.

AL: And what was that area like to grow up in?

JK: At the time that I was growing up, it was really quite rural. For most of my childhood, we only dialed four numbers; there was no exchange on the telephone to reach someone else in town. Nanuet was a town of about four thousand people. It was a real melting pot in the most American sense of the word. The county itself was quite wide open, not a whole lot of development. School was small. We did not have a high school when I first started school so kids would [p/o] get farmed out to other high schools in Rockland County. In 1963, when I was twelve years old, the town of Nanuet opened a junior-senior high school which covered grades seven through twelve. It was not a particularly wealthy area, to say the least. At that time no one commuted from there to New York City. It has changed significantly in recent years. My father had grown up in Rockland County in a town called Haverstraw, and I was essentially a third generation Rockland County-ite.

AL: And what did your parents do for work?

JK: My father was a developer and building contractor. He mostly built modest homes in developments all around the county, and primarily in a town called New City. He also, toward the end of his life, was involved in the building of some garden apartments, some low level apartments, and also a shopping center.

AL: And your mother, did she -?

JK: My mother has a degree from Syracuse, which is where my mom and dad met. They were both first generation in their family to [] attend college. [My mother] did not work outside the home when we were younger. As we got older [] (I'm the middle of three boys), she started working part-time, ironically, as a professional for the Girl Scouts, and then she left that position and took a part-time position with an organization called the Board of Cooperative Educational Services, which was essentially the one center for vocational education in Rockland County. [She was] their public relations and publicity person.

AL: And so where did you go to college?

JK: I went to Brown University, in Providence, Rhode Island. [p/o]

AL: What did you study?

JK: I'm laughing, because the more appropriate question would be what didn't I study, and that would be just about everything. I majored in political science; I sort of put together a hodge-podge of courses to do that. My first year at Brown was the first year of the so-called and now famous, I guess, New Curriculum that [p/o] didn't require any prerequisites and did not require any grades if a student chose to take everything pass/fail. So it enabled someone like me who was not, unfortunately, terribly serious about academics when I was in college, to kind of float through [p/o] I missed out on a high quality education that I otherwise could have obtained there.

AL: And you later went to law school?

JK: That's correct.

AL: How did the transcripts from Brown factor into applying to law school, did it make it tougher?

JK: [Remarkably], my grades really weren't all that bad. I graduated from Brown with a 3.2 GPA, I took the law boards [and] did surprisingly well []. I had not [] been a great standardized tester. [p/o] I was accepted at a couple [of law schools and] started [] right after college at Georgetown University Law School. [p/o] I dropped out after about six or eight weeks because I really didn't want to be in law school straight out of college.

I moved back to Providence, Rhode Island, started working a couple jobs. I worked at one

community center both as a youth worker and as an all purpose janitor. I think I spent more hours a week as a janitor because it paid more than being a youth worker. And I lived with three friends from college for probably about four months or so. And then I went out to California at the behest of a friend of mine who was in graduate school at Berkeley. I had for all intents and purposes never been west of Pennsylvania before then, and he lured me out with the promise of free housing in his apartment.

So I went out to California [and found a temporary job]. I [p/o] came back East for the summer, and then [returned to California in late summer] for a full-time position. I reapplied to law schools and was fortunate enough to be accepted at the University of California at Berkeley Law School [p/o].

AL: And are we in like '74?

JK: We're actually at that point in 1975.

AL: 'Seventy-five.

JK: Right.

AL: So what was law school like?

JK: Law school is a pretty miserable existence. If you ever talk to anyone who says that they really enjoyed law school then either they're lying or they're really kind of out of their mind. [p/o] I was there to stay this time around, I got a marvelous education for a very cheap price, because by the time I went to Berkeley I had established residency in California. [p/o]

(Substantial revision:) I applied myself in law school like I hadn't in college. I learned a lot and was fortunate enough to do well – I always think it's better to be lucky than good. I became an editor-in-chief of the law review, which opened several doors for me when I graduated.

AL: So where did you go first in your law career?

