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George J. Mitchell Oral History Project

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Richard W. “Rick” Smith
(Interviewer: Mike Hastings)

GMOH# 116
June 26, 2009

Mike Hastings: The following is a recorded interview with the Senator George J. Mitchell Oral History Project, an activity of Bowdoin College. The date is June 26, [2009], a Friday. I’m in Portland, Maine, at 100 Middle Street, the law offices of Bernstein Shur, in Portland. The interviewee is Richard Smith, I’m Mike Hastings the interviewer. Rick, could you start by stating your full name and spelling your surname.

Rick Smith: It’s Richard W. Smith, S-M-I-T-H.

MH: And your date of birth?

RS: July 5, 1947.

MH: And your place of birth.

RS: Actually I was, I had to think about that, I was born in Dorchester, Massachusetts.

MH: What was your father’s full name?

RS: Jacob Smith.

MH: Your mother’s?

RS: Sara Smith, Sara with no H.

MH: S-A-R-A Smith.

RS: Right.

MH: Very good. What was her maiden name?

RS: Levine.

MH: Levine, L-E-V-I-N-E?

RS: Correct.

MH: Okay. Could we start with, could you tell me a little bit about your parents and where they were from and their background?

RS: My father was from Brunswick, [Maine], grew up in a family with nine brothers and sisters, and back in those days the college had a program that if you reached a certain level of academic excellence at Brunswick High School, you could go to Bowdoin at no tuition, and he was a Bowdoin student along those lines, as was his older brother and a couple of brothers. Quite a few of the Smiths were Bowdoin.

MH: I've never heard of that program.

RS: He was class of '31 at Bowdoin, and my uncle, his brother, with whom he practiced medicine later in Bath, was class of '22. My mother was from Burlington, Vermont, where dad went to medical school, they met when he was in medical school in Burlington, and she came from, again, a family of nine, I have lots of cousins, and that family ran a laundry in Burlington, and actually that became the family business for generations after that. When they moved to Maine, after a stint in the army in WWII, in the Pacific, mom and dad were settled in Bath and my mother was, a doctor's wife was her career.

MH: Well that's an important career, actually. Where did he go to medical school?

RS: At UVM, University of Vermont, in Burlington, right.

MH: So you grew up in Brunswick. Or you -

RS: Dad grew up in Brunswick, I grew up in Bath.

MH: In Bath, okay.

RS: Dad came back to Bath to practice medicine with his older brother, my Uncle Joe, and they practiced together, the Smith brothers had no relation to the cough drops, although that joke went around for years.

MH: And their beards weren't that long.

RS: And their beards weren't that long, exactly.

MH: Were they specialists, or general?

RS: General practitioners, although in those days you could do a lot of things, and my father was a deliverer of babies, and an administerer of anesthesia, and all kinds of things that country doctors couldn't do these days.

MH: Right, right. So which hospital was he affiliated with?

RS: With what was then the Bath Memorial Hospital, and he did, actually I'm trying to remember, I can't remember the exact years but I think for the better part of fifteen years, maybe longer, he did the anesthesia there before anesthesiologists and anesthesiologists became a more separate profession and just people dedicated to that came to the hospitals.

MH: So you went to public schools in Bath?

RS: I went to public schools in Bath through what was then called Bath Junior High School, which was seventh, eighth and ninth grades, and after ninth grade, because Morse High School in Bath had lost what was, its accreditation, which nobody quite knew what that meant, but lost its accreditation and my parents and other parents were concerned that their kids might not get into college because of that, a lot of us went off to private school and I went to a school called the Tilton School in Tilton, New Hampshire, that I think you're familiar with.

MH: I am, I am indeed. How did you happen to pick Tilton?

RS: Now that's an interesting question, I really don't remember. We looked at three or four schools, not many schools, I remember wanting to go to Choate, I don't think I got in, and for some reason I didn't want to go to Hebron, even though I liked it, and wound up at Tilton. I'm not quite sure, at this point I don't quite remember why.

MH: Very good. When you, you were at Tilton for how, you say --

RS: Three years.

MH: Three years, right. What were your interests there?

RS: I was a debater, and I was manager of the basketball team, and threw discus on the track team, not particularly well, and was pretty studious, I got pretty good grades at Tilton.

MH: And when you were ready to go off to school, was Bowdoin your primary choice, or was it -?

RS: Bowdoin was my father's primary choice.

MH: Your father's primary choice.

