Claire Rhein: We're a little bit late this year, and I'm sorry. I hope that many of the events of the very important 1980-1981 legislative session are as fresh in your mind now as they would have been in May, Dan.

Daniel Kemmis: Well, I'll remember as well as I can, and I think I'll be able to remember the most important ones anyway.

CR: When we talked the other day on the phone (to set up this appointment) you said something, and it's the second time you said it to me. Although it is a bit personal...but if you don't mind, I'd like to make the point, or better allow you to make it, and explain why you said you would prefer to have this interview session during the day rather than cut into your family time. Right after hearing you say that, I saw a clip on television with one of the Ford children, I think it was the youngest son of former President and Mrs. Ford. He was talking about the business of being a "political" child. Is there some relationship here between your desire to spend your evenings with family and not let business or other things interfere?

DK: Yes. Very definitely. I guess it's been since the session, particularly, that I have cut back drastically on the number of meetings that I attend in the evenings and any kind of activities that I take part in outside of working hours simply because I feel that during campaigns, and particularly during sessions, my family is without me almost entirely. I don't think that's particularly fair, and in order to try to make up for that a little bit, I try to stay home just as much as I can when the heat really isn't on for me.

CR: This is the point where Abraham is...

DK: A year and a half—

CR: And a very interesting age. Dava is older, isn't she, than John?

DK: Dava is about ten now, and John is eight.

CR: That's a family to whom you do have obligations and these are important times for them. One of the reasons I want to go back to this is it's very hard for people to understand some of the personal things about our political figures when they are 55 years older or 75, or even
worse, dead, and you can’t go back and get this kind of personal touch. So I’ve taken advantage of the fact I thought I could ask you about this.

DK: Well, it’s a very big factor in my decisions and there are probably a lot of things I would do differently politically if there weren’t my family considerations involved. But I care a lot about my family, and I think it’s very easy to get so involved in politics that you ignore the needs of the family. I don’t intend to do that if I can avoid it.

CR: Oh, I can’t leave this. What would you do differently?

DK: Well, I’m not saying there are any decisions that I’ve made in the past that would have been different, but I can certainly see some coming up in the future that might be different because of the family. Right now, for example, I feel that Jean has her practice under way and has every right to continue to do that. That means staying in Missoula and so options, if there were any options, of either going to Helena or to Washington, D.C., I think that they would be rejected, probably, mainly because of that.

CR: For how long?

DK: Well, I don’t know what the answer to that is, I guess we’ll take it a step at a time. The other side of it is that I think in my own mind I’ve come to the place where I can see staying in the legislature for one more session, if I were to be reelected, but I think one more session would be it. It’s too much of a sacrifice for Jean, in particular, to have to take care of her business and handle the household alone while I’m away. When I say that I know that it always sounds as if Jean has complained about it which isn’t the case. But I can look at the way things are when she has to take care of all those obligations and I can’t justify it very well. So I say I might do it one more time but after that I don’t think I’ll do it anymore.

CR: This session was rather drastic, perhaps, because of your position as minority leader, which is an unusual position for a Democrat to be in in this state.

DK: It’s been a while.

CR: Quite a while,

DK: Well, it put more responsibilities on me than there would have been otherwise. But a session is a total kind of event anyway, and you don’t have any time for anything else. Even people who take their families to Helena don’t have any time for them while they’re there so I’m not sure it matters very much, in those terms, whether you have a leadership position or not.

CR: What I understand from some of the people with whom I’ve talked is that this was a difficult session in some ways and...I’ve made the point before that I speak from a not un-
biased position...you came off really awfully well. Now, how do you feel about it?

DK: Well, I felt good about the session. I really enjoyed the session tremendously. It was a great challenge to me. It was a kind of work that I have never done before, and I felt that, by and large, day by day, I felt satisfied with the way that things were going. I went into the session fearful in a way because I felt it was very likely that at some point, and probably, at several points, I would make some major mistake that would not necessarily affect me so much as affect the fortunes of the Democratic Party. I was very concerned about that. And I made some mistakes, there is no doubt about that. There are a couple of things that I did that I would do differently. I guess I came off feeling I had made fewer mistakes than I had feared that I would.