JK: When I graduated from law school I was the extremely lucky [person] who was offered and came to work as a law clerk for Judge Edward T. Gignoux, who at that time was the only federal district judge in the state of Maine. I was his only law clerk because that was how he organized his office []. [] He was someone who had [a huge] influence on me and how to conduct myself as a lawyer, and [taught me] skills that I then was able to use as a lawyer for the remainder of my career. He was a [giant intellect] who was also one of the kindest men with whom I ever have worked. It was for me just an absolutely incredible year. [I] came to Portland for Judge Gignoux; I had spent a very [little] time in Maine before I clerked for the judge. [p/o]

AL: Now you talked about Judge Gignoux being a big influence on you. In what ways? What did he teach you that you took with you as you practiced law later on?

JK: He definitely taught me a work ethic that was extremely meaningful, because he was an incredibly hard working, diligent, and very serious man when it came to conducting himself as a judge. He taught me fairness. He was one of the most fair people that I have ever met. He taught me that there was no one too small to deserve fairness, [] integrity, and [respect], and that there was no walk of life in which those values should not be prominent. [] He wasn't the first person to teach me that. [p/o] [These] were values that my father held very deeply, [p/o] [taught me as a child]. He unfortunately was killed in a car accident when I was a sophomore in college. I won't say Judge Gignoux substituted as a father figure, because no one could substitute for my dad, but he [reinforced these] values [] in a legal setting. [Finally, my clerkship] was my first real law job, and I got a bird's eye view through him of how the legal [process] should work, what was important and what was irrelevant in [the practice of] law, how one approaches law, and how [to approach your] work.

AL: So what did you do after that year?

JK: (*Substantial revision:*) After that year I went to Boston to work as a research associate at Harvard Law School with a professor there named Alan Dershowitz. I worked with Alan on academic matters, cases (both pro bono and fee-bearing), Congressional testimony, speeches, anything else that came his way. So it was really varied experience, and also a real eye opener and lots of fun. Alan has a reputation for being kind of outlandish. He is not an outlandish man or legal thinker, and is a very decent guy. He's a marvelous lawyer – very, very smart, and intuitively excellent.

AL: And where did you go next, after that?

JK: Then I went to practice law in Washington, and I started my practice at a law firm called Shea & Gardner. [My ten years] in Washington [were spent at the firm], except for the year that I worked on the Senate Iran-Contra Committee [p/o]. I was an associate there until 1985, [] became a partner in 1985, [] took leave for a year [in 1987] to [] work for the Senate Iran-Contra Committee, and then [returned] to Shea & Gardner [for my] last couple of years of Washington [] before we relocated to Maine.

AL: And Shea & Gardner, was that a firm where you had friends you went to law school with, or no connection there?

JK: No, no connection at all. Shea & Gardner was at the time kind of one of these small, at least by Washington standards, kind of boutique-y litigation firms that [handled] all [types of] commercial litigation []. That was [a practice] that [] interested [me], and so I really went to the firm because of its reputation and the kind of work that it did.

AL: Now let's talk about the year that you did spend on the committee, regarding the Iran-Contra affair. How did you come to be on that committee?

JK: (*Substantial revision:*) If it's okay for me to refer to George as George, rather than "The Senator" – I'll tell you one funny story about that – George asked me if I would come serve on the committee. Each member of the committee asked someone, or was given the authority to ask someone to work as an associate counsel for the committee. And so I came up at George's behest.

AL: Now, how did he come to ask you?

JK: I think that's something you'd have to ask George. [] George and [I] became friends in 1978 when I was clerking for Judge Gignoux. George was the United States attorney for the District of Maine, [and] we worked in the same building. There were only four people in the U.S. Attorney's Office at the time: George, two other people in Portland (Paula Silsby and Margaret McGaughey [Isaacson]), and then one other assistant U.S. attorney who basically operated out of Bangor, and his name was Jim Brannigan.

The courthouse was a small community. And early on in my clerkship, and I certainly can't say why, but George was kind enough to kind of take me under his wing. (*Substantial revision:*) Soon after I started my clerkship, I recall that George asked me how things were going and I said something about how difficult it was to get hooked up to cable TV and I was limited in sports I could watch without having cable. Somehow, my cable hookup occurred the next day or two, and I knew George had provided an assist of some kind. I'm a tennis player; and we played a bunch of tennis over the year.

