

Ed Muskie and the Art of Patient, Persistent Persuasion

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Introduction

Ed Muskie of Maine was one of Maine's most prodigious political figures, distinguishing himself as a party reformer, governor, United States senator, vice presidential candidate, and United States secretary of state. His record in the Senate, the subject of this paper, was remarkable in terms of volume, variety and pioneering outputs. He excelled as a legislator, as an influence on the executive branch, as a leader in modifying and advancing national policy and as a change agent on behalf of the broad interests of his state.

In this article, I shall not try to determine whether Ed Muskie was a greater legislator than his colleagues from Maine, or any other member of the Senate. My aim is to suggest how and why Senator Muskie achieved what he did, in the policy areas and challenges he addressed, and in concert with colleagues from a wide range of geographic and political perspectives and commitments. I shall do so through four case sketches and reflections on the context and origins of his contributions to public service:

1. his development of the bi-partisan Air and Water Pollution Subcommittee of the Senate Public Works Committee and a steadily more effective national air and water pollution control program;

* This article is dedicated to the memory of Paul A. Fullam, Colby College Professor of History and Government, a passionate advocate for democracy, who challenged students to become engaged citizens and inspired political audiences with speeches that featured the teachings of Aristotle.

2. his legislative management of the Demonstration Cities and Metropolitan Development Act of 1966;
3. his work with federal and state officials and a variety of interest groups in the creation of the Allagash Wilderness Waterway; and, finally
4. his success in turning President Johnson around on the appointment of Frank Coffin as an appeals court judge.

I should also note his substantial contributions to equal access to justice in Maine, to education for public service through the University of Southern Maine Muskie School of Public Service and a variety of international relations and national security projects.

The Muskie Senate Record

The highlights of Senator Muskie's legislative accomplishments include the Intergovernmental Relations Act (1959), the Model Cities Act (1966), the National Historic Preservation Act (1966), the Clean Water Restoration Act (1966), the Clean Air Act (1970), the Clean Water Act (1972), and the Budget Reform Act (1974). His collaborators in a number of those areas included such Republican luminaries as Senator Howard Baker of Tennessee, Senator John Sherman Cooper of Kentucky, Senator James Buckley of New York and Senator Henry Bellmon of Oklahoma. A description of one of Muskie's more dramatic legislative achievements, a brief review of the development of the Senate environmental protection legislation, a note on a Maine initiative and a look at a judicial appointment are sufficient to suggest the scope and methods of Muskie's "patient, persistent persuasion."

Model Cities

President Johnson signed two bills of note at the White House, November 3, 1966. Senator Muskie was at center stage for both. He was the principal author of one—the Clean Water Restoration Act of 1966—and rescuer of the other—the Demonstration Cities and Metropolitan Development Act of 1966 (popularly known as the "Model Cities Act"). The "Demonstration Cities" signing marked the conclusion of a tortuous legislative struggle that, in many ways, resembled the "Perils of Pauline." For

many observers the hero in the dramatic rescue was the junior senator from Maine. The President had introduced the Demonstration Cities and Metropolitan Development Act in a January 26, 1966, message to Congress as a centerpiece in the "Great Society" program, legislation promoted as an answer to the turmoil and disarray of America's great cities.

Despite the general concern over the state of the cities, there seemed to be little steam behind the bill. The Senate and House subcommittee chairmen were not fired up. Senator Sparkman, up for re-election in Alabama that year, was not eager to have his name tied to legislation named "Demonstration Cities." Congressman Barrett of Pennsylvania was not a strong leader.

By the end of May the legislation seemed headed for defeat in the House committee. On June 1 the Administration convinced House leaders to put off action on the legislation, while Administration officials debated whether to throw in the towel. On June 10, in a dramatic White House session, where Postmaster General Larry O'Brien rallied the troops with an impassioned, impromptu speech, they decided to push for passage. The President agreed.

What followed was a two-and-a-half month whirlwind of activity, primarily focused in the Senate, that literally turned the prospects around. Prior to the June 10 White House meeting the Administration made the first attempts to recruit Muskie to manage the legislation. Undersecretary of Housing Robert Wood and Assistant Secretary Charles Haar talked with Muskie and sent him background material on the issues and the legislation. The tempo went up after the June 10 meeting. Lobbying included direct calls from the Administration and letters from the U.S. Conference of Mayors, the National League of Cities and others - all urging the Senator from Maine to take over management of the legislation.

