

George J. Mitchell Oral History Project

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David P. Ray

(Interviewer: Andrea L'Hommedieu)

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Andrea L'Hommedieu: This is an interview for the George J. Mitchell Oral History Project at Bowdoin College. The date is March 24, 2008. We are at the offices of Bernstein Shur in Portland, Maine, on Middle Street. Today I'm interviewing David Ray, and this is Andrea L'Hommedieu. Could you start just by giving me your full name?

David Ray: Yes, David Paul Ray.

AL: And where and when were you born?

DR: I was born in Eastport, Maine, July 21, 1952.

AL: And so did you grow up in Eastport?

DR: I did, yeah. My family is still there in Eastport, my father's still alive and he lives in Eastport. We had six kids. My father's parents were both Lebanese immigrants, which is an indirect connection with Senator Mitchell, and my mother was old New England stock from Canada, in that part of the United States, and they married and had six children, and we've kind of dispersed a little bit but like I said, my dad's still up there.

AL: So what was Eastport like then?

DR: Small town, as small as it gets. Eastport's an island, which a lot of people don't know, connected by a causeway to the mainland, so it has kind of that feel of closure, you know, a place where people just go, a destination for us. Looking back on it, I didn't realize how beautiful, you know, and how pristine the area was that I grew up in. You grow up in your environment, and it is your environment and you think about getting away, you go back and realize, you know, what you grew up in. So it had all the attributes of a very small Maine town, kids felt free to do whatever they want, and the island was ours. And I'm sure it's still like that a lot, but I don't live there any more, obviously, so.

AL: So what did your parents do for work?

DR: My father was kind of a jack-of-all-trades, or is I should say. Well he's retired now, but he's still working believe it or not, at the age of eighty-six. His father, who was a Lebanese immigrant, like I said, had been in the automobile business in Bangor, and he was actually a

sales person for the Hupmobile [Hupp Motor Company, Detroit, Michigan 1909-1940], which is a car that doesn't exist any more, and the company went bankrupt at some point, and he started an oil burning business when the federal government began to contemplate funding the Quoddy Dam project. Which I don't know if, you may have heard about that, but that was going to be a huge public works project, as big as anything the country had ever seen at the time, where they were going to harness the tides in Passamaquoddy Bay with huge dams, and FDR actually put it in his budget at one planning stage and funded – I think at the time it was, I can't remember exactly, but it was millions of dollars, which at the time was obviously a huge amount of money. And they built a village in Eastport, and my father's father thought Eastport was going to be the next boom town so he picked up his family from Bangor, which was where they lived, and moved to Eastport, and began a plumbing/heating business, actually initially just putting in furnaces, which at the time a lot of homes were converting from wood stoves or whatever they had for heat and actually putting in oil burning furnaces, so that was his business.

And he died while my father was in high school and my father, after being in the service, took over his business. And he ran that and became a plumber, a heating contractor, an electrician, he sold appliances and at one point even included televisions in his appliances, and he had ultimately opened a laundromat and ran a laundromat as well. And then when he got out of, sold his business, he taught at the Washington County Vocational Technical Institute for a little while. And now he still works as a construction site supervisor, believe it or not, a clerk of the works at times. So that's what he did. My mom was a homemaker, with six kids.

AL: And where did you fall within the six kids?

DR: Kind of in the middle. I was the, let's see, third from the top. We went boy, girl, boy, and I'm that boy, then girl, boy, girl, so yeah.

AL: So what was it like, what were the schools like in Eastport, it must have been small?

DR: Very small, yeah, my class, graduating class I think had forty kids in it, approximately. The schools – and today still – suffer from a lack of economy. Eastport and the surrounding area has been economically depressed since the '30s, basically, and very little industry going on down there. The tax base is not great for those communities. And so, although in my recollections of the school are that it was, you know, where I went to school and it was the best place in the world. Looking back, again, I now realize that we suffered in terms of quality of what they could offer. But they were very small, very close, 'it takes a village' kind of stuff, you know, back then.

