

The Association for Diplomatic Studies and Training
Foreign Affairs Oral History Project

AMBASSADOR DONALD T. BLISS

Interviewed by: Charles Stuart Kennedy
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J.D. Harvard Law School, 1966	
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Department of Health, Education and Welfare (HEW)	1969-1973
Executive Secretary under the Honorable Elliot L. Richardson	
Department of Transportation	1973
Special Assistant (S-3) to Secretary of Transportation William (Bill) T. Coleman II	
U.S. Agency for International Development	1974-1975
Executive Secretary	
U.S. Department of Transportation	1975-1976
General Counsel	
Partner at O'Melveny and Myers LLP	1977-2006
Chair of Aviation and Transport	
American Bar Association (ABA)	1999-2001
Chair of the Air and Space Law Forum	
International Civil Aviation Organization (ICAO) Council	2006-2009
Appointed by George W. Bush as Permanent U.S. Representative to ICAO, held rank of Ambassador	
United National Association-National Capital Area	2009-2013
President of the UNA-NCA,	

Retired (2013)

INTERVIEW

Q: Today is the 21st of November, 2013 with Ambassador Donald T. Bliss, B-L-I-S-S, and this is being done on behalf of the Association of Diplomatic Studies and Training. And I'm Charles Stuart Kennedy. And you go by Don.

BLISS: Right.

Q: All right, let's start at the beginning. Where and when were you born?

BLISS: I was born on November 24, 1941 in Norwalk, Connecticut.

Q: OK. Let's get a little family background. Where did the Bliss come from?

BLISS: My father's family, the Bliss family, came from England probably in a ship called the Falcon which arrived in Massachusetts in 1638. My father's ancestors, George and Thomas Bliss, were members of the congregation of the Reverend Thomas Hooker who founded Hartford, Connecticut. Other members of the Bliss clan spread throughout the United States, although some of them were Tories who went to Canada during the Revolution. Others fought for independence.

My great-grandfather, Elisha Bliss, was president of the American Publishing Company in Hartford, the leading subscription publishing firm. Salesmen went door to door with a prospectus and when enough families signed up, the book was published, reaching many small towns and rural areas where there was no access to retail book stores. Bliss read articles in the New York Herald Tribune by a 32-year old journalist, Mark Twain, who reported with humor and irreverence as he toured Europe and the Middle East on the Quaker City excursion in 1867. Elisha wrote Twain, who on his return had become a young aide to Nevada Senator William Stewart in Washington DC, and asked whether he would be interested in publishing a book on his Quaker City excursion. They negotiated a contract and Innocents Abroad propelled Twain into the limelight as a up and coming author. It was the best-selling book during Twain's lifetime. Bliss published several of Twain's early books, including Roughing It, The Gilded Age (about corruption in Congress and business) and Tom Sawyer. Eventually, Twain and Bliss had a falling out--over money of course--and Twain has terrible things to say about him in his 5000 pages of autobiographical dictation. Nevertheless, Twain stayed with Bliss' company until Elisha's death in 1880. Bliss had two sons, Frank and Walter, who took over the company. Twain tried several other publishers, including his own company, which went bankrupt, and eventually came back to the American Publishing Company for several of his last books, including Following the Equator and Pudd'nhead Wilson. My grandfather, Walter, whom I never met, died in 1916 when my father was four years old.

Q: Did this family background instill in you a special interest in Mark Twain?

BLISS: Definitely. I have written a play and a book about Mark Twain and have lectured and given courses on Mark Twain's views about politics and American culture. The play is about Twain's dark side; his later writings were suppressed for decades by his surviving daughter and reflected the enormous tragedies he suffered with the death of his children and wife and his bankruptcy. My book, *Mark Twain's Tale of Today*, is about his extensive political commentary and activism-- the influence of money in politics and the legislative process, the vacuity of elections, and the arrogance of bureaucracy, all of which ring true today. Twain also was a very strong and vocal anti-imperialist, who took on Theodore Roosevelt's occupation of the Philippines, King Leopold's atrocities in the Congo, the Czar of Russia, and other European colonialists. His essays and satires on unjust wars are powerful reading today.

Q: Tell me more about your father and mother.

My father grew up in Hartford and was an educator. After his mother died when he was about 18, my father and a friend, Bill Holmes, traveled around the world, returning to his friend's home for Christmas in Janesville, Wisconsin. My mother, who is Russian but was born and raised in Harbin, Manchuria, was visiting the Holmes family in Janesville to be with her widowed sister who had married Bill Holmes' older brother, John. They had met when John Holmes had visited Harbin while working in the Tokyo office of the First National City Bank of New York. My mother and father met on Christmas Eve, 1940 in Janesville. My father proposed to her on New Year's eve. They were married on January 11th, and they moved to Connecticut. I was born on November 24th, and Pearl Harbor was December 7th, after which my father joined the Army for the next four years, spending two and a half years in North Africa and Italy, while my mother and I lived with the Holmes' family in Janesville.

My father had three degrees from Columbia University, including his doctorate, financed by the GI bill (a law providing a range of benefits for returning World War II veterans). He was the headmaster of a small private school in Connecticut. Our family moved to Illinois when I was nine when he accepted a position as Professor of Sociology at Principia College in Elsah, across the river north of St. Louis.

Q: Do you know anything about your mother's Russian family?

BLISS: The family came from St. Petersburg and Moscow. Her father apparently was in the Czar's Army. She never knew her father, and we only have one picture of him in a uniform. He stayed behind when her pregnant mother and older sister, Irene, traveled to Harbin. My grandmother died when my mother was 16, and my mother was raised by her grandmother, who started a school in Harbin for Russian girls. Her grandmother was a big influence in her life as was her uncle who had been a lawyer in the Kerensky government before the Soviets took over. Uncle Oksakovsky was also a talented pianist and composer who had attended the St. Petersburg Conservatory where he roomed with the famed Russian composer Sergei Prokofiev. He tried unsuccessfully to migrate to the

United States, and eventually moved with his wife to Sao Paulo, Brazil, where he taught piano and Portuguese in the large Russian community there. I met him once when he visited the United States in 1958 and played a piano recital in our home of his compositions. He was a very distinguished and interesting gentleman. I'd like to know more about him, and some day maybe I'll be able to get more history on him. I recall that he asked me, a high school student, what I wanted to do when I grew up, and I said a lawyer. He was shocked to learn that I wasn't taking Latin-- only French.

Q: You lived for how long in Janesville?

BLISS: It was during the war, after my father went overseas until he returned in 1945. Then we moved back to Connecticut.

Q: What branch was your father in?

BLISS: He was in the Fifth Army.

Q: The Fifth Army.

BLISS: Yes.

Q: The Italian campaign and all.

BLISS: Right. My father was a Protestant Chaplain, even though he was a lay person who had only a few weeks training at Harvard Divinity School.

Q: Did you go back to Hartford?

BLISS: No, we lived in Norwalk.

Q: I know Norwalk.

BLISS: Until we moved to Elsah, Illinois in 1950, where my father was a professor for the rest of his career, except for a short time when he left to be headmaster of a private school in St. Louis. I grew up in Elsah, Illinois, which is a village on the Mississippi River. My mother, who received her American degrees at Washington University and the University of Illinois, taught Russian and French at the college, and my father taught Sociology.

Q: What was this town like you grew up in?

BLISS: About 150 people in a little valley between big bluffs right on the Mississippi River. It would flood every few years. Quaint little town.

Q: Sounds sort of Mark Twain-ish.

BLISS: Absolutely, yes. Hannibal's a little further up north, and somewhat larger, but there are similarities, and I enjoyed boating on the Mississippi River.

Q: Let's talk about this a bit. Did you have brothers, sisters?

BLISS: I have a sister, yes, Marinka.

Q: How old -- where does she fit?

BLISS: She is seven years younger than I am, and she was a teacher for most of her career. She taught in the Jersey City inner-city schools and in several private schools in Connecticut, New Jersey and North Carolina. She also has started several small businesses, property management, pet sitting and distributorships. She is an excellent tennis player, having ranked as high as eighth among women amateurs, and she has a Coast Guard Captain's license-- a rarity for women.

Q: Did you say your town was a couple hundred people?

BLISS: A bit fewer.

Q: That's hardly enough to make a town, isn't it?

BLISS: Alton, Illinois was the closest city. And then St. Louis was an hour away.

Q: As a small kid, what did you do there?

BLISS: Well, it was great. There were kids my age, faculty children and the townies. We didn't have a lot of organized activity like children do today, like Little League baseball or soccer. So we had to make up our own games. We wrote plays and performed them. We'd go on great hikes; there were lots of woods and ravines and bluffs to climb, although we had to watch out for rattlesnakes, copperheads and water moccasins, and crumbling sand stone and rock slides. As we hiked, we would make up stories. One could argue that it forced us to use our imagination more than today's very structured environment. One of my friends, Dottie Leonard, whose father was the College Dean, and I wrote and performed plays for which we charged admission. She went on to become a professor at Harvard Business School. I also had an opportunity to appear in a play, Arthur Miller's All My Sons with Robert Duvall, as a young boy. Duvall was a senior at the college and majored in Theatre. He later went on to win several academy awards. I recall at the final rehearsal, the Dean of Women attended as a censor to make sure some of the bad language was modified. But on opening night, Duvall put it all back in, and I would watch the actors come off stage barely constraining their laughter at Duvall's chutzpah.

Q: I was brought up, and imagine you were too, as sort of OK, dinner's at 6:30, be back then and stay out of the house kind of. You know, kids were kind of almost feral.

BLISS: Right.

Q: Was Principia a Catholic school?

BLISS: No, actually it's the only Christian Science college in the country. It's not related to the church; it's a private school. But it is for Christian Scientists.

Q: Was your family Christian Scientists?

BLISS: My parents were Christian Scientists. My mother was raised Russian Orthodox, but she became a Christian Scientist when she married my father. I was brought up a Christian Scientist, although I have been a Unitarian Universalist for many decades now. In fact, I am currently Chair of the Board of Trustees of Cedar Lane Unitarian Universalist Church in Bethesda, Maryland.

Q: How did you find Christian Science? It requires a certain determination.

BLISS: Yes, it's very disciplined. It is all consuming. You work hard to apply the principles in your everyday living. That means thinking positively, solving problems and challenges mentally, expressing love and integrity in your relationships-- all positive. However, it wasn't for me. I went in a different direction in my life because I felt too constrained and wanted more freedom to explore what was important. Christian Science does motivate you to think beyond yourself. In some respects it embraces different religious and philosophical traditions from Buddhist and Hindu concepts of spirituality (Nirvana), New England Transcendentalism, Sermon on the Mount Christianity, Kantian and Hegelian philosophy-- and without all the ritual, dogma and other trappings of orthodox Christianity. It also sets high standards for people, and when we don't measure up to them, we are disappointed. While positive thinking can affect one's health, and Christian Science was a pathfinder in this area, failure to demonstrate one's effectiveness as a Christian Scientist in treating sicknesses spiritually, can cause a lot of grief and feelings of inadequacy and failure.

Q: As a kid were you much of a reader?

BLISS: I wasn't reading all the time, but I read quite a bit.

Q: Can you think of any books when you were young that particularly --

BLISS: I read War and Peace and Gone With the Wind. They were, of course, very long, and probably took a summer each, but I really enjoyed them. When I was younger I read the Howard Pease books about ships and developed a wanderlust for far off places and the exotic and the Hardy Boys, and the Bobbsey Twins.

Q: Well, where did you go to school? Where did you go to school, grammar school or elementary school?

BLISS: Principia has a college in Illinois and prep school in St. Louis. Because my parents were on the college faculty, my tuition was free and because they thought this was the best education for me, I went to Principia from Fifth Grade through College. I took the bus into St. Louis every day until the Upper School when I lived in the homes of some of the teachers. Students attended Principia from all over the world, but the largest group was probably from California.

Q: Did you have any favorite teachers?

BLISS: Oh yeah, I thought some of my high school teachers were very thought provoking. Ms. Erickson taught creative writing and got us to reveal so much about ourselves and our families through our writing. She knew more about us than the National Security Council could ever discover today. And Hugh Semple in current events would have us read TIME Magazine from cover to cover and draw historical analogies to current events by asking about each article, "What did I write in the margin?" It was a valuable exercise in applying historical precedents to contemporary problems. Science and math were more of a struggle. I took new math and never learned how to add and subtract.

Q: That damned new math. My son took it and --

BLISS: Yeah.

Q: -- a lot of people had it -- it didn't teach it very well.

BLISS: Agree.

Q: It was one of those phases I think.

BLISS: Hope it has improved.

Q: Did you get much history or was that sort of the outside world?

BLISS: Yes, although Principia was a bit isolated and the student body and faculty were mainly Christian Scientists, we had international students and broad geographical representation. The teachers at both the high school and college level were excellent. We had good discussions of world issues. High school actually was harder for me than college. College I zipped right through. The courses I found stimulating and interesting and did really well. High school was a challenge for me.

Q: What made it a challenge? A lot of writing?

BLISS: I don't know, I think they were just tougher graders.

Q: Yeah.

BLISS: But they were good. And in those days the students went on to excellent colleges and universities.

Q: How did your family fall politically?

BLISS: They were conservative Republicans. Not like you have today.

Q: Yeah.

BLISS: My mother was quite conservative and very anti-communist as one might expect. My father was a sociologist. His doctoral thesis at Columbia was on teaching sociology in a liberal arts college through community service, and he put this into practice. His students did a of community service in the inner-city in St. Louis. They worked in settlement houses, prisons, and other places. He was on the boards of several community centers. I remember when Martin Luther King was assassinated he had some students, including my sister, working in an inner city settlement house with African American clientele. When the riots broke out and the city was burning with fires and gunshots and sirens blaring, the African Americans protected these white kids all night long in the basement of the settlement house, until it was safe to leave the following day. So my father was a socially conscious Republican, although he did support Robert Taft over Eisenhower.

Q: Yeah.

BLISS: But as you define conservative in *those* days.

Q: Yeah, it was quite a different matter. In high school, was it co-ed?

BLISS: Yes.

Q: How big was it?

BLISS: About 600 or so.

Q: It was substantial.

BLISS: Yes.

Q: How'd you find high school? Did you get involved in various sports or extracurricular activities?

BLISS: I was young for my class and frankly I was not very mature socially or athletically in high school. It was an awkward time. Principia had this concept of the whole man-- intellectual, physical, and social and they encouraged students to do sports. I played junior varsity football and basketball and varsity swimming without distinction. I was the editor-in-chief of both my high school newspaper and my college newspaper

(The Co-Pilot *and* The Pilot) and seriously considered a career in journalism. I also started a few other newspapers during my growing up years, at camp and later in the Peace Corps. This was my major extracurricular venture which started in high school. My editorial policies got me into trouble on several occasions so I guess there was a budding radical in the making.

Q: I guess you didn't major in high school, but were there any particular studies that you spent more time at or had more interest in than others?

BLISS: World history and English. I also enjoyed biology, but not math.

Q: Because of the particular background on your mother's side, did you get to know more about Russia or have more interest in Russia than maybe most people did?

BLISS: I think so, sure. My mother taught Russian literature and I had an appreciation for Russian culture and my heritage. Of course, this was during the McCarthy era. So my mother was not exactly broadcasting her Russian heritage.

Q: Yeah.

BLISS: In fact there were probably people who felt she shouldn't be teaching Russian, because Russians were all communists, you know.

Q: Oh yeah.

BLISS: She was very sensitive to those issues.

Q: Well, it was the time to be sensitive. A lot of people were getting crazy about things.

BLISS: Yeah.

Q: As you were going through high school, did you have an idea that you were you bound for college?

BLISS: Absolutely. Everybody at Principia went to college in those days.

Q: What were you looking at?

BLISS: My parents quietly insisted that I go to Principia College. I didn't really have a lot of choice in the matter. This was a reason they joined the faculty, to get a free education for their children. They were not well paid as professors.

Q: Sure.

BLISS: So I didn't resist. And it turned out to be a very good education. It got me into Harvard Law School. In fact, in my law school class there were three graduates from

Principia, which is more than there were from most major universities. I asked admissions why that was the case, and they said because prior graduates had done very well, and they had a formula where they take graduates of an institution and see how well they do in law school and this affects future admissions. At that time Harvard Law School was trying to get more people from Principia because the few that had attended had done very well.

Q: What was your major at Principia?

BLISS: Economics and Business Administration. I started out as a Government major and switched to Economics my junior year. In addition to my work on the newspaper, I was very active each year in the Public Affairs Conference. About 100 colleges and universities sent student representatives to this conference each year at the College. As one of the organizers, we selected a topic, invited distinguished speakers, and moderated discussion groups. I recall one year inviting Henry Kissinger, who was then a professor at Harvard and Admiral Arleigh Burke (31-knot Burke), whom I picked up at the airport in St. Louis and drove to the campus. The head of Principia's Government Department, Clayton Ford, was very close to Professor William Y. Elliott of Harvard, who helped with the organization of the conference. I also took a lot of history courses and especially enjoyed Charles Hosmer, who wrote the seminal book on the historic preservation movement in the U.S. and Charles Belote, who published a book on MacArthur's invasion of the Philippines and whose twin brother taught Naval history at Annapolis. Nevertheless, I thought Economics might be a more useful major and Professor Ford, as my Government major advisor, kept signing me up for his courses. My new advisor was Dr. Robert Andrews, who had a PhD from Stanford and MBA from Harvard. I assumed he would assign me a lot of economics courses in my junior year to catch up with the other majors, but surprisingly his first question was whether I had taken Frank Parker's fine arts course. Parker was a legend who had danced with Pavlova, and his course grounded me in a great appreciation for painting and the arts. I also considered majoring in Theatre and played the part of Feste in a production of Shakespeare's Twelfth Night my freshman year, a truly exhilarating experience with rehearsals well into the early morning hours. When the director, Carole Cole, left to teach at Yale the next year, I was very disappointed and did little with theatre thereafter.

Q: When did you graduate from Principia?

BLISS: 1963.

Q: Were you involved in the election of 1960, which involved a lot of students, you know, Kennedy versus Nixon?

BLISS: I was editor of the paper and we endorsed Nixon. I later served in the Nixon administration.

Q: What were your thoughts about the Cuban Missile Crisis?

BLISS: I don't recall my feelings at the time of the crisis, but have revisited the issue many times in the ensuing years.

Q: Well, I think an awful lot of people didn't really understand how close we were to disaster. I didn't really. I was in Belgrade, Yugoslavia at the time and didn't realize that something catastrophic really could happen because, you know, we survived.

BLISS: I think Bobby Kennedy made a secret deal to remove the missiles from Turkey, but they didn't want that made public because they didn't want a quid pro quo.

Q: Well, you went to Harvard Law School. Were you really interested in law?

BLISS: No, not especially. I looked at schools of public administration. I looked at business schools, and I even looked at journalism. Of course, it was during the Vietnam War and I was draft age. If I had to advise somebody today, I would say take a little extra time before you go to graduate school but I really did not have that option, and so I embarked on the three years of law school with the intent of using the education in government service.

Q: How'd you feel about the Vietnam War?

BLISS: I was against it. When I was in law school I was fascinated by the William Fulbright and Frank Church congressional hearings, and I thought it was a mistake to go into Vietnam and become embroiled in that conflict.

Q: Principia wasn't the sort of institute that you would think would have demonstrations.

BLISS: Oh no. I don't remember any particular activism. Most students were pretty supportive. There were a lot of military families.

Q: Yes.

BLISS: I don't remember it as being a huge issue when I was in college. In law school it was a much bigger issue.

Q: How did Harvard strike you? This must have been quite a change for you.

BLISS: It was such a totally different environment. I was a really fish out of water. That would be the cliché that expresses it well. It was difficult for me to adjust to the new environment. A lot of my classmates were graduates of Harvard, Yale and Princeton and they all knew each other.

Q: I would think that -- particularly with Harvard Law being so difficult to get into and so prestigious, that you'd end up with an awful lot of guys talking big and feeling their oats and all. And if you didn't belong in that sort of club --it could leave you out in the --

BLISS: Yeah, but I did well. I wasn't a superstar, but I graduated cum laude in the top 20 per cent out of a class of 540. Candidly, it was the three most boring years of my life. I wasn't all that interested in some of the courses. I thought the faculty were remote and aloof, whereas in my college experience the faculty were very friendly and took a personal interest in their students. The law school classes were huge. There were 120, 130 people in a class. They used the Socratic method where they call on you and do their best to humiliate you.

Q: I've seen the movie "The Paper Chase" --

BLISS: Yeah, that's pretty accurate (*laughs*).

Q: Did you feel that there was I won't say a method, but I mean were they turning out a particular type of thinking and --

BLISS: Well, they certainly think they are. They teach you how to develop the facts and analyze the law based on judicial precedents, and to do so dispassionately. You are prepared to advocate for a client's position without regard to the merits or rightness or wrongness of the position, although high standards of professional ethics are instilled. Most graduates go to large law firms in the major cities, which represent major corporations. At the time this was not my interest which may explain some of the courses I took. In the third year, students take a seminar in a field of special interest, such as tax or corporate law. I took two seminars, one on United Nations Law with Louis B. Sohn, a leading architect of the United Nations Declaration of Human Rights. I wrote my paper on the International Labor Organization. I also took a seminar from Charles Haar on Land Use Planning in Developing Countries and wrote a paper on wildlife preservation in Kenya.

At Harvard, you don't learn the specific law of any particular state. So when I decided to take the New York Bar, I took a bar course from a Fordham law professor who provided me with the knowledge I needed to pass the bar. I think the real value in Harvard Law School frankly is just the people, the graduates. In my class of 540 people, most went on to have very successful careers. The law school's reputation is grounded in the quality of the alumni. I wasn't that good at networking. I advised my kids growing up to get to know people and stay in touch because many will open up opportunities in the future. Among my classmates were Supreme Court Justice David Souter, Larry Tribe, a renowned constitutional scholar and Supreme Court advocate, Peter Wallison, White House Counsel to President Reagan, a number of senior government officials and judges, and several corporate CEOs, to cite but a few examples.

Q: Well, there were two things going on in this period. One was the protests against the Vietnamese War, and the other one was the Civil Rights Movement. Did either of these affect you? Did you experience them at all?

BLISS: I didn't go out and protest and was not actively involved in either movement. But I followed them with great interest and supported them intellectually and emotionally. I

did some criminal defense legal aid work and participated in the moot court contest, but, unlike college, for the most part avoided extracurricular activities. I played a lot of pick-up basketball.

Q: Well, as you were doing this very hard work, were you pointed towards something other than getting a law degree? Did you have a goal in mind?

BLISS: My plan was to get some experience in a large Wall Street firm, learn how to be a really good lawyer, pay off my student loans and then seek an opportunity in government service. I went to law school half grant, half loan, and had some loans to pay off. Harvard was really generous with student aid -- the loans were two percent loans and the grants were free. I didn't have much spending money when I was there (*laughs*), but I was able through the years to give back what Harvard gave me and more.

During my summers in college, I had been a counselor at a camp in Maine teaching sailing and canoeing and taking out wilderness trips. These were some of the best days of my life. After my first year in law school I became a head counselor. After my second year, I was a summer associate at a Wall Street firm, but I negotiated a deal that allowed me to take a group of campers down the Allagash River in Maine mid-summer. The firm offered me a job when I got out of law school.

When I graduated I had to decide what to do. The war was still going on and I was not yet 26, which was the draft deferrable age. I had joined the Air Force Judge Advocate General ROTC (Reserve Officers Training Corps) while at law school. A friend of mine, Dave Kinley, and I visited Cape Canaveral, but when we returned we learned that the Air Force had changed the requirement from a five year to a seven year commitment. My friend and I did not want to spend seven years in the Air Force JAG. We wanted to start our careers. So we dropped out of the Air Force JAG. As I approached graduation, I was looking at other options. I didn't have any pull to get into the National Guard. I looked at Officers Candidate School and then I looked at the Peace Corps. Although the Peace Corps wasn't draft deferrable, most draft boards generally would leave you alone. I thought the Peace Corps offered me an opportunity to use my legal training in service to the country at a time when some of my compatriots were being drafted.

Q: Interesting.

BLISS: I applied to be a Peace Corps volunteer lawyer in Kenya. I was really interested in Kenya. It fascinated me. But the Peace Corps said it would be six months before the next lawyer program opened up in Kenya. However, they had a brand new program in Micronesia and they asked whether I would be interested. They needed lawyers in Micronesia, which was then the Trust Territory of the Pacific Islands--a United Nations Trust Territory, administered by the United States. The UN Trusteeship Council had issued a report, concluding that the U.S. had done a *terrible* job in administering the trust territory. President Kennedy thought sending the Peace Corps en mass was the cheapest way to make amends. So this is where I went, to Pohnpei, or as it was then known, Ponape, in the Eastern Caroline islands. We had our training in Key West, Florida. I

learned to speak Ponapean, one of 11 principal languages spoken in the Micronesian islands. There were four lawyers in the first program-- the others went to Palau (also known as Belau), Yap and Saipan in the Mariana Islands. I had recruited the lawyer who went to Palau as we had studied for the New York Bar together and he learned about the program from me. The second wave of lawyers trained in Hawaii and went to Truk (now Chuuk) and the Marshall Islands. Many of the hard fought battles of the Pacific took place on these islands as we liberated them from the Japanese.