[substantial p/o]

AL: So you stayed in touch for those next few years?

JK: Yes, he became a federal judge, he was appointed that year, and I was heading to Boston. I think he made a suggestion, I never knew whether he was really serious about me coming to Bangor and clerking for him. [I responded]: "I'm a single guy, I can't really resign myself to living in Bangor, Maine, for a year." [p/o] That was the end of the conversation. We did keep in touch, though. (*Substantial revision:*) When I landed in Washington in 1980 to practice law, George came to Washington as a senator to fill out Senator Muskie's term after Senator Muskie had been appointed secretary of state. We played tennis a couple times. My recollection is he did not have a lawyer on his staff, and he'd call me every so often to write speeches for him, or testimony or whatever in legal areas.

AL: Did you get to know some of the other staff through those interactions?

JK: Yes, I did. One of the first [staff people] I met was [] David Johnson, [] a wonderful guy who was George's administrative aide or chief of staff [p/o]. I also met a woman named Gayle Cory, who had worked for Senator Muskie and was Buzz Fitzgerald's sister. [Buzz was a prominent Maine lawyer who] had appeared in front of Judge Gignoux when I was clerking. [p/o] [Among other hats, Gayle was George's appointment person, so she would call when] [p/o]

George wanted to talk with me or whatever. [p/o] Gayle [was] just a wonderful woman, with this wonderfully friendly and warm nature. She was just great to deal with. [p/o] I don't know of anybody who couldn't become friendly with Gayle.

AL: And you said you did some speech writing. Did that ever put you in contact with Anita Jensen?

JK: [] I was in contact with Anita [Jensen] later in George's career. I can't remember when Anita actually came on George's staff. If I had a guess, I would say it was after he was reelected to the Senate, which would have been sometime after 1982.

AL: I'll have to check that, because she was on Muskie's staff and -

JK: (*Substantial revision:*) At least early on I didn't deal with Anita at all. But then there was a point at which I worked with her on speeches and other issues involving legal matters. But we didn't have any interaction those first couple of years. She might have worked for someone else when George first came to Washington. From talking to people in Maine, I had the impression that many folks expected he would fill Senator Muskie's term and that was going to be the end of that, that he was not going to be elected to the Senate in an open election in Maine.

AL: And then he became majority leader.

JK: Then he became majority leader. Little did they know.

AL: And so you worked very closely with him on the Iran-Contra hearings.

JK: Yeah, I did.

AL: Can you talk about that? What kind of support did you offer?

JK: Well, it's interesting. One of the things that was [] clear for those of us who came to work on the committee, is that we were working for the committee as a whole, not for the particular senator that brought us on board. And that was really how we worked, and we had the tremendous luxury of working as a bipartisan, or nonpartisan, staff. In other words, the fact that [George] asked me to come work on the committee didn't mean that I just worked with the other lawyers on the committee who were brought on by the Democratic members []. (*Substantial revision:*) I worked with all the staff and for all senators on an equal basis. If Senator Hatch, a Republican member of the committee, needed something in my area of the investigation, he got it, no ifs, ands, or buts about it.

(Substantial revisions, additions, and deletions throughout the remainder of the transcript.)

Now, it is true that each of us had a particular relationship with the member that had asked us to work on the committee. We typically had a close relationship with that member. Whenever

George needed anything, his first approach would be to me. And if I couldn't respond immediately to his request, either I would find the answer or put his staff in touch with the committee counsel who did know the answer. Regardless of what other senators I was working with at any given time, George received priority treatment from me. I advised him on witnesses, the status of certain aspects of the investigation, we wrote a column together, and I met with him regularly. We were working 'round the clock, so the priority I gave George did not mean that my commitments to other committee members were not fulfilled or given short shrift.

But eventually, we knew each member's senior staffers, because we were working with all of them and they were the regular conduit to the senators.

The fellow I worked most closely with from George's office during that period of time was a wonderful guy named Rich Arenberg, who remains a friend to this day. He's just an extraordinary guy, who had come to work for George after having worked for Senator Paul Tsongas for quite a while. Rich came to work for George as his administrative aide or chief of staff.

