

Maureen and Mike

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**Oral History Number: 465-033**

**Interviewee: Bernard “Bud” Longo**

**Interviewer: John Newhouse**

**Date of Interview: 1975**

**Project: Lee Newspapers in Montana Oral History Project**

*Note: Bernard “Bud” Longo was a partner in the Billings firm of Moulton, Bellingham, Longo & Mather, which represented the Billings Gazette. He died in 2011.*

John Newhouse: You say that it has the attorneys madder than hell?

Bernard “Bud” Longo: Well, I don’t think the members of the bar in Montana are satisfied with the punishment—the degree of punishment—the rate at which it’s being brought against these attorneys, who are the crooks.

The first one there, [Luke] McKeon, who was quite a figure in Montana politics and was also a highly respected lawyer, as far as anyone knew at the time. [McKeon was a state senator from Anaconda from 1961 through 1974.] The outcome of that thing now, when the extent of his nefarious schemes, and so forth, became known after he was caught. And the depth at which he operated in the legislature and the power he exerted and everything over our legislative process and the whole dang works, and then to have him end up with a sentence whereby he’ll spend about three months in jail, has incensed an awful lot of attorneys for a number of reasons. [McKeon was charged with 58 felonies and convicted in May of 1974 of four felonies related to his handling of Worker’s Compensation claims. He was released from prison in August 1974.]

First of all, attorneys, nationally, are under fire right now because of Watergate and all the rest of it, and secondly, because attorneys that do so much less than he does receive disciplinary measures that are far severer to what he got. Of course, the most you can do to them as far as discipline goes is to disbar them. But here this man goes in and he steals, just absolutely steals money—a very large sum, total— but to the people that he steals from it’s their lives.

They are the people who are poor; they’re laboring people. They are the people who need the money more than anybody else. To them, it’s a 100,000, it’s a million dollars. If you steal \$5,000 from somebody that has only \$5,000 it’s terrible, and these are the people he stole from.

JN: I didn't understand that. I understood that somebody was injured and would hire him as an attorney having, perhaps, had a runner bring the case to the attorney, to McKeon's attention, and he would simply write in a good big fat amount, and [James] Carden [head of the Workmen’s Compensation Division] would rubber stamp it.

But I always had the feeling that—

BL: Oh, in some cases the people never got the money.

JN: Oh, they didn't? Oh, they hired him and he—

BL: —and then it [the case] would die and it would go low and everything, and he would make a settlement, and he would pocket the money. In some cases, they wouldn't know the amount of the settlement, and he would take far in excess of what he was entitled to. And some of them have taken the money, and then the guy doesn't even know the settlement has ever been made. They endorse the check, and they keep it. They forge the payee's name on the check, and so forth, and these are the things that are up. And here now word has been out that there has been a large number of these people, and nothing ever comes out. They've only so far issued indictments against a couple of them, and the one that they really ought to send to the clink for the rest of all known time is this [Lavon] Bretz man, and that's been fouled up in pleadings. A tremendous amount money, at least for the state of Montana's budget, has been spent in the investigation by the attorney general, and the results have been extremely disappointing so far, in terms in speed, and also in terms of what has happened to those indictments that have been set down. There have been delays, and this and that.

JN: That's inherent in the law, isn't it?

BL: Well, not to this degree, I don't think, and I don't think you have to have those delays in this state if things are properly handled. In other words, we don't have calendar problems that they have back east.

JN: Is it the judge that isn't—?

BL: No, it's not the judge, it's these attorneys who keep fighting back and forth. And mistakes have been made in the indictments, mistakes have been made in the complaints that should never have been made, that, to me, are inexcusable, if you make a mistake on a date.

JN: This is the attorney general's office?

BL: Well, people who he has hired—he's gone out to California and hired people—these out-of-state people to conduct the investigation and prosecute on the basis of the fact that they have had experience in California along this line of work. And also because, I think, to some degree, if you can get an attorney that's a perfect stranger as far as prosecuting other attorneys are concerned, he would be less likely to have any pangs or go easy because he went to school with the guy or something like that.

But I think as far as the *Gazette* goes, it was all alone in this thing when it started, I can tell you that. And I think it was sort of the black hat when it first started.

JN: Black hat?

BL: Well, they were wearing the black hat, trying to nose into records that weren't their business, and trying to get into these Workmen's Compensation files that they had no business going into. This is the posture that the other side took.

But I'm sure that the *Gazette*, even at that time, didn't know the depth of what they would uncover. I'm sure I didn't when we first started. I had no notion of what was involved. Everybody felt that this was a real can of worms. But the actual criminal element that's in there wasn't really recognized. I didn't know it yet.