RS: We had a little deal, he and I.

MH: Okay, and what was that?

RS: The deal was that I could go to school anywhere I wanted to, but if I went to Bowdoin he

would pay for it.

MH: It's kind of a deal you can't refuse.

RS: Well it was, yes, you know it's funny, in retrospect I think I should have had the personal fortitude to work my way through somewhere else. But my generation, by and large, didn't do that sort of thing.

MH: Did you think of calling his bluff, going somewhere else and then getting him to pay for it?

RS: Well, I was very interested in a biochemistry major. There were only, at that particular moment there were only two schools on the east coast, maybe in the country, that offered a biochemistry major, and they were Rutgers and Yale. I didn't get into Yale, and I did get into Rutgers, and I was interested in going to Rutgers, and as it turns out, a long-time, a childhood friend of mine from Bath, who is now a lawyer in Bath, went to Rutgers and we could have gone together, it would have been a great time, but it didn't happen that way.

MH: Didn't happen that way. Were you thinking of medicine as well?

RS: Yes, and I was extremely good in biology at Tilton. There was a national program called BSCS Biology, if you remember that.

MH: I do remember.

RS: And there was a national exam -

MH: I struggled through it, but -

RS: And we were rated on a national scale, and I don't know how many people took every wave, but I came in fourth in the country on that exam, so I had a really strong credential, which is why Bowdoin didn't put me in biology when I went to Bowdoin and they said, start with chemistry and come back later for advance biology, which turned out to be an error, probably the reason I didn't go to medical school, because chemistry and I didn't get along very well, even though I did a lot of it.

MH: So when you were at Bowdoin, that would have been what years? I guess it was in --

RS: I graduated in '69, so I was there '65, '66, '67, '68, '69, or '69.

MH: Right, right. You graduated in June of '66-, or May of '69, okay.

RS: Right, about, just within a week or so, a week or ten days of when Bobby Kennedy got shot, as I recall. Was that the year before? That was the year before, yeah, that's right.

MH: No, I think that's right, because I don't remember, we did not overlap -

RS: No-no, I know it was the year before.

MH: Because I was sitting at Tilton trying to finish the yearbook on June 5th of 1968, and I was all alone on campus trying to get the graduation pictures in, and that's when I heard Bobby Kennedy died.

RS: No, I was too busy planning a wedding my senior year, because my wife and I got married the week after we both graduated – I graduated from Bowdoin, she graduated from Smith – and we got married a week later.

MH: I see. Now tell me, while you were at Bowdoin, did the idea of medical school fade, or did you, when did you decide to turn away from medicine and go to something else?

RS: This is going to make a great Rick Smith retrospective if nothing else.

MH: Well, no, because this is, we do this to everybody, believe it or not.

RS: It makes the memory go back, yes. No, actually it was, medical school disappeared from view in my memory, and even at the time my short term memory then, this slow motion picture of a beaker, in my second semester of organic chemistry, sliding out of my hands and heading toward the floor. And about two thirds of the way to the floor, I knew I wasn't going to medical school. So that beaker broke, I left organic chemistry and started taking more math classes, and let's see, Dan Sterling was my multivariable calculus professor, and he said, "You ought to go to law school." I had never thought of it, never dawned on me.

MH: A math professor tells you to go to law school.

RS: Yes.

MH: Really.

RS: So that was end of the sophomore year, so I went to Boston University summer school to take the prerequisites for what would be the government and legal studies courses at Bowdoin, basically Gov 101 and some history, some political, basic political course at BU, and then came back up, switched my course of study, my grades skyrocketed and it turned out to be a good call on Dan Sterling's part.

MH: And who were the professors that really stand out in your mind from Bowdoin?

RS: Athern Daggett, who I had for constitutional law and international law. Myrick Freeman, who was an economics professor, who was just great, loved him, and it's funny that I

can't remember his name, but there was a senior seminar program back in those days, and in addition to your regular course work you took a senior seminar.

MH: At the Senior Center, wasn't it?

RS: At the Senior, which was, we were all seniors, we all lived in what we affectionately called Spike's Peak, after Spike Cole, the former president. Anyway, and that senior seminar was all about the Vietnam War, it was all about the politics of the Vietnam War, and we had a lot of good reading and I really, really enjoyed it, and I can't remember for the life of me --

MH: John [Cornelius] Rensenbrink, or -

RS: No, no, no, Rensenbrink was there, but he, no-no, it was somebody who was not a regular professor, and had been in the -

MH: Oh, okay. Yes, they often would bring people in.