AL: So what was your expertise on the hearings, in what area did you spend most of your time?

JK: I didn't bring any particular expertise to the committee, although I did have to learn very quickly. I spent a lot of time initially on the private fund-raising network in this country for the contras. There was this whole network that Ollie North had put together of conservative private fund raisers and private fund-raising organizations, who would raise money to funnel to the contras to fight their insurgence against the Sandinistas, the party in rule in Nicaragua.

The next two principal areas of investigation that I pursued directly with our chief counsel were the deep involvement of John Poindexter and Ollie North in the Iran-Contra affair from start to finish. These areas were all-consuming, and I pretty much worked in them through the end of the investigation. Finally, I drafted portions of the final committee report.

I did a lot of work on my first "assignment" with Tim Woodcock from Bangor, who was asked to work on the committee by Senator Cohen. Tim and I just really hit it off and we remain friends to this day. We talk all the time. He's on the board of the non-profit organization that I founded five years ago.

AL: Transcends politics.

JK: That's right, absolutely, absolutely.

AL: Now you talked about [how] being on that committee changed the sense or feeling of your relationship with Senator Mitchell. Can you talk about that a little bit?

JK: Yeah, it was kind of interesting to me, and yet I think probably perfectly natural. It just

wasn't something I had expected. For instance, I worked very closely with George during the period when I investigated John Poindexter and Ollie North. He was the principal interrogator for the committee of Oliver North.

An incident that occurred helps respond to the question about our relationship changing when I worked for the committee. I was at home on a Saturday night and I picked up the phone – it was really quite late – and the voice on the other end of the phone says, “Jamie, this is the Senator.” And I knew it was George, I recognized his voice, and I, of course an incredible wise guy, responded, “Which Senator?” And I remember he seemed both a little flustered and, frankly, ticked off, because he called for a purpose, not for me to be a wise guy. But his introduction reflected that he considered me staff – it was not a slip – not a personal friend. He was ‘the Senator,’ not ‘George.’ During the year I served on the committee, we never played tennis together. Again, it's not what I had expected. Staff people have different relationships with members, and I think that's true in just about every office in the Senate. While many senators are really terrific people, members and staff don't hang out together. And I missed that.

I don't feel the relationship ever returned to the same level of pre-committee friendship. Although he has done me many favors over the years, we really haven't stayed in touch, which I truly think might have been different had I never been one of his staffers as a counsel to the Iran-Contra committee. That said, the opportunity he provided me with the committee was a once-in-a-lifetime experience that perhaps was the most interesting and fun periods of my entire professional career. I will forever be indebted to George for that opportunity.

I digress for a moment to return to that Saturday night phone call. George was calling for information for two Sunday morning talk shows. George never, never, ever went into anything unprepared. He was incredibly fastidious and responsible about what he did, whether it was representing himself or the Senate or the State. Even if he would sometimes seem like he was speaking off the cuff, his level of preparation or thoughtfulness was always the same. And frankly, that's something that as a lawyer I kind of picked up from George, because I admired it so much, this idea that he could prepare – almost to the point of being over prepared – and yet talk as if he was talking off the cuff with total comfort and ease.

AL: So the style in which he delivers the information appears to most to be off the cuff.

JK: With respect to certain things. When he was giving a floor speech in the Senate, then I don't think he ever appeared to be off the cuff. But he would anticipate questions, which is one of the things that good lawyers do. He was very creative, but I think he really would get there through preparation, and really admirable preparation.

I remember watching him try one or two cases when I was a law clerk, and he was just incredible on his feet. He's a very talented trial lawyer, but I always had the feeling, and then when I got to know him better it just confirmed my feeling, is he really wasn't necessarily talking on his feet, but in fact he was incredibly well prepared, having anticipated just about every twist and turn. Nothing really seemed to faze him in the courtroom and he always seemed so spontaneous, but

much of his apparent spontaneity was the result of diligent preparation.

(Pause in taping)

AL: We are now on Side B of the interview with Jamie Kaplan.