CR: Anyone, in hindsight, is going to look at a performance perhaps differently. The legislature calls for a man to be very quick to think and very quick to speak and very quick with decisions. One of the things I’m concerned about is (and we’ve talked about party and party discipline before) did you feel that the Democratic Party was perhaps more disciplined in this unusual situation [minority] they were in? How was it for you in leadership? Did you feel that you could exert some party discipline?

DK: Yes, I certainly did exert party discipline. I did it fairly often, and I think successfully when it was needed. You count your successes, when you’re in the minority, where you can find them. Of course, and you count things as successes that seem to be miserable failures any other time. But the fact of the matter is that we were able to maintain a high level of Democratic unity on a number of important issues. Many of them where we were able to pick up enough Republicans to actually make up the difference. And yes, I think the Democrats were more disciplined than I have ever seen them and that was not because of me. That was because they were in the minority I suppose. Either because, or simply because, they were in the minority or because, somehow there was a spirit of cooperation in our caucus that, if there is one outstanding feature to the whole session for me (if there are any) that is one of them...that I was impressed with the spirit of cooperation in our caucus and it made my job an enjoyable one.

CR: The Republicans should be very good at this sort of discipline because they’ve been in the minority for so long. How did they react in the majority?

DK: The way that most parties do when they gain the majority and that is to begin very quickly to fragment and to fall into to fall into internecine battles. I’ve seen it happen to the Democrats and I saw it happen to the Republicans. They fought among themselves much more than the Democrats did.

CR: There weren’t as many unique and drastic changes, apparently, in the results of the legislature as many people expected. On the whole, do you think there was that much difference between this session and the last one? Is that too broad a question?
DK: Well, first of all there weren’t nearly as many changes in the law as I had expected. I had expected more successful attacks on environmental laws, on labor legislations, on human rights kinds of legislation than we actually saw. We saw a lot of it introduced, and we saw very, very little of it passed. That was a great surprise.

CR: Due to Democratic unity and Republican fragmentation?

DK: Well, partly, due to that, but something else too, and that is that I think the Republicans, in particular some of their leadership, came to the conclusion first of all that they do not want to lose their majority. In fact what they want to do is take over the governorship, and they could not then afford to have the first session that they controlled come off as being destructive of values many Montanans hold very high. I think in particular that there was a conscious decision by some of the Republican leadership not to allow wholesale changes in environmental laws for that reason. That’s interesting because it shows that they perceive that the people of Montana don’t want that weakening of the environmental laws. I happen to think they’re right about that but I’m interested to see them see the electorate in that way. Many times it was Democratic unity and some Republicans that ended up killing those bills, but many times it was on orders from the Republican leadership to kill them.

CR: When you have more cooperation from Republicans in accord with you, are these frequently the same people?

DK: Yes.

CR: Is there a geographical pattern to that?

DK: They are more often western Montana Republicans, although not exclusively. There are a couple from Great Falls that often were with the Democrats on the issues.

CR: Western Montana is getting to be the more heavily populated area so would that have something to do with it? Is it more of an urban thing?

DK: Most of the liberal Republicans are from urban areas.

CR: What about the labor issues in this last session? That being largely a Democratic issue always, particularly for this part of the state, did you lose or gain?

DK: We didn’t lose very much.

CR: I didn’t hear anything at all on that subject really.

DK: There were some fairly major pieces of legislation that were introduced. What many
people call right-to-work legislation, legislation for public employees was introduced, and effort to weaken various kinds of laws for the protection of workers. By and large those bills were killed by orders of Republican leadership, but more often they were killed by combination, again of solid Democrats

CR: What is the Republican leadership? You don’t have a governor, you don’t have...who is the Republican leader in the state now?

DK: Well, during the legislative session anyway, it was simply Jean Turnage, I believe. He has been the most experienced of the leaders, and still, I think, the most highly respected. The Speaker, Bob Marks, is also well respected.

CR: That’s during the session.

DK: Yes.

CR: We have a newly elected Democratic governor (it’s kind of hard to remember who he ran against), but there doesn’t seem to be a "persona" for the party in the state.