Q: You went to Pohnpei?

BLISS: I was in Pohnpei for the first year and a half, yes. While I was there, one of the Peace Corps volunteers, who came from Illinois, was a very good friend, Nancy Arnold. She taught at a school called PICS, Pacific Islands Central School, where kids from the various islands came to learn English and get a high school education. She left after a year to pursue graduate work at the University of Michigan. We stayed in touch and got married about six or seven years later in Washington DC. She's now my wife and we have raised two sons.

Q: Did you travel much?

BLISS: When the Congress of Micronesia met in Saipan for three months in the summer, I would serve as assistant legislative counsel. One Micronesian had graduated from law school, Caleb Udui from Palau, and he was the legislative counsel. We drafted bills for the Congress and provided legal advice to the senators and congressmen who represented the six districts of the Trust Territory. I worked in Saipan during the second and third sessions of the Congress. I extended my Peace Corps two-year term to be able to work the third session in Saipan. It was exciting to work with the "founding fathers" of a new democracy. I drafted dozens of bills and resolutions, from establishing a social security program to asking the U.S. secretary of the interior to construct an airport in Kusaie (now Kosrae).

When my good friend, the senator from Kusaie, Hiroshi Ismael, who was also a surgeon and graduate of Fiji Medical School, asked me to draft a resolution asking for an airport for his beautiful island in the Ponape district, I asked him what reasons should I give. He rattled off several, medical evacuations, exporting citrus fruit, importing supplies, etc. Then I asked him, "What about promoting tourism?" His response: "I'll shoot the first damn tourist who sets foot on my island."

At the end of the first session I returned to Pohnpei. After about a year and a half my replacement arrived, Tom Whittington. High Court Justice D. Kelley Turner, an American and son of a well-known admiral, asked me whether I would like to clerk for him. I said sure. That way I got to travel from island to island. I moved from Pohnpei to Koror, Palau where the justice was stationed, and lived with the family of a Palauan judge when I wasn't riding the circuit. Justice Turner held court in Yap, Chuuk, and Majuro, capital of the Marshall Islands. I visited all the district capitals and the principal islands in the trust territory.

Q: Oddly enough I happen to know Pohnpei because I spent about 10 days there.

BLISS: Oh, really?

Q: As the State Department was helping them get along and I went with another American to talk about setting up consular corps. I was a retired consular officer. This was in the late '80s, and I must say, it was sort of depressing. It was like going to West Virginia, the poor part of West Virginia.

BLISS: It was poorer than the poor parts of West Virginia, but poverty is relative, and nobody went hungry in Micronesia. They seemed a fairly content and happy culture, with strong extended family support systems. At least when you went there, you arrived by airplane. When I was there, they had no airport. Pan Am flew an SA-16, which took off from a runway on Truk and landed in the lagoon, with water splashing up over the windows, a scary encounter for passengers who were rarely forewarned in advance.*(laughs)*.

Q: There was an airport.

BLISS: I think there were some hotels there by the time you were there. There was only one hotel when we were there called the Kolonia Inn. Ponape was pretty primitive. I lived in the district center, Kolonia, which is now renamed Palikir and is the capital of the Federated States of Micronesia, but many volunteers lived in rural villages. I lived with a Micronesian family. I showered in a shed with a hose and cold water. We used coils to keep the mosquitos away while we slept. With my \$90 monthly allowance, I had enough extra to bring electricity to our home. But I had it easy compared to those in rural villages. There was no road around the island. There was only a muddy footpath, and it would take several days to visit the capital. Other volunteers lived in the outer islands, often small atolls, which were really remote. There were Peace Corps volunteers who got their mail every six months. There were a couple of them on a remote atoll in the Marshall islands which was rat infested. They took turns staying up all night with a flashlight to keep the rats away so the other could sleep. Their short wave radio did not work, and it took several months before the Peace Corps learned of their plight. But we were young and the Micronesians were very gracious hosts, friendly, sometimes very friendly, but I won't go into that.

Q: Well, it's a different culture. What were you working on? Was it basically legislative?

BLISS: Not entirely. As volunteers flooded into Micronesia in response to the negative UN Trusteeship report, little thought had been given to the role of lawyers, so we made it up as we went along. One nice thing about being in a U.S.-administered territory--very unique for the Peace Corps-- was that I got to apply U.S. law. I was the only law school trained lawyer in the district and I worked with the local "legal" community to reconcile customary law and cultural traditions with statutory law, mostly based on U.S. and English law. When I arrived, I was given no guidance or instructions but I was provided

with an office next to the public defender in a Quonset hut, which was the courthouse. The public defender's name was Yoster Carl, and he had six weeks of legal training. He was a wonderful guy and became a close collaborator. As I was trying to figure out what I was supposed to do, and he was trying to figure out what I was doing there, he came into my office and said: "I have a problem. I have a client. He is from an island called Nukuoro, which is actually a Polynesian island, but part of the Pohnpei District, a couple of days south by freighter. He got totally drunk on fermented coconut juice and created quite a scene. The local magistrate sent him up here to be tried, and he was sentenced to 30 days in jail. He has now been in jail for 30 days. But the Sheriff won't release him because the clerk of courts mistakenly wrote the order for 30 years."

Q: Really?

BLISS: And Yoster says, "I'm the public defender, and I read that I can appeal a case in 30 days. It's been 31 days, so it's too late for me to appeal the sentence. I went to the sheriff and said, 'Look, this is a mistake.'"

And the sheriff said, "My order says 30 years, I can't let him out."

Yoster asked me: "What can I do about this?" Fortunately I was fresh out of law school where I had worked on some pro bono criminal matters. and my mind was stuffed full of information from taking the bar exam. So I blurted out "Have you ever heard of habeas corpus?" Provision for a writ of habeas corpus had been written into the Trust Territory statutes.

"No, I never heard of it-- what is that?"

"Well OK, you file a writ of habeas corpus, and it requires the sheriff to explain why he is keeping your client's body in prison. I took out a form book (contributed by the New York Bar) and we drafted a writ of habeas corpus and served it on the sheriff.

Next day there was a knock on the door and Sheriff Tomasiano Martin came in and said: "I got this writ of habeas something -- what am I supposed to do with this?"

I thought to myself, "I've got a problem here, because I can't represent two sides in the same case." I sat down and wrote a letter to the chief justice, who was an American, wonderful guy, Chief Justice Ed Furber from Boston. I wrote, "This is what I propose. I'm the only lawyer in the district. I want to be available on a fair basis to anybody who wants my advice. I will be a teacher and not an advocate. I won't appear in court personally on behalf of one party or the other but will be available to offer educational advice to any and all parties. They will appear in court and argue. I'll remain neutral, and so we sorted out the ethical standards that would apply to the Peace Corps lawyers. I then told the sheriff how he could answer the habeas corpus, I think it's called a rejoinder. And we prepared the document.

Later that day, there was a knock on my door; it was the clerk of courts, “Judge Kohler wants to see you.” Judge Kohler was a distinguished tribal chief, known as a Nanmarki, who was part German. At different times, Micronesia was under Spanish, German, and Japanese rule, and they all left their imprint on the law, culture, and genes. Clerk Judah Johnnie said: “The judge received these two documents and he heard that you had something to do with them. He doesn’t know what he’s supposed to do and would like to talk to you about it.”

I went into his chambers and talked to the judge. I said, “Just call in the public defender and the sheriff, have a hearing, let them explain the situation and then do what’s right, whatever you think is just and fair.”

It was pretty clear (*laughs*) in this case that somebody had made a mistake and sentenced the poor guy to 30 years for being drunk.

Q: Yeah.

BLISS: So they let him go. That’s the way it worked. The wife of the Peace Corps doctor, Sharon Ruzumna, was also a law school graduate, and although she wasn’t a volunteer, we worked together on a lot of projects, offering legal advice to whomever needed it. Sometimes local companies would have problems with their foreign suppliers who were exploiting them, and I helped them with their contracts. I worked with the local legislature. It was a potpourri of different things.

Q: You know, one of the things I’m told culturally was a big problem was that people would set up a store and then extend credit to their friends, and their friends would come in and take away all the store goods and wouldn’t pay. It was very hard to get a commercial enterprise going there. In many ways I guess you were seeing the law at its roots.

BLISS: That was what was most fascinating about the experience. You see how the law develops from tradition and custom. Some of the more interesting cases involved a conflict between custom and statutory law. The first case decided by the high court was the case of the purple panties. Under customary courtship, a boy and a girl would never been seen together in public. Boys hold hands with boys and girls hold hands with girls, but never does a boy hold hands with a girl in public. Boys would date by sneaking into a girl’s hut at night, sleeping with her, and sometimes taking her panties home as a trophy. Now, if her parents didn’t like this kid, they could go after him with a machete. This was a very dangerous (*laughs*) form of courtship. In this case, the boy went into her hut, slept with the girl, took her purple panties, and put them on his clothesline as sort of a victory flag. The parents didn’t like this kid, so they got the prosecutor to bring charges of burglary, larceny, trespass, and so forth. The argument in defense was that this is a custom, this is what we do. Statutory law imported from the west is being applied in conflict with local custom and tradition. On appeal, the High Court decided to consider and weigh the statutory purpose and the local custom and knocked out the burglary and larceny charges. It allowed only the trespass charge because it wasn’t a custom the court

wanted to encourage, but in mitigation of the sentence, the court stated that local custom could be taken into account and the defendant was not sentenced to any jail or fine. There were other cases like this. Under Yapese custom, when a juvenile was a chronic troublemaker, the parents would cut off part of his index finger. The prosecutor brought a charge of maiming against the parents, which is an old English common law statute dating to the days of knighthood. The High Court ruled that such a custom was too extreme and was overruled by the statute. The parents were sentenced for maiming. In civil cases, we also attempted to reconcile statutory law and customary practices. The Micronesians had ways of dealing with wrongs such as accidental injuries or negligence, and we tried to respect the customary way of making amends. Sometimes we would have native chiefs on the stand as expert witnesses to testify how issues were resolved under local custom, and sometimes anthropologists would testify on the traditional way of handling disputes.

Many of the High Court's judicial precedents were contained in files, and Chief Justice Furber asked me whether I would be interested in preparing and publishing a reporter system that would make these precedents more easily accessible. Sharon Ruzumna and I began this project, and my successor continued with it. We published a three volume set of reporters that codified, summarized, and indexed all the Trust Territory cases. Many of these cases involved disputes over property. It seemed like every square inch of the precious land was contested. Sharon and I also started a magazine called *The Micronesian Advocate* which included articles about Trust Territory law and was distributed widely throughout the territory. These articles helped to clarify the confusing and complex state of land law. Traditionally land was owned by the extended family, and various relatives had varying rights to use the land and to the yams and fruits from it.

Q: I was just going to say the yam --

BLISS: Yes, yams were a valuable possession, almost a form of currency. Some were a dozen feet long. But traditional land ownership was clouded by the attempt of occupying powers to impose their own laws. The Germans had primogeniture, where the oldest son inherited everything, and the Japanese had their own system. We couldn't read the records because they were all in Japanese. In some districts, like the Marianas, the Spanish land system was imposed. Everything was in dispute, and the courts were flooded with conflicting claims. A land commission was established to resolve these disputes more efficiently, and some of our articles were helpful in working through the various layers that affected title, which varied from one island to another.

Q: Would there be different customs on different islands?

BLISS: Oh, absolutely. There were 11 different languages and many customs and traditions. I spent a lot of time during training in Key West reading anthropological studies of the various cultures, which proved immensely helpful in rendering legal advice and clerking for the justice. There was a Polynesian group in the south of the Pohnpei district, and the Mariana Islands were heavily influenced by the Spanish. The Japanese influence was strong in Palau and Chuuk -- in Chuuk the clash of western and local

cultures was disruptive especially in the district center where crime, drunkenness and fighting were increasing. The Marshal Islands had very different customs, greatly influenced by the Protestant missionaries. Catholic and the Protestant missionaries had a huge influence in the various islands. As I traveled around the islands, I witnessed very different customs. Of all the districts, Yap was the most resistant to outside influences and change. They stuck with their traditional way of life. The women wore nothing above the waist, and the men wore bikini-like G strings. Their red lips evidenced their addiction to beetle nuts, and they are known for their stone currencies, wealth established by large circular stones.

Q: I guess the Peace Corps offers a unique perspective on cultural differences, something Americans generally are not especially sensitive about.

When Congressman Tom Foley was Chairman of the House Interior Committee, the committee visited Pohnpei and Foley came to my house for dinner-- to my little shack. The family that I was living with went out and shot a deer in the mountains of Pohnpei in his honor. But he wouldn't eat anything. I think he'd been warned about getting dysentery, so he stayed for dinner and engaged in great conversation, but didn't eat a darn thing (*laughs*).

Q: Oh boy.

BLISS: It was funny because we were talking about cultural differences. Hawaiian representative Patsy Mink was on the committee. The Ponapeans were so excited about the arrival of this high-level delegation of *really* important people from Washington who were coming to visit. Patsy Mink got off the landing craft (LST), because in those days you landed in the lagoon in a sea plane, an SA-16, and were brought ashore in an old Navy LST. She was wearing short pants, and the people were horrified. Now, if she'd come with nothing on top, you know, bare-breasted, that would have been acceptable. It wasn't that common in Kolonia, the capital, but you could see the bare breasted women doing laundry in the rivers.

Q: Yeah.

BLISS: But to show your thighs was *totally* inappropriate. Here a U.S. Congresswoman shows up in short pants showing her thighs to throngs of people waiting to greet her. They were just horrified. Cultural --

Q: Yeah.

BLISS: -- differences, you know.

Q: So you spent the last six months visiting the various Micronesian cultures?

BLISS: I was in Colonia, Yap for several weeks while the court was in session. Each of the districts had a number of outer islands which were less influenced by western culture and more isolated. I did not have an opportunity to visit many of them. I was in Micronesia from the fall of 1966 through July of 1968. Today, of course, there is no longer a Trust Territory, and the island groups are split up into different entities. Palau and the Marshall Islands are independent states with cooperative agreements with the United States. The Marianas are a commonwealth of the United States, like Puerto Rico, and the Federated States of Micronesia, an independent state with U.S. support, includes Pohnpei, Chuuk, Yap, and Kosrae.

After my last session with the Congress of Micronesia in Saipan in August 1968, I traveled to the Philippines, Hong Kong, Taipei, Japan and Hawaii and then headed to American Samoa where I had a contract to do a reporter system of the judicial precedents based on the work I had done in Micronesia. Justice Goss, whom I had gotten to know on the High Court in Micronesia, had become a judge in Samoa and hired me for a three month project with minimal compensation but free transportation and lodging. He arranged for me to stay in an apartment that was built for the King of Tonga to use when he visited. But he never stayed there, preferring to stay in a hotel. Since it was always available, they gave it to me. The reason he didn't stay there was because it was downwind from a tuna canning factory and the stench of fish was overpowering. I finished my project in a month and a half and took my time traveling around the world back to the U.S.

Q: Well, this certainly gave you an insight into a part of the world that even today is so little known.

BLISS: That's true, yes.

Q: I take it you came away with a positive feel about the Peace Corps.

BLISS: Absolutely, it was a life transforming experience. It really was.

Q: But also what you did.

BLISS: I met my wife there (*laughs*).

Q: But what you did was --

BLISS: Yeah.

Q: -- I mean it had positive value-- bringing somebody from outside trying to reconcile things. You were able to use good common legal sense to help come to solutions.

BLISS: Yes, but I think the greatest value of the Peace Corps is what it does for Americans who serve in the Peace Corps. It exposes them to other cultures in a very grassroots way. I learned to appreciate better what values are truly universal, like those

enshrined in the United Nations Charter and Declaration of Human Rights, and those values which simply reflect a particular culture. We learned to respect different ways of living and relating to family and community. Despite all the successes of Western civilization, I thought we could learn a lot from some of the cultural practices of what some may denigrate as a more primitive culture, for example, the support system of the extended family and the gracious hospitality that did not seek to monetize every gift of time and possession. I am gratified to see how many former volunteers have entered public service, been elected to Congress or joined the foreign service. Living among the average citizen, often the poorest of the poor, gives one a valuable perspective and understanding of other cultures that uniquely facilitates international cooperation. The Peace Corps may provide some lasting value in the countries we serve; I hope we did. I hope we contributed some lasting benefit in helping develop a legal system that is just and fair and respects and builds upon what is worthy in local custom and tradition.

What the U.S. brought to Micronesia was participatory government, democracy, a good education system, and a good legal system. In these areas we were a welcome change from Japanese rule, but not in economic development where we lagged substantially. I visited places the Japanese had electrified but were now without electricity. In some districts, they had rail service, but the tracks were covered with jungle when I arrived. Some volunteers had a hard time, particularly those on the outer islands who were teaching the kids, who would then go to the district centers and get drunk in the bars and into fights and petty crime. Volunteers in Chuuk would tell me that when they were in the outer islands they were in this culture of peaceful equilibrium where everybody had their role and there was no great inequality or searing ambition, but when they came to the district center, they lost their bearings and became violent. After a while some volunteers stopped teaching because they didn't feel they were doing any good. It was a noble savage view of anthropology. If the children were educated, they would need jobs where they could use the skills they had been educated for. Most of the jobs were working for the government bureaucracy. So pushing paper substituted for traditional skills like fishing and farming.

Q: One of the concerns when I was there, it was quite a different time, that the traditional fishing had stopped-- they weren't fishing.

BLISS: Absolutely.

Q: They were driving around in pickup trucks with crates of beer in the back and --

BLISS: That's a big problem. It's the old adage, you give a man a fish and he'll eat it, but if you teach him how to fish, he's taken care of for life. Micronesians used to do a lot of fishing for tuna, but they stopped doing it because they developed a taste for canned tuna. If you have an extended family and one person works for the government, that's enough money to buy canned tuna for the entire extended family, so you get into these very difficult questions of economic development. You could see this clearly at the ground floor in the Peace Corps. Every day I'd walk down to the waterfront to a place where they had fresh tuna, and I'd have sashimi for lunch. They were still fishing at that time for

fresh tuna. But gradually it faded out as they found they could get their government checks and buy the canned tuna, and they developed a taste for imported rice instead of growing their own food. It was not so much work.

Q: Well, what was the background of your wife?

BLISS: My wife grew up in Marengo, Illinois, which is about 70 miles west of Chicago. She went to Carroll College -- now Carroll University, which is in Milwaukee. She decided to go into the Peace Corps, but didn't like teaching that much. She said it was hard to teach kids geography when they'd never been off a small island with ideal weather the year around and had no concept of snow and cities. She left after a year and went to the University of Michigan School of Information. She then worked as a librarian for the Chicago Public Library, for Legal Aid in Chicago and as a librarian for a law firm, Kirkland & Ellis in Washington DC. That's when we got together again.

Q: When did you leave the Pacific and where'd you go?

BLISS: After I finished my job in American Samoa, I traveled back to the U.S. on a very low budget, trying to see as much of the world as I could as I cobbled together air fare from Samoa and the Peace Corps and my readjustment allowance. I took an airplane to Apia, Western Samoa, and then to Fiji, and on to Wellington, Auckland, and Rotorua, New Zealand, and then Sydney. I naively thought Sydney was boring because it was like Los Angeles without any of the problems.

Q: Yes.

BLISS: I was seeking more exotic experiences.

Q: Jakarta?

BLISS: Yes, Jakarta, and then to Bali, Singapore and Kuala Lumpur where I stayed a couple of days with the Peace Corps director because he'd been previously director in Micronesia. He invited me to a party with some foreign service officers. I was thinking seriously about taking the foreign service exam when I returned because I really liked the international work. But these young foreign service officers were so cynical. They essentially said, "All we do is report in cables back to Washington what they want to hear."

Q: Yeah.

BLISS: "If we want to have any success in our careers we have to tell Washington what they want to hear and we can't really try to effect any change here, because that would be inappropriate interference." This was the '60s and young people were all stirred up about everything. I'm comparing that to my Peace Corps experience where I could --

Q: Really do something.

BLISS: As a volunteer I could express my opinion about something and not worry about it. So I gave up on the idea of taking the foreign service exam. I had a job waiting for me in a law firm back on Wall Street. From Malaysia I went on to Bangkok where I stayed with a couple friends who were with USAID (the United States Agency for International Development). From Bangkok I went to Katmandu, Calcutta, Varanasi, and New Delhi. I then flew into Moscow into a big blizzard after two and a half years in a tropical climate.

Q: Boy.

BLISS: I toured Moscow and St. Petersburg, and after that I got a Eurail pass, I visited Helsinki, Stockholm, Oslo, Bergen, Copenhagen and Amsterdam. To save money I would try to find the longest distance between two points so I could sleep on the train. I visited Paris, Zurich, Geneva, Florence, Rome, Palermo, and then when I ran out of money, came home to Illinois for Christmas.

Q: Well, then what?

BLISS: I went to work on Wall Street for the firm of LeBoeuf, Lamb, Leiby and MacRae, which many years later merged with Dewey Ballantine. The merged firm went bankrupt last year. I'm glad I didn't stay with the firm. When I was in Micronesia there was a New York Times travel editor who interviewed me about my work as a Peace Corps lawyer, and quoted me in the Times as saying: "going back to Wall Street after my experience here will be anticlimactic." A partner in the law firm read the quote and --

Q: I would think so too.

BLISS: -- wrote me this 12-page letter about how exciting practicing law on Wall Street was. He did not appreciate my comment (*laughs*).

Q: A lot of my colleagues in the Foreign Service have looked hard at law, but it just doesn't appeal to them. How did you feel about it? I mean particularly as law is practiced in the major law firms?

BLISS: I found the work quite interesting. As a young associate I was exposed to a number of different practices. I remember writing a memo to a partner explaining why a corporation could not take certain actions, and the partner said: "You miss the point. The client doesn't need you to tell him he can't do it. He knows that. He needs you to tell him how he can accomplish his objective." I joined a group that advised Lloyd's of London on state insurance laws and pending legislation and regulations affecting alien insurers. I didn't practice law very long before I landed up in Washington.

Q: How long did you stay in New York?

BLISS: I arrived in January 1969 and left in June of '69 to work at the Department of Health, Education, and Welfare (HEW) in Washington DC as one of several special

assistants to the secretary, Robert Finch. Finch had been lieutenant governor of California and Richard Nixon's campaign manager. A friend of mine, Dave Kinley, had worked for him in the Nixon campaign and was recruiting people to come to Washington to work in the new administration. He called me up and offered me the job. I said, "I've always wanted to go into government, but not this early. I thought I'd stay with the law firm for a couple years and pay off my loans." That week Finch was on the cover of TIME magazine as Nixon's conscience-- a moderate voice among the conservatives. My intentions were never really focused on the private practice, although I would end up spending most of my career doing it.

Kinley then asked: "Are you a registered Republican?"

I said, "Actually I'm an independent."

He said, "Well, you have to register because I have to clear you through the White House." So I registered Republican. He got me cleared and I became one of several special assistants who reported to Finch's Executive Assistant, Pat Gray. A former submarine commander Gray later became Director of the FBI (Federal Bureau of Investigation) where he got into trouble by throwing some Watergate documents off the bridge into the Potomac.

My first assignment at HEW was to review the 435 advisory committees, councils, and commissions to the department and recommend eliminating those that no longer served a purpose. I also was supposed to review (or recruit) nominees and clear them through the White House and internal security. I managed to recommend the elimination of several committees but ran into a brick wall when I recommended eliminating the Board of Tea Tasters, which had been established by Congress in the 18th century to taste and approve imported teas. Even the president approved my recommendation, but Congress did not go along.

Clearance of nominees to the advisory committees got me into trouble on several fronts. First, I had to obtain clearance from HEW's internal security office, which rejected several highly qualified nominees I sent over to them. When I inquired, I found out that they had a "black list" of individuals who had allegedly participated in some fellow traveler or communist activity decades earlier. Working with the Washington office of the American Civil Liberties Union, I drafted a set of procedures that would require a person rejected by internal security to be notified of the reason and given the opportunity to request a hearing. Despite the opposition of internal security, my proposal was approved, and thereafter, I never had another rejection from that office. I guess they didn't want to reveal what was in their files and the "black list" was destroyed. My second challenge involved clearance by the White House, which required nominees to be approved by their Republican state party apparatus. Nominees who were not registered Republicans were generally rejected. While I did not object to this requirement as it applied to consumer representatives on HEW advisory councils, I strongly objected to its application to expert panels and study groups, for example, that made decisions on medical grants for the National Institute of Health. When I protested the rejection of a

Nobel Prize winning physician, the White House chief of staff apparently recommended I be fired. To his credit, Pat Gray came to my defense and we worked out a compromise that would exempt the overwhelming majority of appointees from White House clearance. Part of the compromise was removing me from this work, for which I was most grateful since it allowed me to undertake more interesting projects like improving the efficiency of the secretary's decision-making process.