[Phone rings; break in audio]

I think the paper did a wonderful job in pursuing it, as far as it was pursued.

JN: It's got to come to an end. It just can't be hidden now.

BL: Well, I'm sure these—they will continue these investigations and prosecutions, and so forth, but the big problem is almost the same as it was in Washington, and that is that some very high-ranking and powerful politicians are involved in this thing. Like McKeon was about as big as you can get in the Senate, and then the House people that are involved and they do have an awful lot of control. The attorney general is operating under a tremendous handicap in this regard.

JN: Because of money, or pressure, or—?

BL: No, he's got the money he wanted. I think it's political. At every stage of the game, I'm sure there are political forces working to try—

JN: What's the answer to that, or is there any answer?

BL: I don't know if there is any answer to that. You just have to keep looking, that's about it.

JN: I imagine the paper points that way, and they're in a position where they can do it and they're well enough—

BL: Yeah, I think that's what scares them to some degree. I do believe that the newspaper—through its reporters, and through informers, and everything—is well aware of the individuals who are suspected in this thing, and I fully think that unless something is done regarding those individuals in the long run, that I have a feeling—it's not my business, but I have a feeling—that someone's going to at least try to do something about it. I don't think they'll let it go.

And I don't think they should let it go if there's any way they can.

JN: It really gets down to a contest between the newspaper and some people who don't want this thing to go the route. Whoever wins on this damn thing—well, if the other group wins, why then they are pretty well entrenched.

BL: Well, that's right, but I see the newspaper is in a different position now, so far as this particular thing goes. That is, I feel that all of the people, say in the Bar Associations, and the businesspeople and everybody else want this thing cleaned up. In other words, the paper isn't alone now. They've got a popular backing. I think their hand is far more powerful now than it was before, and I think that public opinion on this issue—I think they've got people scared to death, at least the so-called crooks. I think they're scared, and they dang well ought to be.

JN: You wouldn't expect to find them in Montana.

BL: No, and that's the odd thing. [Interrupted by phone call.]

Let's see. You're interested in the history. You're familiar with the way, I'm sure, in which this thing started. The position of the *Gazette* in it, and so forth, right? I think you've got an article here that was written up—in fact, that affidavit—

JN: I have the affidavit and a lot of chronology in it, and I've talked to [publisher] Strand [Hilleboe] somewhat on it, so I think I'm fairly well briefed on it. I didn't know where exactly we stand at the moment.

BL: Well, when you said you wouldn't expect to find this in Montana, particularly—

[Phone rings; break in audio]

You wouldn't expect to find the dishonesty entrenched in the high, in this state that you found it in— in this state, you wouldn't—and the powerful government figures, and a judge, a district judge. The attorneys that are involved in this thing could earn a fine income by being absolutely honest. There's no reason for them to have to be crooked. There's no reason from them to have done anything they did. McKeon was an extremely talented man. Why in the world he would get involved in anything like this is absolutely—I have no way of knowing.

JN: Am I correct in understanding they told me the way that McKeon influenced this decision against the Lee Newspapers—or, against the *Gazette*, I guess it should be—by writing the decision for the judge, taking a stenographer to the judge's chambers, using the judge's typewriter, the judge's stationery and then going into the judge's office, putting it down and saying, "Here, judge, is what you're going to sign"?

BL: That's right. This is right. He signed it. It's almost impossible to conceive of. In fact, while we were standing there in court arguing, you might say arguing something he had already decided, as far as the judge goes, which was such a shocking decision, I mean, it was unbelievable. After

all, we make a motion in a lawsuit, or they make a motion for a directed verdict in a lawsuit with this number of questions, both legal and factual involved. And we merely asked to put on some more testimony, and we also asked to ask further questions with regard to unsolved and unanswered questions in a deposition that he is going to use in making his decision, and he refuses to do that. About that time, you begin to smell a rat.

Well, at that time here's this McKeon in chambers right then! Well really, it really burns you up. Here you are out here trying to try a lawsuit, and there's that goddamn hen in a chicken house right there, right while you're standing there. He was in chambers right then, writing this thing out. We knew that the attorneys on the other side didn't have too much to do with this decision, and I knew the judge didn't either. And I think I mentioned to Strand that I did not believe that that judge had written the decision. I think I mentioned it to him as soon as I got it, because the decision, the way in which it was written, did not deal with any of the issues that were raised in the case.

JN: What did it say in the decision?