Muskie was skeptical. He wrote the President June 12, telling him he was "not prepared to accept the assignment if it involves battling for the bill as sent up by the Department" of Housing and Urban Development. He questioned the scope and

balance of the legislation and its value, considering the fact that the legislation would have no effect on the cities in the coming summer, when serious trouble was expected. He offered to work on legislation that might deal with immediate needs in the coming months.

It was during this time the Muskie staff became the Senate legislative staff on Demonstration Cities. The White House could not depend on the Banking and Currency or Housing Subcommittee staff, given the attitude of the committee chairman and Senator Sparkman's awkward situation, and considering the disarray in the House committee.

The White House, through Joe Califano, said the President would not abandon the legislation and short-term fixes were not an option. Muskie responded that he would agree to manage the legislation if he could satisfy himself on two points: (1) that he and the Department and the White House could agree on a revised draft that corrected the problems he found and the issues not covered in the first draft; and (2) that he could be assured that at the end of the day he could gain a respectable vote in the Senate: he did not expect a guarantee of victory, but he did not want to be on the short end of a 98-2 vote. The White House and the Department agreed.

In the following weeks, the Senator, his personal staff and Intergovernmental Relations Subcommittee staff developed analyses of the existing legislation and alternative proposals that were negotiated with Department, White House and Budget Bureau representatives. By the end of June a package seemed ready that Muskie and the Administration could support. Arrangements were made for a meeting with the Senator in Kennebunk, there for the July 4 recess.

The July 5 Washington contingent flew to Pease Air Force Base in Portsmouth and drove to the Senator's cottage. Mrs. Muskie served lobster stew. The deal was struck. The next couple of weeks were devoted to polishing the legislative draft, always under the Senator's exacting guidance. Language was tightened, problem items were deleted, and several programs were added, including metropolitan review

requirements, Title VI on Historic Preservation, proposed by Muskie and based on his work on historic preservation in the preceding years, and a vacation home mortgage insurance program proposed by Senator Philip Hart of Michigan.

By the 23rd of July the package was ready to take to the Senate committee. A cover letter and a two-page memorandum on the substitute legislation was distributed to Democratic members of the committee. The letter and the summary description of the bill stressed that the substitute bill would achieve the President's objectives and carry out his wishes, but contained a number of improvements.

Shortly thereafter the committee met to mark up the bill. Muskie and his team were still scrambling for votes. At this point, Muskie was ready to unveil an additional amendment to which the Johnson Administration had agreed: to cut the authorization for the legislation from \$2.7 billion to a total of \$900-million for just two years. One uncertain member was Senator Thomas McIntyre of New Hampshire, who was under attack by the Manchester (NH) Union Leader as a "tax and spend" Democrat. At the committee session Muskie decided Senator McIntyre might like to introduce the amendment to cut the size of the spending authorization. The amendment was handed to Senator McIntyre with his name written in. He read it, smiled, raised his hand and offered the amendment, which passed unanimously. He voted with the majority for the legislation.

The bill went to the floor with substantial committee support. On August 19, Senator Muskie opened debate with an eloquent statement and responded to questions and comments by his colleagues. Senator Tower offered an amendment that would have converted the legislation into a study. It was defeated 27-53. The final vote on passage was 53-22, a resounding victory for what had been written off as a lost cause. Muskie's eloquent opening speech and his comments in debate were credited by a number of observers, in and out of the Senate, with swaying a number of votes that day.

From that point on the bill's navigation was relatively smooth sailing. The House passed an amended version of the Muskie bill; there was a conference; the

conference report was adopted; and the President signed it with a flourish. It was, both in the nature of the legislation and in its bill signing ceremony with the Clean Water Restoration Act, a symbol of liberal beliefs that "the quality of American life depended on both natural and man-made environments that shaped each other" (Mackenzie and Weisbrot 2008).

But why Muskie? Why a senator of a rural state as the leader on legislation of primary concern to those with urban problems? The simple answer is that Muskie had the talent, the skills and the stature to command respect and sway the Senate on any issue in which he believed. He understood that small cities as well as large had serious problems and needed help. He believed urban planning needed to be undertaken in the context of metropolitan planning. He understood the importance of historic preservation to the integrity of a community.