Q: How did you find working for Secretary Finch?

Finch ran into a lot of problems at HEW. It was the late '60s and protests of the Viet Nam war, welfare rights protesters, and civil rights protests against Nixon's policies on school bussing shook up the department. Even the employees joined the protests. The department was very chaotic and within six months, Nixon pulled Finch over to the White House as a counselor to the president, and nominated Elliot Richardson, who was then undersecretary of state to be the HEW secretary. As a special assistant, I had been working on a structure that would better organize the secretary's office. The first day he arrived at the office, Richardson invited me to lunch and we discussed my ideas about how to improve the management of the office of the secretary. Apparently, someone had suggested to Richardson that I should be retained although all the other special assistants were replaced by Richardson appointees. The Harvard law degree probably helped (Richardson had been president of the Harvard Law Review) and the fact that I had voted for him the first time I ever voted while living in Cambridge in 1964. I voted for Lyndon Johnson for president, Ed Brooke for attorney general, and Elliot for Lt. governor of Massachusetts. Elliot liked my ideas and asked me to go over to the State Department and spend a day with the Executive Secretariat (Tom Pickering was then executive secretary), "and learn how they do it over there. It's not going to fit exactly because we won't need their global communications system. But see what might work here at HEW that will bring some structure and order to the decision-making process." So I did. And Elliot appointed me the first executive secretary to the Department of Health, Education and Welfare. I worked with him until he left HEW to go to the Defense Department in 1972. He was a mentor, and it was an extraordinary experience working with him.

Q: Well he has a great reputation.

BLISS: Yeah. I spent two and a half years working with him at HEW, the longest cabinet job he ever held. He moved around to all these different jobs, undersecretary of state, secretary of defense, attorney general, secretary of commerce, ambassador to the Court of Saint James, ambassador to the law of the sea.

Q: Well, what was your impression of HEW? Because it lumped so many things together there.

BLISS: It was by far the largest department in the government. Since then social security has become an independent agency and education a separate department. So it's not quite as unwieldy, although they seem to have had some trouble with the rollout of the Affordable Care Act (*laughs*) recently. Working there was a fascinating and learning

experience. Elliot Richardson threw a thirtieth birthday party for me in the office. He said, "How does it feel to have so much power when you're only 30-years-old?" I probably signed Richardson's name to three times as many letters and memos as he did and was the filter who decided what had to go forward for his review and when it was ready for decision. Richardson loved to have different points of view. He wanted every affected party included in the decision-making process. He enjoyed making decisions but only after he had heard all relevant viewpoints and knew the timing was right for resolution. It was my job to ensure that all relevant parties had signed off on a recommendation or expressed a separate opinion or dissent before it went to the secretary. I had a staff of about 50 who covered the various administrations and handled the extensive correspondence. I asked some of the principal components of HEW, such as health, education and social security, to detail employees to the secretariat to cover the issues affecting their work.

At first Bob Ball, the long serving and esteemed administrator of social security, said to my face that he strongly objected to Elliot's establishment of the secretariat because it would be a barrier between him and the secretary. About a year later he paid a visit to my office and told me he had been completely wrong, and that he had complete confidence that the secretariat would ensure that he was involved in any decision affecting his administration. In the past, he said, there was a tendency for "last in first out decision-making" where an official on the tenth floor of headquarters would walk into the secretary's office and get a decision with consulting all the affected parties, especially the social security administrator sitting a hour away in Baltimore. It didn't hurt that he had detailed one of his trusted advisors to work with me, but he also acknowledged that he knew that I was interested only in a fair and efficient process and that I was not a substantive advisor to the secretary who would have the last word on any decision.

The responsibilities of the secretariat were substantially expanded as we worked with Elliot over his tenure there. We would provide the secretary with a briefing that laid out the positions of the various parties and provide him with alternative decisions and boxes to check. Attached were memos from the parties laying out their positions in detail. Elliot would take these briefing papers home each night, and after a round of receptions and parties, he would mark them up. Each morning I would empty his brief case and we would disseminate his decisions to all participating parties. In some cases he would indicate that he wanted a meeting to have a full airing of the issues and we would schedule a meeting. Elliot had the practice of sitting there doodling on a yellow pad as he listened to each party present their case. It was disconcerting for some attendees who thought he wasn't paying attention. Richard Nixon apparently found it very annoying when Elliot doodled during White House meetings. However, after all had spoken, Elliot would then summarize each parties' position, usually much more persuasively than the initial presenter. He then usually announced his decision. One early day in his administration he had a meeting with the assistant secretary for health, the comptroller, the general counsel, the assistant secretary for legislation and several other advisors. He heard the various positions and made a decision. A couple of months later, he asked me to find out how his decision had been implemented. Each party left the meeting assuming it was someone else's responsibility to follow-up and nothing had been done. Elliot blew

his top and said from now on either I or a senior member of my staff would sit in on every meeting, take notes, write up and disseminate the decision, assign follow-up responsibility and set a due date that would be monitored and tracked by the secretariat.

Congress required the secretary to issue thousands of regulations, prepare dozens of reports and answer thousands of letters each year. Very little was delegated down in those days. The secretariat assigned responsibility, set deadlines and followed-up on each of these tasks. While I was there, we computerized this process for the first time. When major legislation initiated by the administration was passed into law, I was given the responsibility to oversee its implementation. For example, HR 1, which created the Supplemental Security Income program and substantial reforms and additions to Medicare mandated hundreds of new initiatives, and we created a process for addressing outstanding implementation issues, assigned responsibility and followed-up to ensure deadlines were met.

In those days government was much more fun than it is now. Now you've got to deal with a mostly dysfunctional Congress and a huge deficit. Then, the parties worked together quite well in Congress and between the executive and legislative branches. Elliot's view of politics was that it was a means of getting good public policy accomplished, not an end in itself. Today it seems like politics is the only objective. But we were spending money like crazy, right?

Q: Yeah.

BLISS: In fact, we created so many entitlements that now are a big problem.

Q: Actually, the Nixon administration was quite responsive to -- it had a very active social program, didn't it?

BLISS: I personally think the Nixon administration was the last liberal administration we've had in either party. We had a fascinating group of experienced social reformers at HEW. We came very close to federalizing welfare completely and established the principle of earned income for the poor. It was a more progressive welfare system than the one that Bill Clinton signed into law. We proposed a National Health Insurance Partnership Act, which is similar to the Affordable Care Act without all the bells and whistles. It would have covered at least as many people, eliminating the problem of 60 million people uninsured. But Senator Kennedy, who at that time was Chairman of the Senate Human Resources Committee, wanted a single payer system. The Democrats would not move the Republican bill which relied on private insurance and an expansion of Medicaid to insure those who couldn't afford health insurance. The Democratic majority in the Senate rejected our approach. Kennedy later told Richardson -- and I think it's in his memoirs -- that this was one of the biggest mistakes he ever made. If he had accepted Nixon's bill, the issue would have been resolved in 1972, and all the controversy of the Affordable Care Act avoided.

Q: There were some successful initiatives during the Nixon administration as well, weren't there, before the Watergate scandal?

BLISS: HEW was at the forefront of the burgeoning environmental movement. HEW's air quality group helped create the Environmental Protection Agency, and HEW participated in shaping many of the legislative achievements during the Nixon administration, including the Council on Environmental Quality, the Clean Air Act, the Clean Water Act, the Occupational Health and Safety Act, and Consumer Product Safety Commission. Among HEW's successes were developing health maintenance organizations, supporting community colleges, aiding disadvantaged schools, providing assistance for the elderly, the blind and the disabled, increasing funding for cancer research, and promoting minority businesses in government contracting.

I guess few people would agree with me -- but I thought the White House staff, with which I worked on a number of issues, was the most efficient and professional White House staff in my almost a half century in Washington. Unfortunately they got caught up in Watergate and completely unraveled and fell apart. Many of them went to jail. During Nixon's first term, however, the White House would frequently send substantive messages and draft legislation up to Capitol Hill and the White House staff and the departments worked closely with Congress on a bipartisan basis to refine and pass monumental legislation. Some may argue that Nixon was less engaged in these domestic initiatives since his core interest was foreign affairs; however, he let them go forward. On foreign affairs, he will be most remembered for opening the door to China, which I think was the right thing to do at the time. He chose a brilliant, if somewhat mercurial, national security advisor in Henry Kissinger, whom I met on several occasions. Nixon encouraged strong, opinionated, and experienced advisors, like Daniel Patrick Moynihan and Arthur Burns who would give him the full spectrum of expertise. Too often subsequent presidents have hired their campaign staff as White House advisors, preferring loyalty over independent thinking. It's a shame that the whole thing unraveled with Watergate. Nixon was flawed as an individual, but he was able to accomplish a lot because the political climate was focused on making progress on challenging issues through bipartisan compromise. The parties worked together really well.

Last night at a dinner I attended I sat down with Rob Michael, who had been the Republican leader in the House during that time. We spoke about his recent column in [The Washington Post](#), where he wrote essentially that "we worked with the Democrats very closely during both the Nixon and the Ford administrations on the substance of issues. There was very little political partisanship and gamesmanship in Congress -- until Watergate. That's where a lot of the controversies started between the parties. Michael said he met once a week with his counterpart Tom Foley who was then speaker of the House, and they would work on an agenda together. Well, that just doesn't happen anymore on the Hill. So it's a shame.

Q: Well, how long did you work with Richardson?

BLISS: On election night in 1972, I accompanied Elliot and Anne Richardson to an election eve party at the Shoreham Hotel in Washington. The Richardson's retired early, but as their aide I had a special pin on my lapel that allowed me to enter all the rooms, even those reserved for the "fat cat" fundraisers. I entered one room where Vice President Agnew was regaling the Environmental Protection Agency, saying that it would be reined in during the second term. This was a bad omen. After Nixon was reelected, he shuffled the cabinet and appointed Elliot Richardson secretary of defense. I was in San Francisco working with the regional office and Elliot called and asked me if I'd like to go to defense. I said, "Elliot, you know, I'd love to continue to work with you, but in fairness to you I'm a former peace corps volunteer, and you're bombing Cambodia," (*laughs*), you know. I don't think the generals over there are going to want to work with me (*laughs*). And so I stayed at HEW to work with Cap Weinberger, the new secretary. Like Richardson, he was a graduate of Harvard and Harvard Law School. His management style was very different.

Q: One's heard about the lack of chemistry between Weinberger and George Shultz. What were your impressions of Cap Weinberger?

BLISS: I preferred Richardson's style. I have explained Richardson's approach to decision-making which relied heavily on the preparatory work of the secretariat. He'd want everybody in a meeting well-prepared to focus on the issues to be decided. That was my job, to make sure the right people were there, that everybody had the issue paper and knew what was going to be discussed. Richardson would listen to each party as he doodled, and then as the meeting was coming to a close, he would summarize each person's position in succinct paragraphs that were better articulated than the people who were making the presentations. It was consistently an incredible experience. It was an efficient system.

In contrast, Weinberger would start out a meeting by expressing his opinion. He might say, for example, where a program was proposing a new initiative or seeking additional funding: "Well, I don't think we should do this. I think it's way too expensive, a really bad idea. But let me hear what you have to say." In most cases, this would be his decision at the end of the meeting. It was a totally different style. It reflected his more conservative, budget-conscious approach to public policy. In some ways it was honest and straight forward, letting the program managers know upfront that they had a very high bar to hurdle if they sought to expand their portfolio, but it lacked the due process and objective fairness that characterized his predecessor's decision-making. As a former Justice Frankfurter clerk, like Yale professor Alex Bickel, Richardson thought that the highest morality in government was the morality of due process. He thought that policy making should be inclusive, transparent and well-reasoned. I did not warm up to Cap's style, and didn't particularly want to stay there. In retrospect, I have a lot more respect for Cap Weinberger because he was able to say no. Richardson wasn't very good at saying no. He was usually willing to articulate a good reason to add a benefit that helped those in greatest need in our society. Richardson, however, insisted on good data, effective program evaluation, efficient and flexible delivery of services, and the non-proliferation of categorical programs emanating from Capitol Hill. He once infuriated Congress by

complaining about “disease of the month” legislative enactments. In the end, however, Richardson was ready to compromise on program expansions that he felt would benefit the less advantaged, and he left a substantially larger department. To his credit, Weinberger recognized early on that you can’t keep on spending money or opening up entitlements that would eventually create an enormous drain on the federal budget, creating deficits and burgeoning debt.

I think enough time has passed that I can share with you a somewhat dramatic illustration of the differences between Richardson and Weinberger. Richardson would have his personal secretary listen in on his telephone conversations and take shorthand, and then she would put the transcript of the conversations in a safe to which I had access. This was a terrific mechanism to follow-up on the Elliot’s commitments. A congressional committee chairman might call and make a request or ask a question, and Richardson might respond: “I’ll get you an answer by the end of the week.” Each day I read the transcripts and followed-up on Elliot’s commitments, ensuring that we got a timely answer to the chairman. When Nixon decided to shuffle the Cabinet, Weinberger moved from director of the Office of Management and Budget to HEW, and one of his last acts as OMB director was to make drastic cuts to the HEW budget. Elliot was furious, knowing that he was leaving the department and that many of his initiatives would be underfunded or not funded at all. There was real tension between Richardson and Weinberger, and this boiled over in the phone conversation. Before hanging up, Richardson said to Weinberger: “You know, you’re not going to last 24 hours at HEW if you come over here with that point of view.” There were very different philosophies on display. As I indicated, in retrospect, I’ve learned to respect Weinberger because he was fiscally responsible. He insisted that advocates make a strong case for their recommendations or the answer was no. One thing both Harvard men had in common was their stamina. Weinberger liked to return to California for the weekend and return to Washington Monday morning on the red eye flight from San Francisco. He would come right into the office and have a full day and evening of meetings and engagements.

Q: How long were you with Weinberger?

BLISS: About six months. Richardson lasted six months at Defense before Nixon asked him to be Attorney General. He didn’t want to go to Justice, and tried to talk the president into hiring other people, but the president needed his credibility at the time Watergate was heating up. Richardson saw what was coming, but could not turn down the president. At Justice, he wanted to make some management improvements. He called me and asked if I’d come over and set up a structure at Justice like we had at HEW. I went over to talk to him about it, and he said, “First I’ve got to get this Agnew thing behind me, and as soon as that’s done, I want you to come over.”

Q: Agnew was the vice president who resigned from office?

BLISS: Right.

Q: Because of --

BLISS: Taking cash.

Q: -- taking bribes in Maryland when he was governor.

BLISS: He was taking them as vice president as well.

Q: Taking them as vice president?

BLISS: Taking cash, yeah. I don't know if they were bribes or contributions from friends. But Elliot was shocked by the audacity of a sitting vice president taking cash in an envelope in his office and arranged for Agnew's resignation of the vice presidency. Once this was done, he announced a reorganization of the Office of the Attorney General and my appointment as executive secretary to the department, which I read about in a Mississippi newspaper while on a trip to that state. In anticipation of the move, I had worked with my successor at HEW who came over from the White House where he was assistant director of the Domestic Council. I was supposed to start at Justice on Monday, but unfortunately on Saturday night Richardson resigned as attorney general.

Q: This was the Saturday Night Massacre?

BLISS: The Saturday Night Massacre. Nixon had ordered Richardson to fire the special prosecutor, Archibald Cox, because Cox insisted on getting the tape recordings relating to Watergate, and Richardson and his deputy Bill Ruckelshaus resigned rather than follow the president's order. Robert Bork, the solicitor general became acting attorney general. Bork had asked Richardson, "What do you think I should do?"

And Richardson said, "I think you should become acting attorney general and carry out the president's order. Somebody's got to do it. I can't because I have committed to Congress that I would never compromise the investigation." So Bork fired Cox. I learned about this Saturday night on television. Here I was, ready to go over to Justice Monday morning, my successor in place at HEW, and the nation in shock. Weinberger and Deputy Secretary Frank Carlucci were very nice. They said, "Look, you can stay. We'll get you another job at HEW." And then someone from Justice called and said, "We have a job for you if you want to work for the new attorney general, William Saxbe," the former senator from Ohio. But I felt uncomfortable in either situation. I had about a 48-hour period where I didn't have a job. I went sailing on Sunday with a friend of mine, Roger Strelow, who was the chief of staff to the administrator of the Environmental Protection Agency (EPA), which he had helped create while at HEW. He said, "why don't you come over and establish an executive secretariat at EPA." While at HEW, I had consulted with several other agencies on establishing or upgrading a secretariat to improve executive decision-making, including the Departments of Treasury, Agriculture, Commerce and Transportation and the White House staff, which used some of the HEW manual in creating the position of staff secretary to the president.

Q: OK, well this is a good place to stop. We'll pick this up when you're going over to the Environmental Protection Agency. This was brand new, wasn't it?

BLISS: This was the second administrator. Ruckelshaus was the first, and Russell Train, was his successor and my boss.

Q: OK. Today is the 2nd of December, 2013 with Donald Bliss. And Don, you're talking about your moving between Justice and the Environmental --

BLISS: Protection Agency.

Q: Protection Agency. It was a new agency, wasn't it?

BLISS: Relatively new. HEW had the responsibility for air pollution, clear air, and the Interior Department had the responsibility for clean water. These were combined in an independent new agency created by Congress, along with the Council on Environmental Quality, which was chaired by Russell Train. When the EPA administrator, Bill Ruckelshaus, went over to become deputy attorney general under Elliot Richardson, he was replaced by Train. At the invitation of Roger Strelow, who was soon to be appointed assistant administrator for air and water, I went over to EPA. My experience there was disappointing. I have a lot of respect for Russell Train, but his style of management was so different from Richardson that I had difficulty adapting to it.

Q: Would you talk about their different styles?

BLISS: Richardson loved to hear different points of view and make a decision, often based on written materials. It was a great job for an executive secretary because I got to collate all the different points of view and make sure it was ready for decision, and then communicate and follow-up on the decision.

Train's style of operating was very different. He wanted his few most trusted aides, the top people in the agency, to sit in his office as long as it took until they came to a consensus. He did not like to resolve controversy. He would read, but reading was not decision-making for him. It was preparation for a meeting where the staff would talk through the issues until they agreed upon a decision. It was a perfectly acceptable way making a decision, but it was so different. My role was much more limited because I wasn't bringing different points of view to the administrator for a decision, and when I suggested different approaches, I ran into great resistance from the staff who preferred their more informal way of doing business.

In any event EPA was a temporary job for me facilitated by a good friend during a turbulent time. I had to think about what I really wanted to do, and it was clear that my primary interest was international affairs. I called a friend who had been at HEW and was on the White House personnel staff and said, "If you've got any openings at the State Department or in international work, that's what I really would like to do." He came back to me and said that Dan Parker, the administrator of the Agency for International

Development (USAID), was looking for an executive secretary to the agency, but he defined the job very differently from the traditional secretariat. Parker had an interesting and different management style. He had established a policy planning council, consisting of all the assistant administrators, Africa, Latin America, Asia, legal, legislative, and policy planning, which would meet once a week. The Administrator's Advisory Council would make a list of important policy issues for consideration. My job, working with policy planning and my small staff, was to put together a policy paper that would be the subject of discussion each week. The Council would review, revise, and refine it, and then we would finalize a policy position paper that the administrator would send out to all the field missions as guidance in the implementation of bilateral foreign assistance programs. I worked very closely with the assistant administrator for policy and planning, Phil Birnbaum, and his deputy, Alex Shakow. We prepared policies on population, women in development, the rural poor and rural development, and agricultural productivity, among other topics. We worked on how to focus aid to the poorest of the poor in rural communities throughout the world, bypassing corrupt government bureaucracies. In researching our paper on women in development, we found that there was often a bias to channel assistance through the men, even though it was the women who were really doing the work. We drew heavily on the policy planning staff for research when we put these papers together.

I also had the regular executive secretary function of processing the paperwork through the administrator and deputy administrator's office. The deputy administrator was John Murphy, a career international development person. Murphy chaired a management council, called the Senior Operations Group, consisting of the deputy administrators. I also served as staff to this group, and worked on various management issues. Dan Parker was very interesting; he was the son of the founder of Parker Pen in Janesville, Wisconsin.

Q: Ah.

BLISS: When my mother came from Harbin, Manchuria to visit her widowed sister in Janesville, she got a job as a secretary to Dan Parker's father, who was the chief executive officer of Parker Pen. When the immigration authorities found out she was working, they deported her, and she went to live in Canada for a while before returning to the States. I told Parker this story as he had no idea that there was this connection. Parker was kind of a loner who liked to read a lot but wasn't a gregarious or outgoing type of person. I remember one time Parker wanted to deliver a private message to Henry Kissinger, who was secretary of state. I went upstairs to the executive secretariat, and they said, "You can't leave this memo unless you have 14 copies and it has to be prepared in a certain way." The State Department had very strict requirements in terms of paperwork that went to the secretary, and we had to comply. State was more bureaucratic than the domestic agencies in which I had worked. At USAID, we would write a lot of papers. We never had time to write papers in the domestic agencies. Things were just moving too fast. You might write a brief memo, but we didn't write term papers on subjects, reflecting in depth research. That's one of the contrasts between, say, HEW, EPA and USAID.

I spoke with John Murphy about my interest in a career in international development, and he said, “You can’t just lateral into this. You’ve got to learn it from the bottom up.” He said, “Our strongest mission right now is in Pakistan, guy by the name of Wheeler is the mission director. He is one of our stars. You should go to Pakistan and work with him, and you will learn how we operate at the highest level.” I thought that was a good idea. I was married while I was at USAID to a former Peace Corps volunteer and we discussed going to Pakistan and embarking on a career in international development. Then I received a couple of inquiries. One was from the deputy director of the Domestic Council on the White House staff, Jim Cavanaugh, who had been deputy assistant secretary for health at HEW. He called me up and said they were looking for someone for the Domestic Council to take responsibility for labor and employment benefits. My successor at HEW had held that job as assistant director of the Domestic Council, and it was vacant. I interviewed with Jim Cannon, a former aide to Governor Nelson Rockefeller, who was then vice president under President Ford. I was offered that position on the White House staff.

Then Bill Coleman was nominated by President Ford as secretary of transportation. On Elliot’s recommendation, Coleman offered me a job as his Special Assistant. I didn’t know Coleman personally, but I knew about him because he and Elliot Richardson were very close friends. They met at Harvard Law School before World War II. Bill came up from the subway in Harvard Square and Elliot greeted him, “Looks like you’re lost.”

Bill said, “Yeah, I was looking for Harvard Law School.”

And Elliot said, “I went to college here; I can show you.” They became lifelong friends. They both served on the Law Review together. Elliot was the president. Elliot went off to war as a medic. He cheated on the eye exam, like Truman had before him, and won an officer’s commission on the battlefield. He was on Utah Beach during the invasion of Normandy. After the war Elliot and Bill clerked for federal appellate judges, Learned Hand and Herbert Goodrich respectively, and then in the ‘48 term they served together as law clerks to Justice Felix Frankfurter on the Supreme Court. Bill was the first African American to clerk for a supreme court justice.

Q: Mm-hmm.

BLISS: While at law school Bill had applied for the Tuskegee Airman. Eleanor Roosevelt had insisted that African Americans -- or Negroes as they were called in those days -- should be able to train as pilots and undertake responsibilities in the military other than janitorial or cooking. The army air corps responded slowly, only bringing up a few trainees a month. Bill was on the long list, and was able to complete his second year in law school after most of his classmates had gone off to volunteer for World War II, including Elliot Richardson. Finally Bill was called for basic training, and he passed the flying test. He washed out in the second phase, the fighter pilot test. The instructor said he didn’t have the eye-hand coordination needed for a fighter pilot. Instead the army sent

him to Harvard Business School to take courses preparing him to support the Tuskegee flight operations.

Q: Mm-hmm.

BLISS: Benjamin Davis was the general in charge of the Tuskegee Airmen.

Q: West Point graduate.

BLISS: Admitted to West Point, had to eat alone, nobody would sit with him at the table. General Davis was a great leader and groundbreaker in advancing opportunities for people of color in the military. And so was Bill Coleman. When Coleman later became secretary of transportation, Davis was the assistant secretary for management. Their roles were reversed. Davis was a great advisor to Bill, especially on handling a series of plane hijackings. They issued an order that required the cockpit door to be locked at takeoff until the plane reached the arrival gate. The order was repealed by Coleman's successor when the pilots complained that they couldn't leave the cockpit to use the bathroom. One wonders whether September 11th might have turned out differently if the order had not been repealed.