RS: Bring people in. He had been in the State Department, really was, anyway, but that was great.

MH: Oh, Leland [Matthew] Goodrich.

RS: Maybe, yes, it could have been Leland Goodrich.

MH: He was a professor, he was at Columbia, and he was a professor of international organizations.

RS: That sounds right, yes.

MH: And he was a Bowdoin graduate.

RS: Ah, that's the connection.

MH: I think like [1920] or something, Leland Goodrich, yes.

RS: And then even though I didn't have him for a professor in a course, there was Elliot [Shelling] Schwartz, elevator music and other great (*unintelligible*).

MH: So immediately after Bowdoin you get married and you go to BU Law?

RS: No, immediately after Bowdoin, got married, my wife went to BU Law immediately, I went to Fort Dix for basic training.

MH: Oh, okay, had you been in ROTC at Bowdoin?

RS: No, no, this was, I got the magic envelope, because I was in that year when deferments were no longer, and the lottery had not yet started, everybody went. And I had been accepted at Boalt Hall, the law school at University of California at Berkeley, which is where I really wanted to go to law school.

MH: Boalt Hall?

RS: Yes, that's what it was called, that's the law school at Berkeley. And one of my classmates, John Fowler, actually went there; he and I were the two who got in. But to be in the National Guard in those days in Berkeley would mean going to classes during the week, and on the weekends dropping tear gas on my classmates from helicopters, because Berkeley was a hotbed of protest, and the National Guard was in fact dropping tear gas on them on a regular basis. So I said, I'm going to stay east, and that turned into the National Guard in Bath, and BU Law School.

MH: And so the National Guard service, you never ended up overseas, I take it.

RS: No, because as it happened, six years in the National Guard, that particular unit never got called up, even though a lot of units did -

MH: What was your specialty?

RS: Well, we were all enlisted, and there wasn't enough room for officers so I was a truck driver - so I have a skill.

MH: Right, you can make your way around fields in western Massachusetts, I suspect.

RS: Drives to Campobello Island and then, so that was good.

MH: Full time law student?

RS: Full time law student.

MH: But your wife was already out at that point.

RS: No, she was, no-no-no, because what happened is, basic training took six, about four months really, and at the end of the last half of 1969, that's when I did my training, so at the very beginning of 1970 I was back in Boston, Sue was finishing her first year at law school, and I was working. I got a job at Liberty Mutual as what they then called a methods analyst, and as a young whippersnapper, we had the great joy of telling senior executives how they were running their operations incorrectly, and we would arrange new systems for them to use and they would get implemented. So it was all very fun, but that only lasted for eight months or so, when I started BU in the fall of 1970.

MH: And when you did you develop a specialty within the, while you were in law school, or did you just (*unintelligible*).

RS: No, at that point you develop interests that you think (*unintelligible—two people talking at once*), at one point or another I was very sure I was either going to be a criminal lawyer, because I was really good at criminal law, and at another point, because I had done really well in admiralty and federal jurisdiction, I thought that I might do either admiralty law or an appellate practice that concentrated on federal law. Everybody loved constitutional law at BU in those years because there was a particularly good professor there in that.

MH: What was his name?

RS: I hope this doesn't happen when we start talking about George – I just lost his name. I can picture him right there.

MH: A trial lawyer.

RS: Yes, but anyway, my -

MH: There was a fellow, I just recalled, there was a fellow at, it seems to me the journal for trial lawyers was done out of BU at that time, and the editor-in-chief was one of the faculty there, and I just wondered if that was the case, in the *National Journal of Trial Lawyers* or something like that.

RS: But the important thing for this story is that my third year of law school I took here at the University of Maine, but I had to complete the third year requirements for both schools, so I was pedaling very hard, and did a paper with [L.] Kinvin Wroth, who was the, and started to learn a little bit about the politics -

MH: Was he the dean at the time, or was he just a professor?

RS: I think he was the dean at the time, I can't remember.

MH: Right, Dean [Edward S.] Godfrey had left.

RS: Maybe Godfrey was still there and he was still just a professor, but we did something for the National Marine Fisheries Service, which was, you have to meet one of the many requirements. But as a result of meeting both schools' requirements, I got my diploma from BU, which I thought was an arguably better credential. Of course all I managed to do was to alienate all my friends at UMaine somehow.

