

Georgetown University Law Center

Conversation with Dean William Treanor and Senator George Mitchell

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WT: Good afternoon everyone. I am Bill Treanor and it's a privilege to be able to welcome you to a conversation with Senator George Mitchell who is a graduate of the class of 1961 and has returned for his 50th reunion. And this is really a thrill for us, thank you very much for doing this, Senator Mitchell. I will say a little bit about his career, which is absolutely remarkable and then we'll chat for a while, but I just want to say again how privileged we are to have somebody who is an American hero and who has done so many things that have been transformative and who really embodies the great service ideals of Georgetown Law so thank you very much, Senator Mitchell. The Senator grew up in Maine, attended Bowdoin College, and graduated from the Law School in 1961. Following graduation he held a variety of public and private positions including serving as Democratic National Committeeman from Maine. He accepted the post as U.S. Attorney for the state of Maine in 1977 and two years later President Carter appointed him U.S. District Court Judge and then in 1980 Senator Mitchell was appointed to complete Senator Muskie's Senate term. Following a 14-year career in the Senate President Clinton appointed him special advisor to the President of the United States as Secretary of State for Economic Initiatives in Ireland and in

2006 Commissioner of Major League Baseball Bud Selig asked Senator Mitchell to lead an investigation into the illegal use of performance-enhancing substances in major league baseball. Senator Mitchell delivered his report to the Commissioner on December 13, 2007. And then President Barack Obama appointed Senator Mitchell as a special envoy for Palestine-Israeli Affairs in January of 2009, a position he held until May 2011, and then in June 2011 he returned to DLA Piper as a chairman emeritus. So we'll be talking about his career, so again thank you very much for joining us.

WT: So Senator Mitchell...tell us about your life before law school.

GM: I grew up in a small town in Maine, Waterville, Maine, about 15,000 people. My mother was an immigrant from Lebanon. She had no education, couldn't read or write and she spent her entire adult life working in textile mills on the night shift. My father was the orphaned son of Irish immigrants. He never knew his parents, was raised in an orphanage, adopted ultimately by an elderly couple. He worked as a janitor at Colby College. So I and my brothers and my sister were brought up with a very heavy emphasis early on education, not uncommon in the history of people who don't have education, they place I think probably an even exaggerated value on its importance, although it is important, and so from my earliest days, a very great emphasis on getting an education, going on

to school, using that as the upward mobility in the United States. And so, a generally uneventful life, I mentioned last night at dinner that my brothers were very famous athletes, very good athletes. I was not as good as my brothers, I was not as good as anybody else's brothers. Early in life, I developed both a highly competitive attitude towards my brothers especially, and a massive inferiority complex, it took me a long time, a long time to get over. Actually, I have quite a close relationship which still exists, I'm the only member of my family who left our small town. [They are] back home and doing very well. And then by a complete accident I went to Bowdoin. A good example of how many helping hands there are in this country, I didn't have any plans to go to college because my father had lost his job so I had to work for about a year my senior year in high school. And his former employer ... contacted me and said well I've set up an appointment for you with the head of admissions, he said I checked your record, I had an okay academic record, I hadn't gotten into real serious trouble, and I went down and I was offered a position to go to Bowdoin. Neither I nor my parents had any money but he said if you are willing to work we'll find work for you and they did, they found work and I worked the equivalent of a full-time job to get through Bowdoin and then I went in the service. I joined the ROTC in college and served in the U.S. Army Intelligence Service in Berlin, Germany. That is how I happened to come to Georgetown.

WT: How did you come to Georgetown?

GM: I was thinking about going to law school but I wasn't sure about it and of course finances were a problem and I met a fellow who became a very close friend, a guy named Charlie McKelvey, from Hazleton, Pennsylvania, a wonderful, wonderful guy, and he told me that he had just graduated from Georgetown Law School and he said I can get you in there.

WT (joking): It still works that way.

GM: He said there were two reasons why I should go there. One, he said it has a night school and you can go to school at night and work in the daytime. And secondly, it's the only really good law school that has a night school. I didn't know anything about GW and I would never tell this story at GW, they would obviously be offended, they have a very good law school.

WT: And Fordham as well.