AL: What made you want to go on to college, did it come from the family, or the community, or a teacher?

DR: Yeah, I think it was probably more family than anything. I always talk about, from my graduating class from high school, there were really very few who went on to college, or even any kind of a further education. Definitely a minority, and a small minority. There were several

who went in the service, and some who have since done it, but there was not a lot of educational mobility out of the community at the time. And it was on the trend up, I mean I, when did I graduate, 1970 I graduated from high school, so obviously we're not this cloistered, you know, but, so the trend was up. But I think it was mainly my parents. My parents saw that all of their kids went on to education, and had the drive I think of first generation – my father especially – you know, first generation immigrant. I guess that's what you would call him, because both his parents did come from Lebanon. He was definitely, you know, looking for creating for his children a better situation than what he had.

His brothers, both of whom were younger than him, he stayed home and took over the dad's business and both of those, his brothers went to school, one became an engineer and one became a doctor, so he had that same, you know, he had that same push obviously. So I think the parents were mostly instrumental in getting us all out of Eastport and getting an education.

AL: That's great. Now where did you go to college?

DR: I went to the University of Maine in Orono, a political science major, and graduated in 1974.

AL: And then you decided you wanted to study the law?

DR: Yeah, I was always facile with my words and language and arguments and that kind of thing, and politically interested even in high school, I remember a paper I wrote in high school, it was on the property tax system in Maine. I think about it now and I think what a geek I must have been. But, so I'd always had in the back of my mind that law might be something I would be interested in doing, but I didn't really have a firm plan. I was typical, I think, of a lot of college students in the '70s and, you know, a lot of other things were going on and I had not really formed a life plan or a career plan like that. And then I took the LSAT, which is the exam to get into law school, and scored very well on it and it kind of pushed me in that direction, and it probably was the more logical place for me to be anyway.

So that was the decision. I mean, I actually waffled at the time, I remember. I had a cousin, one of my, on the Lebanese side of the family who, upon hearing about my LSAT score, was quizzing me about where I had applied and I told him I hadn't done anything yet and he literally, you know, almost twisted my arm up behind my back and said, "Okay, now's the time to make some decisions." And so I ended up applying and I got into Cornell Law School, which is where I went to law school.

AL: That's where Ed Muskie went to law school as well.

DR: That's right, yup, yup.

AL: I want to ask you about a professor, a political science professor at UMaine, but I'm blanking on his name.

DR: Eugene Mawhinney?

AL: Yes, well that's one. And the other one, he died quite young.

DR: From cancer, he was the liberal voice of the University of Maine?

AL: He might have been, I remember, I had both of them for classes at UMaine and I'm, but he was very good, he did courses on polling the public and -

DR: Yeah, I know who mean and I'm blanking on his name as well, yeah, I took some classes with him.

AL: So he was there when you were there.

DR: Yes, he was, yeah, yeah.

AL: And I'll add this to the transcript if I can, I'll remember it at some point. Hayes, Ken Hayes.

DR: Yes, yes, Ken Hayes, absolutely, yup, I remember taking a couple of classes with him, yeah.

AL: So in law school, you went through law school, and then how did you, you decided to come back to Maine? Or how did you make the connection for a clerkship?

DR: With Judge Mitchell?

AL: Yes. Or was it? Did that happen down the road?

DR: I've actually had three times that I worked with George Mitchell. My first, when you're in law school you try to get a summer, what's called a summer clerkship, at a law firm between your second and your third year. Cornell Law School is very much directed to moving its students into the larger cities, a lot of Cornell graduates go to New York City, Cleveland, and there were very few of us who came from the smaller world, you know, states that didn't have any really big city firms, so we were a little bit of a group of orphans of some kind, I guess, when we were there. I had always had in my mind that I thought I wanted to come back to Maine and live, I didn't think I ever wanted to live anywhere else, but I wasn't sure so I actually, when I was in second year of law school began interviewing with other firms. I interviewed with some Cleveland firms, I interviewed with a couple of New York firms I think, and went to see, I think, a couple of the firms. But it became very clear to me very early on that I wanted to come back to Maine, I just didn't connect, you know, in a good way I guess with - not to put any of them down, you know, it was my preference obviously.