MH: The, while you were in law school in Boston, did you have any part-time jobs or summer jobs, or any kind of work-study kind of experiences?

RS: Not that are relevant to this, I was a lifeguard at Reid State Park and Popham Beach State Park, but no, in law, well between, yes, I'm sorry, between my first and second year of law school is when this all started.

MH: Okay, okay, now we get to the -

RS: Now we get to the lead-in.

MH: That's all, this prologue here, that's all been prologue.

RS: I told you that I thought I was good at criminal law, criminal law was a first year course in law school. And I said well, I'm going to see if I can get myself hired at a prosecutor's office. And Joe Brennan was the then-part-time county attorney here in Portland, and we were coming back up here in the summertime anyway because we both lived in Bath and had summer places at Popham, so I said, this is a good idea. Well I couldn't get myself hired because they had no money in the budget, so I said to Joe, "I'll volunteer if you'll take me."

MH: How did you know him?

RS: Oh, I didn't, I just knew he was the county attorney, right.

MH: Okay, so just kind of a walk in off the street.

RS: Oh yes, I just walked in, I literally walked in off the street. And I said, "I'll do it for no cost." And he said well, "That's a deal, we can probably find a desk for you at that price," which was brave of him. And so I did that first year, and then the second year, between second and third year of law school, they found some money, so I did the same thing again but got a little money.

MH: You must have impressed them enough that they would pay for you.

RS: Maybe, maybe, or some program kicked in or something, I can't remember where the money came from, but they found the money. And at the same time, my wife was clerking at Verrill & Dana, so we had this really interesting mix, Joe Brennan's County Attorney's Office, as you might guess was relatively liberal, this is Portland Democrat, the Portland Democratic machine politics, and Verrill & Dana was of course on the Republican side of the aisle and pretty conservative. And part of that summer clerk's job at Verrill & Dana was that the clerks went to one partner's house or another every Friday afternoon, late Friday afternoon for a barbecue, a cookout or something, and I would go to those with my then wife, and I would champion the liberal causes and make all kinds of noise at these parties.

And I have friends at Verrill & Dana now, and Roger Putnam was there at the time, he was interesting, but Charlie Cragin, who you may know, or may know his name, Charlie was very

much a hawk at the time, very pro-Vietnam War. And Charlie and I would start mixing it up at these weekly barbecues or dinners.

MH: Charlie was a debater, very much.

RS: Very much so, but I couldn't resist. And we would take each other on, and the folks back in the office of course would hear, back in Joe's office, would get these stories every week and spur me on to greater heights. So by the end of the summer Charlie and I had probably gone at this five or six times, and you know, I'm not sure what the level of mutual respect was then, but later on there became one as a result of those arguments.

But that was, this is, I think this is relatively important for the background, the story, with respect to George. George was part of the tapestry of that office, and his politics were very much a part of the politics of the office. And if you look at the folks who were there -

MH: Give me their names, for the record here.

RS: Well, the ones I can remember, Arthur Stilphen, who later became chief of the State Police, Wanda Evans, who we called Jinx at the time, Jinx became I believe the director or assistant director of the State Planning Office for a while; Peter and Lyn Ballou were both there, Peter Ballou I believe is counsel to the PUC and has been for a very long time; John O'Leary was there, and of course John later ran for Congress unsuccessfully but became ambassador to Chile under President Clinton; David Flanagan was there, later became president of Central Maine Power Company and Maine Yankee.

John O'Leary and David Flanagan and I were the three summer clerks, they were also between years at law school at the time, so that we were the part-time, summertime crowd.

MH: Was Peter Kyros, Jr. involved?

RS: His name came up a lot, but I don't think he was there. Also there – when I say, by the way, when I say there in the office, Arthur, Jinx, David, John O'Leary and I, and of course Joe Brennan were in the office pretty much all the time. But the prosecutors, the people who actually went into court and prosecuted the cases, were all full time lawyers at other places, part-time prosecutors for the office. And that group included George Mitchell, included Don Lowry, included Gerry Petruccelli, and Mary Kay Gagnon-Brennan was in the office all the time, that was Joe's wife at the time, and she was a lawyer but she was not one of the part-time prosecutors, as I recall, although she was a presence in the office, she was part of the mix.