GM: And Fordham. But who was I to dispute Charlie McKelvey? I'd never been out of Maine hardly before. So sure enough I got the papers, I filled them out and I was admitted and so I came to Washington in January of 1958. I worked in the U.S. Intelligence in Berlin and I developed a working relationship with people in the CIA who were also based there. And through another friend who worked there

he said, well, you ought to go to work for the CIA, I can get you a job there. I got a lot of help along the way, as I said. So I went. When I came here I drove down, had \$100 in my pocket, and I went to the CIA. I had a very nice interview with a wonderful guy. He said good recommendations, he said good record, he said not going to be a problem. I said that's great, when do I start? And he said he will take several months to get the clearance. Well I said, I don't have several months. So I thanked him, he said we'll get in touch with you. I knew I had to get a job because by then I was down to about \$80. So I went, I left the CIA office, it was then in D.C. right over there at 23rd and E Street, not far from where the State Department is now. I went to a coffee shop and I bought a newspaper and had a sandwich and I read the want ads. And there was an advertisement for a claims adjuster with the Travelers Insurance Company. So I went to a pay phone, called the number, a guy answered and we had a nice conversation. He was put into the office manager and he said, well, he said, sounds like you could do this job, he said, when can you come over? I said, I can come right now. He said, well, I'm going to go have lunch, could you come back at 2:00 and I went back at 2:00 and he hired me on the spot. And so I started at Georgetown the following Monday and my new job at the insurance company. I started both on the same day and both were great. I will be forever grateful to Georgetown for giving me a chance and also although they are different institutions, the Travelers Insurance Company, [I

could] take advantage of that chance. So I covered northwest Washington originally and so I got to know every street in D.C. Many, many years later, this is just a humorous thing, I became the Senate Majority Leader and one of the perks that comes with it is a car and a driver and I had a wonderful guy who was the driver whose name was Willie and he drove me around everywhere. The problem was I knew every single street and alley in northwest Washington and sometimes Willie had to find his way. So I kept telling him no, no, turn left here, turn right there. So the next thing is he drove me to work and he said Senator, when you get there today I would kind of like to tell you how to do your job the way you tell me to do mine. I never again commented to Willie about how to get around, but yeah, every slip and fall in the Giant store I was right there on the spot with my pad, [just usual stuff.] It was eye-opening and a good job, not so much learning the law, but learning about human nature was quite an experience for me. And I had a great time at Georgetown, met a lot of very good friends, people who have stayed friends for a long time, some of whom unfortunately are no longer with us. But when I left I went to the Justice Department so that is how I got started in the practice of law.

WT: And who was your favorite professor?

GM: Well, those who were at the lunch today heard the discussion that the two professors most often mentioned were Father Snee and Professor Jaeger. I did much better in contracts than I did in constitutional law so I kind of liked Professor Jaeger. He was a terrific guy. I have to say the fact that so many persons who spoke at the lunch mentioned him demonstrates what a powerful person he was because he had a combination of tremendous energy, tremendous knowledge and what I think you can fairly say is a certain amount of showmanship. He really was quite a showman. I said to you earlier I can literally remember to this day *Miami Coca-Cola v. Orange Crush*, everybody who took his course will remember that and it's obviously successful when people remember the professor. They remember what he taught and even remember the examples that he gave. And he was a little more gentle, I thought, with the students than Father Snee was. In fact Dr. Jaeger, he would get at you, but there was humor, it was sort of a friendlier atmosphere. So I thought he was a great man and a great teacher, although I never got to know him other than in the classroom. I was limited to that but I can remember him and always will.

WT: That's really [great], to be able to remember a case for more than 50 years. I think that speaks incredibly well to their teaching ability.

GM: Well when you sat there and heard him screech it out several times [LAUGHTER.] Well, how many—not the students now, many who had Professor Jaeger, everybody I'm sure every one of you will confirm you remember *Miami Coca Cola v. Orange Crush*. It sticks in your mind.

WT: I'll have to remember the screeching technique. I'll incorporate that into my teaching. And then after you graduated from law school you went to the Department of Justice.

GM: I did. Again like so much in my life it was completely accidental. When I graduated law school I tried to get a job practicing law in Maine and I couldn't get a job. So I tried to get transferred by the insurance company to Maine and I couldn't get that. I really wanted to go back to Maine and get into private practice. I had no interest in politics. I wasn't involved in any way. And then one day I got a letter out of the blue from the Department of Justice informing me that I was eligible for a position in the Department of Justice under what they called the Honors Law Graduate Program. I don't even know if it still exists. I had never heard it before that. If you were in the top percentage of your class at a certain number of good law schools you were offered a place in the Department of Justice. So they offered me a job, the only job offer I had, not one that I solicited or made even aware of. So I went to work at the Department of Justice until a couple of

years later I got a call from a man who was a chief of staff of one of Maine's Senators, Ed Muskie. Senator Muskie had married a woman from my hometown and practiced law there. So he didn't know me, he knew my brothers and he had a vacancy in his office and they called and wanted to come over and interview me and asked if I would be interested in going to work for him. They offered me what was then a spectacular pay increase. I was making at the Justice Department \$7,500 a year. They offered me \$10,000 a year. To me that sounded like a vast sum of money, so I took the position on the condition, I said, look I want to be honest I don't care about politics, I'm happy to do this, but I'm only going to stay until your next election because my real goal was to get a job practicing law in Maine. And wouldn't you know it, one week after I visited his office a lawyer from Maine came in to see him, I met him, he offered me a job but I told him I had already made a commitment, so I stayed with Muskie for three years. Then I went to same firm and ended up in Maine in the private practice of law and I became U.S. attorney...