There is a great story in Bill's autobiography, which I co-wrote, about how the Tuskegee Airmen gained access to the white only officers club. Tuskegee officers had flown their P-51's in hundreds of missions in Europe, protecting the bombing missions without losing a single bomber to enemy fire. Some of P-51 prop pilots had been shot down in Europe and, as the European front wound down, they were sent to Freeman Field in Indiana to train on jets for reassignment to the Pacific. The officers club on the base was reserved for whites, mostly young white southerners who were trained on jets but had not seen any action. The Tuskegee airmen decided that they wanted to go to the officers club, but they were denied admission.

Q: Yeah.

BLISS: Because they knew that Bill had gone to law school, they asked him for advice. They said, "We'd like to protest this discrimination." They worked out a deal where a few black officers would go to the officers club two or three at a time and be arrested and court marshaled. Bill called Thurgood Marshall, the counsel to the NAACP (National Association for the Advancement of Colored People-- a civil rights organization), who recommended Ted Barry, a respected Cincinnati city council member and civil rights lawyer. His son later became secretary of the army in the Clinton administration. Barry and Coleman eventually got all the court marshals dismissed and in the process generated a lot of national media attention that led to President Truman's decision to integrate the armed forces.

In 1946, Coleman graduated from Harvard Law School. His class was small because so many had left early for the war, but he was first in his class, a fact that Harvard belatedly acknowledged about three years ago when Harvard gave him the Fay Prize, which goes

to the person with the highest grade average. After his judicial clerkships, Bill tried to get a job in New York, but they wouldn't hire a black person. He tried to get a job in Philadelphia, his hometown, but none of the major law firms would hire him. There were black law firms, but he wanted to work for a major law firm, and he had the credentials. Finally Paul, Weiss, a firm in New York, hired him and he commuted from Philadelphia two hours by train every day as an associate in Paul, Weiss. When former Mayor Dilworth started a law firm in Philadelphia he asked Bill to join that firm, and Bill eventually became the head of the litigation department. That's where he spent much of his career. He did a lot of pro bono work on the side. He worked on the *Brown v. Board of Education* case desegregating the public schools. He was a Thurgood Marshall protégé. When Marshall argued *Brown v. Board*, Bill prepared him and sat next to him in the Supreme Court. When Marshall was looking for a new chairman of the National Association for the Advancement of Colored People Legal Defense and Education Fund (LDF) he hand-picked Bill for the job. Coleman chaired the LDF for many years. It was all volunteer. He earned his living practicing law in the Dilworth firm, but he took on a lot of special assignments. He was a representative to the United Nations. He was on the wage and price control commission in the Nixon administration. Nixon offered him the position of legal advisor to the State Department, but he turned it down. He was a little suspicious about why he was being offered it. He was an assistant general counsel to the Warren Commission, assigned the responsibility of investigating whether the Cubans or the Soviets were involved in the assassination of John F. Kennedy.

I'm going into a lot of detail about Bill Coleman because I not only worked for him in government but he was my law partner for many years. I remain a close advisor to the Coleman family.

Q: I like the detail. I had lunch today with Al Goldberg, who was a historian on the Warren Commission. So he's very much involved in this Kennedy thing.

BLISS: As a sidebar, there's a new book out by Philip Shenon, a *New York Times* reporter, on the Warren Commission.

Q: Yeah.

BLISS: Shenon has a whole chapter revealing for the first time that Bill Coleman secretly met Fidel Castro off the coast of Cuba. This had been kept secret for 50 years. CBS's Bob Schieffer interviewed Phil Shenon on "Face the Nation" a couple weeks ago. At the end of the program he said, "Here was the best kept secret for 50 years, that William Coleman was sent down to interview Castro." It's interesting because I worked with Bill on his autobiography, and I had seen some stories about this on the internet. I asked Bill about it, and he would not talk about it. He said he was sworn to secrecy on the subject. He didn't confirm or deny it, but this rumor kept going around. Apparently Shenon learned about it from one of his Bill's assistants on the investigation. But there's no other documentation on it. I'm still trying to find out if it really happened. I'm not absolutely sure whether it really happened.

Q: Yeah.

BLISS: Stay tuned. Ask your friend Goldberg what he knows about it. He's probably heard about this.

Q: I will.

BLISS: Because you know, Bill can embellish things from time to time and he was at a point where his memory was not --

Q: Yeah.

BLISS: Anyway, Gerald Ford was on the Warren Commission and worked with Coleman. He also had worked with Bill on the Branch Rickey Commission that Eisenhower appointed to get blacks into positions of professional responsibility in the federal government. Pennsylvania Governor Bill Scranton, a close friend of Ford, worked a lot with Bill, and may have urged Ford to appoint Bill secretary of transportation. Through Elliot Richardson, Bill sought advice on being a cabinet officer and recruiting staff who could help him figure out how government works. Coleman called me and asked if I would be interested in being his special assistant. I went over and talked to him, decided to say yes, and was appointed to what they called S-3. S-1 was the secretary, S-2 was the deputy secretary, and S-3 was the special assistant. I gave up the idea of a career in USAID. I also turned down the job in the White House.

Bill Coleman's operating style was truly unique. As a litigator, he would pick his issues, immerse himself in the record and understand it completely. Most Cabinet officers don't have the time to do that and you can't do that for everything. There's just not enough time in the day or week. But Coleman chose the issues that he thought most important and delegated the management of the department to his very able deputy, John Barnum.

When I arrived, the first issue we dealt with was the proposed highway I-66. Virginia wanted to build an eight-lane highway into the district. Originally there was a plan for the Three Sisters Bridge, but the district took that off the master plan. The district was taking their allocated highway money and transferring it to build the metro subway system. Accordingly, there were very few connecting interstate highways in the district. Virginia wanted to build this eight-lane I-66 coming to the Potomac river where there was no bridge to take it over into DC. Traffic would have to merge onto existing bridges. Once you got into the district the traffic would filter through the local streets.

Q: You're talking about building something on three islands.

BLISS: Yes, the Three Sisters Bridge.

Q: Three Sisters --

BLISS: Right, that was on the plan, but by that time DC had taken it off the map. Bill, in his inimical style, as Kissinger said, liked to hold public hearings himself. He would publish a list of the issues to be addressed and invite witnesses to testify before him in a public hearing. He listened to different points of view, and after the hearing, he called me in, discussed his views on the issues, and asked me to write a draft of a decision. I took notes, and then he said: "I want you to write it both ways. Write it up that I approve it, and write it up that I disapprove it." And so I wrote two drafts. He read them both and called me in about 11:00 pm. He had a press conference scheduled the next morning. He said, "I'm going to disapprove this for the reasons we have discussed. The eight lane highway proposal creates too many environmental problems. Every time we build a new highway, it immediately fills up and gets congested, and the people move further and further out, creating suburban sprawl." We had an energy crisis at that time, and we were trying to encourage the use of mass transit in the metropolitan area in which the department was heavily invested. But then Bill added: "I want you to add some conditions to what you wrote. First, we need a study about how we're going to provide transit support to the suburbs of Virginia to take the load off the highways. Second, this decision is without prejudice to Virginia's Governor Godwin coming back with a new proposal that meets the environmental objections that I have to this proposal."

I said to Bill -- it is 11:00 at night -- I said, "If you do that Virginia is going to spend millions of dollars to come up with an entirely new design and you'll have to approve it. You can't make them go back to the drawing board, start all over again, come back with a new proposal and then disapprove it again. I mean that's really not fair."

And he said, "I'm not going to disapprove this if you don't put in that condition." So we put in the condition. A Washington Post editorial praised the decision, saying it was very courageous and forward looking. Sure enough, after a few months, Virginia came back with a new proposal for four lanes inside the beltway with various conditions such as carpool requirements and the preservation of the medium strip for a new transit route. That route to Vienna enabled the construction of the Orange Line and eventually the Silver line all the way out to Dulles Airport. This was a great beginning for the new secretary because he got a lot of praise for making a tough and farsighted decision and explaining the public policy rationale that underlay it. He also got a lot of criticism from the outer Virginia suburbs, which continues to this day. Congressman Frank Wolfe once asked Bill and me if his decision was in perpetuity or could be reversed by Congress or a subsequent secretary of transportation to enable widening of I-66 inside the capital beltway. We replied that we thought that the decision was correct at the time and in the context in which it was made, but that a future secretary or Congress could analyze changing circumstances and modify or overrule it. I remain convinced that it was the right decision. It facilitated the extension of metro. It introduced car pools that are now widely used in the region. It encouraged more compact development within the beltway and DC rather than urban sprawl. If anything, these issues are even more important today in the context of energy independence, climate change and the lifestyle choices of the millenniums. Nonetheless, there are proposals to widen the highway and loosen the carpool restrictions being debated today.

Q: How did the I-66 decision affect your working relationships in the department?

The Federal Highway Administration, a component of DOT, was not happy with it. The environmental staff was enthusiastic. Moreover, Bill had selected John Hart Ely as the general counsel of the Department of Transportation. Ely had been law clerk and the assistant to Chief Justice Earl Warren on the Warren Commission. A professor of constitutional law at Harvard Law School at the time and respected legal scholar and author whose work was widely cited in judicial opinions, Ely took the job when Bill told him he wanted to use him the way “Dean Acheson used his legal advisor at State,” a sort of brain trust involved in every major policy decision. John really liked the I-66 opinion, and asked Bill if I could be his deputy general counsel. John was unable to get his first choice approved by the White House, and was getting frustrated. He said to Bill, “I can’t manage the office, concentrate on the big issues and provide you the support you need. I want Don Bliss to be my deputy.”

Bill said, “That’s not fair. He’s my assistant (*laughs*). I’m not going to agree to that.”

John was stubborn. He said, “OK, then I’m going back to teach at Harvard.”

Bill said, “OK, I’ll make you a deal. You can have Don Bliss as your deputy as long as he’s available to take on special projects for me (*laughs*) as well.” So I got to be John Hart Ely’s deputy general counsel. He got me through the White House, although it wasn’t as easy as he thought it would be.

Q: Any problems getting through the White House?

BLISS: I hadn’t practiced that much law. My work at HEW and USAID were not legal, per se.

Q: Yeah.

BLISS: For the deputy general counsel of a department with hundreds of lawyers, the White House was right to ask for a level of experience that was not reflected in my resume. John and Bill had a lot of credibility and they pushed it through. It was very fortuitous for my career. I was very fortunate to be able to work with John Ely and some of the extraordinary young lawyers he brought to the department. I had a lot of admiration for him. We worked closely together on issues like the Concorde decision.

Q: This is a high-speed European plane.

BLISS: Yeah.

Q: With noise problems.

BLISS: Right. Noise and other environmental issues, such as whether the emissions adversely impacted the ozone. The noise issue was easier because we prohibited supersonic flights over land. Cracking the sound barrier could only be heard over the

ocean. There were other issues like safety, international comity, treaty obligations, encouragement of new technologies, and fair trade given the substantial investment of foreign manufacturers and governments. The environmental groups were strongly opposed to allowing the Concorde to fly to the United States, and rumors were circulating that Nixon had made a secret deal with Premier Pompidou of France to allow the flights. During this post-Watergate period, Coleman and Ely wanted to establish a process that would be transparent and address the issues on their merits. Bill held one of his hearings that went on for about six hours. The State Department told him that the French and the English would never agree to testify in a public hearing, but they did. As the litigator trained to fully know the record, Bill read the voluminous environmental impact statement, calling in noise experts from the Federal Aviation Administration to explain the technical terms.

I told him: "Secretaries don't read environmental impact statements-- that's what you have staff for."

And he said, "No, no, wait a minute. I read the statute and it said the decision-maker shall review the environmental impact statement," so he read it. It was all dog-eared, underlined. And he'd ask the noise expert, "What is this EPN db? How do you measure that? It was just like a trial lawyer who has to master every little detail. Then finally he called John and me in to his office and gave us his decision written out on a yellow pad, like the one on your desk here. He authorized a demonstration project, 18 months, four flights, two to Kennedy, two to Dulles. They had to be during certain hours, there would be noise monitors around the airport, and reports issued on the noise impact. The Concorde could only fly subsonic over the continental United States. At the end of 18 months the department would decide whether to grant permanent rights and under what conditions. John Ely, his special assistant, Ladd Leavens, and I then drafted the Concorde decision, addressing all the issues that had been raised and discussed during the hearing. It was a beautiful decision. It gave all the pros and cons, weighing the environmental, diplomatic, technological and treaty concerns. On safety, Bill asked the federal aviation administrator, John McLucas, to write an appendix discussing and certifying the safety issues. We strongly felt that safety issues should be decided by the experts without any political input, a practice occasionally violated by subsequent secretaries of transportation, usually to their regret.

Q: Yes.

BLISS: At the time Bill approved the 120-page decision, there were only four of us who knew what it was. Bill decided he didn't want the press coming in and rushing out a wire reporting, "Concorde to fly." He wanted them to understand the decision. He called a press conference and anybody that came to it had to agree to remain in the room and read the entire decision with the door locked for an hour. Then Bill would come in at the end of the hour and answer questions. We had three chagrined national security council staffers come and sit in the room with the door locked along with the press because Coleman did not tell Kissinger or the national security council what his decision was. That morning, Bill went up to Capitol Hill to meet with the Appropriations Committee

chair. On the way back to his press conference, he called President Ford from a pay phone to tell him what the decision was, even though the press had already been reading it. In those days you didn't have cell phones, so Bill put a quarter in a payphone and misdialed the White House (*laughs*). He was being followed by a Washington Post reporter. He asked her, "Can I borrow a quarter because I have to call the president?" (*laughs*). He borrowed a quarter, put it in the pay phone, got President Ford on the phone and told him, "This is my decision. It's an 18-month demonstration." He said, "To quell the many rumors that there was a secret deal, I have done this in a way that I hope will restore the integrity and credibility of the decision-making process. I've explained my reasoning in detail, but if I'm wrong, and you disagree, I will resign. You have my resignation if you think I've made a mistake."

President Ford replied, "I'm sure, Bill, if you've thought it through, it'll be just fine," (*laughs*).

And so Bill arrived at the press conference and answered questions before the reporters filed their stories. Of course today with cell phones there's no way you could have kept it secret.

Q: Yeah.

BLISS: Of the five cabinet officers I have worked with and the many more I have read about, Coleman surely had the most unique decision-making process-- the six-hour hearing, the agonizing deliberation, and the published written decision that explains the reasoning underlying his decision. He often would come up with a compromise of some kind. I-66 was a compromise. He would often try to find a middle ground. He compromised on airbags negotiating with the auto manufacturers for a demonstration of airbags that would prove their effectiveness, work out the kinks, and gain consumer acceptance. I have suggested that if you could take Elliot Richardson and Bill Coleman and combine them you'd have the model cabinet officer. They each had strengths where the other had weaknesses. Bill had this remarkable capacity to dramatize the issues-- to capture the public attention. By contrast, I read the transcript of Richardson's first press conference and it didn't need an edit. It was clear, precise, and elegant, in perfect in paragraphs. But there wasn't a word about it in the paper the next day. It was fun working on the issues with Bill Coleman-- airbags and Concorde.

Q: Did you feel pressure from, particularly France, but Britain too? Did it permeate your work at all?

BLISS: Personally, no. If there was any contact between Kissinger and Bill Coleman on this issue, or with the State Department, I didn't know about it, and I'm pretty sure John Ely didn't know about it. I'm amazed that Bill got away with it. I would imagine that through diplomatic channels, our ambassadors to France and the UK were sending cables saying that denial of service would be a real affront to our allies and possibly jeopardize Boeing exports, and that the UK and French ambassadors were weighing in at State, but I never saw any evidence of it. A lot of the decision was based on the importance of

allowing new technology to play out. As it turned out the Concorde wasn't economic; it didn't last, but --

Q: Yeah.

BLISS: But it would have been a shame not to have let it play out. If the U.S. had developed the SST (supersonic transport) as had originally been planned, it would have probably been a bigger, more economical plane that would be operating today. I don't know. But our closest allies were willing to make the investment, and Bill thought it only fair that it be allowed to prove itself in a monitored demonstration. His successor made it permanent until it was no longer economically feasible to continue the flights. Of course, law suits were immediately brought by the environmental groups in the District of Columbia Circuit and New York, but the decision was quickly upheld, with one federal judge calling it "the very paragon of administrative decision-making."

Q: Did you continue with this process after the airplane decision?

BLISS: There were other decisions. For example, whether to require the installation of airbags in new cars was a big issue then. Ralph Nader was pushing hard for airbags and Bill held another public hearing at which Nader testified. Nader started out saying somewhat condescendingly, "Mr. Secretary, some of us feel as strongly about automobile safety as you do about civil rights."

Q: Mm-hmm.

BLISS: Coleman, who was never one to mince words, said, "I resent that. If you're suggesting that I care less about safety and only care about civil rights, I really resent that," (*laughs*).

Q: Yeah.

BLISS: "As secretary of transportation, safety is my highest priority."

Q: Yeah.

BLISS: (*laughs*) Bill negotiated with four major automobile companies, Ford, Chrysler, General Motors, and Mercedes Benz to do a demonstration project where the companies agreed to provide airbags at a low cost on certain models, and consumers could choose whether to buy them. Over a couple of years the public would gain experience with airbags, and we believed that as they got used to them and saw their benefits, saving lives, they would become standard. There also were some technical issues, like the impact on small children and elderly persons that would be worked out during the demonstration period. As you know, Jimmy Carter won the election, and Brock Adams became secretary of transportation. Adams discontinued the demonstration project, and issued a rule mandating airbags in all new vehicles. State Farm Insurance and the automobile companies sued to overturn the new rule on procedural grounds, and the

Supreme Court invalidated the rule. It was three or four more years before there were any airbags in automobiles. Adams' hasty decision lost three or four years. If he had gone forward with the Coleman program, airbags would have probably been widely accepted and universal in a couple of years, but instead we had years of litigation.

Q: I think I know the answer, but we ought to spell it out -- what was the basic opposition to the airbag?

BLISS: Primarily cost and consumer acceptance. The department had previously mandated an interlocking system where you had a shoulder strap and the seatbelt and if you didn't hook up, you'd have an annoying buzz. The public revolted and caused the repeal of the rule. Consumers had been burned before, and the department was afraid that consumers wouldn't accept automatically locking seatbelts either. Moreover, airbags were in addition to and not in lieu of seatbelts. There was the concern that if people had airbags they wouldn't use their seatbelts. The seatbelts were added value because the airbags didn't protect against some types of collisions. You needed both. There also were the technical issues. If we'd done the demonstration those would have been worked out before they were mandated. For small children in the front seat, airbags could be fatal.

Q: In quite recent times there's been talk about don't put your child near an airbag if they're very small.

BLISS: Right, and also very elderly people.

Q: Yeah.

BLISS: It could be fatal. And there was concern about airbags imploding when they weren't necessary, by mistake.

Q: Mm-hmm.

BLISS: Car manufacturers were afraid of law suits from malfunctioning airbags.

Q: Was the standard 55 mile an hour speed limit an issue when you were there, or did that come before?

BLISS: Yes, that was an issue when we were there. It saved a lot of lives. It just wasn't too practical in Montana and places like that.

Q: Yeah.

BLISS: The Supreme Court decided that we could not mandate the 55 miles per hour speed limit nationwide but we could make it a condition of federal highway grants. If the states wanted highway money they had to have a 55 mile an hour speed limit.

Q: Ah.

BLISS: The secretary of transportation gets sued all the time. Bill never lost a lawsuit where he made the decision. The St. Louis airport is another example. Lambert Field in St. Louis was considered too small; there wasn't room to expand to accommodate increased air service. There was a proposal to build a much larger Dulles-type airport in southern Illinois, Waterloo, Illinois, across the Mississippi river from St. Louis. Since most of the wealthier people that flew lived in St. Louis County to the west of St. Louis, this would require a much longer trip to the airport. Thus, most of the Missouri politicians and residents opposed the Illinois airport proposal. Coleman went to St. Louis and held hearings. He had lots of pressure from Governor Kit Bond who was running for the Senate to turn down the Illinois grant. Bond was adamant that DOT should fix Lambert and not move a major airport into southern Illinois. Bill agonized over this and eventually we wrote another long decision like the Concorde decision explaining the pros and cons. Bill felt that this would be good for the development of one of the poorest areas in the country. East St. Louis and the surrounding area were in terrible shape, and a major airport hub would have helped develop the region. Coleman asked: "What would I do if I were back in the 1950s and had to decide whether to build Dulles Airport when all the naysayers called it a white elephant, arguing that nobody's ever going to drive that far to an airport."

Q: Yeah.

BLISS: You've got close-in National airport across the Potomac, which met the air travel needs at the time far more conveniently. Bill was convinced that he had to plan far into the future. What would be good for the overall region, even though it's inconvenient for a lot of people who fly today? He had a hard time making up his mind and waited too long to make a decision, as the election drew near. Finally he decided to approve the grant to plan and build an airport in Waterloo, and we wrote a compelling decision stressing the employment and development benefits for the region, the environmental benefits of reduced noise in urbanized St. Louis county, and the enhanced capacity to accommodate additional flights and growing demand for air service. Of course, we were immediately sued. Missouri and St. Louis County hired the dean of Harvard Law School and some top litigators to challenge the decision, but it was upheld. The federal district court found that the decision addressed every issue and explained its findings clearly. "It's the best decision as it stands." The decision was upheld on appeal, but the political process was a different matter. Kit Bond lost his election to the Senate as his opponent ran adds that the governor had lost Missouri its airport. Jimmy Carter defeated Jerry Ford, and Coleman was out of a job. Carter appointed Brock Adams secretary of transportation.

Once the election was over I figured people like me would be out looking for a job, or maybe take a little R & R (rest and relaxation). Not Bill Coleman. He wanted to decide everything that was pending before him, and then Brock could do what he wanted with it. Coleman didn't want to leave unfinished business. We worked without a break until 12 noon on January 20th, inauguration day. In fact during the morning of January 20th, House speaker Tip O'Neil called Coleman and said, "I've got a favor to ask you, Bill. An

application is pending before you to approve a major tunnel under the harbor in Boston. Will you approve it before you leave office?"

Bill said, "I've got one phone call to make and I'll get right back to you." Bill called President Ford and said, "Do you have any problem with my approving the Big Dig?" That's what it has been called since then.

Ford replied, "If you think it's ready for decision and Tip wants it, yeah, go ahead."

Bill called Tip O'Neil back, "I thought you'd want to have the incoming Democratic administration approve it, but I'm happy to approve it. It's all ready to go. I'll have it hand delivered to you." The approval got up to Capitol Hill about 10 minutes to noon. Tip and Ford were really good friends and the speaker didn't particularly like Carter. He would just as soon have it on the Republican watch, and besides he might have to start all over again with the new administration.

Q: Yeah.

BLISS: It turned out that Bill had told Ford that morning that the tunnel was going to cost about 19 million dollars. Many years later when Bill visited Jerry Ford in Palm Springs, he apologized. He said, "There was so much cost overrun and corruption in that project that it was years late and cost billions. I believe it was set up correctly when I approved it." Ford laughed and said "At least a Republican governor, Mitt Romney "got to cut the ribbon and when it was finally done, it did wonders for the city of Boston."

The night after the election I was in Bill Coleman's office planning how we would finish out the term, and Bill said, "I hope they pick Brock Adams to be secretary. I think he'd be an excellent secretary." Adams had a good reputation in the House at that time. Bill got his wish and Brock Adams became secretary. Adams selected Linda Kamm as the new general counsel. I was thinking about going into teaching law at that point. I had been acting general counsel for almost a year after John Hart Ely returned to Harvard Law School to teach constitutional law and preserve his tenure.

Q: Yeah.

BLISS: But I also was still deputy general counsel, in addition to being acting general counsel and doing projects for Bill. I was pretty busy. In an unusual move, Brock Adams chose most of the people from his congressional staff for key positions at DOT. His administrative assistant became deputy secretary, his legal advisor the general counsel, etc., all of which signaled something wrong to me. You would think he'd want broader experience in a big department like DOT. All the Ford administration political appointees in the department, agency heads, assistant secretaries, special assistants, deputies, etc. were dismissed within 24 hours, except one. Surprisingly, they asked me to stay on as deputy general counsel, and I agreed to do so for at least a transition period. After Brock had been there for a short time I got a call from him; he said, "Don, this is Secretary Adams speaking." This was a new formality for me. He said, "I want to reverse

Bill Coleman's decision on the St. Louis airport, but I want to do it the same way he did so it holds up in court." I learned that Senator Tom Eagleton of Missouri had been in to see Adams for a couple of hours -- just the two of them.