DK: For the Republican Party? Well, that’s probably true right now, but they have some strong leaders, I think, who could emerge. I don’t know which ones they will be right now.

CR: The push would obviously be for the governorship?

DK: Yes, and perhaps for the United States Senate seat that’s up next year.

CR: Senator Melcher?

DK: Right.

CR: It’s been said that Senator Melcher is a different kind of a Democrat from many, representing a different sort of district and a different point of view. How effective do you think a Republican will be running against him?

DK: Well, any incumbent United States Senator is very difficult to beat if he has any skill as a politician, and I think Senator Melcher does, so the odds have to be against their upsetting him. In their favor is the mood toward conservatism nationally and apparently in Montana. If that continues...if the far right is able to continue to raise as much money for campaigns as in the past (they have targeted Senator Melcher for defeat) and if the Republicans are able to nominate a very attractive candidate and a good campaigner, then I think they have to be given some chance of winning that seat. They’ve scored much bigger upsets than that in the last election.
CR: Didn’t they! And nationally. Well, everything that happened in the last election is having some effect. I understand the cities and towns are having a difficult time. Is this the domino effect?

DK: I think so. I think there is a general anti-government move that has taken over certainly in Washington and I think its effect was very prevalent in Helena to the extent that when cities and towns cried that they were being strangled by legislative action or a combination of legislative action and federal action but the response, the real response (although it may not have been said in so many words) the real response was "Let them strangle. Let them go. They’re just governments."

CR: Is it anti-government or anti-bureaucracy?

DK: I think it’s anti-government myself. I guess the root of it may be anti-bureaucracy but the effect of it is anti-government.

CR: Is that largely because of regulatory impositions?

DK: Well, it’s that, but I think it’s just a mood that government itself is somehow evil. It should all be abolished.

CR: That’s almost impossible to do, isn’t it?

DK: Well, it is difficult to deal with, but time will tell how effectively it will be dealt with.

CR: Well, I certainly hope your looking at just one more session for yourself has nothing to do with what you see as prospects for those of you who do serve as government.

DK: No. I’m not about to run away from the fight.

CR: I wouldn’t expect you to. I would expect you to take the challenge. Incidentally, do you see the possibility of a special session? Is it very real?

DK: Yes, I think it’s almost a certainty. It’s only a question of when it will be. I think the odds are now that we’ll have one before the end of the year.

CR: Will you have to wait until the word comes of Washington planning on the budget there.

DK: I think so. I don’t think there is anything substantial that we can do until then. If we met before then we’d have to meet again after the budget is finalized. So, yes, I think we’ll wait until then, but not very long after that I think we’ll have a session.
CR: I certainly wish you'd start having these sessions while I'm here.

DK: We may have this one and if you don't leave until December this year I think you could get in on one.

CR: That's encouraging. Again, from my point of view I'm always asking people questions about you and it's very interesting the responses that I get and it frequently has to do, Dan, with the way you handle yourself personally...and there's a physical thing involved...people are very impressed with your calmness, with the great amount of control—personal control—that you seem to exert on yourself and then exude that things are not getting out of hand.

DK: It's all a bluff, Claire.

CR: It comes off very well and I'm sure it's not all bluff. This you are marked as...a man of control.

DK: Well, it's interesting. I never have any clear idea of how people see my style or anything like that. I think that giving people some sense of self control is probably important. I guess it's part of my political theory, actually, and what I think politics is all about. I'm not sure how it would relate to anything that I do myself, but if I were to characterize what I think is the most important work to be done politically it is to give people a sense that they are in fact in control of what they're doing...that they can beef, that they can have a sense of directing events, and I think it's the lack of that sense that is the most prevalent problem in politics in America. So, if there is one thing that I would want to do with people politically it is to give them...to help them to acquire some sense of self control.

CR: You are apparently very successful at that. One of the reasons I'd like very much to attend a session.

[End of Side A]
CR: Was there a particular high point in this session, or something that really pleased you personally that you were able to pull off?

DK: Well, there were. As I say, you look for your successes where you can find them.

CR: Yes. Okay, let's look at successes.