WT: Had you been interested in politics before you went to work for Senator Muskie?

GM: No. Other than as a citizen, I was in Washington in law school in 1960 during the campaign when President Kennedy was elected. Robert Kennedy

became Attorney General and so there was a lot of what I would call aspirational attitudes. [Other people, myself,] I was inspired by, moved by, impressed by President Kennedy but I really wasn't interested in politics. After I spent three years with Senator Muskie I was interested. He was a truly great man. Beyond doubt in my mind, the smartest person I've ever met, the greatest environmental legislator in American history. Personal author of landmark environmental laws which exist to this day, the Clean Water and the Clean Air Act. And so I did like it then and became involved at a more active level once I got back to Maine.

WT: And went back to Maine, started to practice law, and then how did you become U.S. Attorney?

GM: Well, when President Carter was elected—as you know U.S. Attorneys are recommended by the Senators. Senator Muskie established a panel, an independent panel to make recommendations. I was one of about dozen people who applied and I got into the last three. I think the way it worked the panel interviewed everybody and then they recommended three names from which he chose. And fortunately for me I had worked for him, I had known him and I made the list of three. So he selected me for the position and then three years later we went through pretty much the same exercise and when the Congress passed the law increasing the number of federal judges in Maine there had been only one, this

increased it to two and the same process followed, and I got appointed as a federal judge a couple of years later.

WT: And then how long did you stay as a federal judge?

GM: Less than a year. Another accident, I've been the beneficiary of so many accidental events in my life. Everyone will recall the Iranian revolution occurred, 44 Americans were taken hostage and a great crisis developed. Finally after much delay and deliberation President Carter authorized a military rescue effort for the hostages. Then Secretary of State Cyrus Vance, another good friend and a great guy, opposed the effort and I think there was also some internal friction of which I am unaware, but in any event Vance resigned as a matter of principle over that presidential decision. President Carter then appointed Senator Muskie to be Secretary of State and the Governor of Maine appointed me to complete Senator Muskie's term. That was probably the toughest decision I ever had to make because I loved being U.S. Attorney. I loved very much being a federal judge, it's a great job and I had anticipated serving the rest of my career in that position. And then when the Governor called me and offered me the appointment which was a quite a surprise to me, it was a tough decision to make, but I did it and then I entered the Senate.

WT: What made you decide to accept the offer of the Senate post?

GM: Well I was interested in politics and I was about 44 or 45 years old at the time and I thought well if I stay on the bench I'll do what I'm doing now for the next 25 years. I thought after a while I would begin to wonder what would life had been like if I had accepted an appointment to the Senate. So I was a little bit torn. And then the more I thought about it, federal judges do decide important issues but they have no control over the issues that come to them. Whether or not to go to court is decided by others. Whereas if you're a Senator you can take the initiative and deal with people's problems. So people made that argument to me in urging me to do it. So I finally decided to accept although in the short term I greatly, greatly regretted the decision. About a year later, which was about a year before the election, a public opinion poll was published in Maine, big headlines, which showed that one of the two members of Congress and they were both Republicans would defeat me in an election by 36 percentage points. I'll tell you I had a hard time shaving and going to work that day. Then about a week later the other member of Congress who was competing for the Republican nomination, released another poll which showed that she would defeat me by 33 percentage points. And of course that stirred a lot of unease in the Democratic Congress. So a former Democratic Governor of Maine announced he was going to run against me and he released a poll that he would defeat me in the primary by 22 percent. So needless to say that was a long summer and fall, trying to raise money, trying to

get a campaign organized, trying to persuade people that I really did have a chance. And as luck would have it I did end up winning by a pretty comfortable margin.

WT: What turned things around for you?

GM: Oh gosh, a lot of things. Well first up two Republicans, one of them is a current Senator, Olympia Snowe. Another was a young man, a Congressman, David Emory, both very able, very popular, they'd never lost an election. She finally didn't run, yielding to the Republican Party's argument that he had been in office longer than her and so it was his turn. I think she would have been a much more formidable opponent. Who knows but the chances of her winning were much higher than I wanted. And gradually the margin narrowed, when it was 36 percent, it couldn't get any worse, it could only get better. I was the only candidate in America who put out a press release when I got to within 20 points.

