FIFTY YEARS IN GOVERNMENT

An Interview with Bernice Friedlander

Interviewed by Gwen M. Tobert†

Bernice Friedlander is currently the President of Chapter 282 of the National Treasury Employees Union, representing employees at the U.S. Food and Drug Administration. She began her career in Washington on Capitol Hill in 1965, and over the next seventeen years held a variety of positions including Chief of Staff, Legislative Director, and Press Secretary. In between her stints on the Hill, Ms. Friedlander worked as a lobbyist for Action on Smoking and Health, advocating for the 1970 Cigarette Labeling Act, and for the Autism Society of America, conducting autism education and research. In 1974, she ran for Congress in the New Jersey Democratic Primary, but lost. She went on to join the Executive Branch of the federal government, becoming Director of Public Affairs for the Women’s Bureau in the U.S. Department of Labor from 1987-1994. She then became acting Director of the U.S. Office of Consumer Affairs and was appointed by President Clinton as the U.S. Delegate to the Organisation for Economic Co-operation and Development’s Commissions on Consumer Issues and Credit Issues. In 1998, she joined the President’s Food Safety Initiative at the U.S. Food and Drug Administration as a policy analyst, promoting the “Farm to Table” program. Ms. Friedlander holds an MPA from the Harvard Kennedy School of Government.

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I recently spoke to Ms. Friedlander about her extensive experience in public affairs and public policy. The following excerpts regard pressing policy issues that she has seen evolve from her unique perspective, including those related to modern media and government communication, health reform, and consumer regulation.

† Gwen M. Tobert is a Master of Public Policy candidate at the Sanford School of Public Policy, Duke University. She earned her Bachelor’s degree in Anthropology from Washington University in St. Louis in 2008. Tobert has also been a long-time friend of Ms. Friedlander and is proud to have such an accomplished mentor.
---Media and Government Communication---

**GT:** How does the existence of bloggers and other decentralized, ‘amateur’ journalists who form a 24/7 media presence impact your ability to get out the government’s message?

**BF:** The government has a much greater potential to reach consumers…. There are a lot of consumer organizations that have blogs and I think that can be helpful, but there’s also a lot of misinformation out there. The government has to be careful when it posts items on blogs or puts out information…. In the old days, you put a press release out and a reporter called you to clarify… but now it goes directly to consumers, so you really have to make sure you get it right the first time…. I think the government hasn’t permeated all of the new channels yet… and I’m not sure if that’s good or bad. In areas such as health and safety, and education, these new tools… are so powerful and can be so beneficial to people. But only if we develop them right.

---Health Reform---

**GT:** What strategies did you use to successfully counter such a powerful and wealthy opposition lobby during the passage of the 1970 Cigarette Labeling Act?

**BF:** There was so much tension about the tobacco issue, it’s hard to explain it in today’s environment…. It’s a major industry in a number of states… and congressmen and senators wanted to defend their turf, jobs, and funds they received from tobacco and broadcasting interests. Some of the nation’s most prestigious health organizations received money from the Tobacco Institute, so they weren’t in a hurry to sign onto a bill that would in any way limit smoking, even though they were using the Tobacco Institute funding to do research on the health effects of tobacco.

… In all negotiations and all lobbying, you have to use leverage. We had some of the most outstanding medical people in the United States… who were willing to lend their names and their influence to getting this legislation looked at and adopted…. The coalition of anti-smoking organizations—including educational, religious, consumer, and health professionals—relied on local grassroots organizational tactics. For example, we had a couple of busloads of young people—they were high school age—and they went on the Hill and presented at each congressional and Senate office what we called the “Lung Ashtray” [which turned black as people smoked around it]…. When a tobacco state Congressman tried to have the youngsters arrested, it made the front
page of the Washington *Evening Star*… We had a great ally in [small media companies and churches]. When you leveraged everybody’s little bit of power and added all the little bits up, it certainly helped.

The whole process of getting that legislation enacted really took a push from *people*—from consumers, from parents, from educators, and especially from medical professionals.

**GT:** In the health reform debates today, there are obviously some very powerful lobbies who have vested interests in continuing the status quo. Do you think any of the strategies that worked for you back in 1970 with the Cigarette Labeling Act could be leveraged today?

**BF:** Lobbying for issues, especially the things that are health, safety, and education related, just takes a lot of effort…. Democracy is from the bottom-up, and governance is usually from the top-down… and somewhere in the middle the people have to hear each other. And I think that that’s not been clear enough. There are a lot of people, for example, who want health reform, but it means something different to each person. A clearly understood reform package… well, that’s what we need. One of the strategies seems to be, “Let’s not be too specific and then we can pull people in and get enough votes for passage.” I think it wasn’t the best strategy because it seems today that no two people think the same way about what they believe is contained in that health-care bill. It’s a huge bill with all kinds of implications. People are fed up… because they’re not sure what specifically it’s going to do for them, except they know it’s going to make government bigger and, many believe, more intrusive.

**GT:** So you think the problem is really less about the lobbying parties and more about how the legislation is presented? That it’s just too confusing, the way the Clinton package was?