I thought to myself, "You can't do it the way Coleman did it, because Coleman went to St. Louis with a completely open mind and held a hearing. He listened to everybody, agonized over it, and finally did what he thought was right. You're telling me that Tom Eagleton and you want to reverse it." Of course, I didn't actually say this, at least not to Adams. Frankly there were good arguments on both sides of the issue. Lambert was much more convenient for most airport users, and improvements could be made to increase operations there and reduce noise. But Coleman's decision was made transparently in public and with a decision that explained the reasons, and Adams' was done as a private deal with a senator from Missouri.

Q: So what happened?

BLISS: Adams reversed it, and we wrote his decision so that it held up. The airport in Illinois was never built. Improvements were made to Lambert. When TWA was acquired by American Airlines, St. Louis lost a lot of air service. Lambert probably is an adequate airport for St. Louis today, which is not growing much anymore, and the conditions across the river are probably not much better either.

Q: Yeah.

BLISS: Who knows? I had another interesting experience during the transition to the new administration. We were faced with a couple of significant oil spills. One of them was just before the New Year. Coleman wanted to take a Coast Guard helicopter and fly over the oil spill because it was in the Schuylkill River in Philadelphia, his hometown. Bill wanted the commandant of the Coast Guard and me to accompany him on New Year's Day on Coast Guard One-- the flagship the secretary often used. The commandant called Ted Leland, the military aide to the secretary, with a problem which Ted relayed to me, "The commandant is a little nervous because he wanted to know whether he had to fly your flag as general counsel on Coast Guard One. He said you have priority because you're the third ranking person in the department over the commandant of the Coast Guard. But you're only acting and" --

I said, "Look, fly his flag." I didn't even know I had a flag --

Q: (laughs)

BLISS: *(laughs)* We flew over the river and couldn't see anything because snow had fallen and covered the spill. Coleman had flown over a similar spill off the coast of Massachusetts a few days earlier and was concerned about two serious environmental catastrophes late in his tenure. I then learned why I had been invited to spend New Year's Day with him. Bill told the commandant and me, "I want you to set up a task force and do a report on how we can prevent these oil spills and how we can do a better job of

cleaning them up. We should make specific recommendations to leave with my successor.” When we returned, the chief counsel of the Coast Guard, the assistant secretary for environmental affairs and I we put together a task force, and in about ten days issued a really good report with about 16 specific recommendations, including double hulling the tanker ships. Shortly after Brock Adams became secretary, another oil spill occurred in the gulf off the Texas coast. Adams’ senior appointees met every morning in the deputy secretary’s office to plan the day and first on the agenda was the Texas oil spill. It was a practice that worked well when the secretary was a congressman, which is a very different function from being a cabinet officer.

Q: Yeah.

BLISS: They’d meet in the deputy secretary’s office, his former administrative assistant, and his former staff who now had top jobs like assistant secretaries. Adams would enter the meeting about 9:30 am, expecting recommendations from the staff. Adams raised the oil spill in the Gulf, and asked: “Well, what are we going to do? How are we going to deal with this?”

All new to the department, they had no idea. Linda Kamm piped up: “Coleman had a couple of spills and Don Bliss worked on a report with some recommendations. Let’s bring him up here.” It was fortuitous that the one political appointee who was not fired on January 20th could brief the new team on what had transpired before. I went up to the deputy secretary’s office and Adams asked: “Do you have any suggestions about how we should respond to this oil spill?” I said, “Well, you’re in luck because we just issued 16 specific recommendations on oil spill prevention and remediation, and then ran out of time. You’re the boss now and you can look at these and decide which ones to adopt.” Adams directed his staff: “Good, look them over and write up the press release, let’s get it out.” And he walked out of the room. He didn’t really get into any detail about what the recommendations were. I was stunned by the difference in style between two cabinet officers and the way they approached the job. A congressman is used to dealing with a small staff that advises him on upcoming votes, media relations and constituent services. It is not good preparation for managing a large cabinet department. DOT was much bigger then because it included the Coast Guard which has since been transferred to Homeland Security. Adams had 110,000 employees to call on for expertise, including the Coast Guard which had contributed a major part of this report. But he didn’t really know where to look, at least at first.

Q: Was it insecurity or suspicion, or why? Why did he bring his complete hill staff over?

BLISS: They were loyal to him and that’s just the way he had always worked as a legislator. As a congressman from Seattle, he was very concerned about the environmental protection of Puget Sound, and so he wanted to act quickly and decisively on the oil spill. His staff knew that and could work out the details based on the report we had provided.

Q: Oh yeah.

BLISS: He was ready to make his mark on this issue, but his style of operating seemed out of place. It took him a while to get adjusted to a new environment.

Q: This is often a problem of people I know in the State Department. Look at the secretary of state, does he or she bring a staff with her or him?

BLISS: Right.

Q: And often it doesn't work out if they are only interested in protecting the person, if their main objective is making sure that their principal looks good.

BLISS: That's right, absolutely.

Q: And this does not lead to good decision-making..

BLISS: No, my personal theory, with rare exception, is that members of Congress do not make good cabinet officers. Sometimes business people don't either. I remember Elliot Richardson saying, when we were trying to recruit a new commissioner of education when the Office of Education was still in HEW, that the process is so different from the private sector. We collected all these resumes and he interviewed a bunch of people before he decided on Terrell Bell from Utah. Elliot then said: "If I were a CEO of a company, now that I've made the decision, we'd go out and hire the guy. But in the executive branch this is only the beginning of the process. Now I've got to clear him through the White House and then contact all the associations and make sure that they're on board and supportive. We've got to vet the person, make sure that there's no snakes in his background, and help him understand all the rules that govern public service. We've got to notify the congressional committees and arrange a press conference to introduce him to the public and hopefully generate support for his candidacy. We've got to prepare the candidate for interviews with members of the senate committee and for confirmation hearings. It's going to take a long time to get this person in the position, now that I've made the decision that he is the one I want." (*laughs*). But that's the difference between being a CEO and being a cabinet officer. Sometimes CEOs come in and think they can just make decisions and they don't recognize all the hoops you have to go through. I don't know that there's any special background or expertise that prepares a person to be a cabinet officer. It's just very different. It depends on the president, how he uses the cabinet. Ford probably used the cabinet, delegated more authority, backed them up, met more with the cabinet as a unit and individually than any president in my experience in Washington. And I'm not sure why that is, but he's --

Q: Maybe because he came in without all sorts of political maneuvering that normally precedes a run for president.

BLISS: Right. He initially didn't have to go through a presidential campaign during which you make a lot of enemies and friends. (*laughs*) I think he was very much underrated. He wasn't there for very long, but --

Q: No, he came out well. When you were acting general counsel, how did you feel law-wise? You mentioned that you really didn't have that much legal experience.

BLISS: True, but what I did have I think was more useful in government. I understood how government worked, and I understood the importance of integrity, transparency, and fairness in government decision-making. I learned that at the knee of the master, Elliot Richardson.

Q: Yeah.

BLISS: How to coordinate and give everybody an opportunity to express their views. If people felt they were participating, even if they lose the decision, they didn't feel as badly as they would if someone else came in and got a decision behind their back, which is the way it often works.

Q: Yeah.

BLISS: I believe that I complemented John Hart Ely, a brilliant legal mind with impeccable integrity who didn't have much experience in government, except for the Warren Commission. I think he really valued my understanding of government processes. Because Bill Coleman was a lawyer, he looked to lawyers for his policy advice. I always made the distinction between legal advice and policy advice. This is what you can and can't do under the law, and this is what I recommend that you do as a matter of policy, but you don't have to follow my policy recommendation. I always made that very clear, what the difference was. Otherwise a general counsel who served also as the primary policy advisor to the secretary could take advantage of the situation and imply that policy advice was legally required. As far as the legal and substantive knowledge required for a job, I've always had to catch up and learn them on the job. But I quickly learned where to find the expertise and who to rely on. My experience in government decision-making was transferable, where law and policy intersect and you're working with all three branches of government, not just the courts. Congress can be the most frustrating. At least the courts make a decision and explain their reasons. In some ways our biggest controversies were in the executive branch, with other federal agencies They could go to the White House. If we had a difference with EPA, we would have to work it out because they could seek to reverse our decisions by going to the Office of Management and Budget (OMB), the White House or Congress. The skills required are not strictly legal in the traditional sense.

Q: Did you have a lot of dealings with the White House?

BLISS: The first day I arrived at DOT I reintroduced myself to Bill Coleman. I didn't really know him. I'd interviewed with him once. I'd heard a lot about him from Richardson. Richardson recommended him for attorney general because Richardson didn't want to be attorney general. He also recommended him for the special prosecutor job that eventually went to Archibald Cox. I walked into Bill's office and he said, "Come

on, we're going to a meeting." This is my first day on the job. I got in his car and we were driven to the White House. We walked into the Oval Office and I sat there and watched Bill Coleman in one chair and Jim Lynn, who was OMB director, in another chair. I was just an observer. Also present was Ted Lutz who was the budget director at DOT. Jim Lynn wanted to cut back the Metro plan, the Washington regional subway system, from 103 miles to 60 or 40 miles. He called it "a gold-plated transit system that we couldn't afford." Coleman argued to build the entire system. Ted did a really good job in preparing him. Bill argued that "the plan envisioned a hub and spoke system that would make Washington the center of a huge metropolitan area. You know what's happening to our cities. Unlike Europe where the cities are the citadels of civilization, our cities are becoming vacated slums. People are moving to the suburbs. Metro is going to bring them back to the city. The plan is carefully calibrated to benefit the three jurisdictions, DC, Maryland and Virginia and to gain their financial support while facilitating access to the nation's capital. Reducing service to the suburbs would undermine the hard-fought negotiations and the financial viability of the system." Jerry Ford listened for about an hour to both Jim Lynn and Bill Coleman. At the end he said, "I want to keep these costs down. The projected costs keep escalating, but I'm persuaded that we should build the entire system." Ford saw what was happening in Detroit, New York and other urban centers.

Q: There was the New York Post headline-- Ford saying 'Drop dead' to New York."

BLISS: That's another story. In one of many Cabinet meetings, which Ford held often, Attorney General Ed Levi recommended against legislation providing financial assistance to New York City at a time of fiscal crisis and instead putting the city through bankruptcy. During the same meeting the attorney general on the advice of his solicitor general Robert Bork recommended filing a petition with the U.S. Supreme Court to overturn a federal district judge's ordering of cross town bussing to desegregate the Boston school system. Coleman sat silently during most of the meeting but finally could not resist the urge to speak up. After all he later said, a school bus was a form of transportation. Bill said, he "found it ironic that, on the one hand, the attorney general would place a federal bankruptcy judge in charge of New York's complex finances while, on the other hand, he would seek to overturn the courageous decision of a federal judge in Boston seeking to enforce the U.S. Constitution." Instead of expanding the mandate of a bankruptcy judge beyond his area of competence, we should be supporting a federal judge exercising his constitutional responsibilities. Bill admitted that there were a lot of problems with the legislation pending in Congress on aid to New York, and that Ford rightly objected to the power accorded the unions, which would have made it very difficult for New York to come out of the economic sink hole it was in. Ford eventually sided with Coleman on both issues. He worked with Congress to eliminate the onerous features from the bill, which passed with the president's support, and brought New York out of the financial crisis. So the headline was a little unfair. Ford also decided not to petition to the Supreme Court to overturn Judge Garrity's bussing order.

Q: How did you find the impact of the Carter administration on the department?

I had a lot of respect for Carter. I had met Carter when I was working for Richardson. I was sitting in my office, next to the secretary's, and there was a knock on the door and this guy walked in. I didn't know who he was. He had an appointment with the secretary. He said, "Hi, I'm Jimmy Carter, I'm Governor of Georgia, I'm going to meet your boss in a few minutes." He sat down, we had a nice conversation. The next thing I know he's President of the United States. I think he was underrated, personally. He brought to the regulatory process the importance of using market incentives to change behavior, instead of command and control regulation. Doug Costle, his EPA administrator, started to introduce ideas about how you get the marketplace to incentivize business to clean up the air and water. Carter was criticized for his handling of the energy crisis and accusing the public of malaise, but he was right. We're still paying the penalty for being abusers of carbons in the atmosphere. Up at Camp David he had some foreign policy successes that haven't been replicated in subsequent administrations.

Q: Then, what did you do? The Carter administration came in, what happened to you? Did you stay on?

BLISS: I stayed on for about six months. I had an offer to teach environmental law at Vanderbilt Law School. Coleman was over at the Woodrow Wilson Center, supposedly writing a piece about Cabinet government. He was negotiating with all these corporate boards who were seeking diversity for the first time and wanted to land an African American who was first in his class at Harvard Law School and had impeccable credentials. Tom Watson, who was chair and CEO (chief executive officer) of IBM (International Business Machines) at the time, called Bill at his office at DOT a day after Ford lost the election and said "Bill, we'd like you to go on the IBM board."

Bill replied without hesitation, "I won't talk to you about this now, but if you want to call me at 12:01 pm on January 20th, I'll talk to you then." Nobody does this anymore, but Coleman was firm: "I won't negotiate when I'm still making decisions." After he left office, the offers came pouring in from corporate boards and law firms. He called me one day and said "Can you help me out? I've got to write this piece on cabinet government," (*laughs*). So I helped him with that. He had several law firm offers from major firms in Washington and Philadelphia, and from firms in New York and Los Angeles that were opening Washington offices. He thought that would be fun to do something innovative here in Washington with the support of a strong national firm behind him. He asked me to talk to some of the firms, and I did. Ultimately he went with the law firm, O'Melveny & Myers, which was Los Angeles based and was opening a Washington office. They were looking for someone with Washington experience. Warren Christopher had been the chairman of the firm and Carter had appointed him deputy secretary of state. There were a lot of factors that went into his decision, including conflicts with boards, but Bill was impressed with the youthful dynamism of the O'Melveny partners who were seeking to plant their flag on the east coast, a reverse of manifest destiny.

Coleman persuaded O'Melveny to interview me, and they made an offer to me. Bill was quiet insistent and so I decided not to go to Vanderbilt. I joined him at O'Melveny. He started earlier than I did, and I joined the office in mid-June. I was about six months into

the Carter administration, and my replacement was Jack Wofford, whose brother was Harris Wofford, a senator from Pennsylvania and previously a civil rights advisor to John Kennedy. The small O'Melveny Washington office of about 10 attorneys was very welcoming but I had a lot of catching up to do to learn the tools of a private practitioner and was not sure how long I would last in this competitive private sector environment. Christopher invited Bill and me over to lunch at the State Department to get to know us.

Q: You were with the law firm for how long?

BLISS: From June of 1977 until February 2006 when I left for Montreal as ambassador to ICAO (International Civil Aviation Organization).

Q: Let's talk about what the law firm was doing? What sort of things were you working on?

BLISS: In those days law firms didn't have a lot of branch offices in other parts of the country. We were one of the first major firms from the West Coast to open an office in Washington D.C. O'Melveny in Los Angeles had a very good relationship with Wilmer Cutler & Pickering and Covington & Burling in Washington. When they had a problem on the West Coast they'd go to O'Melveny and vice versa. They somewhat resented the fact that O'Melveny was opening a Washington office, because that was their territory. There were O'Melveny partners in Los Angeles who didn't think that opening a DC office was such a great idea. They got a lot of good business from New York and Washington firms. Why would we go into their territory and compete with them? A number of partners thought that O'Melveny should just be the best firm in California. Christopher's support was critical to opening a DC office in the fall of 1976. He made sure a well-respected litigator and corporate attorney from Los Angeles came East to open the office bringing with them an understanding of O'Melveny's special culture and some of the business of Los Angeles clients who had Washington problems. Nonetheless, the Californians knew little about the federal government and the DC legal scene. They quickly realized that growing a viable practice would require an experienced Washington lawyer. They began a systematic search and recruited Bill Coleman, who was a Philadelphia lawyer most of his career. Coleman persuaded them that they also needed someone experienced in the nuts and bolts of government decision-making and they offered me a position as well.

Bill Coleman was a huge business getter. He went on all these corporate boards-- IBM, Chase Manhattan Bank, which later merged into JP Morgan, INA, which merged with Connecticut General and is now Cigna, PepsiCo, Amax, Pan Am among others. Through his board contacts and from his many years practicing law, he was well known and respected in the corporate world. He generated a lot of work for the DC and Los Angeles attorneys, including me, a lot more than he could personally do or would want to do. He also had to attend a lot of board meetings. I was fortunate in that respect. I don't consider myself a business generator. I'm not the kind of person who likes to entertain clients. I don't play golf. *(laughs)*

Q: Yeah.

BLISS: I'm more behind the scenes. One thing I did have-- recent government experience. In Washington, clients value government experience, the so-called "revolving door." I was retained by the Air Transport Association, which was the association of the major U.S. airlines, and by the American Public Transit Association, the association of public transit agencies, mostly on litigation. We challenged the constitutionality of a provision in the Airline Deregulation Act that required the airlines to hire employees laid off by their competitors because of deregulation that went twice to the U.S. Supreme Court. We challenged some of the labor requirements of public transit. One case went to the Supreme Court three times before it was finally resolved. Bill Coleman was on the board of Pan Am, and we started doing a lot of work for Pan Am. In the era of regulation Pan Am was the "chosen instrument" for international flights, but it had a hard time adjusting to new competition from U.S. carriers after deregulation. It began selling its assets trying to stay alive and ultimately went through bankruptcy and disappeared. Although it did not end well, we had some very innovative and interesting work for Pan Am for a number of years. We created the Pan Am Shuttle offering hourly service between New York's LaGuardia airport, DC's National and Boston's Logan, which we sold to Delta. It is now the Delta Shuttle. With German unification approaching, we sold Pan Am's profitable intra-German Berlin service, a post-war franchise, to Lufthansa.

We created the Pacific division, including the valuable Tokyo routes, and sold it to United Airlines. After World War II, Northwest and Pan Am got specific rights to Tokyo that no other airline could get. There were memoranda of understanding that let American and Delta in, but they only had one flight. Pan Am had unlimited rights to Tokyo and unlimited rights to pick up passengers in Tokyo and carry them throughout Asia. In the early days, you needed the stopping point because you couldn't fly directly to Bangkok or Jakarta. Pan Am had this wonderful Pacific network of unlimited rights as did Northwest. But Northwest only had the Pacific. Pan Am also had exclusive rights (along with TWA) to London Heathrow (which we later sold to United). We knew the Tokyo rights were valuable, but we didn't know that you could sell a government created franchise like route rights. Because we knew you could sell an airline, we decided to make an airline -- make a division out of Pan Am Tokyo's routes. We called it the Pacific Division, we consolidated the rights to various countries in Asia, included the aircraft we wanted to get rid of, the 747SP, a fuel inefficient snub-nosed long range aircraft, some old 747s and the L-1011s that were flying to Latin America. We put them all in the Pacific Division, along with our highest paid pilots and overseas facilities and personnel, and we negotiated the deal to sell them to United Airlines. DOT had to decide whether to approve the deal, and they approved it because we were selling a division. By far, the most valuable asset in that division was the route rights to Tokyo. Japan balked at it. They didn't really want United as a competitor to Japan Airlines because United had the benefit of its U.S. domestic system. But Japan had no basis under the bilateral agreement to deny United the service if DOT approved the route transfers. There was a three-week hearing before a DOT administrative law judge, and every other major airline, every Pan Am union, and the Department of Justice vigorously opposed the sale of the Pacific Division to United. The law judge approved it, and the DOT secretary upheld the

decision on appeal. I defended DOT's decision in an appeal by the unions to the Ninth Circuit Court of Appeals in San Francisco. Then we had to get Japan to agree to the substitution of United on these grandfathered exclusive rights and to transfer the valuable landing and takeoff slots at Tokyo's airport. Warren Christopher, who was back at O'Melveny, and Jeff Shane, a top U.S. aviation official, met with U.S. Ambassador Mike Mansfield. I later learned that Secretary of State Jim Baker made a deal that gave Japan something they really wanted in exchange for their approval of this transfer. Japan's foreign ministry overruled its transport ministry which wanted to fight the transfer.

Q: When did you start representing Pan Am?

We handled the first merger after airline deregulation in 1979, Pan Am's acquisition of National Airlines. Then purpose of the merger was to enable Pan Am to develop a domestic system that would feed its international routes in competition with United and American airlines which were initiating competitive international service. Implementation of the merger, however, proved difficult because the airline cultures were so different.

Q: Could you talk a bit about the culture as you saw it at Pan Am? Because we're talking about -- at one point this was the bright and shining star of American aviation. And something happened. What --

BLISS: What happened was airline deregulation. Through his political connections, Pan Am's founder Juan Tripp created a U.S. monopoly on most international routes. TWA had some international routes too, but they did not compete that much. Northwest also had routes to Tokyo. Pan Am had a wonderful international franchise under our protective bilateral aviation agreements with other countries, but no domestic service. The fares were very high and set by IATA, the International Air Transport Association, then a price fixing cartel sanctioned by the bilateral agreements and granted antitrust immunity by the U.S. government. Only a small percentage of the population could afford to fly, and the airlines agreed to generous union contracts, imbedded layers of management, and passed through the costs by raising fares. With few cost control incentives, Pan Am had many vice presidents and large departments that engaged in statistical analysis and planning.

Then in 1978 Congress passed the Airline Deregulation Act. The first bill was introduced in Congress during the Ford Administration. I had worked closely with John Snow, the task force leader at DOT, who later became secretary of the treasury under George W. Bush. John had a PhD in economics as well as a law degree. John led the effort to send to Capitol Hill deregulation bills for airlines, railroads, and trucking. We worked closely with Steve Breyer, then an aide to Senator Kennedy who was a strong supporter of economic deregulation. (He is now a Supreme Court Justice.) The Carter administration carried through. Carter appointed Alfred Kahn, head of the CAB (Civil Aeronautics Board) and succeeded in getting deregulation legislation through Congress. They always gave us a lot of credit for initiating it.

As deregulation was phased in, the Carter administration also began negotiating “open skies” bilateral aviation agreements that allowed competitive international service by other U.S. airlines. United, American and Delta began to fly international routes, feeding their airport gateways with their extensive domestic service. This was the demise of Pan Am. When United started flying to London from Chicago they had hundreds of flights bringing in people, collecting them in Chicago, and sending them off to London. Pan Am’s Chicago to London service had no traffic feed. Plus, fares could be set more competitively. Pan Am also was undercut by Freddie Laker and other low cost carriers that would come in and offer much lower fares. Meanwhile Pan Am had contracts with their unions to pay high salaries to their pilots and other employees represented by the teamsters and the IAM (International Association of Machinists). As I have indicated, in my judgment, Pan Am made a mistake by trying to buy a domestic system when they entered into a bidding war with Frank Lorenzo of Texas Air to acquire National Airlines. Pan Am wound up paying way too much for National, a small airline based in Miami with a very southern, easygoing culture in contrast to the high pressured New York culture of Pan Am. The different unions also had a hard time integrating the work forces. A lot of factors went into the eventual demise of Pan Am. The proverbial nail in the coffin, though, was probably the terrorist act that brought down flight 103 over Lockerbie, Scotland. With its worldwide brand, customers feared that Pan Am was a prime target of terrorism.

Q: Did you work exclusively for Pan Am?

BLISS: Oh no. At different times, I represented United Airlines and US Airways on a whole range of domestic and international matters. I worked on a half dozen airline mergers and on suits between airlines. I also did some appellate litigation for Delta, Flying Tiger, Alaska Airlines, and American, indeed most of the major carriers at one time or another. Bill Coleman and I also represented the Washington Metropolitan Airports Authority on issues of governance. When the regional authority was created by Congress to take over the operation of National and Dulles from the FAA (Federal Aviation Administration), Congress did not want to relinquish complete control and established a congressional board of review that could overrule decisions by the airport authority’s board. Noise activists challenged the structure under the constitutional separation of powers doctrine We defended the authority twice before the Supreme Court and eventually worked with Congress to amend the statute to satisfy the constitutional critics. In working on this case, I got to know house transportation committee chair Norman Mineta, who later as secretary of transportation asked me if I would serve as Ambassador to ICAO.

Q: Did you do exclusively aviation work?

BLISS: No. I had a very eclectic practice. I worked with several public transit authorities as well, including the Washington Metropolitan Transit Authority. The general manager, Carmen Turner, tried to hire me as general counsel, but the timing wasn’t right. My most interesting assignment was as special master to a federal district judge in Los Angeles overseeing the Los Angeles bus system. A law suit was brought by a bus riders

organization and several civil rights, civil liberties, and environmental organizations alleging that the Los Angeles Metropolitan Transportation Authority was allowing the bus system to deteriorate by transferring funds to build an expensive new rail system. 94 per cent of the riders using buses were minorities in low paying jobs, and as bus routes were being cancelled and old diesel fuel buses were breaking down, they were losing access to transportation, putting their jobs in jeopardy. As the trial drew near, I was brought in as a mediator, and we settled the case with one final condition-- that I agree to be the special master who would resolve all disputes arising under the ten-year consent decree. I was not very popular with the transit authority or Los Angeles Mayor Richard Riordan for that matter. There were many disputes and I held court in the federal court house in Los Angeles. Judge Hacker upheld all my decisions on appeal, and one went as far as the U.S. Supreme Court, which declined to take the case. Over the course of ten years, the LA bus system went from the worst in the country to the best. The old diesel buses were retired and some 2000 new natural gas buses were purchased, making LA the largest system run on clean air natural gas. My tenure was controversial. I became a poster child of several U.S. senators who were seeking federal legislation to curb consent decree authority enabling federal judges to manage executive functions, like prisons or transit authorities.

