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Oral History Number: 465-024

Interviewee: John C. Harrison

Interviewer: John Newhouse

Date of Interview: 1975

Project: Lee Newspapers in Montana Oral History Project

Note: John Harrison was a justice of the Montana Supreme Court.

John C. Harrison: Well, with that I've sort, I sort of have a little idea what the purpose of the visit was and I'm trying to put my thoughts together that would be helpful to you. I suppose a newspaper is like a court opinion, it's always subject to criticism. All of us could run it better, but we're not. There are certainly some vast improvements that I think that those of us who are just plain citizens would be aware of, as compared to the company paper.

I don't have to tell you the company paper—I don't give a damn how good it is—it's no good because it always has the power, like Anaconda had, and at one time that they used. When they can either make you or break you by the press, or come close to it, it's not a healthy situation. So, I think in that respect when Lee started out there was a fresh breeze that came to this state. With our local paper, I would say this: editorially, the company paper was awful. You couldn't, no matter who took it, if they wrote an editorial, it was going to be better than spring, fall, summer, you know, the seasons.

And I do read—in fact, as I now turn to the editorial page. I may not like what I read, but at least I'm looking at it to see what the hell they're going to say about something today. And I think a lot of other people do, so that it has to have an influence in this respect. There are things that I don't like, and I suppose these are internal working policies. I don't like the idea that they won't cover things after 5 o'clock that are community-wide things.

Let me just illustrate, but I've heard other people say the same thing. I've been interested in Boy Scouts most of my life, and we've put on, quite often, the Eagle Scout ceremony up here in the courtroom because it's an impressive place to do it, and I think it's a pretty impressive ceremony. The chief justice sometimes does it, sometimes I do it. It's a good thing for this community, but when we tell them, at 7:30 we're going to have a ceremony up here for it, well, they say, bring your pictures in and write a story. Well, I'm not a newspaper man, and I think those kind of events should be covered more.

Now that's a matter of policy but this is one of the things that I would like to see more of. I—that ties up—again, I know this is said all over the country, that people would like to be made more aware of the good things that are happening in their community. Maybe good news isn't news. I've heard this argued until hell freezes over; I don't know.

I like to read in the paper that kids are on the honor roll, you know, that they're not pushing pot down here, and I've made this comment to George [Remington] and Mike [Voeller], I suppose

both. I said as far as those Eagle Scouts are concerned, if any one of them was smoking pot up here, you'd have a reporter here in five minutes. It'd be a hell of a story. I think it's a hell of a story without having to have them smoke pot. But this I know was said, and every time they talked about newspapers anyplace in the country, this is a thing that people say: well, good news isn't news. Maybe we need a little more of it these days.

I have one beef because it's a coverage proposition. A year ago in February, we have a report that the governor—and this gets back to scouting again, but it illustrates a point—where we bring all the Eagle Scouts in Montana in, in to report to the governor. Now this is a big state and there were 126 kids, and they were pretty good-looking kids. We told the paper about this; we told them that we were making five awards for two boys who had saved lives during this period.

It turned out nobody showed, nobody from the paper, but I think one of the great stories I've seen if I recognize a story, we had a little boy who was 9 years old, was black as black could be, who was a member of a family of seven of a professor at Montana State College, they were Indians and all adopted, black, Indians, Koreans, and some whites; and this little 9-year-old boy had gone into the Gallatin River to save his 2-and-a-half-year-old brother who was white.

Now, that made a hell of a story, I think.

John Newhouse: I would say so.

JH: It's a good enough story that *Ebony* magazine is now working on it. I was just mad as hell that that didn't get covered here. Not because my forte is on scouting. Hell, it could be 4-H, and I've worked on that too. It was the fact that what a natural wonderful thing and the pictures would have just been magnificent. This little kid, he was just a photogenic as hell. I could take a picture of him and it would look good.

I think in that respect they're missing things. Now this may be all inner policy, and I don't understand it, but it's good for the community, it's good for the state.

JN: It's hard to write about good news, I know, but I think we'd do better if we tried it. I'm not sure if it does work but what the hell. There are a lot of good stories...

JH: I would still enjoy picking that story up and reading it with the picture of that kid.

JN: Oh, sure, I mean, that was a natural. I got to agree with you on that. I can see where, perhaps the Eagle Scout this week, and an Eagle Scout next week, and an Eagle Scout the third week, and then after a while they say, well bring it in, but...

JH: Let me just say the [*Great Falls*] *Tribune* does it.

JN: They do?

JH: You bet. On scouting, they've got somebody that's terribly interested in scouting. Now day in, well not day in, but I would say, monthly, you will have an Eagle Scout story in the *Tribune*.

JN: Are there other stories that aren't covered after 5 that you can think of? I'm sure the city council is and that sort of thing.