So I began, and in Maine at the time there were really a handful of firms that were large enough to have summer clerk programs, so you could count the number of, you know, summer positions for second year students on your hands, two hands probably, and maybe, oh, maybe ten or fifteen positions in the Portland area and maybe a couple in the Bangor area. So we were all competing, we all kind of knew each other, who was the law students and we were all competing for the same spots, but it was easier to get a job then than it is now. But I ended up going to work for my summer internship at Jensen, Baird, Gardner, and at the time George was still a partner there, so it was just before his appointment to become U.S. attorney for the state of Maine, I think very close in time to that, so that would have been between '75 and '76 I guess. Let me think, '76, '77, yes, it was summer of '76 it would have been. Anyway, the date's in there somewhere, but he was still there.

And so I came and worked for the summer at Jensen, Baird, and ended up doing a lot of work with George, that's how I got to know him. So I worked on several cases with him there where he was a private attorney representing businesses and individuals. And then I went back to school for my third year, and they offered me a job so that, when I got out of school in my third year I came back to the firm – by then he had gone to become U.S. attorney, so that was my first connection with George.

And so I then worked at Jensen, Baird for approximately two years, I guess it was, and George got tapped to be the judge, U.S. District Court judge for the District of Maine, and he was in between the normal hiring season. You normally hire law clerks who are coming out of law school and they work for a year or two years it might be, and then they get into the kind of – and because he was in between the hiring season and he had worked with me and with one other student, one other lawyer, who was then a lawyer, he called me up and said, "I need a law clerk who is willing to work for me for a period of time that's shorter than a year, so that I can get into the hiring cycle and have my interviews at the right time," and that kind of thing. He said, "Would you be interested?" And now I'd already been out of law school for a couple of years so it was a little unusual, but it was a good time for me to kind of take a little break from Jensen, Baird and I jumped at the chance. So he hired me to be his law clerk.

AL: So when you were an intern during the summer, what was it like to work with him?

DR: In the clerkship, the summer clerkship?

AL: Yes, and we can talk about the -

DR: Yup. He's a brilliant man, so I was very impressed by – and I was very green at the time obviously, you know. I remember that one of the first cases I worked with him on involved a person in Waterville who was killed in an automobile accident. And he had just left a restaurant/bar when he was struck by the car. And this is all public information because the lawsuit was filed, so I'm not giving up a confidences. And George had been hired by the estate to bring a claim against the driver of the automobile, and the defense of the case was that the gentleman who died was intoxicated, and it was his fault, not the driver's fault. And I remember

how hard George and I – we worked together on it – and I didn't call him George then, I called him Mr. Mitchell – to figure out a way, because we knew that the guy had been there and he had been drinking, and he also had a reputation for at times being – and again, this is all public information.

And we found a way, together we did some research. And what struck me at the time was, I had this impression coming out of law school that I was going to be working for companies, and I was going to be working for businesses and people who could afford a lawyer, and this was a case where I knew that Mr. Mitchell, George, was handling it on a non-remunerative basis, I mean he wasn't going to make a lot of money on this case, and it was because it was a Waterville person who knew the family, and he knew their family. And it struck me how, you know, how very hard he worked for his client at that time.

And he was, like I said, an extremely intelligent person. I always tell people that George, the Senator, whatever we're going to call him, was probably one of the most intelligent people that I ever worked with in my life. His analytical skills, his ability to grasp an issue are just phenomenal.

AL: How does he handle the imperfection of others?