Muskie had, from his years as governor, seen urban issues as community and neighborhood issues, closely linked to the well being of middle and lower-income citizens and their sense of security and control over their lives. During his senate service he mastered much of the basic information and range of thought on urban and regional issues. And he was convinced, above all, that effective planning in a community could only succeed with the active participation of the members of the community, whatever their social, ethnic or economic status.

In urban planning, as in environmental and other legislation, Muskie was ahead of his time and he knew how to persuade his colleagues to move in that direction. He also knew, as illustrated by his handling of the White House in the negotiations leading up to Senate action, how to persuade the Executive Branch to accommodate to legislative perspectives, as in convincing the Administration to broaden the application of the program to include smaller cities such as Portland and Lewiston and to add such

provisions as a metropolitan review requirement. The unintended consequence of majority leader Johnson's displeasure handed President Johnson a victory.¹

Environmental Legislation

The second Act signed by President Johnson that November 3, 1966, was the "Clean Water Restoration Act of 1966," one of a series of ground breaking environmental protection laws advanced by Senator Muskie, beginning in 1963. They, too, were unintended consequences of majority leader Lyndon Johnson's 1959 punishment of Muskie. The Public Works Committee was not one of Muskie's committee assignment choices and, under the domination of Senator Dennis Chavez of New Mexico, chairman, and Senator Robert S. Kerr of Oklahoma, ranking majority member, environmental protection was not a priority. The committee's leadership changed dramatically, however, in the waning days of 1962 and the first day of 1963. Senator Chavez died on November 18 and Senator Kerr died on January 1. Senator Pat McNamara of Michigan became chairman of the committee.

Senator McNamara decided to create a new subcommittee, the Subcommittee on Air and Water Pollution, and asked Senator Muskie to chair it. He advised Muskie, however, that there would be no money to hire subcommittee staff. Muskie would have to make do with whatever he and the ranking minority member, Senator Caleb Boggs of Delaware, could provide and support from the committee's chief clerk and other staff members. From the spring of 1963 until the employment of subcommittee staff director Leon Billings in March 1966 the subcommittee "staff" consisted of full committee chief clerk Ron Linton, Muskie administrative assistant Don Nicoll and Senator Boggs' legislative assistant William Hildenbrand. The members of the subcommittee and the staff established a pattern that continued through Muskie's tenure as chair: all were equal participants, with full access to all of the information

¹ This sketch of Demonstration Cities [Model Cities] legislative history was written from the records in the Muskie Archives and the author's recollections of circumstances not contained in the documentary record.

available to the subcommittee, and all participated fully in the discussions and crafting of legislation.

The legislative history of environmental protection legislation during that period was evolutionary, building on experience with each successive set of laws and the growing body of scientific evidence, and expanding with growing public support. Muskie emphasized legislative and public education as a primary subcommittee task and enlisted his colleagues, Republicans as well as Democrats, in building a consensus for stronger laws and more effective administration. Republican Senators Howard Baker, John Sherman Cooper and James Buckley were active participants in the debates and strong contributors to the committee's decisions, not infrequently unanimous. The growth and strength of the subcommittee's contributions to environmental protection laws continued beyond the "Liberal Hour" into the Nixon Administration. Some of the most difficult debates and contentious disputes on pending legislation came not within the subcommittee or the full Public Works committee, but between the Senate and House Committees. It was in those confrontations that Muskie's capacity for patience and persistence was applied most emphatically. notably in connection with the Water Quality Improvement Act of 1970 and the Clean Air Act of 1970. (Muskie 1972e, pp. 82-95, and Billings 2002. See also Muskie Archives documents and Muskie Oral Histories 1998-2007, particularly additional interviews with Billings and with Ron Linton, William Hildenbrand, Sen. Howard Baker, Sen. James Buckley and Don Nicoll)

Allagash Wilderness Waterway

The creation of the Allagash Wilderness Waterway represented one of the more complicated exercises of Senator Muskie's patient, persistent persuasion, working with federal officials and legislators, state officials and legislators, Canadian officials, conservationists, land owners, business leaders and citizens in affected communities. Consider the following threads in the tapestry of the story:

1. the National Park Service wanted to create a National Wild River in the Allagash watershed;

2. some state officials wanted to create an Allagash state park;
3. Timber companies and other land owners wanted no part of a “wilderness” designation, federal or state;
4. conservationists preferred a proposed National Wild River;
5. some private power interests and public power advocates wanted to build hydroelectric dams on the upper St. John River, flooding a substantial segment of the Allagash watershed;
6. there was latent interest in development of the Passamaquoddy tidal power project, possibly linked to hydroelectric dams on the upper St. John; and
7. the New Brunswick Electric Power Commission was interested in the potential value of regulating storage on the upper St. John, stabilizing water flows for their downstream hydroelectric plants.