BL: Well, it was just a bunch of gobbledy-gook. It was a recitation of a notion of the way things should go in this case, and it did not handle any of the issues that were raised in the pleadings or in the briefs of either of the parties. It was entirely strange to us. I had no notion that McKeon wrote the decision, but I did believe that another person that is not yet involved, but will be involved, I think, did write it.

JN: Did the decision, in effect, dismiss the suit?

BL: Yes. And then—what the devil—we had to appeal to the Supreme Court. And—

[Break in audio]

BL: The thing that was so darn frustrating about that lawsuit, is the delays that were run into because of the fact that you're in politics in the lawsuit, rather than being in a pure legal and factual condition. So that even when you get down to picking judges to try the lawsuit, you're involved. We brought it here in Billings purposely, knowing that they could remove it. But if they didn't remove it, we would at least be in Billings and have three good judges. Or what we deem to be three competent judges that we didn't feel would be influenced in any way.

When you get into Helena, and, to some degree into western Montana, you'll get more involved in politics. Politics is a way of life in the capital, and like any capital, I think. Politics is involved in this lawsuit because a lot of the appointments were Democratic, and under Democratic governorships. Judges, if a question is involved in a lawsuit, if they could go either way in, I mean, on a question of fact or a question of law, and if they are imbued in a political system, they will lean toward, naturally they will lean toward their political aspirations or the party they believe in or are a part of.

So, there were disqualifications right and left of judges. Every time, if we got a judge that had a conservative leaning or a conservative background—wham, they disqualified them. Then we get one that we know that is involved with the regime that we think is involved in this thing, and we disqualified him.

Well, we ended up with the worst because they got the last choice. We were the plaintiff. They get the last disqualification, and they got this bird. Well, we really didn't realize how far gone this judge was. He was dying, and I knew he was sick, I knew he was in financial trouble. In fact, he was in very serious financial trouble. He had lost the election, because what we heard was that his financial situation was such that he would go and take a vacation to Hawaii, but he would never pay the contractor that built the swimming pool that he had.

Well, district judges don't make money enough to live in big houses and have swimming pools in Montana. They don't make that kind of dough. But I didn't know how bad it was really. Nobody did that was involved in it. In fact, the attorneys on the other side were embarrassed as hell when they found out about it.

JN: I was just wondering about them.

BL: Well, Paul, the one attorney, the head attorney of the thing, would never dream of becoming involved in anything like that. He was a good attorney.

JN: He's sticking with it, though.

BL: Well, how do you mean he's sticking with it?

JN: He's staying with the case.

BL: Oh no, it's is over with.

JN: Well, this is the McKeon case now?

BL: No, I'm talking about [James] Carden [the head of the Worker's Compensation division]—the *Gazette* case against the IAB [Industrial Accident Board], is the case I'm talking about now.

JN: Oh yeah, well as soon as that was opened up that was the end of that.

BL: Yes. Then what happened is what should have happened way back at the beginning of the case when they filed it. The attorney on the other side should have said, "I recognize the state law; I recognize the law as it is."

In other words, the law was—there's no question as to what the law says the law says these are public records. Well, they camouflaged and did everything doggone thing in the world, and it took us two years before they finally got an attorney on the other side who was not directed by Carden to do otherwise. He just came in and said, "We agree with you; the records are open, go ahead and look at them."

So you never should have had to go through the case to begin with. But they got so far involved in this, these other people, that while this case was pending, there was a constitutional convention here, and they had what was called a right-to-work—I mean a right-to-know section that they were putting into the Montana constitution. And there were a bunch of do-gooders on this Constitutional Convention. In fact, everybody that was elected to the convention had a little old deal of their own that they wanted to get passed. That's the reason they ran. At least, that's our attitude about it.

Anyway, this right-to-know section, all of a sudden, was amended. The amendment that was put on it was that the public has a right to know, and so forth, and all meeting will be public and all that, excepting where—to paraphrase it, I don't know the exact wording—the idea is the person's right of privacy exceeds the right of the public to know. Well, we immediately discussed this, and I talked to Strand about it. This is the Pandora's Box that closes back the public records, because if there is a public record, the question as to whether or not the right of privacy exceeds the merits of disclosure—some decision has to be made as to that. So, who's going to make the decision? The guy's that has control of the records. In the case of the Workmen's Compensation, it'd be Carden, so you're right back where you started.