DR: You know, he can be, he can be – what's the right word – a task master, I guess. I would never describe what he did as difficult. Now, I'm not sure my relationship with him, because even though I worked for him over a period of quite a few years, and in different settings, I never felt that I was a close personal friend of George Mitchell. He's – and I don't mean this in any way disparaging – but he is a person who has, like I think a lot of very successful people, including politicians, has certain circles that people get in, and they're pretty clear. And you kind of know, you know, there is a very tight circle around the Senator of people that he confides in very closely, and then there's another circle, and I don't know exactly where the circles were where I was, but I was never in that very, very close circle, and I think that in that close circle I know that I heard, you know, in working for him, that he can be very hard on people sometimes who aren't, you know, performing what he expected of them.

At the level I was, and I this I think is actually probably to his credit – I mean it sounds a little negative, but I think it's to his credit – he was always very clear about being clear, about explaining what it was he expected from people, whether it was me or whether it was lawyers in his courtroom when he was a judge, or even the jury, you know, when he was instructing a jury. Always very clear, always measured and reasonable in his tone. And if I gave him work product that wasn't up to snuff, it wasn't that I felt like he was going to come down hard or negative, it was, 'let's sit down and go through this thing and see where it is that I have a different expectation than what you've given me.' But it – and that happened, you know – because like I said, he was so analytical and so, he could get to that bottom line much more quickly than most people that I know that he'd often tell you, we need to go back and take another look at this section or, you know, let's do a little bit more work here.

AL: And so you clerked for him when he was a judge.

DR: Yes, yes.

AL: For a short period of time. And then he was tapped by Ed Muskie to go to the Senate.

DR: Right, right, yeah, and I was trying to remember, I was actually looking back to see if I could figure out how long we were in Bangor. His judgeship was in Bangor, and we both lived in the Portland area, so there were times we even commuted together back and forth. A couple of weekends, I remember, where I think I drove his car. I can't remember why, but I drove his car down, or he came in my car. And so we both had this kind of working situation where we were working in a different community than where we lived, and we were coming back and forth.

But my recollection is that that was about a, I'm going to say a six-month period. It may have been a little bit longer than that. And obviously, you know, reading the papers and seeing what's going on with everything in the national political scene, and I knew there was the possibility, because everyone was speculating about what could be happening, and I remember the day that Ed Muskie was tapped to be secretary of state, and it said in the paper that, you know, George Mitchell was the likely successor, that I tapped on his door and said, judge, it was a good time for me personally to be making a few changes, so I said, "Judge, if there's any position available in your senatorial office that you think I could fit, I would love to do it." And he said, "You're on." Just like that I mean, you know, so he said, sure, come on with me. And he figured out what I was going to be, and I ended up going with him, so that's how that happened.

AL: So, and what were your responsibilities on his new staff?

DR: Yeah, it was interesting. At first I didn't know what they were going to be. I had actually worked in a legislative office on Capitol Hill when I was in college, there was a summer internship program through the University of Maine system, congressional internships, they're called.

AL: And which one did you -?

DR: I was an intern for Bill Cohen, believe it or not, in his very first term. So, you know the political history of the state, he was elected as a very, kind of somewhat liberal young Republican, he was part of that whole group. I was a Democrat and have always been a Democrat, but didn't, it was not a disqualification to him at that time. And I don't know if they do that any more or not, but then I went to work in his office and worked there for a semester plus, I stayed a little bit beyond the semester. So I had a, you know, pretty good understanding of how the offices worked, and had told, I remember the judge and I had, I think we sat down at lunch one time and I said, you know, I'd be interested in doing legislation or anything else that might work. I was obviously an attorney, you know, and I wouldn't be practicing law, I knew that.

So I ended up as a legislative assistant, providing him support in the legislative area, and also at one point we added to my name, to my job title, counsel to the Senator, because he was beginning his campaign for the first election that he was going to have to run. And I think the appointment, the end of Ed Muskie's term was either a year-and-a-half or two years or something like that.

AL: Yeah, it was the middle of May of 1980, and then the election campaign would have reelected George in January of '82 officially, so the campaign would have been earlier than that.