There is a long story to be told here, but in short, Muskie worked with virtually all of the interested parties, establishing the primacy of protecting the Allagash in perpetuity, pushing the possibility of an upper St. John-Passamaquoddy power system that would not flood the Allagash and finally achieving a State owned and administered Allagash Wilderness Waterway, endorsed by the U.S. Department of the Interior, with matching federal funds provided for land acquisition and initial development, and designated under the federal Wild and Scenic Rivers Act. There were many actors in the drama and many fathers, mothers and midwives for the final result, but Muskie was in many ways the master weaver, giving coherence to the final pattern, which achieved Muskie’s goal of preserving the waterway in perpetuity.

Frank M. Coffin and the First Circuit

The final illustration of Muskie’s practice of the art of patient, persistent persuasion involved a judicial appointment, a valued friend and colleague and an apparently hostile president. In early 1965 a vacancy opened on the First Circuit Court of Appeals. It was, by custom, after 24 years, Maine’s turn to provide the judge for that seat on the court. As the Democratic Senator from Maine, Senator Muskie was the one

to recommend names for the President's consideration. He submitted three names, Frank Coffin, Sidney Wernick and Alton Lessard, telling President Johnson that any one of the three would make a fine judge, but his first choice would be Frank Coffin, at the time the U.S. Representative to the Development Assistance Committee of the Organisation for Economic Co-operation and Development, based in Paris.

There was a problem. Several years before, when Johnson was Vice President, Coffin had offended him in a discussion of Agency for International Development funding policy. Just before he was assassinated, President Kennedy had announced his intent to nominate the former congressman as Ambassador to Panama. The President was killed before he could submit the nomination. President Johnson had promptly withdrawn the possibility and, only under pressure from Senator Muskie, named Coffin to the Development Assistance Committee post.

It was not long after Senator Muskie recommended Coffin for the court appointment that word came back from White House staff that the President would not name Coffin to the court, so please give him another name. Muskie's response to that advice, and to a parade of Administration representatives that followed, some with other names to suggest, was always the same: I have given the President three names, each of whom would make an excellent judge; it's the President's choice, but my recommendation is that the President name Frank Coffin, who would be an outstanding member of the court.

This went on for months. Finally, Marvin Watson, the President's appointment secretary, called and told Senator Muskie that the delay in the nomination was getting "downright embarrassing," Senator Muskie knew the President would never nominate Frank Coffin, so would he please give the President another name. Muskie gave Watson his standard reply and added: the President has never told me he wouldn't nominate Frank Coffin. Watson said he guessed the President and Muskie needed to talk. Within a few days an appointment was set and Muskie went to the White House,

having carefully written and polished his argument, figuring he would have about five minutes to make his pitch.

According to Senator Muskie, the conversation lasted nearly an hour, with the President talking about Vietnam, his problems with several Senators and his frustrations with the Congress. Finally the Senator thanked the President for giving him so much time, reminded him that they were supposed to discuss a judgeship and made his brief argument on behalf of the Coffin nomination. The President leaned forward, tapped Muskie on the knee and said: "That's all right, Ed. You just hold my feet to the fire a little bit longer." Within a couple of weeks the President forwarded the nomination to the Senate. As Muskie had predicted, the nomination was hailed and Johnson was pleased with the brilliance of his selection. Judge Coffin, now retired, had a distinguished career of more than forty years on the court, serving as chief judge and filling several important national judicial committee posts.

About a year after the Coffin appointment, Senator Muskie received a photograph from the White House. It was a picture of President Johnson and Senator Muskie in the Oval Office, deep in conversation. The President had autographed it: "To Ed Muskie. Reasoning together. LBJ." Ed Muskie had a copy of the photo and presidential autograph made for Frank Coffin and inscribed it in turn: "This was the moment."²

Muskie's Qualities

When he arrived in the United States Senate at the beginning of 1959, former Maine Governor Edmund S. Muskie was not a likely candidate for the achievements that marked his career. Arriving in the Senate from the governor's office, Muskie faced several tests of his capacity to exercise patient, persistent persuasion on the national stage and in the service of his constituents. As governor, he was used to setting the

² The account of this story is taken from the author's personal observations and conversations with Edmund S. Muskie. The photograph, with the Johnson and Muskie inscriptions, is in Judge Coffin's personal collection.

agenda and determining his schedule. In the Senate, as a freshman, he controlled neither. And then there was the Senate Majority Leader Lyndon Baines Johnson.