So we—I don't know, Strand, or I don't know who did— got ahold of this committee, and they invited us up. Strand and I went up there, and we testified, and you'd think that I was a criminal and Strand was too, because Wade Dahood, this Workmen's Compensation lawyer—well, it was just absurd, an absurd view for you to have and everything else. Well, it was passed. And they've had trouble with it already.

Right now, they're trying to re-fix it again, and they're trying now to pass—they did in the last legislature—but I don't know what happened to some of them. They tried to pass some laws they said as far as Workmen's Compensation goes, the right of the public to know does not exceed, you know— trying to fix it up. So, these elements were even in the Constitutional Convention, writing the Constitution. Well, these same damn people—

JN: Somebody must have signed the bills.

BL: Well, the Constitution was signed, that's what I mean.

JN: Somebody should be able to trace back and find out who did this.

BL: Oh, they're not that obvious. They know. Who originated it and where it came from. It came from these people that were involved—it could come from the attorneys. It could come from—there's a lot of people you could say it came from. The people that we worked with was the political organization that's down in Washington. Well, it's the national group of friends—not friends—I don't know, but they're in Washington.

And I got up there that night that we were up there to testify; we spent an hour and a half to two hours in the motel room with these people, who were the ones who were pushing this clause of the right to know and the rights of privacy. I argued the wording, and I told them what I thought and argued at length with this fellow who I thought was an attorney, and it turns out the guy's working on a master's degree in some goddamn university.

He isn't even an attorney and doesn't know what he's talking about. I argued with him for about an hour about it. Jesus. But that's the way our legislation is passed by these groups. These pressure groups that will get on a point like that, and they'll keep on it, and they'll talk to all these people, and—I don't know, I suppose they're funded by all the grants and everything, but that's the way this legislation is passed. That's the way it goes in and—

JN: Were you around practicing law in the days when Anaconda was in control of the papers here?

BL: Yes, I was here then.

JN: Would it have been possible for one of the [unintelligible] of the *Gazette* in that day to do what Strand is doing now?

BL: Insofar as the Workmen's Compensation is concerned?

JN: Yes, do you think they would have made that exposé on—?

BL: Oh, yeah. If they wanted to.

JN: Yes, but I was thinking the company controlled them pretty well and my feeling was that the editor would have said we're just not going to go messing around in this thing.

BL: I don't think that the paper—of course, I'm talking more by what you might call rumor, I wasn't connected with the paper. Well, in fact, we did represent the paper before the *Gazette* bought it, in the sense that we represent the insurance company that insures them. I did have actually did try a case where I was representing the paper, but actually working for the insurance company that insured them.

That, really, the policy of the paper and everything I'm sure were dictated, really, by the parent corporation. But if the Anaconda Company wanted to accomplish something through its papers

I would suppose they would proceed to do so. I would hesitate to say that they would ever condone anything such as this crooked business, but then probably if they wanted to do something about it, they could have done it by going right to the horse's mouth. Because they were involved, it was a question of politics, but I think they did a lot about—saying somebody made a mention, the other day, as far as the legislature meeting and all of the laws that they attempted to pass.

I have a notion that the Anaconda Company just ignored them. And they a hell of a lot more for themselves. If there were a whole bunch of people up there arguing, say, the environmental issue came up while they owned the paper, you wouldn't read anything about it. There wouldn't be any heroes. There wouldn't be any anything. The people wouldn't even know what was going on.

So that would be one way of controlling to some degree. Just like you can control half of the nuts that are out doing various things now, I think that the publicity that they get promote their activities. I think the Anaconda papers could have done what was done here perhaps more effectively, as far as the legislature deal goes, because they, to some degree, had a lot more influence in it. They weren't really a third party sitting out looking in on the legislature. If they wanted to do it—

JN: Their policy on toward the last seemed to be not to rock the boat, so they felt, why get in this thing and get people mad at us? Leave it, go.

BL: If to get involved in the thing would get the former governor, the titular head of a party—the entire wing of one party, or important people in a party—mad at them, I don't think they would. And that would have been with McKeon. If he had gone and seen the right people, that would have been the end of it, I have a notion.

JN: What's Luke [McKeon] doing these days.

BL: I hear he's walking around in Butte, quite a hero. I don't know. Well, I mean, you know, I think the only thing wrong with criminal activity in Butte, I think, is to get caught.

JN: Really?

BL: Well, I shouldn't say that really.

JN: Strange enough, I have seen that same thing happen in my own hometown. Some of the biggest crooks are walking around with a big smile on their face—big bravado— and gee whiz, they got away with it.

BL: The old deal. The best defense is an offense—

JN: Still is, I guess.

[End of Interview]