DR: Yeah, so we started the campaign fairly soon, you know, it obviously builds. And what my role as counsel to the Senator was, was to make sure that the campaign stayed separate from the senatorial activities, you know, the Senate activities, so that we didn't violate any of those ethical rules. And so I did some of that. I never really got actively involved in the campaign, my work was basically on Capitol Hill.

AL: And so who were the other staff that were there -

DR: I was afraid you were going to ask.

AL: Some of them transitioned from the Muskie staff.

DR: Yes, in fact when I went down, which was obviously shortly after the Senator had started, I'm not sure that there were any other staff other than former Muskie staff. I think I may have been the first person that he kind of added to the staff, which was kind of funny because I was not a seasoned Capitol - despite having done a summer thing, on a semester thing down there as a congressional intern - I was not anything like what you'd call a seasoned Capitol Hill staffer. But when I came with the Senator, the existing staff had this impression that, oh, this guy must be, you know. They soon learned that I was a rookie.

Jim Case was the administrative assistant who ran the office. Oh boy, my mind is bad about names. There was a very vocal and very talented woman, who spoke with an accent, who was his -

AL: Anita Jensen?

DR: Yes, Anita, have you talked to Anita?

AL: Speech writing. Yes, I know her, yes.

DR: And I loved Anita, and she was, yeah, I mean she was a speech writer but she also was, you know, she had a hand in just about everything, I mean she knew a lot. I can't remember names.

AL: Was Gayle Cory, did she come over immediately?

DR: Yes, yeah, Gayle was there, but Gayle stayed in Maine, see, my recollection is that at the beginning she was, I think she was either on staff or informally on staff, but she stayed in Maine for quite a bit, I think. And again, I'm bad at names and things, so. Charlie Jacobs also stayed in Maine, but he was around. And then after a while, David, what's his name, became the AA, David – I want to say Smith, but it wasn't Smith. Anyway. Johnson, David Johnson became the AA after a while. Changed the office a little bit, so.

AL: And did you work with Mary McAleney at all?

DR: Boy, it sounds like I should know who that is. Can you edit that? No, I'm just kidding.

AL: I'm trying to think. When you worked in the office, were there any recollections you have of, you know, how the office ran, were there funny things that happened, that sort of thing?

DR: I'm not sure I can remember any funny things. I mean when I got there, obviously it was a transition time, so there was uncertainty in the office, and people weren't sure, you know, who was going to hang around, what the Senator was going to do. I remember that very clearly, when I was first there, that there was some uncertainty. My interaction with George Mitchell became much more limited, you know, to be candid, so that my perspective, when I got to Washington. Obviously, as a law clerk to him, there were two of us and we were basically his substantive staff – I mean there was obviously all the administrative staff of the court – and we interacted with him daily, and more than just daily. I mean, you know, we were just working with him on the cases that he had, so we saw him all the time. And this wasn't a surprise to me, I expected it but, when you go to Washington, D.C. and become a senator, access becomes a higher, much higher priority in scheduling. So I didn't see him all that much.

My recollections about working with him are that, in the Senate, are that he, he again had, he's very, very good at instituting systems or procedures – and not formally, it's not as if there was a, you know, a memo came out and said you have to do this this way. But instituting plans for work that moved the ball the way you had to get it done. I remember, I mean I had a bunch of different legislative issues that I was working on, but the one, again that's a very strong recollection in my mind was, he was on a subcommittee of the Finance Committee that was a banking committee, and there was an issue about regulation of banks. As esoteric an issue as you can imagine, but extremely important to the banks and to the people who were trying to change it, consumer groups were involved, and it was complicated, nitty-gritty, banking regulations stuff which – completely foreign to me.