One of the newly elected Senator's first actions on arriving at the Capitol was to pay a courtesy call on Senator Johnson. As Senator Muskie wrote in his memoir, *Journeys*, LBJ talked to him "for a while about the difficulty of adjusting as a senator, especially as a senator who had been a governor. He said that the tough times were when you had to vote, when you went on record. "'Many times, Ed.' He said, you won't know how you're going to vote until the clerk who's calling the roll gets to the M's.'"

After that advice, the majority leader went on to talk about pending rules changes. Johnson was pushing a change that would enable senators to end a filibuster with a two-thirds vote, something most of his southern colleagues could accept. Muskie was much more attracted to a three-fifths vote to end debate, but said nothing. Johnson said, "Well, Ed, you don't seem to have much to say." "Lyndon," Muskie replied, "the clerk hasn't gotten to the M's yet." Johnson was not happy with the reply. He was even less happy when the time came to vote and Muskie voted for the tougher, three-fifths rule (Muskie 1972d).

The leader signaled his displeasure with Muskie by turning down his committee assignment requests. The junior senator had asked to be appointed to Foreign Relations, Interstate and Foreign Commerce and Judiciary. His fourth choice was the Banking and Currency Committee. Instead, Johnson consigned him to the Public Works Committee, chaired by Dennis Chavez of New Mexico, but dominated by Robert Kerr of Oklahoma, the Government Operations Committee, chaired by conservative John McClellan of Arkansas, and the Banking and Currency Committee, chaired by Willis Robertson of Virginia—Pat Robertson's father. Muskie had been put in the shadows.

In spite of that inauspicious beginning, as noted earlier in this narrative, Muskie built a remarkable legislative record that ranks him among the highest achievers in the history of the Senate. By the mid-sixties, moreover, Johnson - now President - had come to depend on Muskie for his leadership on environmental protection legislation, on

intergovernmental relations, on urban and regional planning issues and in general as a respected senator who could build coalitions across party lines. It was a legislative record Muskie developed in the committees of Johnson's intended punishment.

What were the roots of Senator Muskie's capacity to persuade constituents, colleagues, presidents, friends and foes to work with him, craft answers to knotty problems with him, accept his views and follow his lead? First, there was the matter of intellectual discipline and work habits: Ed Muskie was an intense preparer, pushing himself and his staff to the limit in search of every pertinent fact and every potential argument, then in pursuit of any possible weakness in his or an opposing argument. As a result, his questions in hearings, his arguments in committee and his speeches on the floor of the Senate were models of cogent rhetoric.

Ed Muskie melded patience and persistence with the art of persuasion. He might fret at obstacles during legislative negotiations, and vent his frustration on staff and others close to him, but in committee or on the Senate floor he would out-sit and out-wait the opposition, while he held to his objectives. He was willing and able to listen to opposing views, testing them and his own with intellectual rigor, and he was willing to modify legislation to overcome compelling objections, or add needed supporters, or deal with the realities of vote counts, but he was not a believer in compromise by "splitting the difference." In Muskie's legislative style book, achieving the goal of a proposal was what counted and he was willing to pursue that goal by action or inaction, direct persuasion or the pressure of delay.

Behind the passion for perfect performance and focus on goals was an equal passion for the ideals of a democratic society and a belief in the mystique of Maine. When he became the Democratic candidate for Vice President in 1968, Senator Muskie was assigned a chartered Boeing 727 for the ten week, barnstorming campaign across the country. The plane was reconfigured as a traveling office and a home away from home. He promptly named the plane "Downeast Yankee" and used that name as a theme in his quest for voters, salting his speeches and informal appearances with Maine

stories, Maine humor, and aphorisms attributed to laconic Yankees along the rock-ribbed Coast of Maine. It was no pose, although it might appear an anomaly to some.

Edmund Sixtus Muskie could not, and never did, claim to be an ethnic “Maine Yankee” as that was usually defined. He was, after all, the son of an immigrant from eastern Poland, who apprenticed as a tailor and left his homeland to escape conscription in the Czarist army, making his way to Maine by way of London, Johnstown, Pennsylvania, and Buffalo, New York, before finding a tailoring business to purchase in the western mill town of Rumford.