JK: One of the reasons I missed playing tennis with George was that it resulted in some memorable experiences for me. I received a call from Gayle [Cory] one day and she said “George would like you to meet him out at Teddy Kennedy’s to play doubles.” And I said, “That’s great, where does Teddy Kennedy live?” So she gave me directions, and here I get in my car, I’m driving out to McLean and I’m driving down this road with these fabulous houses on either side. When I arrive, we go right out on the tennis court, and it’s me and George, and Teddy Kennedy and a fellow named Ron Brown, who I think was chair of the Democratic National Committee at the time. And I’m thinking, this is amazing. Who would have ever thought that I would be playing tennis someday with Teddy Kennedy on his home court.

AL: Well what kind of a tennis player was Ted Kennedy?

JK: Ted Kennedy was not a very good tennis player. But the greatest impression was that here’s Teddy Kennedy in the privacy of his home kind of shouting on the court and having a “kick back” good time. George and I were the two strongest tennis players on the court for sure, and we paired off against each other. But then afterwards we went into Kennedy’s house and we’re sitting around, having a beer, and I’m looking at all this memorabilia in the house, and I realize that I’m sitting here having a beer with Teddy Kennedy. And again, it felt like kind of a kid almost in a candy shop.

And so I’d had those experiences with George because he was kind enough to include me and to think of me and, frankly, because I did play tennis at a reasonably high level. Although I think this will piss him off, but I always thought I was a better pure tennis player than George. But he was an absolute tiger as a competitor, and I’m sure that he beat me more times than I beat him. He was not mean, it was just, he is a very competitive guy. I have a brother who’s a marvelous racket sports guy, who is one of the calmest people in the world. And you put him on a court, and he has one focus. And he is a quiet, under-spoken guy, but the competitive focus that he has is phenomenal. And George is the same way.

AL: Did you see that competitive spirit in other areas of his life over the years you knew him?

JK: Another anecdote is telling. I remember once being at George’s house in South Portland, when I was a law clerk, and I and a fellow named Bill Brownell, who was the administrative clerk at the federal court, dropped in on George on a Sunday morning,

He had a basketball hoop in his driveway, okay? So we come outside, and George has his bathrobe on, and we’re shooting hoops. We started playing ‘horse’ or something like that. So, George has his bathrobe on, it’s Sunday morning, he might even have been wearing like flip-

flops. But he was not going to lose that game of horse. And we're all yukking it up, but George is not going to lose that game of horse.

He always used to say, when it came to basketball, he never wanted to lose any game because he never won at basketball against Swisher [i.e. John Mitchell]. And he'd probably not admit that either, but he said, "I take this stuff really seriously."

So yeah, I would say that sums up George. He was a very competitive trial lawyer, I believe someone who rises to Senate majority leader in eight years is also very competitive and driven.

AL: Now Jamie, after you left the committee work for the Iran-Contra hearings, did your relationship with Senator Mitchell readjust to its former?

JK: As I said in one of my many digressions, it really never did. When I talked to him on the phone it was very natural, and I still always called him George, and he always returned my calls. But it never turned back to how it was before. In fact, I don't think I've played tennis with George since my time on the Iran-Contra Committee. I don't recall ever, ever having that same relationship as we had before Iran-Contra. For instance, there was one occasion before Iran-Contra that was one of the very fun and interesting times that I'm confident would not have occurred after my work with the committee.

AL: What was that?

JK: I was in George's office – three or four months before Iran-Contra – to talk with George about going to work someplace on the Hill, on Capitol Hill, and preferably in the Senate. He was due to tape a TV show in a nearby studio with Jesse Jackson. And so he and I are talking, one of his staffers walks in and says, "We've got to get you over to the studio." And I said, "Great, have a good time with the good reverend," or whatever, and, "I'm taking off." And he said, "No, no," he said, "come with me."

So I went with him, and I end up in this relatively small TV studio, and there's George and there's Jesse Jackson. I'd never met Jesse Jackson before, and Jesse Jackson is about, oh, six-foot-two, six-foot-three, he's a big guy; very sort of imposing figure because of his size, and very formal.