[LAUGHTER.] And I can remember to this day every Tuesday noon Democrats or Republican Senators meet in what they call a caucus luncheon to plan strategy, and there was a discussion one day in the election year, in 1982, in the Democratic Caucus about how we were doing and Pat Moynihan, who was a wonderful guy and a dear friend, got up and said—it sounds awful, but he really didn't mean it that way. He said we are really going to have a great year. He said look at this, even George Mitchell is only 20 points behind. [LAUGHTER.] And everybody

laughed, just like that. And afterwards, it must have been about six or seven of them come up, and they felt sorry for me, you know he didn't mean to make fun of you and he didn't, he's a wonderful guy and we became quite close friends. But he pointed out where I was. But, so, Emory ran instead of Snowe, and that made it easier, he had demanded six debates and I agreed and the debates turned out pretty well for me so gradually I started doing better and doing better, we not only had the six televised debates but we had innumerable joint appearances for audiences around the state, and things started to turn around and gathered steam at the end, and I won by quite a comfortable margin.

WT: And then you were on the Senate Iran Contra Committee. How did that come about? What was that experience like?

GM: The then-Democratic Majority Leader Senator Byrd selected the members of the committee, the Democratic members, and one day he called me up and said he wanted to appoint me. I had previous to that served as chairman for the Democratic Senate Campaign Committee, organizing, it's still there, each party has a campaign committee, so I traveled around the country speaking on behalf of Democrats and it went really well. This was the '86 election, and although President Reagan was re-elected Democrats won 11 seats and we gained control of the Senate and it was really because of the quality of our candidates. We had very

good candidates that year, Barbara Mikulski of Maryland, Bob Graham of Florida, Tom Daschle of South Dakota and quite a few others but I was chairman so I got some of the credit and Byrd was thankful for it and I had done a lot of speaking on behalf of the party around the country increasingly on television. I guess he thought I could handle committee work well and I had been a U.S. Attorney so there was a certain amount of investigative work associated with it and it was a very interesting and in many respects a dramatic experience.

WT: Are there lessons from Iran Contra that we should learn?

GM: Well there are lessons from everything in life, some good, some bad. I think it was a good reminder of how easily people can be persuaded that their cause is so right.... [But] the law applies equally to everyone including the President, including the government, and indeed perhaps especially the government. And that it takes a lot of vigilance and effort to [recognize] that it isn't so much who was right or wrong on the substantive issues, it is that the law was violated by those who believed that the law was wrong and that they had to take extreme measures, including breaking the law, in order to push their cause. And someone earlier today mentioned at the lunch mentioned Sir Thomas More, former Lord Chancellor in England, and the famous story, the play, the movie, "A Man for All Seasons." And that of course dramatized the critical reality in a very

persuasive way of the importance of rule of law.... You recall many of you will recall the story because Thomas More was the Chancellor, his son-in-law, not his son-in-law, the suitor of his daughter, a man named Roper, is trying to persuade More to have the man arrested and when More asks on what grounds, what has he done, Roper replies, he's a bad man. And More declined to arrest him on those vague grounds and so Roper then accuses More of being—in fact, “you'd protect the devil.” And More said yes, what would you do? And Roper said I would cut down every law in England if I could get to the devil. More replies, in what really is a timeless statement of the rule of law, that when all the laws are cut down and the devil turned around on you, where would you hide? That the law is there to protect all the people and that is the case. That was the case, although it was not publicly widely recognized during those hearings, the controversy turned on other things, personality, who was best on TV, all of that stuff. But that was the fundamental issue, that the law applies to everyone including and especially the government. And we take it for granted and we think it couldn't happen here. I recently spoke at an event in New York at Columbia Law School, they had a former professor there, a man named Wolfgang Friedman who had been a judge in Germany when the Nazis took over. And Friedman's life exemplifies the other part of it, the inability to feel comfortable because there was arguably one of, if not the most, cultured societies in Europe and on earth and they descended into ... an

abyss of lawlessness, horrific lawlessness, which resulted in the deaths of millions of innocent people and it shows how quickly it can turn so there has to be a lot of vigilance. To me that was the lesson of Iran Contra although I don't think it was either well enough distributed or well enough absorbed. But it is a very important point that really needs to be repeated over and over again. One of the things I think that law schools do, and should do more of, is creating among all lawyers that sense of concern about the fragile nature of the rule of law and the independence of the judiciary even in a great country like ours. And I've been in a lot of other countries, and I've worked [there], and I will tell you, it is rare. It's very precious to me.... [APPLAUSE]

WT: What other highlights, if you had to pick two highlights of your career in the Senate, what else would you identify as well?