Q: Was your work exclusively in transportation?

BLISS: No. My experience at HEW brought me some clients in the health care industry. I did a lot of work for CIGNA on managed care regulation and legislation. When CIGNA was considering entering into the managed care business, the executive vice president and general counsel asked me to do an analysis of the federal and state regulatory landscape as it affected the managed care insurance business, both existing regulations and the probability of additional legislation and regulation. I asked a bright associate, Tom Donilon, to work with me on the matter, and we presented a lengthy report and analysis that was reviewed by the CIGNA Board of Directors which then decided to acquire a major managed care business. Donilon's name may be familiar to you. He was national security advisor to President Obama during the first term.

I also worked on a number of appellate cases, including several in the U.S. Supreme Court. They mostly involved constitutional issues, such as the due process and equal protection clauses of Fourteenth Amendment, separation of powers, the Tenth Amendment (reserving to states and the people powers not granted to the federal government), religious freedom, and preemption. I argued one case in the Supreme Court myself, several in the federal circuit courts and in the highest court in DC. I never lost a case which I argued myself, but then I didn't argue that many. You might say I quit while I was ahead.

Over the thirty years or so, I had the opportunity to work on matters for some of America's top corporations, courtesy of Bill Coleman and O'Melveny's stellar reputation-- in addition to those mentioned above, IBM, Goldman Sachs, JP Morgan, Citicorp, Lear Siegler, AMAX, Japan Airlines, and CBS.

Q: Blue chip companies no doubt. What about your extracurricular activities? Pro bono work? Did you have time for that?

BLISS: One of the advantages of working in a large law firm is that your schedule is your own. You are not beholden to a single master as you are in government or in a corporation. You can make the time to serve your community in various ways. This may mean sacrificing some income and not taking on all the work that you could, but for me this was important. I had the opportunity to work on some civil rights matters, such as the Bob Jones case, where the Chief Justice asked Bill Coleman to defend the Fourth Circuit's decision denying tax exempt status to a university that practiced racial discrimination after the Reagan administration refused to defend the lower court's decision in the Supreme Court. Bill won the case 8-1.

On politics, I was president of the Ripon Society, a liberal Republican organization and think tank which included among its congressional advisors, Senators Javits, Hatfield, Packwood, Chafee, Mathias, Snowe, Cohen, Case, Brooke and Representatives Morella, Shays, Boehlert, Green, and Clinger, among others. An oxymoron today-- we were RINOs (Republicans in name only). I also worked on John Anderson's independent presidential campaign, drafting speeches, policy positions and running as a delegate on the ballot in Maryland. I directed O'Melveny & Myers Political Action Committee, which contributed generously to candidates in both parties.

On the law, at various times I was Chairman of the American Bar Association's Air and Space Law Forum, the Federal Bar Association's Transportation Law Section, and the District of Columbia Bar Association's Administrative Law Section. I also served as president of the Harvard Law School Association of DC and on the national council.

For nonprofits, I served on the Board of the Studio Theater for many years and on all of its board committees, and was Chair of the Lawyers Committee for the Shakespeare theatre. The highlight was a mock trial before Supreme Court Justices each year on a theme from one of Shakespeare's plays. I argued before Justice Ginsberg and a jury that The Merchant of Venice was anti-Semitic. We had a hung jury, but the Justice ruled for Shakespeare. At various times I served as president or chair of the board of Arts for the Aging, which provides interactive workshops in all artistic media (music, dance, painting, storytelling, poetry, etc.) for low income elderly people, most of whom have physical and cognitive impairments.

I currently serve as president of the United Nations Association of the National Capital Area. We reach over 3000 middle and high school students in the area with a year-long international curricula, culminating in a model United Nations in the State Department. We are strong advocates on Capitol Hill for full funding of the United Nations and support constructive U.S. leadership is making the UN more effective and efficient. I also have been quite active with the Council of American Ambassadors, an organization of former non-career ambassadors, participating in conferences, roundtables with ambassadors to the U.S. and mentoring fellows.

Q: Well then, looking at the time, this is probably a good place to stop now. But we'll pick this up when you're off to Montreal?

BLISS: OK, that's good.

Q: OK. Today is the 9th of December 2013 with Don Bliss. Don, how did this going off to Montreal come about?

BLISS: I was practicing law at O'Melveny & Myers, doing a lot of aviation law, represented airlines, airports. I'd gotten to know Norm Mineta because he had been chairman of the House Transportation and Infrastructure Committee and we had worked with him in the creation of the Metropolitan Washington Airports Authority. Mineta was appointed secretary of transportation by George W. Bush, and the ambassador to ICAO, Ed Stimpson, who had been appointed by Bill Clinton and stayed on for the full first Bush term, decided to retire and return to Idaho. They were looking for a replacement. Mineta got together with a couple of his associates, the undersecretary for policy, Jeff Shane and Karim Bhatia, the assistant secretary for aviation and international affairs. They decided to contact me. Jeff approached me at an International Aviation Club luncheon and asked me if I'd be interested, and I said sure. We arranged a meeting with Mineta and talked about the job. Norm had to decide whether he wanted a lawyer in this position or he wanted a pilot. I'm oversimplifying it, but --

Q: No, I understand.

BLISS: Jeff and Karim persuaded him that my skills as a lawyer and in government would be helpful in a diplomatic setting. To be perfectly candid, the State Department initially put up a career foreign service officer for this position. But that individual had no aviation experience, although he was highly respected and ready for promotion to ambassador. Marion Blakey, the Federal Aviation Administrator and Secretary Mineta objected to someone without aviation experience for this job. The FAA administrator instead recommended a senior executive of Boeing Aircraft for the job. He was well qualified, but there was a feeling that putting a Boeing executive in charge of representing the U.S. in an international organization that set safety standards might be perceived as putting a fox in charge of the chicken coup, to use a cliché. Given the intense competition between Boeing and Airbus, there was also a credibility factor. Would the Europeans perceive the U.S. as being objective? Norm objected to a Boeing appointment and put out his own search. When I said yes, Mineta, the only Democrat in the Bush administration's cabinet, recommended me to the White House. Bhatia then called me and said, "Now you've got to lobby for this job because there are a lot of other people interested in it." I said fine.

I called on some colleagues. Josh Bolton -- not John Bolton, but Josh Bolton, who was director of the Office of Management and Budget and later chief of staff to the president. He had started his legal career at O'Melveny & Myers in Washington. He put in a good word for me. John Snow was secretary of the treasury, and I knew him because of our work on airline deregulation when he was deputy undersecretary of the Department of

Transportation during the Ford administration. He put in a good word for me. Then since I had directed the O'Melveny & Myers PAC (Political Action Committee) and attended numerous political functions on Capitol Hill, I called in a few "chits." Senator Burr of North Carolina and Congressman Lamar Smith of San Antonio put in a good word. Smith insisted on interviewing me first and then called Karl Rove, which was most helpful. Finally the White House personnel staff invited me over for an interview. It did not go that well. They were skeptical. I did not have the technical background at the FAA or as a pilot that they were looking for. This was fair. They asked me a lot of questions. I was impressed at the emphasis they placed on my credentials and not my politics. After the meeting I got a call from Assistant Secretary Bhatia who said, "Pull together the things in your resume that shows the experience you've had in aviation safety, environment, and the technical issues that ICAO addresses." Over the period of 30 or 40 years there were a number of matters I could put on a resume.

Q: Yeah.

BLISS: Then, Bhatia added the casual comment, "It wouldn't hurt for you to say that you want to support the president's policies."

I said, "In this area I do. I can't say that I support all his policies, but in aviation and transportation I certainly do. I also feel that sometimes his foreign policies are misinterpreted around the world and it'd be good to have somebody put a good face on them."

I went back to the White House with a new resume that stressed my work in drafting the federal aviation noise policy, that was the model for the ICAO annex on aircraft noise, and on various aircraft safety and noise issues while at DOT and in the private practice. I had represented some pilots on safety infractions. I made my pitch about wanting to put a good face on the president's foreign policy. This and a little help from my friends got me through the clearance process. Several weeks later I got a call from the White House counsel's office -- I don't know if all these details are interesting --

Q: Oh no, I want the details.

BLISS: The associate White House counsel said, "We're ready to announce your appointment sometime in the next 48 hours."

I said, "Wait a minute, how can you be announcing this? I've gotten no whiff of any kind of background investigation."

She replied, "Oh, we only do that if there is a Senate confirmation."

And I said, "I am confused. Why isn't there a Senate confirmation?"

And she said, "there's a waiver of the Senate confirmation for this position."

I said, “ The last time I read the Constitution, ambassadors are confirmed by the Senate. Now, there’s no way you can waive that.”

I went back to Mineta at DOT and said, “There’s something going on here.”

I had a feeling that maybe the State Department was saying, “OK, we didn’t get our person in the job, we’ll save the ambassador for someone else and downgrade the position to one that doesn’t require Senate confirmation.”

My hunch was right. Mineta and his staff went to bat for me, “Look, the job we offered him is an ambassadorship. France and several other countries on the ICAO Council have ambassadors. Ed Stimpson was an ambassador. The United States provides 25 per cent of the ICAO budget, plus much of the technical support. We should send someone with ambassador status to represent us.” Mineta won the day. We had to start the process all over again. There were more forms to fill out. The State Department’s security inspector’s office did a background check, which is great because they’re a lot nicer than the FBI. I have gotten clearances before for other jobs, and our neighbors would wonder, “What has this guy done? The FBI’s” --

Q: (laughs) People say, “My God, my neighbors say the FBI is coming around” --

BLISS: Right.

Q: -- “and asking about your criminal life.”

BLISS: I got through the background clearance process, and the White House announced that I had been nominated by President Bush as Permanent US Representative on the ICAO Council with the rank of ambassador. My nomination was sent to Capitol Hill. At that time there was a big dispute between the Senate Foreign Relations Committee and Senator John Kerry in particular and the administration because President Bush had nominated an ambassador to Belgium, a St. Louis businessman named Sam Fox, who had financed the swift boat television commercial during the presidential campaign denigrating Kerry’s service in the Viet Nam war. Kerry was furious and the democrats instituted a freeze on all ambassadorial confirmations. While the committee worked out their differences, there were 16 nominations for ambassador, most of them career appointments, that were being held up because the Foreign Relations Committee couldn’t get a consensus to vote them out. I had not had a hearing at that point. The other 16 had.

Without consulting me, the DOT, FAA, and State decided that they were going to put up a U.S. candidate for secretary general of ICAO. He was a former FAA official who was very passionate about safety. His name is Bill Voss and he was director of ICAO’s Air Navigation Bureau. He was going to challenge the incumbent secretary general who was running for a second term, an Algerian named Taieb Cherif. The U.S. felt that Cherif was not adequate to the task, and they decided to put up Bill Voss and “campaign” for his election. This gave a sense of urgency to confirm a U.S. ambassador for a job that had been vacant for quite a few months. A career foreign service office was acting charge

d'affaires. My predecessor Ed Stimpson was extraordinarily helpful in getting me through the confirmation process. He prepared a letter to the chairman of the Senate Foreign Relations Committee, Richard Lugar, and the ranking minority member, Joe Biden, and the chairman and ranking minority member of the Senate Commerce Committee, which had jurisdiction over aviation. The letter basically said: "Don Bliss is well qualified for this job, with over 30 years of experience. There's no need to have a hearing because there can't be any doubt about his qualifications. It is really important to get him up to Montreal as soon as possible because we have an election for secretary general with a U.S. candidate running and we have an assembly coming up next month at which 1500 delegates from more than 190 states will set the three year agenda and budget for ICAO. Incredibly Stimpson got the letter signed by the heads of 14 aviation trade associations and unions. It was probably the first time in memory that the Airline Pilots Association, the Air Transport Association (representing U.S. air carriers which has been renamed Airlines for America), the Association of State Aviation Agencies, the International Airport Association of North America, the Aeronautical Institute of America, and the General Aviation Manufacturers Association agreed on anything. The Senate Commerce Committee urged the Senate Foreign Relations Committee to waive a hearing and act on my nomination, and fortuitously Kerry and the administration reached a deal on the Fox nomination (he would get a recess appointment but not be confirmed). The logjam was broken. Ed Stimpson, Bill Coleman who was a good friend of both Lugar and Biden, and State's congressional office lobbied hard for a quick vote by the committee.

There was one more hurdle to overcome. The Senate was about to take off for President's Weekend. The executive director of the Senate Foreign Relations Committee said, "We doubt that we can get a quorum before we go off on vacation." But then an opportunity presented itself when Secretary Condoleezza Rice appeared before the committee to testify on the budget. They had a quorum present to hear her testimony.

She was in the middle of her testimony when Senator Biden whispered in Chairman Lugar's ear, "We have a quorum. Why don't we take a three-minute break and vote out 17 ambassadorial nominations, because there are no objections and we have unanimous consent."

The chairman stopped Secretary Rice in the middle of her testimony, and said, "We have a quorum, pardon us Madame Secretary, we're going to have a one-minute business meeting. We have 17 nominations with bipartisan support. We're going to vote them out by unanimous consent and then continue with your testimony." So they voted out 17 ambassadors. I was number 17, the last one on the list, and in some ways the driving force because they wanted to get me up there to vote for Bill Voss and represent the U.S. at the General Assembly. Under Senate rules, the 17 nominations were held over for 48 hours and then the very last night before they were all going off on vacation, at about 11 pm, the senate majority leader, Bill Frist, moved to confirm us all by unanimous consent. The next day I was sworn in by the chief of protocol at the State Department, and the following morning I flew up to Montreal in the FAA's plane with the FAA administrator, Marion Blakey, and a crew of federal officials who were going to lobby for this U.S.

citizen to become the next secretary general. While en route, Blakey said, "You know, I didn't bring my passport." The pilot radioed ahead and the Canadians said "Don't worry about it (*laughs*). We know who you are."

We arrived on Friday and I met the mission staff, while Marion and the others sought to secure votes for Bill Voss from the other 35 Council members. I met with the president of the Council to introduce myself and insist on a secret ballot. There were rumors that some members were being coerced and their votes observed. The incumbent secretary general from Algeria was very upset that the United States would run against him, and the Arab states were very upset that we would challenge one of their own. They were lobbying really hard, especially with the African representatives. On a Monday I cast my vote, and on the first ballot there was a tie vote. The Council president called a recess. We reconvened in an hour and had a second vote. The incumbent secretary general won by one vote. At least one Council member switched his vote. Since I had insisted on a secret ballot, we had no idea who that was. I do note that several months later the representative from Pakistan, who told us that his government had instructed him to support the United States, was appointed by the secretary general as the regional director of ICAO in Bangkok. The Council later passed a resolution that former members of the Council cannot be appointed to positions in the secretariat for at least two years. This was not a great beginning for my --

Q: No.

BLISS: -- time in --

Q: Well, before we move on and talk about your time there, could you give a brief history of ICAO, and American policy at that time?

BLISS: Sure. The International Civil Aviation Organization was created by the Chicago Convention, which was signed in 1944, about a year before the United Nations. It later became a United Nations specialized agency. For that reason its charter is a little out of sync with the UN in some respects, which occasionally presents some issues. For example, it appears that amendments to the Convention technically only apply to States which ratify them.

Franklin Roosevelt was the driving force behind the Chicago Convention, and especially his braintruster Adolf Berle, who chaired the Conference and promoted free skies. Having witnessed the destructive powers of aviation during World War II the U.S. wanted to develop a framework for civil aviation, promoting its peaceful use among nations for tourism, trade, and commerce. This was very farsighted on the part of the Roosevelt administration. Delegates from 52 States met in Chicago. The U.S. really wanted it to govern all international aviation. The Europeans, however, did not want to vest a lot of economic power in ICAO because they were afraid the United States would dominate it. Accordingly, most international route rights are negotiated bilaterally between nations. The Convention established the rules of airspace, aircraft registration, and safety. Thus, ICAO initially was given the responsibility for safety and air

navigation. The environment, aviation security, and technical assistance came later. It was decided to locate ICAO in Montreal because the delegates didn't want to locate it in the United States or Europe. In those days Montreal was a midway point for some aircraft.

Gradually additional States signed on to the Chicago Convention and there are now 191 States that belong to ICAO. Every three years there is a General Assembly at which almost all 191 states participate. There are about 1,500 delegates, and the U.S. secretary of transportation usually leads the U.S. delegation and gives an opening speech and then leaves it to the ambassador to take over for the rest of the assembly with a backup staff from Washington. The most important event at the convention is the election of 36 members of the Council. The United States has to stand for election every three years, and there are no guarantees. The Council is the governing body, and ICAO's Council is only one of three permanent governing bodies in the UN system. You've got the United Nations itself, you've got UNESCO (United Nations Education, Science, and Cultural Organization), which the United States disgracefully has not been funding, and then you've got ICAO which means that the 36 members of the Council live in Montreal, meet in session three times each year, and have committee meetings when not in session. There is almost always something going on. We met during the day and socialized at night. We would host groups of delegates in our home or a restaurant within our limited budget. We did the best we could, but some of the countries were pretty extravagant, the French and the Nigerians, for example. They spent a lot of money on entertainment.

Q: Was the social aspect helpful in achieving your objectives?

BLISS: Yes, you really get to know your counterparts from the other countries quite well because you're living and socializing with them on a regular basis. In most international organizations in the UN system, the governing body meets for a couple of weeks a year. But ICAO was ongoing. We really got to know and develop trust in our counterparts. I can't think of any Council member I did not like personally, although there were some characters. It helped that we had common objectives-- aviation safety-- and a desire to work out our differences patiently, and sometimes with a sense of humor.

Q: How did you develop safety standards?

There was a technical group that is under the Council, consisting of safety and navigation experts. It is called the Air Navigation Commission. They work with the Secretariat, especially the Bureau of Air Navigation, which has always been headed by an American, to develop new safety standards, which are sent to the Council for approval. Safety standards are one of the few actions that actually have to be voted on. Most Council decisions are made by consensus. I was a strong proponent of that. The U.S. generally supports consensus because if you force issues to a vote, we very often can put ourselves in a position of being outvoted as we are in the UN General Assembly. So we keep working at issues until we get a consensus among the various Council members. We have working groups that help develop a consensus. The U.S. is key. Not only does the U.S. pay 25 per cent of ICAO's budget (compared to 22% for the UN itself), but the U.S.

provides much of the technical support in standard development. Much of the work of ICAO is outside its small budget. When you have a technical issue, you bring in the world's greatest experts to Montreal or some other neutral place and they sit down and work it out. For example, when the A-380, the giant aircraft manufactured by Airbus Industries was certified, the question arose how much space do you have to leave before the takeoff by a smaller aircraft behind it and how much separation is required in flight. Boeing thought you had to allow for many miles of space, and the Airbus experts thought the A-380 wasn't that different from a B-747. We brought the engineers and outside technical experts to Montreal and they sat around a table and figured out what really was necessary from a safety standpoint. It's not necessarily a compromise; it has to be the solution that makes the most sense from the best technical advice you can get. We had a constant flow of U.S. aviation experts in various areas, coming up and dealing with experts from other countries, mostly from Europe, Australia, and Japan and working on these technical issues.

Historically, most safety standards come out of crash investigations. You have an accident and figure out what went wrong. We had cooperative relationships with the U.S. National Transportation Safety Board, the European Aviation Safety Agency, and other safety organizations in Australia, Japan and other places. ICAO has established procedures that set forth who is responsible for a particular crash, who takes the lead and what kind of consultation is required to make sure there's cooperation in trying to find the cause. Historically that's the way most safety standards have been developed. But in recent years, while I was at ICAO and subsequently, we made an effort to identify problems through voluntary reporting of near misses and other circumstances that did not result in an accident. We sought to develop the data that would support a safety standard that would prevent an accident before it occurs. We put a lot of emphasis on accident prevention.

The problem is that it takes about seven years for an idea to come to fruition. Technology moves so quickly that ICAO standards can become out dated. We thus sought to develop performance-based standards rather than technical specifications, and we worked out relationships with technical standard setting bodies to enable us to adapt quickly to changes in technologies. After the Council approves a standard, it goes out to 191 states who have a specified period to implement it or to file a difference indicating why the standard is not being adopted. It must give a reason for the difference: 1) it cannot meet the standard, 2) it has chosen to adopt a different standard which will have a comparable safety benefit, or 3) it has adopted a stricter standard. This information is available to all aviation authorities.

Q: How does ICAO enforce its standards?

BLISS: Under the Convention, enforcement is the responsibility of the States. A key U.S. strategy was to make sure the States were accountable, and we pushed the envelope on this in several ways. First we established safety audits of all 191 members, conducted by teams representing different states and led by a member of the Secretariat. At the General Assembly I attended in 2007, the U.S., with the support of Europe,

Australia, Canada, Japan and others, introduced a resolution making the safety audits public. We thought this would create an incentive for States to fix the problems identified. At first this was vigorously opposed by a number of states, particularly in Africa and Latin America. “What would happen to tourism and our economy?” one African delegate cried out, worried that tourists would be afraid to fly there. The esteemed president of the assembly, Dr. Assad Kotaite, a fifty year ICAO veteran and president of the Council, called for a recess, and lectured the delegates: “Now as you have your cup of coffee, I want you to ask yourselves-- why are you here? Why did you come to Montreal? Did you come here for vacation or did you come here to do serious work to make the world safer for air travel?”

When the conferees returned, the resolution passed unanimously with several states explaining their change in position. Some of the African countries that had spoken out against it took the floor and said, “You’re very persuasive, Mr. President, we will accept this standard and will comply with it. We will vote for it.” He actually turned them around by lecturing them.

It was one of the most dramatic moments of my three years in Montreal.

We also initiated security audits, which for obvious reasons, were not made public. It was sometimes hard to convince other states that security was not just a U.S. problem. But we knew that that weakest link in the chain is where we are most vulnerable. I served as Chair of the Committee on Unlawful Interference which brought to the Council guidelines on carrying on liquids, aerosols, and gels on to aircraft in a transparent plastic bag. Several States like Singapore strongly supported harmonized international standards that would facilitate duty free shopping across boundaries. Because Singapore makes a lot of money off its duty free shops as an international shopping center, if different countries set different standards they would lose a lot of business because nobody’s going to buy something in Singapore, fly into Frankfurt and have it’s confiscated because it’s in the wrong kind of bag. This was actually happening. Other States cooperated because they were more willing to accept international guidelines than to adopt U.S. edicts-- a point I kept trying to make to the TSA (Transportation Security Administration). We approved guidelines because there wasn’t time to go through the standard setting process.

Finally, on enforcement, we took some unprecedented measures against several states that were essentially cheating on safety regulations, by selling airline certifications or pilot licenses without any oversight. We were concerned about a flag of convenience trend where fly-by-night cargo carriers might gravitate to States with little safety regulation. In the worst cases, the president of the Council would send a strong letter to the head of state demanding that all airline certifications and licenses be revoked until an adequate safety oversight regime is established and arranging for a visit by an ICAO delegation to provide technical support in meeting the required standards. Did we have the authority to do this under the Chicago Convention? Certainly not explicitly. But then, half of what ICAO does in response to changing circumstances is not spelled out in the Convention. Take the environment, for example.

Q: Yes, what positions did you take on the environment?

BLISS: The most difficult issue I had to address was aircraft emissions, in the context of climate change. In part, because we parted company with the Europeans who felt very strongly that ICAO was not living up to its responsibilities to adopt universally accepted standards for aviation emissions that would reduce aviation's adverse effect on the climate. The Europeans were pushing really hard. The rest of the world was resisting it. And the U.S. was trying to find a middle ground. It's the same issue recently faced in Warsaw with the climate change conference where the developing world says that it's the developed world that created this mess, and they must solve it. But if India and China and other major developing countries don't do their part, then anything that's done by the United States and Europe is not going to be meaningful. ICAO was founded on the premise that all States are to be treated equally. States cannot impose different fees and charges on airlines from different States. Under ICAO principles, all States should share equally in reducing aircraft emissions. Friction between the developed world and the developing world precluded reaching a consensus, and Europe lost patience and decided to go forward with their market based system, a cap and trade system. This would require airlines serving the European Union to buy permits to pay for the emissions from their flights. If Air China takes off from Beijing for London, it would have to buy an European Union permit to allow the emissions taking off from Beijing, flying over Chinese airspace, flying over the north pole, flying into European Union airspace, and landing at Heathrow. The rest of the world, including the United States, objected, arguing that Europe has no power to extract fees from international airlines for emissions over their own airspace or over international airspace without international agreement. This was a big dispute while I was up there. At the last General Assembly, this past fall there was finally an agreement to set a goal of carbon neutral aircraft emissions by 2020. The Europeans always said that if ICAO could come up with the agreement it would not impose its permit system on the rest of the world.