And of course Don Lowry's become a personal injury lawyer of note mainly because of his advertisements on television, and Gerry Petruccelli teaches law part-time at the law school, has a practice in town. And George of course has gone on to do great things. As a group, you can tell from what they did later, this was a pretty accomplished group of people, but more to my original point, they all had at the time, for Maine, very liberal politics, and by a national measure,

what you might call moderate Democratic politics, but for Maine, pretty liberal. And that would play itself out in our discussions of constitutional protection for people that Joe was, that the police would bring to Joe to prosecute.

And I remember George in at least a few of these discussions – but not most of them – but these cases would come in involving typically burning the American flag, or wearing the flag on a piece of clothing, because this was Vietnam era and there were a lot of protestors around. The Portland police were not too keen on protestors, especially when they defaced the flag, and especially when they called out nasty epithets about the country, and so they'd bring these guys in on a wholesale basis. And these cases would come in, and I can picture it, Joe and John O'Leary, David Flanagan and I, and sometimes George and sometimes Don Lowry, would be sitting around talking about the constitutional rights of these defendants, and did we really want to prosecute these kinds of cases?

And at some point in one of those meetings somebody said, "This is the only place where their constitutional rights will be well considered." And it gave all of us – and that may have come from George, it's his kind of thinking, but I can't say for sure that he said that – but it made us all kind of realize that except for those folks who were lucky enough, or unlucky enough, depending on your point of view, to get all the way to the U.S. Supreme Court, their constitutional rights were not going to be as carefully considered as they would be at the U.S. Supreme Court, except at our level. Even though we were the prosecutors, we were the first line of defense on constitutional rights, sort of sensitized all of us to what prosecutorial discretion was really all about and how things could play out in different parts of the country very differently for that reason.

MH: What was your role in the office? I mean, were you doing research, or upbringing from the library, or, I assume the office was in the court house.

RS: The office was in the court house. Just a quick aside – this was back in the days when the fish rendering plant was across the harbor in South Portland, and there was no air conditioning in the building so the windows were always open, so we did a lot of work under great olfactory stress. But I did a lot of basic research, people would, whatever the issue of the day was, I would go to the library and see what I could find to help out a particular motion or a particular case. David and John and I were assigned in various combinations, I don't recall the three of us ever doing this, but in various combinations of two, we would go out and talk to subgroups within the police department about the latest search and seizure rules, about our approach to these flag-burning type questions. We took a lot of heat for the office, but we did that sort of thing.

And then my first summer, I spent I think two days a week, after the first month, I spent two days a week prosecuting cases in the Portland District Court, I'd get the occasional case and prosecute cases there. And in my second summer, much to my major surprise, I was basically given the Brunswick District Court, and I did almost all the prosecuting that summer in the Brunswick District Court.

MH: But you didn't actually have your degree year, did you?

RS: No, no, I was under the theoretical supervision of – oh no, another person associated with the office who I should have remembered. Very tall, a little bit flabby, last name began with 'G' I think, he became a judge too, and I can't remember who it was. He was a prosecutor in the office, and he was theoretically the person who was my supervisor, but he was rarely there.

MH: So his name was on the papers then, I assume.

RS: Right, oh yes, that's right. I didn't sign anything but I was in the courtroom. And I remember my first molesting lobster traps case when, because I was -

MH: Right, short lobsters and -

RS: Because not only was I, you know, I was worse than fresh out of law school, I was still *in* law school, and so everything I thought had to be done to a great, high degree of precision, I didn't understand the informality of the real practice of law. And so I had my 'chain of evidence' hat on, and I had the warden bring in the molested lobster trap, and the judge sees the trap at the back of the courtroom and he looks down, he says, "Mr. Smith, I've seen a lobster trap before."

MH: Wonderful. Did the lawyers in that, in that office, did they work together on cases, or did they, was it all just a single lawyer prosecuting a separate case, or -?

RS: It was a single lawyer in the courtroom. We did have these meetings to discuss the approach of certain cases, but whether or not to prosecute these cases that I just described to you, if the decision was to prosecute them, then one of the clerks, like me, would be assigned to go find some law to make sure, because we were anticipating that there would be a defense that might raise a constitutional issue, so we'd try to do that stuff ahead of time, and we'd try to give the lawyers who were breezing in from their practices and going into the courtroom as much support as we could give them, because they were responsible for the case but had little time to prepare, and I think in some cases took very little time to prepare, and that's one of the things that I remember about George Mitchell.