DK: Well, I'll give you what I think was a substantive success, or a couple of them maybe, and then more of a psychological success that I think everybody enjoyed tremendously. One of the interesting features of this session to me was the attack that was made on the initiative process. That was an attack on a broad front involving probably in the neighborhood of a dozen bills all together. Some aimed at particular initiatives that had just been passed, and many aimed at the initiative process itself in an obvious effort to make it more difficult for the people to pass laws by initiative. I personally, and I believe the Democratic Party generally, vigorously opposed that effort. Although, there were a handful of Democrats who were really instrumental in introducing some of the legislation, but by and large, the Democrats opposed it. We argued vigorously against it here with the help of some...some very vigorous help from Republicans. We argued against it unsuccessfully throughout the first half of the session. Our argument was that the people were very concerned about their power of initiative, that they did not want the legislature interfering with it, and that they were going to be very upset if we did. That was scoffed at by those who were pushing the legislation, and they claimed that they knew what the people wanted and that the people were sick of all these initiatives that they didn’t know what they were voting on anyway and so on and so on. They didn’t like having petitions at polling places and that sort of thing.

At the mid-point of the session, after transmittal deadline, the legislature took a four or five day break and most legislators went home. My own experience in going home was that the issues that people talked with me more about more than all the other issues put together was the initiative assault. And everyone that I talked to when I got back said that their experience had been the same. And within a couple of weeks after we got back a number of those bills came up in the House, in the State Administration Committee, I think it was. That committee had already passed a whole handful of them [House bills] but now they were dealing with Senate bills. All at once they killed every bill that they had, and it was obvious that the Republican leadership had gotten the message from the people, exactly the message that we had been trying to give during the early part of the session, that the people did not want that to happen. It was, as far as I was concerned, not necessarily a triumph for the Democrats, although I was glad that the Democrats had been on the right side of the issue. But it was really a triumph of democracy and it shows that people can occasionally make their wants known and that it makes a difference. When enough people write enough letters and stop enough legislators at the grocery store then that makes a difference. It was a clear demonstration of that.
CR: I like to hear you reiterating this because I think a lot of people find this hard to believe.

DK: Yes, they do. But every session makes me more convinced how true it is. I can give you other clear examples of that. Here's another one: sagebrush rebellion. At the beginning of the session I would have said there's not a chance in the world that Montana will fail to pass a sagebrush rebellion bill given the conservative mood of the state. Given the general state's rights attitude of Montana I would have said, “Certainly we'll pass a sagebrush rebellion bill.” Well, we had two introduced. They did very well at the beginning of the session, but the people who were concerned, the people who had access to public land, mounted a tremendously successful letter-writing campaign with letters to the editor and so on. By the time it came to the crucial votes on those bills, the support simply wasn't there for them. Without that active participation by hundreds of people in Montana, those bills would have gone through.

CR: Am I wrong? It seems to me I don't hear as much about this now.

DK: About the sagebrush rebellion? Well, you know Jim Watt was a leader of the sagebrush rebellion when he was a private citizen. When he becomes the caretaker of the public lands, for all his willingness to give everything away to private enterprise, you still take a different perspective. There is some kind of bureaucratic mentality that takes over very quickly and the responsibility for caring for those lands exerts its own kind of influence. I think it has had its influence very quickly on Mr. Watt, and for that reason I think the forces of the sagebrush rebellion are in a little bit of disarray while waiting for some sign of direction from their leader.

CR: I've gotten us off the track and I'm sorry, but you mentioned the initiative process as one of the substantive successes of what you feel are successes of this session.

DK: Okay. I said I've give you another one or two, and I think the sagebrush thing was one, by the way. Another one from a more partisan point of view, a success for the party, had to do with tax reform legislation of which there was a great deal. The Republicans had an entire package of tax reform. So did the Democrats. It was included in the Governor's message at the beginning of the session. The Republicans being in control of the legislature took the attitude at the beginning that they were simply going to pass theirs, and that would be it. The Democratic leadership met weekly with the governor for breakfast and determined that if we could possibly do it we were going to have a say in what the final shape of that legislation would be.

CR: May I ask how far apart you were?