Q: Was this sort of a north-south issue or, you know, the economic world developed north and a less well-developed south?

BLISS: It was a Europe versus the rest of the world as far as ICAO was concerned, but it was evolving into a north-south issue. I was pushing hard to get some kind of international agreement. Europe on the one hand would argue that what we were proposing wasn't sufficient. China and India and other countries on the Council objected to applying the same standards to developing countries. When it came to the 2008 assembly, we were able to propose a resolution that garnered wide support with the European States dissenting. As it evolved and ICAO started to make some progress, it became more of a north-south issue. India and China complained that they were still trying to develop and grow their economies and the mature economies of the west should finance the adverse effects of climate change. Under the agreement subsequently reached, responsibility is still with the sovereign States to meet the targets, but at least there is an international agreement. It may not be the strongest agreement in the world, but it enables the rest of the world to say to Europe that we have done our job, ICAO has reached an

agreement on this and therefore we're not going to comply with the European permit system.

Q: What was the dynamics within ICAO? Did it break down into blocks or different countries that had quite different priorities? How did it work?

BLISS: It depends on the issue. The toughest issues were environmental, and there it was Europe versus the rest of the world most of the time I was up there. I was trying to broker an agreement. I encouraged incentives for better air navigation routes and airport practices that would reduce fuel consumption. Moving from ground based air navigation to a satellite-based system would save enormous amounts of fuel, and, as I kept insisting to the Europeans, restructuring their archaic air traffic control system with 42 separate jurisdictions would enable planes to fly more direct routes and significantly reduce fuel consumption. Since the reduction in fuel consumption equals the reduction in CO² emissions, this was a win win for the airlines and the environment. If we ever brought anything to a vote, and we did in the Assembly a couple times, Europe dissented from what was passed by the rest of the world including the United States.

On most other issues, safety, security, efficiency reforms at ICAO, and combating corruption, we worked closely with Europe, Canada, Australia and Japan. In many international organizations, there is a Geneva group of likeminded nations that form something of a voting block and meet together frequently to strategize. It didn't work quite that way at ICAO. I always made the point of dealing with all 36 members of the Council and not just dealing with the developed countries. I sat next to UK for alphabetical reasons and we had a good relationship. With 36 Council members, I had to work closely with most of them to ensure we had support for issues of importance to us. For each issue, the coalition of supporters was different. On efficiency issues, France was often the most difficult to deal with. On corruption issues, and we did not have many, France and the UK were strong allies. On security, Singapore was critical. On African safety issues, Nigeria and South Africa were great allies. I had a good working relationship with India and China even where our home country instructions differed. We generally could count on the substantial Latin American delegation when we took the time to consult with them in advance, especially Colombia, Brazil, and El Salvador. Argentina was somewhat unpredictable. The Latinos did meet together and strategize, as did the Africans and Arab states. We worked closely with Lebanon and the UAE (United Arab Republic), and consulted with Egypt and Saudi Arabia, who would provide support when needed. In many respects, Japan was our closest collaborator, but we also spent a lot of quality time--socially and professionally-- with Canada and South Korea. We had very enjoyable and productive relationships with Australia, Germany, and Austria.

While the various geographical representations had voting blocks, the U.S. operated independently of any regional affiliation. We definitely were not seen in the camp of Europe or any other region, and this gave us a lot of credibility in seeking consensus among the 36 members. Although we paid 25 percent of the budget, we only had one vote in 36. But we were free to make alliances to fit the issues. We would caucus with the Latin American block, the African block, or the European block to find common ground.

I had an approach to the Council sessions that worked really well for me. It was this. On the order or agenda for the Council meeting, there were generally five or six issues for discussion and decision. Some of them were totally noncontroversial, and we knew which the controversial ones were. We would work to get support for the controversial issues in advance, encouraging those who supported us to speak up at the Council meeting. I sat at a U-shaped table directly across from the president who presided over the Council. The secretary general sat to his right and usually somebody on the secretary general's staff was sitting next to the secretary general. ICAO is unusual because the Council elects a president and then the Council appoints the secretary general. The secretary general is the chief executive officer, but the president runs the Council and has the power to set the agenda and to articulate the Council's decisions because most decisions are made by consensus. A president like Assad Kotaite, a lawyer from Lebanon with 50 years' experience at ICAO, conversant in many languages, is especially powerful. I don't know of any other international leader who has spent 50 years in a key international position. Kotaite started out as a lawyer in the general counsel's office. He was appointed secretary general for a six years and then was elected president of the Council for over 30 years. He had traveled widely. His condominium was a veritable museum with artifacts from just about every country in the world. Kotaite would bring an issue up for discussion, and I would sit quietly while other members pushed the button to speak, some of whom I had encouraged to speak up on the issue. Nigeria would make a point and then Argentina would make a point and then Saudi Arabia would make a point and then Austria would make a point.

When I saw that the time allotted for an issue was getting close to the end, I would push my button. Because we'd laid the groundwork through our consultations with other Council members, I was able to tailor the U.S. position to embrace the positions and approaches of the Council members who had spoken. The U.S. position might not track precisely the instructions I received from Washington, but I was a non-career appointee and I could improvise in ways that a career officer might be reluctant to do. I would say something along the lines of: "Nigeria has stated A, and we think that makes a lot of sense. Argentina has argued point B and we fully agree with that. Saudi Arabia has pointed out C and we are persuaded that is correct, and El Salvador also agrees with B and C. The U.S. supports the positions of these Council members. There might have been a few people dissenting, but consensus in this environment is not unanimity. Because I had incorporated many voices into the U.S. position, because the president always wanted to know the U.S. position on any important issue, and because time was running short, the president would take the cue and start to sum up the discussion, along the following lines. "Well, I think we have a consensus here," articulating the consensus. "Does anybody object?" Somebody might object, and the discussion might continue a bit longer until the impatient and challenged president would cut it off and restate his consensus perhaps with slight modification. A consensus is not vote, and certainly not a unanimous vote. It's just a feeling that this is where we are coming out on the issue and it's time to move on to something else. It's a little bit like-- I've never thought of it this way before-- but it's a bit like a professional sport like basketball or football where you are running against the clock. I would try to bring together a consensus as the time

allocated for the issue was running out. Dissenting Council members are exhausted. They may have lunch plans. They have made their point and they are not going to fight it anymore. It would be so easy for the United States to say upfront this is our position-- one, two, three. And by the way we pay 25 percent of the budget, but that would get us nowhere. It would not help the president find a consensus. That's the way we operated in an organization like ICAO. At least it's the way I did, and it worked very well.

Most of the issues we dealt with, even the controversial ones, were not intensely political. They reflected different views about aviation safety or security or governance that were unique to ICAO. Sometimes, however, political issues would come up, involving, Iran, North Korea, Israel, and Taiwan, to cite a few examples. We worked hard to keep them from welling up into something that was embarrassing or difficult for the United States. Iran was always trying to file a complaint against us because we wouldn't allow the export of spare aircraft parts for their Boeing aircraft to ensure their safety. To deter the Council from acting on Iran's complaint, the president agreed to try to mediate the issue. He and I flew to Washington to meet with the Under Secretary of State for Arms Control and International Security, Robert Joseph. We argued with the State Department that we ought to make some exemptions to the export controls and sanctions, because it wasn't right to have these planes flying in international airspace with unsafe equipment.

Q: Yeah.

BLISS: Although some exemptions were occasionally allowed and a compromise was proposed to allow repair of the aircraft in Turkey to which the Iranians did not respond, for the most part State was not sympathetic, pointing out that the planes were being used to ship arms to Hezbollah. We went back and forth on the issue over the months, and the Council was happy not to take up the matter as a dispute between member States.

Taiwan was always a recurring issue. ICAO was responsible for the codes on the new e chip passports. The chips were a much better way of securing the legitimacy of passports and preventing fraud and counterfeits. In a highly secured room with a big safe, all the codes of States that agreed to the program were stored on computers. The U.S. would list other member nations that we agreed should have access to our codes. This was much easier than negotiating access to the codes bilaterally. We wanted Taiwan to become a part of this regime because it issued 26 million passports. The Chinese Rep said, "We agree, and we'll take care of it because Taiwan is a province of China."

And I said, "Well, we're not quite there."

Q: (laughs)

BLISS: We would go back and forth on this. The Chinese rep and I were good friends. He got around the one child policy by having twins, a girl and a boy, and they were both in school in Montreal-- the boy in McGill and the girl in Concordia. They used to come over to our apartment and practice their English with my wife. I ran a lot of proposed compromise language past State but could never get a consensus. Ma Tao also got no

wiggle room from Beijing, and, as he was from civil aviation, he seemed nervous in dealing with his foreign ministry. We would sit across the table and I would say: “You and I can come up with language, and resolve this problem in 20 minutes. But you have to go to Beijing, and I’ve got to go to Washington, and we’re not going to get them to agree. So let’s just put it off until next month (*laughs*). Everybody agreed that Taiwan should be in the system. It was just a question of finding the language that recognizes for passport purposes a separate entity of some kind, even though Taiwan is not now officially a member State of ICAO.

Q: But they were originally.

BLISS: Yes. They were replaced by the Peoples Republic of China.

Q: Yes.

BLISS: Those were the kinds of political issues we had to deal with. North Korea was a problem. They would launch test missiles without giving the required notice to ICAO so as to alert civil aircraft flying in the area. Japan and the U.S. would work on a letter from the president of the Council to the North Korean Minister of Transport pointing out the flagrant violation of ICAO rules and the threat to civilian aircraft by its failure to provide advance notice of missile tests. When North Korea bothered to respond, it was with propaganda about its war machine.

Q: Did you find the Council president receptive to the U.S. position?

BLISS: Yes. Of course, Kotaite had to treat all Council members fairly and impartially, but he was always available to work with the U.S. During my second year on the Council, he retired. The U.S. agreed it was time for a change. He was replaced by Roberto Kobeh Gonzalez of Mexico, a warm and reform-minded president. Kobeh didn’t have the lawyer’s articulation skills of his predecessor, but he was more interested in reforms than would enable the Council to function more efficiently. We fully supported his reform agenda. In each case, the U.S. ambassador has a very good relationship with the president of the Council. Each of them was well aware of how important the U.S. is to that institution and equally as aware that they can’t be perceived as playing favorites. They were very willing any time to meet and talk through an issue before it came before the Council. They were careful not to put us in an embarrassing situation, and would alert us if a sticky issue was coming down the pike.

Q: Even at a time when U.S. foreign policy was not popular in many circles?

BLISS: I was always grateful that despite the differences some nations had with U.S. policy in the Middle East, our pro-Israel stance and the war with Iraq, for example, they accorded us great respect at ICAO. I didn’t sense the headwinds that you have in the United Nations General Assembly with the group of the 77. John Bolton was the U.S. Ambassador to the UN at that time and his style of operating may have been diametrically opposite to mine. Even though it was George W. Bush’s administration,

which generally was not widely loved in a lot of countries around the world, the FAA was a leader in aviation internationally. We were more open and worked more effectively with developing countries than Europe did. I always felt there was huge respect for U.S. leadership at ICAO, even during that time.

Three poignant examples come to mind. ICAO hosted a General Assembly every three years with 1,500 delegates from 191 States participating. A representative from one of the States is elected president of the Assembly. The year I was there, the Assembly elected Jeff Shane, U.S. Under Secretary of Transportation, as the president, the first U.S. Assembly president since 1958.

Second, at each Assembly, the Council is elected for three years. The U.S. has to run like every other candidate and we are not a member of any regional block with a secure voting base. In addition, there were always negative votes we could count on, Cuba, North Korea, Venezuela, and Iran. At the Assembly I attended, the U.S. received the highest total number of votes ever, going back to 1944. The Council president said the vote reflected the regard the states had for the U.S. mission. Canada, which is the host country, had the lowest number of votes for the Council, which may have reflected feelings about their mission and concerns about the host country's support for ICAO diplomats. In fact, the United Arab Emirates said, "Why don't you move the whole thing over to us? We'll take really good care of you in the UAE."

My third example of the respect that other nations had for the U.S. has to do with the presidential election in 2008. Almost everyone was very interested in the American election. It is incredible how much people around the world know about American elections. The Canadians are more knowledgeable about American elections than most Americans. They follow it very closely and I had to be on my toes because people would come up to me and say, "In the Texas primary, why are half the votes determined by caucus and half by primary?" I'd have to follow the primaries closely so I could answer questions from my curious colleagues. While the interminable U.S. perpetual election cycle continued, Canada had an election and hardly anybody noticed, but the election between Barack Obama and John McCain was a constant topic of discussion. Even though I was a George W. Bush appointee, I freely discussed with my colleagues the visionary and revolutionary aspects of Barack Obama's candidacy. It was pretty exciting for Americans and for the world.

The morning after the election we were sitting around in the U-shaped conference room prepared to discuss a safety issue on the agenda. The first person to push the button was the representative from South Africa. He said "Before we get to the issue on the agenda this morning, I want to turn to my American colleague and say that we didn't believe it was ever possible, but I think you -- America -- has finally demonstrated to the world what real democracy is all about, the fact you would elect an African American as President of the United States." And then the Nigerian, Benard Aliu, pressed his button and made a similar comment. Aliu is now president of the Council. Other representatives followed with congratulations and commendations to the United States as we went around the table. No doubt, if the election had been global, Barak Obama would have

won by a landslide. There were some Central American countries that were for McCain, but for the most part, Obama was the favorite.

There were tears in my eyes; it was such a moving scene. They were complimenting me who, you know, was about to lose my job (*laughs*).

I pushed the button and thanked my fellow Council members for their remarks. I said that at this time of financial crisis, which shows how interconnected our global economy is, it is perhaps fitting that Americans have elected a president with a global perspective, with a father from Africa, a stepfather from Asia, and an upbringing in our most multicultural state, Hawaii.

At my farewell party, I said it was about time we elected a president who graduated from Harvard Law School. After all, the Clintons, the Bushes and Jerry Ford were all Yale graduates. Many of them knew that I had welcomed the Obama presidency.

Q: I don't know whether ICAO is involved right now in a very hot issue on airline movement -- these identification zones. China unilaterally has declared an identification zone over some islands and Japan has declared an overlapping one, and to help things along, South Korea has since designed another one.

BLISS: ICAO would be involved to the extent that if civil air routes go through these areas, ICAO would make sure they have safe passage. These are military zones, and ICAO has no authority over military issues. ICAO has to coordinate with military airspace, however. All Chinese air space is controlled by the military. We can't negotiate air routes into China without dealing with the military because they control it all. In terms of this particular controversy, it's more of a military than a State Department issue, but ICAO would be very interested in making sure that any civil aviation routes that go through these areas are not adversely affected and would make its position known to the governments involved. Given that ICAO's mandate is restricted to civil aviation, some of the trickier issues involve the effect of military actions on commercial airlines. I mentioned the issue of North Korea's failure to notify ICAO of missile launches. Then, of course, we had the Soviet's shoot down of Korean Air 007, and the U.S. Navy's shoot down of an Iranian commercial airliner. I had to deal with the Israelis' bombing the airport in Beirut when they attacked Hezbollah in Lebanon. We were trying to make sure that the airport was safe for civilian transportation. We urged Secretary of State Condoleezza Rice to talk to the Israelis about this, and she did. The Israelis exercised some constraint and did not destroy the airport, which they could have done, but they did make it impossible for civilian flights for a period of time. We were trying to protect the airport for free international travel without getting into the issue of the war because that was beyond our jurisdiction.

Q: Did you have to deal with the noise effect of supersonic aircraft, the SST or the Concord, or had that been settled?

BLISS: I dealt with that issue firsthand when I was at the Department of Transportation, because we decided to allow the Concord to fly to the United States on a demonstration basis. When I was deputy general counsel we allowed four flights a day, two to Dulles and two to Kennedy, and successfully defended law suits galore in New York and Washington. Shortly thereafter ICAO set international standards for noise from supersonic aircraft. In most cases, the noise standards set by ICAO, were based on U.S. standards. The federal aviation noise standards addressing subsonic aircraft that I worked on at the Department of Transportation became the basis for Annex 16 to the Chicago Convention. My work on this helped persuade the White House that I had some relevant experience that qualified me for the ICAO position. The U.S. had allowed the airlines to use noise suppression retrofits on some aircraft to meet the more stringent standards in the operating fleet as they ordered new replacement aircraft that met the tougher standards. These were known as hush kits and this became a huge controversy at ICAO when the Europeans refused to allow airplanes with hush kits to fly into Europe. This was arbitrated by the ICAO Council before I arrived in one of the few State against State arbitrations as provided for in the Convention. The U.S. came out victorious. It was often cited as a precedent as the Europeans sparred with the U.S. on environmental issues.

Q: To what extent did partisan politics affect U.S. aviation policy? Was there a Bush Administration policy and a Democratic Party policy?

BLISS: For the most part, no. Even in Congress, transportation issues were usually addressed on a bipartisan basis until recently. One could argue that the Bush Administration was more cautious on what ICAO should be doing on the effect of aircraft emissions on climate change. But the same career experts at the FAA provided the data and fact-based advice to the U.S. mission, and it didn't change much from one administration to the next. There was a time during the Assembly when the National Security Council prevented us from negotiating as aggressive a climate change policy as I would have liked, but for the most part, the Bush administration was doing a lot more than it was given credit for and was very analytical in its approach to these issues. I'd gotten Jeff Shane to be president of the Assembly, and Jeff worked his heart out to try to get a deal on aircraft emissions that the Europeans would accept. We called the National Security Council from my office during the negotiations to see if they would let us push a little harder, and they said no. They didn't want us ahead of United States policy on that issue. We thought we could be ground setting and reach an international agreement on one small issue-- addressing aircraft emissions which are about two to three per cent of the total amount of CO² emissions into the atmosphere. If we could get an agreement on that, we would pave the way for the rest of the world to come together on climate change. But we couldn't persuade the White House to give us the legroom to do that. So we landed up passing a resolution with the European countries dissenting from it. I don't know if that's so much political as it was simply the administration's policy at that time. For the most part, aviation issues aren't very partisan.

If I had to do the job over again I would have spent more time talking to Congress when I was back in Washington. I did come back frequently, and I made the rounds at the State Department (both the Bureau of International Organization Affairs and the Economic

Bureau), the Department of Transportation, the Federal Aviation Administration, and the Transportation Security Administration in the Department of Homeland Security. They were all dealing with difficult issues but they were not particularly partisan.

Q: How about relations with the great powers, Boeing and Airbus?

BLISS: I was somewhat surprised that I didn't get lobbied much, either by the manufacturers or the airlines, although some of them made courtesy visits. We called upon their expertise all the time, but it was at a different level. They came in and met with experts in the Secretariat and experts from other countries to work on specific issues. At the beginning of my tenure, I requested a briefing from Boeing, which was held in Arlington, Virginia. It was helpful to me to understand Boeing's strategy and priorities. Later during my tenure, the French Ambassador to ICAO organized a trip of selected Council members to Brussels, Cologne, Paris, and Toulouse. We met with various EU (European Union) officials and legislators, the French aviation authorities, the EU aviation safety agency (in Cologne), and the senior executives at Airbus (in Toulouse). We went through the facility assembling the A-380's, and I sat next to Airbus' chief executive officer at lunch. He told me that he was truly surprised and shocked to learn that the U.S. Air Force the day before had selected Airbus over Boeing to supply the refueling aircraft for long range missions. He said he never thought he would see the day.

Although ICAO works with and through sovereign States, we do need to have the technical expertise of industry to develop feasible and efficient standards. We worked closely with associations representing airports, air traffic controllers, the pilots and other employees, and general aviation. The most actively involved were the airlines. The organization that represents the international air carriers is called the International Air Transport Association, IATA. It occupied a huge building across the street from the ICAO building. IATA was greatly involved in many issues, mostly on a technical level.

Q: It sounds like most of your time was spent working with the representatives of sovereign states, which might reflect the interest of their airlines and manufacturers. How challenging was this?

BLISS: ICAO, like many international organizations, develops a certain way of doing business over a long period of time and after a while it gets very difficult to get things done. We were working really hard with a small group to try to make the decision-making process more efficient. Much of ICAO's budget was spent in translating documents and Council deliberations to meet the UN's five language requirements-- English, French, Spanish, Chinese and Arabic. If the Council wasted a lot of time in endless debate without resolving an issue, the translation costs became exorbitant, taking funds away from research and technical consultation. We were trying to ensure that an issue was ready for a decision before it was presented to the Council. The incoming president of the Council from Mexico was very supportive of this. He wanted to try to streamline things. We organized small working groups to think through the issues and prepare for expeditious Council decisions. These working groups usually met without

translators and were conducted in English, the universal language of aviation. Some members objected to this approach, favoring lengthy formal Council deliberations. They were concerned that if we streamlined things too much, the Americans would dominate and by having these long discussions in the Council, they could demonstrate to their governments that they were effective advocates, as reflected in the minutes. Reforms were difficult. Our allies were the UK, Canada, and Australia. We got the most resistance from France. France was worried that English would dominate rather than French. We adopted new rules of procedure, a two-term limit on the secretary general, and a results-based budget that focused on meeting six strategic objectives.

It was a major challenge to keep up with rapidly changing technologies. Some ICAO standards were outdated. We needed to move to performance based standards in place of prescriptive standards, eliminate bureaucratic impediments to the more efficient use of aircraft, encourage the introduction of new safer technologies by coordinating with voluntary industry standard setting organizations, and importantly seek to harmonize international standards and technologies to facilitate cross-border navigation and lower costs. We were constantly looking for ways to do things more efficiently, and we made significant progress. During my last year, Council time was spent on making actual decisions. We rarely engaged in lengthy discussions only to defer a decision until later date. Of course, ambassadors come and go, and after I left there were many months before my replacement was nominated and confirmed by the Senate. I suspect a lot of momentum was lost, although the Council president was so committed that I doubt he would have countenanced any backsliding.

One of the strategic objective we adopted was to advance the “rule of law.” Among other issues, this meant updating several aviation treaties to address circumstances arising on September 11. Although the existing treaties addressed the perpetrators of crimes against aviation, on September 11 the perpetrators who flew the planes into the world trade center and into the ground in Pennsylvania were all dead, but the treaties did not reach those who planned, facilitated, and financed these acts of terrorism. To address these and other issues, a conference was convened in Montreal. At first the lawyers from State, DOT and the FAA informed me they would not participate, having been “burned” in previous treaty negotiations. I repeatedly urged them to come and play a role in shaping amendments to these treaties and finally they acquiesced by sending the largest delegation of lawyers, who were immensely effective in drafting amendments to these treaties. I do not know how this work proceeded after my departure.

Q: Was the turnover a problem generally?

BLISS: Yes. During my three years, the Inspector General conducted an audit of the U.S. mission. The Inspector General made three key recommendations. First, the ambassador must be nominated and confirmed as quickly as possible to eliminate gaps of many months between permanent U.S. representation on the Council. Second, the deputy chief of mission or alternative representative, a career foreign service officer, should serve a term that overlaps the ambassadors to ensure institutional continuity. Third, the mission’s budget should be increased. Of course, none of the three recommendations were

observed. My replacement arrived more than a year after I departed, and the entire staff had turned over by the time he arrived, leaving no institutional continuity. Budget pressures remained the same.

Nonetheless, we came through the audit with flying colors. The Inspector General's report stated that the U.S. Mission to ICAO "is a lean operation that has taken on increased importance following September 11, 2001" and that the Ambassador "skillfully advances U.S. positions in this consensus-based organization" by "effectively 'working the corridors' during and between council and committee meetings to create consensus." The Inspector General concluded that "the Ambassador, with substantial private sector civil aviation policy experience, is highly effective in leading the mission."

Q: Who were your successors?