But Ed Muskie absorbed, embraced and used the essentials of the Maine character, as he understood them, as the personification of the virtues and the promise of the United States. In that respect he was very much like President Obama, a member of the society from outside the mainstream, who believed passionately in the promise of the American democratic experiment and sought to achieve it wherever possible. Muskie’s minority status differed from Obama’s by considerable degree, but their espousal of democratic principles and process was almost identical. They also shared a devotion to rigorous intellectual analysis and a conviction that vigorous, but respectful, debate would contribute to desirable public policies.

There are times when their espousals of civil discourse seem uncannily alike. Consider, for example, this paragraph from President Obama:

None of these challenges [a global economy in crisis, a changing climate, the persistent dangers of old conflicts, new threats and the spread of catastrophic weapons] can be solved quickly or easily. But all of them demand that we listen to one another and work together; that we focus on our common interests, not on occasional differences; and that we reaffirm our shared values, which are stronger than any force that could drive us apart. That is the work that we must carry on (Obama 2009).

President Obama’s and Senator Muskie’s rhetoric and approach to building support for public policy problem solving was almost identical. They differed primarily in their approach to career development, as we shall see later.

Ed Muskie's belief in the American dream came first from his father, who came to the United States, he said, "in search of wonder" (Muskie 1972a). That dream and the will to fulfill it were reinforced in the Rumford schools, where his teachers encouraged the tall, shy and athletically challenged boy to develop his talents in his studies and in public speaking and debate (Muskie 1972b). Muskie's speaking and debating talents were honed at Bates College. There, on the basis of an unexpected scholarship, he turned from an inclination to be a teacher to the study of law at Cornell.

An Unplanned Career

In his law school decision and in his career following law school Muskie revealed the second characteristic that is important to understanding him as a public servant and a persuasive legislator: a man without a career plan, but with a determination to respond with the highest standard of performance to opportunities for professional or public service.

As an aside, this is where Senator Muskie and President Obama differ most: not in the arena of high standards of professional performance, but in the energetic pursuit of a career plan. It may be one of the keys to understanding why Senator Obama became president and Senator Muskie did not. From Cornell, Ed Muskie returned to Maine, passed the Bar, and bought a small practice from a lawyer's widow in Waterville. Navy service in World War II interrupted the practice, to which he resumed at the end of the war.

In 1946 he was elected to the Maine House of Representatives, one of a very small band of Democrats. As a member of a tiny minority he could make little impact on legislation, but he did hone his skills as a political leader, rising to become minority leader in the House. It was during this period, in 1950, struggling to balance the needs of his family, the demands of his law practice, and a sense of obligation to his constituents, that Ed Muskie went to an older, Republican friend and advisor, and explained his dilemma. Should he focus on his personal needs, or should he continue his commitments to public service. His friend looked him in the eye and said: "If you

are going to be in this world, Muskie, you might as well be part of it" (Muskie 1972c). It was advice Muskie never forgot. He ran again for the legislative seat and never looked back.

Then, in 1951, came the opportunity to become state director of the federal Office of Price Stabilization, a chance to increase his income in support of a growing family and a challenging task to enforce a program unpopular with a range of Maine businesses. Muskie took it on and became known as a firm, but fair-minded and reasonable administrator--a reputation that would pay dividends when he ran for governor in 1954. The Eisenhower election in 1952 put an end to Muskie's career as a federal civil servant, but opened the door to resumption of his political involvements. He was elected Democratic national committeeman from Maine and set about with a growing cadre of young veterans and others to rebuild the Maine Democratic Party.

In the run-up to the 1954 general election, Muskie teamed up with Lewiston attorney Frank Coffin, fostering his election to the State Committee and his election as state chairman. In spite of dismal economic conditions in Maine and internecine warfare within the Republican Party, the new Democratic leaders did not expect to win any of the major 1954 races, which included U.S. Senator Margaret Chase Smith's seat, the governorship and three U.S. House of Representatives seats. There was, in fact, so little optimism within the party there was only one serious, announced candidate for a congressional seat coming out of the March state convention. In less than a month following the convention Muskie, Coffin and their allies had to line up candidates for U.S. Senator, governor and the second and third district congressional seats.