GM: I'll answer it indirectly. Years later when I worked in Northern Ireland I got to know the Prime Minister of the United Kingdom, I've known several of them. I got to know John Major very well and I had breakfast with him one morning and he was in a really angry mood and I said what's wrong? He said, this is unbelievable, he said I'm so upset, I got a call that a conservative member of Parliament, his party, had threatened to what they call lead the whip, which means not vote with the party on everything there, they have much more party discipline

than we do. Because Major's government had closed down a health clinic in his parliamentary district, and he wasn't going to vote with them until they re-opened that clinic. He said what do you think of that? I said when I was Senate Majority Leader, I had 15 calls like that every morning before breakfast. I said if I were you, I would be celebrating that you only got one, as opposed to getting 15. I spoke at the State Department a while ago and one the ambassadors got up in the Q&A and said oh you're in the Middle East that's the toughest job in the world, I said no, no, no, I used to have the toughest job in the world when I was Senate Majority Leader, Harry Reid has got it now, maybe I've got the second or third. But there were a lot of positive accomplishments. We did pass the revision to the Clean Air Act which had profound effect in our country and served as a model for other countries, and very important legislation, a truly major expansion of the Assistance to Students of Higher Education which is dramatic improvement in American life. Until the GI Bill was proposed by Franklin Roosevelt there was no formal federal assistance to individuals wanting to attend college and at that time when he proposed it only four percent of Americans had a college degree. As a direct result of that and the Pell and other programs that followed, it's now, it was a few years ago 25 percent.... The reality is ... we live in an age of technological innovation, a revolution, that I believe in historic terms will be seen as equally dramatic as the Industrial Revolution which was one of the transformative events in all of human

history. It means clearly more skill, more knowledge, more wisdom, although you can't teach that in school, to compete, to move ahead. And we just have to have to have better educated people, more and higher skill and knowledge and have more and more time in school more and more time learning. So that was a big, what I felt was an accomplishment, particularly through my own history, because of being lucky to even get a college degree. So there were a number of other significant achievements, a lot of frustration, and a lot of humor of course. Maybe before we finish I'll tell a couple more of the funnier stories about my time in the Senate.

WT: I don't think we want to wait. Tell us a couple of funny stories from your time in the Senate.

GM: Well, this one I haven't told for a while. My first day in the Senate, as I said earlier I was appointed by the Governor, unanticipated by me, so I came down, it was the middle of a legislative session and I had worked in the Senate for Senator Muskie years before but of course had never been a Senator and I knew that I kind of looked like an asterisk, an appointed Senator, it's sort of like a guy in the record book, not with one asterisk but several asterisks after his name. And so Byrd said to me well, he said, you're going to find it interesting, there is going to be a filibuster tomorrow and of course I knew roughly what a filibuster was but I hadn't experienced it. So it was scheduled to start at six o'clock. I went in at six

o'clock, I took my seat and I looked around, I was the only person in the Senate. I thought I must have the wrong time or something. No, I had the right time. And pretty soon a Senator comes in and starts talking and he gets up and says I'm going to speak for a few minutes. He spoke for six hours and since I was the only other person in the Senate chamber and he kind of ambled over and spoke to me. Then, I didn't know what happened. A series of bells rang and lights flashed and he left and another Senator came in and he spoke to me for six hours. During the time when the lights flashed that means a vote, all the other Senators came in, they all voted and they all left. I didn't know where to go or what to do, so I was the only one that sat there. This went on most of the night. Now I had been there 12 hours, I was really tired and I was hungry. I didn't know where everybody else went so I went over to a clerk standing by the side of the Senate chamber and I said excuse me I'm new here. He said Senator, that's obvious to everyone. I'm here thinking I'm doing the nation's business, and I'm the only guy here and where did they go, what did they do. He said come on I'll show you. So he took me around to the Senate chamber to a back room, there were a bunch of canvas folding cots, there were several Senators lying there in their clothes sleeping away.... [LAUGHTER.] It was kind of crowded, so he said, there's an empty cot over there, you'd better grab it. There were no aisles, so I had to climb over others to get there. Who's the first person I had to climb over is Ted Kennedy. Now Ted was a big guy and I was

scared to death that I would lose my balance and wake him up or upset him or something, with all my non-athletic skill I got over him. And then who is on the next cot, Senator Helms, he was lying flat on his back snoring away and of course I had only been there a day but I was well aware of Senator Helms' reputation as a staunch defender of heterosexual rights. So I was really worried, what if I fall and land on top on him, so I very carefully get over him and I laid down and I finally get to an empty cot and I laid down and then I thought, what a mistake I've made, here I was a federal judge I was in a really dignified group, what am I doing here. And I looked and on the next cot and these are narrow cots so it's inches away I looked him in the face of Senator John Warner of Virginia. At that time Senator Warner was married to Elizabeth Taylor. So I looked at him and I thought, who am I to feel sorry for myself. Here is a guy who could be home in bed with Elizabeth Taylor, and he's spending the night with me. [LAUGHTER.] So I realized then I better make the best of this, and not complain. That was my first experience with a filibuster in the Senate. I had many of them later, less humorous and less pleasant.

WT: And why did you leave the Senate?