It didn't matter how complicated the case was, he may have spent hours preparing, but we got the distinct impression that: a) he didn't; and b) didn't need to. He would come in, grab a file, read through the file, and when I say read through the file, this was while standing there in three-to-five minutes, I'm not talking about sitting down for hours and hours with the file, but he'd read, very quick study. And one particular day that just is really strong in my memory, he'd obviously thought a little bit about the case before he came in, but as you may know, any crime has elements, there's a list of three or four or five discrete things that have to be shown to the jury or the judge before you can get a conviction. And so mentally every trial lawyer is ticking off these things, and some lawyers will have their big checklist, make sure they get all the

elements of the crime. Same thing is true in personal injury, any kind of case.

And one of the bigger cases in the office from the point of view of those of us who were sitting in the office all the time was a rape case, I think it was my first summer there, and it had gotten a certain amount of play in the paper and there was a, you know - And it was George's case to prosecute, and he - I'll use that same word again because that's the image - he breezed into the office, grabbed the file, took a look at it and said, "Now what do I have to prove?" And you could tell he was ticking off elements in his mind, but the only one he said was, "What do I have to prove? Penetration, got it," and he's off in the courtroom. And it was, as a law student, it just took your breath away. I now know, after practicing all these years, that any of the more seasoned practitioners that watched it, it would have taken their breath away too. And I can't say for sure, but I think he got the conviction.

MH: Was, did it, did people tend to have types of cases that they were given, in other words, or could it be a drunk driving case one day and a rape case the next?

RS: Precisely, precisely, right. Now, in the case of that particular case, my guess is, and this is, well it's an educated guess but it is a guess, my guess is that, that Gerry and Don and George probably had a quick powwow about which one of us wants to take this case, and so there may have been some, a decision along those lines, just because it was getting a lot of press and was -

MH: Did you have somebody who was, did you ever have anybody that spoke to the press, was that one, did the lawyers do that after or, during or after a trial, or was that assigned to Joe Brennan?

RS: Yes, I think, well Joe liked to talk to the press. To say that Joe Brennan was a politician is not telling you anything that you don't know, and he did like to talk to the press. And my guess is that - Well no, no, actually, I think that's a lot of what Jinx did, I think she ran interference for the press, that was part of what she did, although she was primarily the 'gal Friday' in the office, just kept everybody organized, but like I -

MH: Okay, so you did that two summers.

RS: Right, I did that for two summers, and -

MH: Did that have any influence on you and where you went after that, or the directions you went in, or?

RS: I thought it would result in becoming Perry Mason, but it didn't. The practice I wound up in, in Bath, happened to be with an attorney who was also part-time county attorney in Sagadahoc County, so my wife was prosecuting when I joined the office, and so we were the prosecutors for a little while. That only lasted for about a year after I got there, just because there was a change of administrations. And no criminals walked through our door, as we thought they would, so we wound up doing a completely different kind of case. Where it did influence,

the real fun of that office was just the politics, because everybody was talking about who was going to run for what office. It was very clear that George and Joe both wanted to run for some office, probably the same office as it turned out, and which caused a problem for all of us in that office because in 1974 or '75, whenever it was, a few years after all this, we all had to choose sides.

MH: And how did you do that?

RS: Now, and by the way, I say we all had to choose sides, I don't think it ever occurred to any of us that we could not be part of one campaign or the other. You know, there was no question of politics -

MH: It was a given, it was a given.

RS: It was a given, it was a whole, it was a political world and we were going to be in it. And I seem to remember, I'm not exactly sure how we chose sides, I think it may have been a simple matter of who got to you first. And I remember Joe calling up both Sue and me and saying, "Can you help me out down in Sagadahoc County?" You have to go to a caucus, and we didn't know at the time, because we were really wet behind the ears when it came to politics. What I discovered here is that the people who grew up in Portland, especially David Flanagan in particular, and Joe, they understood politics when they were teenagers, right, in a way that I probably still don't. But one kind of big obvious thing, we show up at our first caucus I'd ever been to, and there's hardly anybody there. Like instant power vacuum, right.

MH: Right, which is why he sent you.

RS: Which is why he sent us, because he knew. And as a result of that, Sue became a member of the State Committee, the Democratic State Committee, which got us friendly with Severin Beliveau, and of course I remember Severin as being very much in Joe Brennan's camp and we always had, Joe and Severin and anybody else who was around always had these great talks. But, my guess is that Severin was enough of a politician so that the people in George's camp probably thought he was in George's camp.