DK: There were substantial differences. I'm not sure you can fairly sum up the differences in any one way but there were very different elements in the two packages. The Democrats, in particular, were determined to get a flat fee for motor vehicle registrations rather than ad valorem tax. The Republicans had not included that in their package, and we couldn't have that along with everything that the Republicans wanted. Their proposals in many instances at least, were more favorable to higher bracket
taxpayers than were the Democratic proposals but that’s not true across the board. In any event, it wasn’t just the matter of wanting to take credit, but there were philosophical differences that were involved. But, as I say, the Republicans having newly taken over the legislature were determined that they would simply put through their package. They did pass, very early in the session, a major feature of their package which was a bill to raise the personal exemption on the Montana income tax, to increase it substantially. After consultation with the leadership, the Governor vetoed that bill, and that was the first veto of the session. The Republicans were astonished by the veto, were taken by surprise by it, thought they could override it, and worked hard to override it. The Democrats were almost unanimous, sticking together and staying behind their leadership and behind the Governor. In that way we were able to make it clear to the Republicans that the only way they were going to get a tax package through was by sitting down and negotiating with the Democrats. From then on we negotiated, and I think in the end the Democrats got, or had an equal say in, what went into the tax package. That took some very hard fighting and some real party discipline but I think it was a success.

CR: Was that a particularly tough-and-go move for the Governor?

DK: Well, it was a risk. Maybe it needn’t have been as much as a risk as it was. He made his decision before he had given me and my counterpart in the Senate a chance to find out whether in fact the Democrats were apt to sustain his veto or not.

CR: Then I can assume there was a lot of scurrying that went on on your part and on the part of your counterpart?

DK: There certainly was. Yes.

CR: And you proved very agile?

DK: Well, I don’t know about that. Actually at that point I think I had one of the days that I didn’t enjoy all that much. It just involved my unwillingness to do something that the Governor’s office wanted to do until I had the concurrence and the backing of my colleagues though I moved a day later on something they wanted me to do. I took some considerable criticism over that. In the long run I think that my insistence on keeping in touch with, and conferring with, our caucus worked out much to our advantage probably, because our caucus was much more solid as a result of that. They felt they were taking part in the decisions that were made. But I didn’t. I’m still not sure that I did the right thing on that particular day, but it’s history.

CR: Sometimes it’s very hard to be a villain even for a very short time.

DK: Yes, but now there was a bit of villainy that I’ll tell you about that we all enjoyed.
CR: All right...good!

DK: The Republicans have a different way of running the legislature than the Democrats do. The Democrats (old-timers) told us this when the Republicans won their majority, that we would find out very quickly that there is a Democratic way and a Republican way of running the legislature.

CR: Would you elaborate a little on this, Dan?

DK: The Republicans’ way, as it was explained to me and as I now believe, is considerably more disciplined, more regimented, less open, less willing to put up with inefficiencies. They always refer to running the Legislature like a business. The Democrats run it like Democrats. According to the old story of a leading Democrat who was once asked—I guess it was Will Rogers—whether he was a member of an organized political party and he said, “No,” that he was a Democrat. So the Republicans are organized and they like organization. They do not like what they consider to be needless debate, and it’s that that led to a major conflict. A motion that is sometimes added in a legislature is a motion to the previous question which, in our legislature at least, only takes a majority vote. If you get a majority vote on it then it cuts off debate, and you can’t debate an issue any further. Democrats very, very rarely make that motion but Republicans make it with some regularity, and they did it in particular when there was a bill up that the Democrats thought should be debated that the Republicans would just as soon not be debated. Since they had a majority and then some, they could always prevail on the motion and they always did prevail. And so about a third of the way into the session we devised a strategy in our caucus which we then put into effect at an opportune time. We were debating a bill where the Democrats had made up their minds that they wanted to get certain facts on the record and get certain facts into the press. We decided ahead of time that if the Republicans moved the previous question that we would throw a surprise to them. So, we got into that debate and they did move the previous question and at that point I stood up and made a motion for the call of the house. A call of the house is something that a very small minority, in this case 16 members, can call. It is an effort to make sure that everybody is in on the debate and the deliberations and what results is that everything stops. The sergeant-at-arms locks the door and everyone is removed from the chamber except the members and the staff. No one is allowed to leave nor can any business be conducted until all the absent members are brought in. The Highway Patrol is sent out after absent members and whatever needful is done to bring in absent members.