GM: When I entered the Senate, after I was elected the first time, Christmas, 1982, I decided that I really wanted to serve for a limited period of time if I could be fortunate enough to be re-elected. I didn't have a specific, I never

made a public statement of term limit. I just decided on my own that I'll do the best I could for a limited period and then I would leave on my own steam. I've always felt that it's better to leave when people want you to stay rather than wait until they want you to go. And so my next election I won 81 percent of the vote. When it came time to run for what would have been a third time I had no opposition ... well, really no serious competition. I was reasonably well assured that I could be elected again but I felt that I had just turned 60 I thought I could do something else and I'm not all critical of those who stay for a long time and remain or die in office but in my own case I felt that I had done a good job and people did want me to stay, but it might be a good time to try my hand at something else.

WT: Is it true that President Clinton asked you to serve on the Supreme Court?

GM: Yes it is. It was in March of 1994 that I announced publicly that I was going to leave the Senate and about a month later there was a vacancy on the Supreme Court and the night before I announced that I wasn't going to run, I had dinner with President Clinton and we had a nice chat, he tried to talk me into staying, I wouldn't do it and then he said if something comes along that I think you could be helpful on, are you just tired of government? I said no I love government, I love politics, I think it's the greatest honor of my life and I don't think anything

will ever equal that but I just think it's the right time to leave. He said okay but I may call upon you. A month later he called and said that he wanted to appoint me to the Supreme Court and we were right then in the middle of the health care efforts, many people here won't remember that, they identify it with Obama but in '94, '93 and '94 Clinton tried to do something like that and I was sort the point man in the Senate. And I had a dear friend in the Senate, a fellow New Englander, John Chafee, a Republican Senator from Rhode Island, a truly wonderful guy, a very good friend, served on two committees together, and this is not well known publicly although it's a matter of public knowledge, I introduced the administration's bill late November of 1993, and just before Christmas in that year, about a month later, Chafee introduced a Republican bill, 22 Republicans co-sponsored it including Bob Dole who was the Senate Minority Leader and it was a reasonable bill. The two bills were different but they weren't this far apart, they were sort of about this far apart. And both Chafee and I felt that if we worked as hard on each of our sides...we might be able to close the gap. So at the time the President offered the appointment to the Supreme Court we were working in that direction thinking we had a chance. Now as it turned out it came to naught, we couldn't get it done and the effort failed but I thought I was doing the right thing on the circumstances that existed at the time and so I told the president I said I'm very flattered it's a great honor, no lawyer could aspire to anything more and I

would really love to do it except for we've got a shot at health care and that is really much more important. I said you can find plenty of good people who can serve on the Supreme Court and he found Steve Breyer who turned out to be a terrific justice, a very, very good justice, but I said it's going to be a long time before we get another shot at health care and of course I was right in that respect. So you make a decision based on the circumstances at the time and you don't look back.

WT: Do you have any regrets about turning it down?

GM: No, no, there have been a few times when the Court has made decisions that I strongly disagree with, and I feel I wish I had been there, the decision after the 2000 election... [I feel] very strongly that it was a wrong decision, I wish I had been there ... at that time and in a couple of other cases ... but I wouldn't have gone to Northern Ireland, I wouldn't have gone to the Middle East. Who knows what would have happened.

WT: So how did you come to Northern Ireland?

GM: Well after I said no to the Supreme Court, Clinton called later in the fall and asked me to go to Northern Ireland. Basically he wanted me to set up a White House conference on economic investment and trade as a way of providing

a basis, a foundation for the then just beginning peace process. He said it would only take six months and two trips, and that's fine. I did it and we had a very successful conference here, and after six months I thought that was it. The night before the conference he called me up he said I'm going over my speech for tomorrow he said I really don't have much to say and everybody tells me if I can say in there that I've asked you to stay another six months there, it will help out, will you do it? I said sure. So I had another six months and during that time the British and Irish governments had been trying to get negotiations going and they didn't succeed. One of the big issues was the disarmament of para-military, private para-military organizations and they asked me to conduct an inquiry into that to make recommendations. I did and that report including what had become to be known as the Mitchell Principle served as the basis for the governments getting negotiations started the following June. So I did the report and then the two Prime Ministers called me and said well it's your report ... we think you would be the best second chair and I remember saying to them how long do you think it will take and John Major said ah you should be done by Christmas and of course two and a half years later when I confronted him with it, he said well I didn't say which year. So it was a long, a very tough negotiation, it lasted about two years. By the way, it was a wonderful experience, I have to say people of Ireland were

wonderful, I loved Northern Ireland, I loved the people, a very large part of my emotions will always be there.

WT: What was the largest impediment that you had to overcome?