**BF:** Yes. Government is big, but Medicare is big! Government can handle large programs and handle them well. What I am saying is if you presented one or two or several alternatives for how you’re going to pay for this new program, then you can discuss A versus B… and everybody will know what we’re talking about. Instead we have a lot of contradictions, numbers being thrown around, and one wonders if anyone really knows what is contained in this huge piece of legislation, which is an attempt to pull as many interests together in order to reach 60 votes in the Senate.

**GT:** So do you think we need to be more incremental?
BF: Two things: the legislation has to be understandable and it needs to be affordable.... If you can't summarize it in a page and a half—the benefits as well as the funding mechanisms—then it's not going to go anywhere.... People are not going to swallow something they don't understand.... And it's very easy to scare people about the unknown. Disinformation and scare tactics have been used throughout history to try to beat back progressive legislation. It was tried during the fight for the Voting Rights Act. There were so-called intelligent people serving in the Congress saying this was the end of America if “Negroes” received their just right to vote... if the States weren't allowed to discriminate through poll taxes, [etc.].... And in the end all we did was make America better. There are always some people who will propagandize to try to win you over by making you fearful.

GT: Do you think it would be more acceptable to people if it were the States who were reforming healthcare?

BF: I really think it's a federal issue. Right now,... just too many people fall between the cracks. In a federal bill, you might leave parts to it open to the individual states... what additional options can be offered, if they want to offer more than another state... you can build that into the legislation. But the basic framework of a truly national health insurance reform has to come from the federal government, be universally available and guaranteed.

GT: Do you think Obamacare will pass?**

BF: Well, I don’t know if it will be Obamacare, but I do believe there will be reform. When it will pass, I don’t know. It will probably be some scaled down version of pending legislation. But that’s okay. Perhaps we’ve bitten off a little more than we can chew right now due to current economic times. We have to put a stop to the escalating costs of healthcare before it devastates us; plus, we have to make healthcare a reality for millions of Americans so they can go forward and pursue the American dream. It is an important step we, America, need to take if we are going to thrive in the 21st Century.

---Consumer Regulation---

GT: Could you tell me a little bit about the FDA “Farm to Table” program and where we’re going now in terms of consumer regulation?

BF: In the late 1990s, President Clinton wanted to see stronger and more

** This interview was conducted in February 2010.
consistent regulation of imported and domestic produce. The nation was hav-
ing problems due to the presence of pathogens such as \emph{e. coli} and \emph{salmonella} popping up in the food supply and making people sick. Both the President and Congress, together with a vigilant and assertive consumer voice, sought to clean up the marketplace. The makeup of produce in the American marketplace was changing. For example, in 1998, 40 percent of the produce for purchase in your neighborhood grocery store came from outside the United States. Now that number is 60 percent. The President’s Food Safety Initiative and the President’s Produce Initiative sought to create a culture of safety from farm to table… that is to say,… from the time produce is planted and harvested, transported, processed, and packaged, until you open it up to have dinner tonight, America’s policy was to have a safer, better process… Agriculture, food processors, food importers, and food stores were invited to work with the government in order to promote a cleaner, healthier, and more efficient marketplace for all. The Department of Agriculture, the Food and Drug Administration, the State Department, and other agencies also worked with other countries to ensure that foreign exports would be safe and meet America’s standards.

… After President Bush came to office, the program continued…. I believe the program was funded for another year or two. But then, basically, it was gut-
ted. In the next four or five years, United States producers suffered because of an increase in food recalls… [and] a reduction in Congressional appropriations for enforcement…. We simply didn’t have the resources to enforce the laws. In 2007, Congress changed, and so did the attitude about funding food inspectors here and in foreign venues. In the last two years of President Bush’s adminis-
tration, for the first time in history, the FDA established three offices in China, an office in India, and one in the Middle East to work with those countries to ensure that products coming into American markets are safe. Unfortunately, more problems arose mostly due to the lack of sufficient numbers of trained inspectors to enforce the laws.

By the time President Obama came to office, he was greeted by a near crisis in this area. He doubled the FDA budget… it went from approximately $600 million to $1 billion. We have more inspectors now, more consumer safety officers, more people in the labs, and are working with the states and other countries. They are able to intervene early if there’s a problem with imports at the source. FDA is today able to deploy cadres of investigators and train others around the country to help both industry and consumers build and sustain confidence in our food safety processes and products…. I just hope they keep the funding.
---A Piece of Advice---

**GT:** What advice do you have for the next generation of policymakers?

**BF:** I think it’s important to know what’s real…. Before you look at the black marks on white paper… it’s important to… involve yourself in the community… in the subject that you’re working with. Be sure you really know what’s going on, and that it isn’t just an intellectual exercise. Policy is as much about everyday, “How do we live? How do we survive? How do we do it with grace and integrity?”…. You need to question. You need to never be afraid to question the efficacy of something…. You have to think things out, talk to people, and not be afraid to be criticized…. The policy that you’re working on is going to affect millions of people. So it’s important to check your ego at the door…. And never be afraid to say the other guy’s got a good idea or even a better idea, if that is the case. The role of integrity and ethics and truth in policymaking can’t be overstated.