BLISS: President Obama nominated Duane Woerth, a former president of the Airlines Pilot Association, and an experienced pilot on international routes for Northwest Airlines. Duane was exceptionally well qualified. I wrote several letters to the editor and articles criticizing the unconscionable delay in his nomination and confirmation, which were published in USA Today, the Washington Post, the Washington Examiner and the Air and Space Law Forum. In fairness, I understand that the first candidate the administration sought for the job, a former Assistant Secretary of Transportation, pulled out of the running after he learned of all the post-employment restrictions that would be imposed on him. By all reports, Duane did a great job as ambassador, but resigned after several years on December 20, 2013. Into his second term, President Obama decided to reward a campaign bundler (who had raised a lot of money for campaign) with the position. Although some 30 per cent of ambassadorial appointments are non-career political appointments, and these are often rewards for strong supporters and contributors to the presidential campaign, the ICAO job had never been perceived in this way, and the appointment was subject to a Senate hold for many months. At the time, there was mounting criticism that the president was sending up unqualified political ambassadorial appointees, some of whom showed a lack of knowledge about the country to which they were nominated and were forced to withdraw. Al Kamen, who writes a daily column for the Washington Post on such matters, called me and several others to get more information on the qualifications of past appointees to the ICAO ambassadorship.

Kamen's thesis was that this is not the kind of ambassadorial position that you use as a reward for somebody who's raised a lot of money. I told him that the nominee, Al Lawson, was a partner in the prestigious law firm of Skadden-Arps, and had been president of the Board of Airport Commissioners for Los Angeles World Airports, which seemed to me to be a "perfectly respectable" qualification. The fact he was African American didn't hurt either given the need for more diversity at ICAO. His experience with a busy international airport, although part time and voluntary, was relevant as ICAO sets standards for airports. He was obviously a smart guy, very successful lawyer. He probably was up to the job, but Kamen's thesis was that Obama had run out of positions for rewarding contributors so he was going into areas that traditionally have not been plums for political contributors.

There is, of course, a tension between the career foreign service and political appointees. That tension is exacerbated when unqualified or marginally qualified candidates are nominated. I personally think there are far too many political appointees to senior positions at the State Department, including ambassadors. The long delays in the nomination and confirmation process, the politicization of the confirmation process, and the rapid turnover in these positions is destructive of a well-grounded foreign policy. The president, of course, has the right to appoint individuals who reflect his policies and have his confidence, but it is also important to enable outstanding career foreign service officers to rise to leadership positions. The appointment of Ambassador Bill Burns as Deputy Secretary of State was exactly right, but shockingly he was only the second career officer to reach this position. There were times when I felt that career officers were a bit condescending and resentful and overly preoccupied with advancement in their own careers but I relied on them heavily on matters of protocol and in navigating the treacherous waters of the Washington bureaucracy. As a non-career appointee, I definitely was willing to take more risks in pushing for policies that I thought were right, but I could never have done the job without the backing of experienced professionals.

Q: Could you give me an example of where you were willing to take more of a risk?

I mentioned that English is the universal language for aviation. There have been several accidents through the years where the language communication has been a factor. In one notable instance there was serious misunderstanding between an air traffic controller at JFK Airport in New York and a pilot coming in from South America that resulted in a number of fatalities. The Council approved a standard that required pilots, air traffic controllers and dispatchers who were involved in international flights to have a level four proficiency in English by a date certain, a fairly stringent standard. A lot of countries were having trouble getting there. China, for example, asked for an extension. We were not inclined to grant an extension, but we created a process where a State could ask for a temporary waiver, provide a plan and timeline for coming into compliance, and notify all other States, which could then decide whether they would accept air service until the standard was met. Of course they all would. Then the Chinese representative said to me,

“By the way, is the FAA complying with this level four English requirement?”

I replied, “Good question. I will look into it.”

I called the FAA and they said, “Well, English is our language. We don’t have to comply with it because it’s our natural language.”

And I said, “Wait a minute. The ICAO standard specifies the way you communicate on international flights, pilot to air traffic control, the precise language to be used. The FAA has to make sure U.S. pilots are trained to use that language.”

The FAA scrambled around and admitted they really hadn’t done anything and “were not in compliance with the ICAO standard.”

They took steps on an urgent basis to comply with the standard. I was quite transparent about this in the Council, admitting that I had a lot to learn myself to speak the Queen's English.

Q: How was the FAA's compliance with ICAO's standards generally?

BLISS: The way ICAO works is that every State doesn't have to comply with every standard, but if a State doesn't comply it has to file a paper with ICAO (accessible by all States) which is called a difference. In the difference we require the State to explain why it does not comply. Is it because they have a comparable standard, but it's different? Is it because they have a higher standard? Or is it because they haven't been able to meet the standard yet? In large markets like the U.S. and Europe, different procedures have evolved over the years. ICAO standards are sometimes based on the European model in which case the U.S. uses a different procedure. I mentioned earlier that every State, including the United States, is subject to a safety audit by ICAO. The U.S. audit took place while I was there. I have never seen the FAA work so hard to get everything in shape for that audit. It was good exercise for the United States because we had to review all the ICAO standards and see whether the U.S. was in compliance, and if not whether we had filed a difference, and whether we had done everything we could to ensure comparable or better safety. The auditors did a very thorough job. One of my deputies, who represented the U.S. on the Air Navigation Commission, had to negotiate an overall grade or rating and was successful in getting a grade that was a little bit better than some of the other States so as to set the example. The audit was a rigorous and useful exercise for the FAA to make sure that we were doing our job to be internationally compliant.

Q: The Bush administration got terribly controversial over the invasion of Iraq-- did that wash into your business?

BLISS: Not really -- I was surprised that it didn't really have much impact on what we did. Iraq was not a member of the Council. We didn't have any dealings with them on a daily basis. I do recall that I met the Iraqi delegate to the General Assembly and we had a sidebar conversation. He was extremely critical of the FAA in Iraq. He said that the Americans were arrogant and condescending. The FAA built beautiful offices for themselves at the airport and ran the operations their own way. It was probably the most negative conversation I had in three years. I'm glad the representative from Iraq wasn't on the Council as I would have had to deal with him every day. In contrast, although Afghanistan was not on the Council, it had a permanent representative in Montreal as an observer. He would come by my office from time to time and we had a good working relationship. He was very appreciative of the FAA's work in Afghanistan. He invited me to the wedding of one of his brothers which was quite an experience.

I'm sure that many countries on the Council were not enamored with the Bush foreign policy, but they didn't raise the issue with me. We focused on finding common objectives, such as improving aviation safety. The safety record of many of the African States lagged behind other regions, and we worked with them to make this a priority and to coordinate technical assistance from the U.S. and other States. They resented the

Europeans which were black listing African carriers, barring them from serving the European Union, and preferred our approach of providing technical support. We rarely got into foreign policy issues that were not relevant to what we were trying to do.

Q: Well, did you get any reflection of the problem in Russia at the time? I've talked to people on Russian airlines where the pilots let their kids fly the plane. There seems to be a disregard for common sense.

BLISS: Aviation safety is a big problem in Russia. Russia is always represented on the Council. I worked with two of them while I was there and liked them personally. They seemed more interested in making sure that everything was translated correctly into the Russian language than they were in the substance. Russia did not do well in the ICAO safety audit, and we sent a high level delegation there to work with them.

Q: What were the safety issues with the Russians?

BLISS: Safety oversight was weak. Their manufactured equipment wasn't up to standards. Their pilots didn't get the kind of training we thought they should get for licensing. There was a problem around the world, where carriers would pay bribes to get certifications and licenses. There were certain countries that were safe harbors, like flags of convenience in shipping. There were instances where Russian cargo carriers were getting certified in these places where it was easy to get a license and where they didn't have rigorous oversight and enforcement. The record of crashes by cargo carriers in Africa and other regions reflected these practices. ICAO would send delegations to States that engaged in these practices and we put several out of business while I was there. We never got that far within Russia. If ICAO had tried to do in Russia what it was doing in some of the African states like Swaziland and Sierra Leone, it would have created quite an international incident --

Q: How long were you in Montreal?

BLISS: Three years. When I arrived my deputy, Claudia Server, a career foreign service officer, was representing the U.S. on the Council. The Austrian representative was the only other woman on the 36-member Council at the time. Together with Canada, Claudia and the Austrian rep drafted and lobbied for a proposal to encourage hiring more women in professional positions at ICAO. The record was pretty dismal (fewer than one percent of the professionals in the Secretariat), and it didn't have to be because there are a lot of women in top positions in aviation. A lot of women have set records as pilots and served in senior executive positions in the industry. But ICAO had very few women in key jobs. After I arrived, the U.S., Canada and Austria introduced what might be called an affirmative action plan, although that apparently is not a good term anymore. We introduced a fairly aggressive program to recruit, retain, and promote women in key positions at ICAO. The secretary general who was an Arab and the Council president who was from Lebanon were quietly laughing at our motion. They treated it as kind of as a joke. When it came before the Council, they were shocked when it was supported by all Council members and adopted unanimously.

About this time the key job that has always been filled by an American, the Director of the Air Navigation Bureau, became vacant. The secretary general told me, “You know, Americans have always held this job, but now you have put me in a position where if I have a qualified woman apply from Europe or elsewhere, you may lose this position.”

Q: Mm-hmm.

BLISS: The FAA administrator was a woman, Marion Blakey. She left to become CEO of the AIA (the Aeronautical Industry Association). I called her and asked: “Can you find me a really well qualified woman for this job, because now that we have set this policy, I think we ought to set an example.”

She responded, “I can’t think of anybody.” She had somebody she wanted to promote for this position who was a well-qualified African American male, which would have been fine under most circumstances.

I had heard that there was an FAA associate administrator for Asia residing in Singapore, who was very highly thought of and respected by her Asian counterparts. I had even checked with her to see if she might be interested, and she was. I asked Marion Blakey, “What about Nancy Graham?”

She said, “Oh no, I doubt that she would be interested and besides I can’t spare her.”

I explained, “I can’t guarantee we can get a U.S. person in this job if we have competition from Europe for it.”

Marion replied, “Nancy wouldn’t be interested because she’s doing such a great job in Asia.”

I said, “Well, I talked to her and she’s kind of interested.”

Marion let us have Nancy who was very well qualified, and she was appointed by the secretary general with the consent of the Council. She became the director of the Air Navigation Bureau, which is the most powerful job within the Secretariat. We had two other bureau director vacancies come up and the secretary general strictly adhered to the Council’s policy. There were no women directors in any of the five bureaus at ICAO when I arrived. By the time I left three of the five bureau directors were women, one from China, one from America, and one from Nigeria. We really turned around the policy on hiring women in key positions. In 2015, the director of the Bureau of Administration and Services, Fang Liu of China, was elected secretary general, the first woman ever to hold that position.

Q: Did you have to recruit somebody to replace you, or was that being done back in Washington?

BLISS: Like all political appointees I submitted my resignation when the new president took office. Even though my predecessor had been appointed by Clinton and stayed on for the first Bush term, that option really wasn't available to me. For one thing, the senior people with whom I had worked most closely, Secretary Mineta, Under Secretary Shane, Administrator Blakey, acting Administrator Bobby Sturgell, the assistant secretary of the Bureau of International Organizations Affairs, the head of TSA and the chief of staff to the president were all gone. My wife was ready to come back to Washington and we had sold our condominium in Montreal. My deputy really wanted to be the acting representative until a successor was nominated. I figured that three years was fine. I didn't try to lobby to stay on the job until a successor was confirmed. If I'd wanted to lobby as my predecessor had, I could have reached out to some of my former law partners, former Secretary of State Warren Christopher or Tom Donilon who became national security advisor.

Through the grapevine, I learned who was being considered as my replacement and shared my insights about the experience over lunch or dinner. The first candidate backed out the last minute because of the restrictions that the Obama administration was putting on post government employment. He thought they were too onerous and he couldn't go back and practice law. After going through this long vetting process, he withdrew and the administration had to start over. A couple of former presidents of the Airline Pilots Association had been in the running for FAA administrator, and Randy Babbitt was selected. He was an excellent administrator who unfortunately had to resign after a drunken driving incident. The one they didn't pick, who was very much in the running to be FAA administrator, was Duane Woerth. So when this other guy backed out of the job, the White House asked Duane if he was interested in the ICAO job, and he was. As president of the Airline Pilots Association and an experienced international pilot at Northwest Airlines for many years, he was very well qualified for the job. I volunteered to help him with the confirmation process, just as my predecessor had helped me. We had dinner and talked about life in Montreal. From all reports he has done a great job, but he announced his departure on December 20, 2014. He knew the winter's was coming up and he had put in three years.

Q: (laughs) Well, what did you do afterwards? What have you been doing?

BLISS: I left ICAO in January 2009. While I was in Montreal, Bill Coleman called and asked me, "Would you be willing to work with me on my autobiography?" Justice Breyer and others had been urging Bill to write his autobiography. He had dictated hundreds of pages but it wasn't in publishable form. Breyer had his editor look at it but she wasn't interested, although she agreed to work with me on the project. I also had encouraged Bill to write his memoirs and decided to return to O'Melveny as Of Counsel and work on the book, which was published by Brookings Institute Press. It was Brookings best-selling book that year and received the Green Bag award for the best legal writing of the year. As Bill was a protégé of Thurgood Marshall, the book provided new information about the strategy that resulted in the Supreme Court's Brown v. Board of Education decision, desegregating the public schools, and, from Bill's work with the Warren Commission, new insights into the investigation of the assassination of President Kennedy and possible

involvement by the Soviet Union and Cuba. Justice Breyer wrote the introduction to the book.

I enjoyed the research and writing of the Coleman book, and decided to write my own book on Mark Twain and politics. Hundreds of books have been written about Mark Twain, but a lot of people don't realize that he briefly worked in Washington for a Nevada senator, reported on Congress and the post-civil war period as a capital correspondent, and returned to Washington many times to lobby and give lectures. His first novel, The Gilded Age, was about corruption in politics and the legislative process, and he was a lifelong commentator on American politics, government and foreign policy. Surprisingly little had been written about Twain's views about politics, how they evolved, and how they remain relevant today. My book was published in 2012 and received rave reviews from the trade press. Since Twain's views about the influence of money in politics and legislation remain strikingly relevant, I give talks about on the subject around the country and teach an adult education course at American University.

Q: What did you do besides writing?

In 2013, I was elected President of the United Nations Association of the National Capitol area. I also served as chairman of the board of our church, which kept be really busy. In fact, I probably have longer hours, and certainly more emails, phone calls, and meetings than I ever did practicing law or in government. This may be because when you charge a lot of money on an hourly basis, people are more respectful of your time (*laughs*).

Q: Tell me more about your work as president of the United Nations Association of the National Capital Area.

BLISS: You might say I came full circle. My final year at law school, I took my seminar on United Nations law from Louis Sohn, who had been instrumental in drafting the UN's Universal Declaration of Human Rights, and I wrote a paper on the International Labor Organization, a UN specialized agency. After a diversion of fifty years, I was appointed an ambassador to a specialized agency of the UN. Upon my return to the U.S. I was invited to join the Board of Directors of the United Nations Association of the National Capital Area (UNA-NCA) and drafted to serve as its president-elect in 2011.

As the largest and most active chapter of UNA-USA, which merged into the UN Foundation a few years ago, UNA-NCA is independently chartered, serving the District of Columbia, Maryland and Northern Virginia. We have over a 1,000 members, and more than half are under 40. Our mission is to inform and educate the public, policy and opinion makers, and the next generation of leaders on the work and values of the UN. We have a strong advocacy group that works for constructive U.S. leadership in an effective UN. Our flagship program is our global classrooms--model UN, reaching over 3000 middle and high school students in 90 DC-area schools with a yearlong curricula, culminating in an all-day Model UN of some 600 at the U.S. Department of State each spring. Annually this is the largest outside event hosted by State and often draws the

secretary of state as the keynote speaker. Most of the highly diversified students are from Title I D.C. schools (receiving special federal assistance). During the school year they study four issues with the curricula we prepare. This past year it was Food Security, Social Responsibility and the Private Sector, the Situation in the Ukraine, and the Empowerment of Rural Women. The students come well prepared to the Model UN. A student who had never heard of Botswana at the beginning of the school year is advocating Botswana's position in the General Assembly, negotiating a resolution with Belgium, and drafting a position paper. It is inspiring to watch and we have many alumni of the program who have found this a life-changing experience as they enter international work.

Q: What else does UNA-NCA do?

BLISS: Our programs cover the full inter-generational spectrum. We have a strong Young Professionals program that is focused on career development. Twice a year we sponsor career dinners bringing students, young professionals and experienced experts and policymakers together in intimate social settings to explore various international career options. Our Fellows program offers an elite group of students a semester long series of insights into the work of the UN. Each December on Capitol Hill we recognize outstanding individuals and organizations for their work on human rights. Our committees organize programs on topics ranging from sustainable development and climate change, peace and security, human rights and international law.

Q: Could you give some examples?

BLISS: We have made the Secretary General's post-2015 development agenda an overarching theme. In 2013, we held a conference at George Washington University that brought together local and international leaders to discuss challenges of mutual interest from eradicating poverty to universal quality education, to access to health care and the empowerment of women and girls. In 2014 we hosted a conference at Johns Hopkins University in Baltimore that brought together 167 local and international leaders in Maryland to make recommendations that were included in a report to the UN and U.S. leaders. Senator Ben Cardin, the congressional representative to the UN, laid the foundation with his opening remarks. Our focus uniquely has been to bring together local and international organizations to share best practices. Many of them met for the first time. Our mantra was: "Think globally and act locally."

Q: Did you have much interaction with the UN and State Department officials?

BLISS: Most definitely. I made increasing public awareness of the United Nation's specialized agencies a priority. This year we have sponsored intimate conversations with Deputy Secretary General Jan Eliasson, the new Secretary General to the International Telecommunication Union, Houlon Zhang, the Director General of the International Atomic Energy Agency, and the Director of ICAO's Air Navigation Bureau. We held the first reception welcoming the newly confirmed Assistant Secretary for the Bureau of International Organization Affairs, Bathsheba Crocker, and hosted many events with

senior State Department officials, UN Washington representatives and leaders of non-governmental organizations, many of whom sit on our Advisory Council.

Q: Back to ICAO for a moment, do you think an ambassador to ICAO should be a lawyer or an airline pilot. I don't mean to be controversial, but do you think an airline pilot or a lawyer brought more to the table?

BLISS: I don't think that either is a qualification for the job per se. You need someone who can deal effectively with people from other cultures and points of view and try to build consensus. Having experience in aviation as a pilot or in some other capacity is very valuable. Other things being equal, I think a pilot in that job is a strong positive but only if a pilot has the other necessary skills. My successor was president of a union and had demonstrated skills in leadership --

Q: Yeah.

BLISS: -- and in building coalitions and negotiating consensus. As you know, there are all kinds of lawyers. Some lawyers are litigators, and I was technically a litigator. I was never really that interested in the adversarial, the fighting, part of it; I liked the problem solving aspect of it. As I indicated before, for 10 years I was a special master to a federal district judge in Los Angeles overseeing the Los Angeles bus system. I enjoyed that work because I was addressing and solving problems.

Q: Of course Los Angeles can be such a huge area.

BLISS: Right.

Q: It's almost unique. Getting from hither to beyond if you don't have a car is almost --

BLISS: That's right. Almost everybody has a car so you have to be really poor to rely on a bus to get to your job or health clinic or grocery store. Over the course of ten years, the old bus fleet was replaced and expanded by 2,000 new natural gas buses. The Natural Gas Association made LA its poster child, running TV ads that boasted: "Los Angeles has the cleanest, largest fleet of natural gas buses in the country. Look what natural gas has brought to Los Angeles, clean air and fast travel." LA also bragged about what a great system they have, but ten years earlier the system was a disaster. This is the kind of problem solving that I enjoy, and that's what I was doing up at ICAO. It helped also that as a former Peace Corps volunteer, I had respect for other cultures. I don't respect everything they do, but I tried to understand and communicate with them and respect their point of view. These are the skills that I think are needed in that kind of job. Having the technical background of a pilot, like my successor, would have been helpful. I did do some self-study on piloting. My FAA-designated deputy, Steve Creamer, had worked on the technical side as an air traffic controller and managed Alaska's air traffic control system. After he left the U.S. mission at ICAO he was the FAA's associate administrator for Europe in Brussels. He is now back in Montreal as the Director of the Air Navigation

Bureau. Whatever shortcomings I had on the technical side, I was fortunate to have very skilled professionals to advise me.

Q: Did you have within your embassy or reaching out beyond the technical expertise you needed?

BLISS: I had a very small mission, one foreign service officer deputy to advise me on diplomatic matters and one FAA designated technical deputy to advise me on aviation matters, but that was not a problem because I could draw on the FAA, the Transportation Security Administration and the State Department's Economic Bureau and International Organizations Bureau for expertise whenever I needed it. My two deputies knew their way around their respective bureaucracies and knew exactly who to call on a particular issue. There was a constant flow every day of technical people coming to Montreal to participate in working groups or to advise us on upcoming issues. If anything, I had so many cooks in Washington that it was hard to get a timely decision on the U.S. position on some issues. Sometimes there wasn't time to get instructions, guidance. I had a visitor's office in the Bureau of International Organization Affairs, which was my direct report and responsible for my budget. I stayed in close touch with them; however, the UN system is so big and ICAO is such a specialized aspect of it that the IO bureau was not too interested in the day-to-day work we did other than I had to keep urging them to make sure we were timely in paying the U.S. dues to ICAO. I argued that if we didn't pay up we could lose our vote on the Council. We always eventually paid up, but we were often late. The U.S. didn't always pay up at the beginning like many of the Europeans did. They paid right up front. State always had a limited appropriation that had to be spread around all the international organizations and we had to fight for our share--

Q: Well, living in Canada, did you pick up anything about Canadian views of the United States?

BLISS: Sure. The Canadians know a lot more about the United States than many Americans do. It was fun because, as I mentioned earlier, we had election going on about which they were most interested. They seemed more interested in American sports than their own except for ice hockey. They were real hockey fans. Canadians seem much more civically involved and interested in their government than Americans are for the most part. Sometimes they could be a bit condescending about parts of the United States and our culture. Of course, my colleagues on the Council came from other countries to Montreal and many of them would make a point of trying to visit as much of the United States as they could. There was a French ambassador who visited every state in the United States during his time in Canada. The Australians loved to drive. We had a couple of Australian Council members, my counterparts, who drove across the United States. One Australian drove all the way to Key West, Florida for lunch. He drove to Miami, spent the night, and drove to Key West for lunch and back to Miami the same day. They would tell me how amazed they were at how different the various regions of the United States were, how the cultures are so different. It's not just one heterogeneous nation.

Q: Yeah. Well, what else are you up to now?

BLISS: Well, in addition to the United Nations Association of the National Capitol Area, I'm chairman of the board of our church, thank God that's only one year. That takes a lot of time. Cedar Lane Unitarian Universalist Church, Bethesda, Maryland. We have a new minister who comes from India, who is also a practicing Hindu. Even this dimension of my life is global in nature. I'm co-chair of the board of Arts for the Aging, which is a nonprofit that provides interactive multimedia artistic workshops for frail, elderly low income people suffering from physical and cognitive challenges such as dementia or Alzheimer's. We pay professional teaching artists to offer workshops in dance, music, sculpture, poetry, storytelling, and painting, that really bring out the innate artistic qualities in people who otherwise have a minimal quality of life. We have been doing this for 26 years and medical research is catching up with a new field that extols the benefits of creative aging.

Q: I think there's some reflection of that where I am. I'm living in a retirement home called Goodwin House.

BLISS: You've mentioned that before. Bill and Lovida Coleman live there now. I accompanied Bill to this dinner a couple of weeks ago for former Presidential Medal of Freedom winners. He wasn't fully aware of the circumstances. We had our picture taken with the president and Michelle Obama and the president came up to him and said, "Bill, so glad to see you." He turned to Michelle and said, "You know Bill Coleman who was on the Harvard Law Review in the 1940's and set the standard for young lawyers like me." Obama later became the first black president of the Harvard Law Review. As Barak Obama told Michelle what a great role model Coleman was, Bill showed no reaction. He later asked me at dinner where he sat with Aretha Franklin, Valerie Jarrett, and Steve Case of AOL fame if the president was there. Such is the cycle of life.

Q: Yeah. By the way, we were talking about his meeting with Castro?

BLISS: Yes.

Q: I ran that by Al Goldberg.

BLISS: Yeah.

Q: And he said it never happened.

BLISS: Interesting!

Q: Well, he said that with the CIA, the FBI, and everybody else, after all this time there would have been lots of stories about it if it happened. This is just one man's opinion.

BLISS: I'm glad you told me that. That's really interesting. There are still people trying to track this down because this New York Times reporter has a whole chapter in his book about it. But if Bill is the only source, and there is no independent verification--

Q: Yeah.

BLISS: It could have happened many years later, and Bill is confused about the timing.

Q: Yes. Who knows?

BLISS: Yeah.

Q: Well, this has been fun, I've really enjoyed this.

BLISS: Well, it's a real ego trip to talk about yourself (*laughs*).

Q: Well, of course, but they're more than ego trips, because they are opening up windows and probing into areas that really don't get covered in the normal diplomatic business. And this'll be a source of people wanting to know about ICAO and other international organizations.

BLISS: Right.

Q: Well, thank you. This concludes our interviews.

End of interview