GM: I don't really think there was any single impediment that can be identified to the exclusion of others. There were an obviously a number of issues the first is, it was so long, it was so engrained. It's a small society, well informed, and when I first went there over and over again people would come up to me on the street, they all got to know who I am, and said oh Senator we really appreciate what you're doing, you're doing a great job but you're wasting your time. And I remember one elderly woman sort, of the physical image of everybody's grandmother, saying we've been killing each other forever, she said, we're going to go on killing each other forever no matter what you say. She said it in a nice way, but the words sound harsh.... So there was an immense public testament, the parties were antagonistic, many of them hadn't talked, this was a violent place, among the peace negotiations two of the delegates to the talks were shot during the negotiations. Several of those who participated in the negotiations had themselves been convicted of murder, of attempted murder, of bombing, several of them themselves had been shot, several had been in prison. Violence hung over that like a heavy fog and so it was a dangerous difficult period. But at the same time they all

were afraid of what would happen if the talks failed, that is to say, on our part I emphasized that, before we get to the end, I said to them, if you guys don't reach an agreement there will be an outbreak of violence, it will more harsh, severe, more deadly than ever before if for no other reason than there are more weapons, more destructive weapons and I said whatever else you've done in your lives you will be remembered [for this.] You made this possible and the disincentive of that had a powerful effect. In addition, I have to say they are courageous men and women. Men and women, some of them who had not met who had spent their entire careers in conflict with each other, who had been through a great deal of violence themselves and they rose to the occasion. Greatness lies in every person, and it takes both the circumstance and the individual will to bring it to the forefront. Many people have the individual will, they never encounter the circumstance. Many encounter the circumstance, they don't have the individual will. On that occasion in Northern Ireland the two met in a fortuitous result.

WT: Let me just move it forward, to the Middle East challenge. Will there eventually be peace in the Middle East? If there is, how will it be achieved?

GM: I think there will. I firmly believe that there is no such thing as a conflict that can't be [solved]. And I think that individuals and society both act ultimately in their self-interest and I think that is what will happen in the Middle East because I

believe that it will be, while very difficult to change the political steps necessary to reach an agreement, essentially meaning that each have to accommodate a principle concern of the other, the alternative will be much worse for both. The inability to reach an agreement will create very harsh circumstances for the Palestinians and a very great tragedy ... in the Middle East. And while there is now a lull, a sense of calm which we hope and pray continues, the whole history is that when efforts to achieve peace through negotiation demonstrably fail there is a new cycle of violence and many people die, there is much destruction and devastation and the talks move on at a different level. I think there will come a time, not right now, it's pretty tough right now, but when they come to recognize that the alternative is worse than doing what they have to do. Here is what they have to do. The Israelis have their state, a very successful state, it's extraordinary, anybody who hasn't been there should go, it is impressive, it is moving and emotional and see what they could do in a short span in terms of history, sixty years. But they don't have security for their people, they live in fear of, now rockets, at one time suicide bombers. And they are entitled to security. On the other hand the Palestinians don't have a state and they want a state. I can't tell you how many Palestinians come up to me and recite to me the words of the American Declaration of Independence about the right of people to govern themselves, they want the dignity, the self-respect that comes from the ability to govern themselves.

But they won't get that until the Israelis have security and I don't think the Israelis can get reasonable and sustainable security until the Palestinians get a state. Now there is a lot more complicated things in the Middle East, many factors ... the Arab Spring, the threat from Iran which is truly now is probably malevolent in the region, the split between Sunni and Shia, the divisions between Arabs and non-Arabs, all of these are a complex mixture that interacts together to create huge obstacles moving forward. But in the end, if the Israelis want security, it's going to have to be [established]. If the Palestinians want a state, it's going to have to be [by] assuring the security of the Israelis. President George W. Bush made a speech in Jerusalem just before he left office, in which he laid that out in quite clear and coherent and impressive fashion, that the two parties should be vested in each other's success. Now they are not, they will have to be before this process comes to an end. I think it is possible and I think it will happen. And what will cause it to happen? The realization among the public and leaders that their national interest lies in achieving their objective and the only way those objectives can be achieved is to accommodate the principal concern of the other side. That requires negotiation, there are many issues, again it's not as simple as I've explained it, of course there are all kinds of borders, territories, refugees, water, and so forth all to be the subject of very difficult negotiations but boiled down, it's the attitude that they have to get into negotiations directly with our support and assistance and I

think they can do it, it's a question of will the leaders do it and if not will other leaders do it, will this public demand it and if not, will [they demand it] sometime in the future?

WT: We're almost out of time. One final question. As you reflect back, you played a central role in two key processes, and as a politician you have brought people together. Are there great lessons that we can learn on getting people to work together toward the common good?