JH: Yeah, they do the city council, do it well, I might add. That's where I get my city council news, but another suggestion I've had, and I don't know how it can be done. It's my own particular forte up here. The opinions of the court get poorly handled. Now that's probably not Lee newspaper, it's probably AP and UP. AP's pretty thin on the hill. J. D. Holmes, well yesterday he was covering it because of the gas and electric rates. And I'm sure a lot of our opinions are not that important, but I suppose that criticism would go about AP's coverage because a lot of the opinions are important in this state.

JN: A lot of them are pretty complicated, too, aren't they?

JH: They are complicated. But you know—

JN: I don't say this in defense of the reporter because I think they should have somebody on who can understand these things.

JH: But you know, I've been surprised in a couple county newspapers where they've actually printed the opinion in total that was a local opinion. Now I know you can't give that kind of coverage to an opinion many pages long, but I think somewhere, and as I say I think it's an AP problem. But it's a question of education. Again, you know, the court system is in trouble. Law's in trouble.

JN: It isn't the only one.

JH: Well, we're probably more so in Montana than any other state because of this workmen's compensation scandal. A handful of lawyers, what the hell. But the thing is, we kind of like people to know we're doing a hell of a lot of work for the people too that they're not aware of. I mean, the hostility shows up in the legislature, which is representing the voice of people. And I think that generally it's an unawareness of how much is being done. A lot is being done.

JN: Well, you've certainly done a lot of things around here. There's your new constitution, all your ecology laws, siting, reclamation, new coal tax and that whole business. Gee, with strip-mining coming into this state, why, if you don't do it right, you'll regret it forever. It looks to me as though you're getting it off to a very good start, I think.

JH: They're getting off to a pretty good start, I think. All of these things may end up here eventually, in one form or other, but I'm sure other states do the same thing. I wasn't very much of a political animal before I got here but, you know we get out of the politics of it, totally.

JN: Let's see, you're not elected, are you?

JH: Yes, we're elected on a non-partisan ticket. We have two non-partisan or three non-partisan Republicans and two non-partisan Democrats. It's a fact of life. I am in the minority and I can say this, we don't have political opinions. Philosophically.

JN: There are five members of the court?

JH: Yeah.

JN: How did the *Great Falls Tribune*—what kind of paper did they put out back in the days when Anaconda was running the group that Lee has taken over? Were they aggressive or were they just kind of—?

JH: They were aggressive to a point that I suppose they didn't have another paper come in. They were the loyal opposition, but they weren't totally anti-company.

JN: They still weren't able to do the job for the state that a good press should do all by themselves.

JH: Of course, they were the Democratic, Mr. [O.S.] Warden was the national Democratic chairman or committeeman, very, very Democratic.

JN: This is pretty much a Democratic state, isn't it?

JH: It is. It's a funny state; it still is an individualistic state.

JN: It can swing.

JH: Mike [Mansfield] is a, sure he's a Democrat, but he is an individual.

JN: I guess he is. [Laughs]

JH: He really is not a party hack in any sense of the word. We had a Republican congressman from first district. We had one just defeated; he went two terms, [Dick] Shoup, and [James] Battin from the second district, three terms before he went to the federal bench. It's a strange kind of a—

JN: When Anaconda had the Lee papers, I gather nobody took them, or the legislators didn't take them very seriously. Well, there wasn't anything to take too seriously, I gather, because they weren't taking too many stands, but I would gather that most legislators take the press rather seriously.

JH: I think they do; they react pretty fast over here when there is something said about one of their favorite bills. I like the operation that they have here on Letters to the Editor. I think you get a community response. You give people at least a chance to—

JN: Well if a half a dozen people write letters and they're not just manufactured.

JH: There is always a hack that has one cause he's going to—but they seem to give him his voice.

JN: You can tell quite a bit about how the communities think just from that one column. What they take seriously, and it may not be what you think or what the editor thinks, either.

JH: Oh, no. And you wonder, where did that guy crawl out from under?

JN: You wonder how many more there are like him that you're missing, and sometimes there are quite a few.

JH: Of course, we have sort of a—you're aware that they ran a story on the judiciary a year ago. We kind of got backed into that thing. We gave them a full day up here. Of course, young Chuck Johnson had been—I had had him in the scout troop, and I had his father in the scout troop. I was the youngest scoutmaster in America at a time when there wasn't much difference in age.

But that story, and I'm glad Chuck got some attention on it, but really and truly as far as the story and depth, it was not the kind of a story that we had hoped was going to come out. Not that it came out too bad, but they were talking, first of all, of course the two reporters [second reporter was Charles Hood] were in Missoula, and it was natural that they were going to not travel too much in the story.

Well, they sure as hell didn't; they were quoting young kids out of law school a year or two about the Supreme Court and its operations, and they didn't have the slightest idea what the hell they were talking about. We had sort of hoped if they were going to sample the bar, they would sample it on a one, five, 10, 15, 20 years of practice.