AL: And his voice.

JK: And his voice. And when I was introduced to him, he had very large hands, and I just remember thinking, gosh, from a strictly physical presence, he's really got a tremendous presence. And then George and he go on, and Jesse Jackson was like attacking George for I don't know, sticking up for the big guy or something and driving around in limos. In fact, George's driver drove something like a Chevy or some pedestrian car. I don't know what happened after he became majority leader, but I know this was no limo by any means. And George was, again, he was just great, I think he really took Jesse Jackson to task. But that was

again one of these fun things that, yeah, one of these fun benefits I got from being close to George.

AL: Is there anything I haven't asked you that you feel is important to add here today?

JK: The only thing I would say is when my relationship with George changed, it was kind of stunning to me. I remember even walking through the halls of the Senate with him, and he'd talk to me, looking straight forward, and I'd say something like, "George, I'm over here." But frankly, it wasn't like we would walk through the halls of the Senate as equals. I think that was how members dealt with staff, and I had become staff. Even though I worked for a committee that didn't exist on a permanent basis, and even though I wasn't directly George's staff, I was staff on the Hill, and not just his friend.

I will tell you that really took some getting used to. It also created some very interesting times, though, because when I dealt with him in his Senate chambers, I didn't deal with him like a staff person at all. And so sometimes when there were staff in the chambers with me and with George, I would say things to him that no staffer would ever say to him. Like we'd be going over a speech, and he'd say, "And here's how I want to say this." And I would like look at him and say, "George, it sounds ridiculous, and it's not you at all." His other staffers would look at me with an expression that conveyed shock that I would speak with the Senator like that and expecting some harsh reaction from George that never came.

Despite our lack of contact after Iran-Contra, any time I've asked him for anything, he's "delivered." If I needed a letter of recommendation or commendation for something, it happens.

He makes contributions every year to my non-profit, but for instance, I know he's been at Bowdoin in the time I've lived in Brunswick, and I've never heard from him. George has some very close friends and long-time friends, and I never put myself in that category. But I used to play tennis with him and his cronies, and even in Washington, when his cronies would come down to visit. It was a fun group that included Tim O'Neil and Juris Ubans.

AL: How do you spell -?

JK: I believe it's Juris, Y-O-U-R-I-S [*sic*: J-U-R-I-S], Ubans, U-B-A-N-S, I think. There might be a Y in front of his first name. A just really enjoyable kind of – I mean Juris is sort of almost the flamboyant kind of guy. But they were part of George's tennis cronies, and I used to play with them. And even when they'd visit Washington, like they'd come and visit George, and by that time he had a townhouse, and they'd come and visit George in Washington and I'd get a call, like Gayle would say, "Go over to George's place" – there were a couple tennis courts there – "you're going to meet Timmy and Juris Ubans, go play tennis with them, George is busy tonight." Or, "George will join you guys late," or whatever, and that was just par for the course. That just stopped.

Shep Lee was one of George's closest friends. I think the first time I met Shep Lee – this is a

funny anecdote, if you don't mind me going on. It was when I was a law clerk, and George said, "I'm going to take a ride up to Augusta, because Shep has been all over me to get my car serviced." And he said something like, "I don't believe in getting cars serviced, because the only thing that can happen is something else, something will go wrong."

So we drove up to Augusta, and George left his car there. So I drove up in my car, and he dropped his car off, and I drove him back to Portland. A day or two later I said, "So do you want to go back and get your car?" And he says, "Well no, it's going to be at least a week or so." And I said, "What do you mean it's going to be a week or so? I mean you were getting regular service on your car." He said, "Well, it's why I don't like to bring my car for a service, because one of the guys working on the car backed it into another car on the lot, and the body damage is going to have to be repaired." But that was George's justification of why he didn't want to bring his car, why he doesn't like bringing his car for repairs.

AL: Oh, great. Well I'm going to end here today. We can always schedule another time if we want to get together and talk some more.

JK: No, that's really up to you, I mean, I always feel I've said too much, although I do enjoy saying it.

AL: Thank you very much.

JK: Oh, you're welcome, thank you.

End of Interview.