GM: I am not an academic or a scholar on conflict resolution. I feel that I learned in the school of hard knocks in the United States Senate where I served as majority leader. I think certainly I'll tell you my patience muscle improved dramatically, if a patience muscle could be as visible as say, your arm, I looked like a guy who had steroids on my patience muscle, having served in the Senate. But to me it's pretty much common sense and patience, a willingness to listen, a willingness to really listen, not just while the other guy is talking, thinking about what you're going to say, trying to understand what it is that motivates him, what seems unjustifiable at first may have a justification that you haven't really understood or perceived. And respect them. Treat them as though they are responsible for their fate, that they should have the same right of expression, the same dignity, the same self-esteem.... Now that doesn't solve problems, it helps to

create a context in which problems can be solved. And a sense of humor helps. I'll close with one humorous story about Northern Ireland. I was there five years and I chaired three separate sets of negotiations. The last one after the agreement was reached, a year later it collapsed. And the Prime Ministers of the UK and Ireland and President Clinton called me and said would you go back and try to patch it up. So I went back and it was tough and then they came to me, both sides, and said look this won't work here in Northern Ireland, we were in Belfast, there was a press gauntlet with 500 reporters and television cameras, every time a delegate walked into the British government building they'd be interviewed and of course the interviews were all provocative, hey Joe said this, are you going to let him say this and not answer him? Oh yes, he would give an answer and then they would go to Joe and say hey Jack said that, what do you think about this? It was back and forth and impossible to have a serious [talk]. They both came to me and said we've got to go some place where the press doesn't know where we are so we can have at least a couple of weeks of complete isolation. They really wanted to come to the U.S. And I wanted them to come but the people who pay the bills in the two governments said find a place closer to home, so we went to the U.S. Ambassador's residence in London and we were there about a week before the press found us. Now when we got there, they had a big dining room, there were maybe 20 of these guys, mostly men, a few women, and they didn't like each

other, they didn't spend time with each other and every meeting we had they'd always sit on one side or the other. So I said we're going to have some rules here. First, they were all going to eat together, and at the meal, no discussion of business and no sitting all on one side or the other, everybody has to mix it up, and I want you to talk about other things. Well like what, they said. I said, like your kids, like your dog, like your vacation, your family, or where you went to school. Talk like normal people, not like politicians. So we started and it really was amazing to see it happen, in just in a few days they began seeing each other as human beings, and one of them, David Trimble, who was the leader of the largest union ... a very able guy, he's now in the House of Lords, and he was quite courageous in the process by agreeing to the agreement which was controversial among his constituents. He was a well known opera buff and so they got to discussing what was the last opera you saw, and he told them, and then one guy leaned across the table to me, and he said, Senator Mitchell, do you go to the opera? I said well, I did in fact, but not often. But I go to the opera every time the night before I come over here. He said really, why is that? I said, well I want to prepare myself for meeting with you guys. I said, now when I go to the opera, I know exactly what is going to be said or sung. I've been to see Le Boheme 12 times and Rodolfo has never said one different word than what he said the previous time. And then I come over and see you guys and lo and behold you guys have exactly the same line. I've been here

five years and you guys say exactly the same thing as you said the previous—

Well, they all get a big laugh out of it. So then we started swapping stories and jokes and in a couple of months we kind of got them back together again. And so humanizing it is very important if it can be done but that requires personal contact.

And honestly, I believe, and I'll close with this. In many respects people are different by appearance, color, religion, livelihood, but the things that we have in common are [far greater]. And the one thing I found that people everywhere have in common, in every society I've ever been in, they love their children and they want their children to have a good life. They will do anything it takes, make any sacrifice, like my parents did, to see that their children have a good life. And when you think about it, why shouldn't every child have a chance for a better life? I almost quit going to Northern Ireland in October of 1997. I was very torn because I had married late in life and my wife was about to have our first child and we all have obligations to our family, we all have obligations elsewhere. I had to come back because I had a son who was born October 16, that was 14 years ago this week, thank God I just barely made it. I made it home just in time to go to the hospital for the birth and then the first night while I was holding my son I began to wonder how many kids were born in Northern Ireland yesterday? So I called my staff and there were 61, 61 boys and girls born in Northern Ireland the same day as my son, and I couldn't get it out of my head. I know what I want for my son.

Should not the fathers and mothers of those 61 children have the same opportunity, because they want the same things for their sons. And when I discussed it with my wife I said look I'm thinking of resigning, I feel that I haven't fulfilled my obligation to you and now we've got—and she said, you've got to go back. She said, you'll never forgive yourself if you don't go back, and fighting breaks out and people get killed. And so I think that is what most important for people to keep in mind is the humanity of others, especially those who are perceived as “they,” or “other,” or opponents. And while they may be very different in many respects, you can be guaranteed that they love their children just as much as you love your kids. They want their kids to have a better life and what they really need is help in getting there, getting to that point mentally, psychologically, politically.

WT: Well, Senator, that's so inspiring. It's such a privilege to be able to talk with you. Thank you very much.