CR: This is very dramatic.

DK: It is. It’s the most dramatic thing that generally happens at a session. So, there’s a great deal of scurrying about and everybody gets excited. You can make a motion to lift the call, but it takes a two-thirds vote to lift the call. The Republicans made the motion to lift the call and were a little surprised to find they did not have the two-thirds vote. So they made an impassioned plea saying, "Look, there are some members that are in the
hospital, there are members that are visiting family, so are you going to force this thing of getting people in just so you can make some kind of a point?" I responded that we had no intention of doing any of that and that as soon as we were allowed to continue with the debate we would be glad to lift the call of the house.

CR: That's blackmail, Dan.

DK: Yes. And successful. So they did then withdraw their motion for the previous question and we went on with our debate and lifted the call of the house. But it was a tremendous morale booster to Democrats because it was something wherein they, being in the minority, were able to impose their will on the majority. It doesn't happen very often and it's good for—

CR: That's not normally what a democracy is about.

DK: Right. Well, you can't do it on substance, but on procedure it's one way to make yourselves heard. So, it was dramatic and it kept people talking several days.

CR: I understand there were a couple of things that happened in this legislative session that perhaps normally don't, and one had to do with the smoking issue. Was this just end-of-the-session horseplay, or how did this happen?

DK: Well, there was a little element of seriousness about it. Many non-smokers are very serious about their rights nowadays. I am also. In this case I didn't feel the time was right to try to force the issue but there was an effort to restrict smoking on the floor of the house. It did turn into some horseplay and I think the horseplay somehow got played up out of proportion. For some reason the people do not like to think of their legislators as having fun, and I've noticed that any time that they read about any kind of frivolity in the legislature they somehow take it as an indication that everything we do is frivolous. There really is that tendency. I think it's a vast mistake. The fact of the matter is that without some frivolity and horseplay the whole process, I think, would fail because you get into some very deep arguments, as you necessarily do in the course of a session. If you're not able to have something that then cements the body together again I think you simply wouldn't be able to proceed. The enmity would get to be too great. So humor is an absolutely essential part of the process. It upsets me that the people look at it the way I think they do.

CR: I think the image of the legislator....Well, you, for instance, are very different from the picture that many people would have. I saw you off on your bike today with a backpack on your back looking very much like the college student again. While at this interview you're having lunch at your desk. You are hardly the average "image" in many ways yet you certainly provide a special image for your party and your state very well. What were the one or two major disappointments or things you just couldn't pull off,
from a party point of view, this session?

DK: The oil companies insisted that if we were going to increase severance taxes which the Governor had proposed to do, that we also had to give them an exemption on their state taxes for any windfall profits taxes that they pay. This, in effect, was a gift to the oil companies and one that Democrats bitterly opposed and one which we finally had to accept. It was not very pleasant to accept it. Right now I can't think of anything that was as disappointing as that was. There probably were other things but I'm afraid that distance from the sessions blurred my memory.

CR: The Supreme Court has dealt favorably, finally, with the severance tax on coal. Can we look forward to some peace and quiet on that subject now?

DK: No. Congress is hard at work on it already.

CR: Can they do anything retroactive?

DK: Well, that's one thing where I think we can rest easy but no matter what Congress does I think it's very unlikely that they would require us to pay back anything we've collected. That simply won't happen. So we don't have the shadow of the possible paying back over our heads any more.

CR: But can they force us to change that law?

DK: Well, they could try, and we hope first of all that no legislation to that effect will pass and, if it does, then Montana would certainly challenge the constitutionality of that legislation.

CR: On the basis of states' rights?

DK: Yes. But it's important to understand that this is a decision that we received this month and it's not going to happen by itself. That doesn't say that Congress can't do it. We'd have to start a whole new lawsuit to overturn any new legislation.

CR: Another major matter that goes on and on. But your time is short and I'm probably running very close on this tape. Thanks, Dan.

[End of Interview]