Muskie, who had broken his back the year before in a fall while working on his Waterville home, said he would consider filling out the ticket by entering the congressional or senate race, but showed no interest in running for governor. He agreed to run for governor only after the search for a candidate proved fruitless and Coffin and he were able to persuade Colby history and government professor Paul

Fullam to run for the senate seat. Party need, not vaulting ambition, was the deciding factor in Muskie's decision.

The Muskie campaign of 1954 focused on his call for two-party competition, economic development, and reforms related to education, pollution control and a variety of issues spelled out in the detailed party platform adopted at the state convention. The theme of restoring healthy two-party competition was the *leitmotif* for achieving results in all of the substantive areas. Muskie was elected, then reelected in 1956. He persuaded an overwhelmingly Republican legislature to support a reformed and strengthened economic development program, modest gains in water pollution legislation, increased expenditures for education, mental health and social services and budget reform. He also created a climate of civil discourse that enhanced his standing and laid the groundwork for additional reforms in future administrations.

The 1956 re-election campaign had eliminated speculation over a "fluke" victory in 1954. His 1958 campaign to win the senate seat occupied by former governor Frederick C. Payne continued his pattern of responding to opportunities and another success. He would occupy that senate seat for the next twenty years, shifting his focus only to accept the vice presidential nomination in 1968 and to make his vain bid for the Democratic presidential nomination in 1970-1972. He left the Senate in 1980 at President Carter's request to become Secretary of State.

When he left State at the end of President Carter's tenure, almost 76 years old, Muskie joined the Chadbourne & Parke law firm. From that base he continued to engage in public service, sometimes for a fee (the Nestle Infant Formula Audit Commission) and sometimes *pro bono* (the Maine Commission on Legal Needs), sometimes promoting independent examinations of international policy (the Center for National Policy, the American Bar Association's Standing Committee on World Order Under Law and the Center for Strategic and International Studies), sometimes responding to a national call for objective judgement (appointment by President Reagan to the Tower Commission, investigating the Iran-Contra affair) and sometimes

continuing to serve a long-standing interest close to home (the Roosevelt-Campobello International Park Commission and the University of Southern Maine Muskie School for Public Service).

The Muskie School was also an opportunity presented to him, not an institution he sought to create. When asked whether he would approve having the University of Southern Maine Public Policy and Management Program named for him, he replied: "I'm not looking to have programs named for me, but if my name will help the institution, fine, go ahead."

Civil Discourse and the Art of Patient, Persistent Persuasion

When former governor, senator and secretary of state Edmund Muskie attended Muskie Institute and School Board of Visitors meetings he fretted about the lack of civility in politics, the decline and absence of civil discourse. Over and over he would repeat his conviction that civil discourse was essential to meeting the nation's needs and that the aim of civil discourse was persuasion. Persuasion was his mantra in those soliloquies.

It became apparent that the concept of persuasion was central to his view of the practice of politics, which in turn was an exercise of public service. But where had he, trained in debate and engaged in the intense and frequently rough and tumble business of politics, developed a devotion to the art of persuasion?

The answer came, not from Ed Muskie himself, but from a Bates classmate, Ruth Rowe Wilson, who was a fellow debater under the tutelage of Brooks Quimby, the legendary Bates debate coach. Reflecting on the Ed Muskie she knew as a fellow student and as a governor and senator, she said: "...if you wanted a reasoned, sensible argument in the Senate, Muskie was one of the ones who could do it. His, Brooks Quimby's whole theory was persuasion, you know, you do things by persuasion, and Muskie was a master at it." And she confirmed that Professor Quimby was explicit in his use of the word persuasion: "Oh, yes, and he used it with us" (Wilson 1998).

In the Brooks Quimby school of rhetoric preparation was the essential precursor of persuasive debate. Ed Muskie took that lesson to heart and refined the practice in his law school studies. In his public service he was an intense preparer, pushing himself and his staff to the limit in search of every pertinent fact and every potential argument, then in pursuit of any possible weakness in his or an opposing argument. Staff members soon learned that, no matter how carefully they prepared for a session with the Senator, he would spot the missing fact or weakness in their argument--and that was just the beginning as he moved to deal with colleagues or others involved in the issue.

Ed Muskie melded patience and persistence with the art of persuasion. He might fret at obstacles during legislative negotiations, and vent his frustration on staff and others close to him, but in committee or on the Senate floor he would out-sit and out-wait the opposition, while he held to his objectives. He was willing and able to listen to opposing views, testing them and his own with intellectual rigor, and he was willing to modify legislation to overcome compelling objections, or add needed supporters, or deal with the realities of vote counts, but he was not a believer in compromise by "splitting the difference." In Muskie's legislative style book, achieving the goal of a proposal was what counted and he was willing to pursue that goal by action or inaction, direct persuasion or the pressure of delay.