And from then on it was running into George as a candidate, and as an ideological leader. If you weren't sure how to approach an issue, George was the person you listened to, or sometimes went to.

MH: So he, George Mitchell loses to Longley in '74.

RS: 'Seventy-four, right.

MH: Right, and goes back to the practice of law for a few years. Did you ever cross paths in terms of your legal practices?

RS: Well, no, not in terms of cases. And it's funny, in thinking about this interview, there are these big holes in my memory because there must have been more times when he and I got together, because when we cross paths today, it really is more than just 'George remembers everybody,' because he does remember everybody, but we immediately start talking about stuff. It's not how, when you're with an old friend you pick up an old conversation, and it's usually a topic like the schools funding law issue was a big issue, and maybe I did talk to George about that, because I wound up being very much a part of what was then considered to be the Republican side of the argument, although I didn't see it that way at the time. A lawyer in Augusta named John Doyle, who's kind of a colorful Maine character, John and I represented Maine Towns for Fair Taxation, which was challenging the constitutionality of the school funding law.

MH: That was the Educational Equalization Act or something like that.

RS: Precisely, precisely, and a lot of Democrats saw that as the rich towns trying to get out of paying their fair share, but I was representing the town of Georgetown, which was anything but rich, you know, the people in Georgetown were poor but sat on a lot of rich real estate, and so that -

MH: So the high assessment but not wealthy people?

RS: High assessment and not wealthy people. And so I told that story to a group, John and his people saw it and said, "Why don't you join the representing Maine Towns for Fair Taxation?" And I seem to remember bumping into George at a political function, and he came over to me and said - I'd forgotten about this till just now - and he come over to me and he said, "Representing Maine Towns for Fair Taxation, that's a pretty right-wing group." And I think I mumbled something about I didn't see it that way, but it is interesting because normally his opinion would have swayed me, but I thought I was in the right on that issue.

MH: And it, well they passed the Educational - I don't know quite the term of it, I remember the name of it but I, and they passed it and it was terribly flawed from the get-go.

RS: Well, it was never fully implemented, that was part of it. In fact we had a professor at Bowdoin, a statistician whose name I now don't remember, who did our, maybe it went to, maybe Freeman did some of this work for me, from the economics department.

MH: Yes, I think it was -

RS: It was probably Freeman, yes, to generate all the statistical data that we needed to prove the case, and then I spent a week in Washington with other groups from around the country who were fighting similar battles. We put this, what we thought was a terrific brief together, all set to go, and we withdrew the case that was pending in the Maine Supreme Court, because that statute was passed, and we like to think that our work was part of the pressure that caused the statute to be passed, but in retrospect I think we would have been better off going to court and getting a

decision, forcing something more equitable. But we're going way off now.

MH: And when he was, when George Mitchell was U.S. attorney, there was not, you were not in any -

RS: We all had rea- This group, when I say we, the group that used to be in that office, we bump into each other all the time around. I remember all of us being, I shouldn't say all of us, some of us, being very surprised that George would leave the safety of a federal judgeship, which we thought was, some of us thought was kind of a pinnacle of your career, would leave the safety of that to go run for office. But I think that the more astute heads, Dave Flanagan and John, sort of knew that that was the way that -

MH: John?

RS: O'Leary.

MH: O'Leary.

RS: Knew that was the right thing for George to do, and they kind of expected it of him, I think.

MH: Well this is, thank you for contributing this piece of the puzzle.

RS: Yes, and I'm sorry it's such a small piece, but that's what we had.

MH: No-no, no-no, that's fine, and as I said to you before we turned the tape on, or the digital recorder on, that you've been a great help in terms of at least (*unintelligible—two people talking at once*).

RS: Finding other, identifying, oh good.

MH: And identifying some of the people, and we appreciate that. And I hope you enjoy reading and listening to the interviews.

RS: Oh, I'm sure I will.

MH: When they come out.

RS: I hope they're severely edited. But I'd be interested, I'm sure that a lot of the same ground, Gerry covered in more detail. Did you get similar stories from Gerry? You can't say, you can't say.

MH: You know, really until -

RS: Until it's all done, we can't say it. And that's fine, that's fine.

MH: Right, and you know, we have a, there's a rule in this that even the people who are interviewed, until they sign their consent forms, we respect the privacy of the whole thing until they sign off on it, so - But thank you very much for doing this and, Rick Smith, thank you.

RS: Oh, you're welcome.

End of Interview