So when the issue came to my desk it was, 'Huh? What is this all about,' right? And I spent probably, you know, the better part of a day-and-a-half, maybe two days, doing in-depth research, figuring out, okay, you know, I need to understand all of the give-and-takes here so that I can counsel him, because it was coming up at a subcommittee for a vote, and spent some time with the other staff people on the committee and learned more on the issue. And there was one

thing you always did with the Senator was, you know, you couldn't give him an inch-and-a-half of reading because he didn't have time to, you know. That's one of the other things that's a high priority down there is time, so summarized the issue in a memo that was probably a page-and-a-half, maybe two pages, with the thought that, 'well before the vote I'll have time to sit down with him and go through this memo,' because there was so much more to it than what I could put in a page-and-a-half, two page memo.

And the time for the meeting was coming, the time for the meeting was coming, and the Senator was, just got tied up on other things, he had no time, so it was ten minutes before the meeting and he said, "Come on, we'll walk over to the hearing together." And I handed him my memo – I had given it to him before but, he had it, you know – and he read it as we walked in, there's those little subway systems down there under the, they're not subways, they're little carts, and he read it as we were in the cart.

And as we got to the subcommittee room, I remember him pausing in the hallway and he said, and he started to ask me questions. And I can't, for the life of me today, couldn't even begin to explain the issue, you know. But, my strong recollection is that his questions, he got to the bottom line of that issue in those fifteen minutes of us having brief conversations about it, and asked the two or three questions that it took me a day and a half to come to that conclusion, that these were the issues. And he had done it, you know, I mean obviously I take a little bit of credit because I think I'd steered him in the right direction, but it's again reflective of what my strongest memory of working with him down there is, is that his ability to hone in on the critical issues, whether they were substantive in terms of the law, or political. That was the strength I think of George Mitchell, and he always knew what the pushes and the pulls were, and he always could position himself in a way to, you know, support the position he wanted, but at the same time make incremental change in the way that things needed to go.

I think that's the biggest lesson I learned from George Mitchell, watching him, was that, and being around him for that long, you know, you don't make change by making wild, radical moves in one direction or another. You always move incrementally, getting what you can get for, you know, for the issue that you're looking for. And, but that one moment was crystallizing, I've told people about it before that, you know, he just read it, got it, went in, and he appeared at that hearing and was, probably, the most knowledgeable senator at that subcommittee hearing about that issue, and he'd done it with laser-like quickness. So that's my recollection. Not really a funny one.

AL: Now, so you stayed, you were there for about two years?

DR: About two years, yeah.

AL: And you wanted to come back to Maine, or?

DR: Yes, I did. And this is more personal than about George, but it's, you know, if you've ever worked on Capitol Hill, people that have worked there, it's a system in and of itself. And

it's a hierarchical system where the, you know, if you're going to hang around Capitol Hill, whether you – these people, a lot of these people work on one senator's staff, and then a committee staff, and then another senator – and there's this pecking order, and there's this competitive, and it is very competitive, atmosphere. And it intrigued me, it looked like fun, but it was not moving my law career forward. If I was going to get my career as a lawyer I had to kind of decide, do I want to be a lawyer in Maine, or do I want to hang around here in Capitol Hill and have another direction or a career, and I really wanted to be a lawyer in Maine.

That, plus living in D.C. just, I loved it for what was there, but after two years I'd done all the museums, you know, we'd done – I was recently married at the time, and we like to camp, we like to get outdoors, and those opportunities are much more limited obviously down there. So from, you know, both a career and a personal perspective, it made a lot more sense for me to say, you know what, I've done pretty much everything I can do here, unless I go to another level, and I'm not really prepared to make that commitment, so we headed home.

AL: Now, is there anything that I haven't asked you about Senator Mitchell, your perspectives on him or experiences you had with him that you'd like to add?

DR: I don't think so. No, I think you've pretty much covered the mark. You know, I have great respect for the man. I'm not in touch with him now, have lost touch with him over the years. I think he's probably one of the most talented people that has come out of the state of Maine in at least the history I know of, so I'm glad to be able to participate.

AL: Great, thank you very much.

DR: My pleasure.

End of Interview