Reflections on Maine and the Muskie Story

I began this examination of the roots of Edmund S. Muskie's success as a United States senator with an illustration of his devotion to the values of Maine. I noted that he was in fact an "outsider," if you accept the conventional picture of the long-established Downeast Yankee (almost always a WASP) as the norm for a true State of Mainer. Ed Muskie's definition of a State of Mainer, by the way, was a person born in Maine who had the good sense to remain here. His definition of a Maine-iac was a person born here, who left.

Ed Muskie countered the fallacy of treating the image of the Downeast Yankee as an ethnic preserve. He also countered the impression of Maine's culture as "conservative" in the sense of opposition to the kinds of policies and the style of politics that characterized his public service. That became a tradition, which, coupled with the "mysterious X" of an individual personality, is fundamental to understanding why Ed Muskie remains an icon of Senatorial achievement.

1. Ed Muskie believed passionately in the reality of democracy and the American dream, as he learned of them in Maine;
2. Ed Muskie was a man without a career plan, but determined to respond with the highest standard of performance to opportunities for professional or public service; and
3. Ed Muskie considered civil discourse the essence of democratic process and the democratic process as the way to insure achievement of the American dream.

He was, as Ruth Rowe Wilson observed, a master of persuasion, which he used with patience and persistence to very great effect. Much of his greatness grew out of the traditions of his state--the community of Maine. His commitments to civic engagement and civil discourse have been shared by those who, with him, were part of Maine's past fifty years of U.S. Senate membership. If you consider the individuals that have represented Maine in the United States Senate in the past fifty years, only one of the eight comes close to fitting the image of being a product of the Downeast Yankee establishment and none has earned a conventional "conservative" label.

This was not always the case, of course. The pioneer in breaking down the old patterns was Senator Margaret Chase Smith, who defeated one sitting governor, a former governor and a minister in her 1948 primary before winning against a weak Democratic candidate in the fall. Governor Fred Payne completed the initial transition in 1952 by defeating Senator Ralph Owen Brewster in the primary and winning the September election, also over weak opposition. Those two Senate elections, primary and general, and the bitter Republican primary of 1952 set the stage for the revival of

the Democratic Party in 1954, Ed Muskie's gubernatorial win in that year and the beginning of genuine two party competition.

To date, in contrast to many other parts of the country, increased partisan competition did not lead to a loss of civil discourse. There have been periods of harsh rhetoric and posturing in the State House, but that did not seem to penetrate or win support from citizens in the community at large. Now, partially in response to perceptions of petty partisanship, other changes are underway, including the emergence of large blocks of unenrolled voters, strong independent candidates and the increased use of citizen initiative and referendum efforts by different interest groups. Those developments are ripe topics for other studies. But before we indulge in speculation about the future, it is wise to consider the reasons for the remarkable equanimity that has been part of the Maine U.S. Senate delegation over the past 50 years.

The reasons, it seems to me, relate to both underlying characteristics of Maine culture and an institutional culture to which the members subscribed. Both deserve further study. I suggest that Maine has never been an inherently conservative state -- that is a society intent primarily on preserving an existing power structure. In pre- and post-statehood years, Maine was known as a fractious frontier territory, unfriendly to the puritan mores of Massachusetts. Anti-slavery movements found fertile ground in Maine. The Republican Party did not get its start here as a protector of the old order.

The industrial revolution did lead to political dominance by entrenched wealth, disrupted periodically by mini-political rebellions, plus forays by anti-"foreign" groups such as the Ku Klux Klan. In the wake of World War II, with the return of the veterans and the impact of the GI Bill, the society and the political parties opened to fresh leadership and a greater willingness to use public institutions to deal with the challenges of economic conditions, education, health, environmental protection, conservation and social services--in short, the policy approaches noted in *The Liberal Hour*.

Through all the changes in political fortunes and policy initiatives, one characteristic of the village called Maine remains: civil discourse and cooperation in spite of differences are not a luxury; they are necessary for community health, economic prosperity and personal stability. That is an understanding that has characterized the Maine congressional delegation throughout the last half of the twentieth century and into the beginning of the twenty-first.

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