As a result, we had a young lawyer in Missoula whose brief statement was, "This is the worst Supreme Court in the United States," and it may be. But his only appearance before us has been two years ago when he was admitted to the practice.

I don't think that kind of a repeat in a newspaper story is worth a hell of a lot. I really don't. He's entitled to his opinion, but I don't think he should be speaking for the legal profession. They kept going back to him, of course. He was pretty good press but, well, it got him into the legislature—

JN: It almost sounds like he might have conned somebody, maybe it was a reporter.

JH: Well, maybe, and maybe he wanted to have coffee, I don't know.

JN: You are an associate justice, aren't you, Mr. Harrison?

JH: Yes.

JN: And that's John C.

JH: We're now justices. The new constitution took our associate away. I don't know what the difference is, but the pay didn't change.

JN: As long as the pay and the job stays the same.

JH: The job stays the same.

JN: I should call up Mike Voeller and tell him—

JH: Okay, I'll give Mike a call.

[Break in audio]

JH: And that's this medical malpractice problems.

JN: You mean the insurance part of it. That is a mess.

JH: I didn't know that not only was it a mess but the thing of it is that we're going to have to come up with some answers to it. And I think that in the field of public opinion, a newspaper should be in the various states that you are in, should be looking at what's happening in the state and what are some of the possible solutions.

JN: I know what's happening, but I sure don't know what the solutions are.

JH: Well, I was Harlowton, my father is 91 years old, and he is in a rest home. I was talking to his doctor a couple of weeks ago. He said a young couple, probably were in their 50s, who used to practice in Montana—man and wife team—were back in Montana looking for a place to practice. They are general practitioners. They are leaving California after 13 years because their

individual malpractice insurance a year is \$16,000. That is \$32,000 for a man and wife office, and they say there is no way a country doctor can do this. So, my next question was to Dr. Johnson, "What is yours? You're in Harlo. He does not do surgery, although he helps in it. He has had a heart attack so he—his is \$3,000 a year, which is at least not prohibitive.

JN: It's got to come out of the patients.

JH: You knew it's going to come out of the patients. I didn't ask him what the hospital insurance was at the time, but the problem is that we have got to work out a solution so that people can live with it. There is a reason for some of these malpractice cases.

JN: A lot of that goes right back to the lawyer, and to the court and to the jury.

JH: A lawyer who takes it, of course he takes it under contingency, and there is nothing wrong with that. You can put a tremendous amount of time in on these cases, and money.

[Break in audio]

JN: I suppose you can educate juries, a part of it is there. The juries seem to have the idea that an insurance company has unlimited funds, but hell, to educate every jury is impossible.

JH: It isn't all that. When you total a person, particularly a young person, up, where they are not going to be bringing in income and they are going to be helpless individuals, it's not very hard to put the damages on the board as far as the jury is concerned and lull them out of a life expectancy. And it gets kind of astronomical.

JN: Well, then there is just one answer and that is the doctor just can't operate.

JH: Well, of course this is the thing that we are going to have to somehow have to find the balance this off as public policy.

JN: You can't save every life. When you go to a surgeon and they tell you well, the chances are four to one in your favor or two to one or only 10 percent chance of failure. And when he tells you that, then it becomes your option when you say, "Doc, do this for me." The same as with a mechanic with your car.

JH: Yes, but you know—

JN: If he leaves a sponge inside of you.

JH: This is the thing about it. If he leaves a sponge inside of you or if he leaves a knife, fork or spoon inside, it has a pretty disastrous affect.

JN: You bet. And if you can prove that—

JH: They don't do it purposely. It's just that these things are so complicated these days. But anyway, I told [George] Remington when I talk to [him], I said, "I think that if there's a crusade that needs to be led a little bit in your paper there, this problem of how it affects us all in the state and the solution is going to be—we have got to come up with it. We just have to come up with it. Lord knows, it is tough enough to get people to come to a place like I grew up in, to be a doctor and bring his family there.

JN: Of course, there is this about it, that doctor doesn't have much of any place to go, he almost has to start driving taxi. He can't come to Wisconsin; he can't go to—there are very few states I'm sure that would be a place of safety for them.

[Break in audio]

JH: —Great Falls. We still don't know if we've got them all charged. We don't know. It's all in the attorney general's office. It looked like a year ago that it would be all done by now, but it seems to be just beginning.

JN: Yet nothing has come from the Supreme Court as yet.

JH: No convictions have come to the Supreme Court. We had one the other day on a change of venue down here that we sent it back to Great Falls. We have handled the one down here at—[James] Carden—but they're on the pleading stages, and, in fact, this case down here, they picked a jury and made some motions and we've got a very tough problem before us. Now the jury went out for three weeks.

JH: That was a mean one.

[End of Interview]