

Maureen and Mike

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Bob Brown: This is Bob Brown. I'm interviewing Joe Mazurek in his office in Helena on September 25, 2008. Joe served in the state Senate from the election of 1980 to the election of 1992. Is that right Joe?

Joe Mazurek: Yes.

BB: Then he was attorney general of Montana from 1992 to the year 2000. So we'll begin our interview by asking you, Joe, where were you born and when?

JM: I was born on July 27, 1948, in San Diego, California. My father went through the wars, Guadalcanal and also the landing forces in Nagasaki. Anyway—

BB: So you [Mazurek family] were stationed in San Diego in the Navy?

JM: Yes.

BB: What created your interest in public service?

JM: You know, in school I always wanted to be the president of the class. I just enjoyed government already. That was in junior high and high school.

BB: Do you suppose that there was a person or an experience or something that triggered that interest?

JM: I attribute that to my father. You go over and do what you want to do and do it right. My dad was somewhat involved in politics, but not much.

BB: So you discussed political issues a little bit around your family and that sort of thing?

JM: Yes. My mom, who died young, was also pushing me to do that sort of thing. She was from Williston, North Dakota, and my grandmother had...I'm trying to think here...eight children. She raised them as a librarian. Every one of her children got a college degree. In fact, one of my uncles was Bill Kenning, who was one of the Chicago Seven. I'm trying to remember which one of the ministers in that organization...He became a Quaker and he was in prison because he wouldn't—

BB: He was a conscientious objector?

JM: Yes exactly.

BB: That was during World War II?

JM: Yes, after World War II.

BB: So you became influenced, or interested, in politics at an early age and you were influenced by your mom and dad. You ran for class office as that type of thing in junior high and in high school, and also in college if I remember. You and I had that experience together.

JM: Yes we did, yes.

BB: You were student body president at the University of Montana-Missoula.

JM: Yes that was an unusual occurrence because I was a student representative representing the senior class at the University. In the beginning of our year that year, Ben Briscoe and Bruce Gray were the two young men who were the president and vice president of the ASUM student government. They got a motor pool car and drove to the Democratic Convention in Butte. They were arguing for raising—

BB: Lowering the drinking age. [They were arguing for lowering the voting age in Montana.]

JM: Yes. That's what it was. Anyway—

BB: They were killed in a car wreck. Was that right?

JM: Absolutely. They were going back to the University that Saturday afternoon and anyway, it was a tough deal.

BB: Terrible tragedy. You were the senior class president—representative—of the student government. The student government got together—the other student senators—and elected you student body president because both the president and the vice president were killed in a car accident.

JM: And there was one other catch there. That was the kid from...What was his name? The treasurer of ASUM was Mark, somebody from Three Forks. Anyway, he just declined. He was a numbers guy.

BB: He was kind of technically next in line?

JM: Yes, that's exactly right.

BB: He declined it, so the student government elected you?

JM: Yes.

BB: I know a big burden fell on you then because I remember having a telephone conversation with you shortly after that happened. I know it was a real shock for all of us. It was one of the saddest funerals I've ever attended, too. So then I think I kind of know because you said you were interested in politics and you had been since you were a young person. What motivated you to run for the state Senate here in Lewis and Clark County?

JM: I had come back to Helena and I was practicing law with Gough, Shanahan, Johnson, and Waterman. I think there were three people who came around and talked to me. Mike McGrath was one of them. He was—

BB: Active in Democratic politics?

JM: Yes. He was getting there, yes. So anyway, somebody told me that—Tom Rasmussen. I had sort of heard that he wasn't really sure he wanted to run.

BB: He was the incumbent senator.

JM: Yes. He was the incumbent senator in this district. So I actually went down and made an appointment and visited with him. I said, "I really want to do this. I understand you may not be sure you want to run or not." So I told him that and he thanked me for visiting with him and giving him the heads up.

BB: Did he end up running?

JM: That's the next story. On the Friday before the Monday of the deadline for running, two new Republicans popped in.

BB: Really?

JM: Riley Johnson and Doug Kelly.

BB: Oh, okay.

JM: There's a guy who's—

BB: Doug Kelly was very pro-life on the abortion issue, like Rasmussen. There might have been a connection there. Anyway, then Rasmussen didn't file?

JM: He didn't file. Doug Kelly, about three weeks out, said he just wasn't going to do it. So they tried to get Riley to do it and he wouldn't do it either. So I got a pass.

BB: Even though these guys both filed?

JM: Yes.

BB: But they didn't want to and decided to run?

JM: They decided not to run. That was...

BB: How did you engineer that?

JM: I don't know. Some (unintelligible) leprechaun on my shoulder.

BB: That doesn't happen very often, that's for sure.

JM: I was very fortunate.

BB: So you didn't have a very competitive race at all.

JM: I did as it turned out. I missed this. Jack Mahan—

BB: The medical doctor?

JM: No, he was in D.C.

BB: The veteran? The attorney who was the national president of the VFW or something?

JM: Yes he was.

BB: He got into the race?

JM: He got into the race on my side.

BB: Oh in the primary?

JM: Yes. So he got in. We ran our race and at the end of the day, I won. In fact, I did not lose a machine in the county.

BB: You annihilated him. You had grown up here.

JM: Yes. He was a neighbor.

BB: Oh really?

JM: Yes.

BB: He filed after you did, though, so he challenged you.

JM: He did. That's exactly right.

BB: Were there any issues or anything involved in the campaign?

JM: Not really. I just wanted to get there.

BB: How would you describe Lewis and Clark County politics at that time? That was the election of 1980, right? Who were the key leaders if you could just summarize the political scene there for Lewis and Clark County in 1980?

JM: The county attorney was Tom Dowling, I think. It was either him or Charles Graveley. I wasn't tuned into county politics at all.

BB: Not so much as county politics, but just the two or three prominent political leaders here in Helena or in Lewis and Clark County at that time.

JM: Tom Judge, yes.

BB: He was the outgoing governor.

JM: Yes.

BB: Any important legislators?

JM: I don't think that—

BB: Was Tom Harrison skilled?

JM: Tom Harrison. I'm not sure...yes, he would have been one. Yes, I think that's right. Tom was very active.

BB: Glen Drake?

JM: Yep, Glen Drake. He was a land use guy. He did a lot of real estate work.

BB: If you look at Lewis and Clark County when you started out in politics, I'm sure that public employees were an important consideration for anybody in the public office.

JM: Oh yes, absolutely.

BB: I'm sure that's still the case now. I'm just kind of curious to know, as you reflect back, whether the politics of Lewis and Clark County has changed particularly from 1980 to the current time. It seems as though, perhaps, there were a few more Republicans elected 25 years ago than would be the case now. I'm not sure about that completely, but how would you describe the change that's taken place? How is it different now than when you started out?

JM: Well, I'm trying to remember who the Republicans would have been; Glen Drake, obviously.

BB: Tom Harrison. Mike McGrath, Mike Meloy.

JM: Yes, Mike Meloy was another. He was the Speaker of the House then, I think.

BB: Would you describe the political environment in Lewis and Clark County today about like you would then?

JM: Yes, probably. The shift from Republican to Democrat—

BB: What accounts for that?

JM: I'm not so sure. They knew we'd do a good job.

BB: I thought you were going to say, "Well, the people have wised up."

JM: That's exactly right.

BB: So you got to the state Senate. You'd lived here in Helena. So you were familiar with the legislature.

JM: Oh yes.

BB: Many people who run for the legislature literally, at least in our era, had never been to the capitol building before the first day they were sworn into the state legislature. I know that's happened many times. In your case, you were familiar with the building. You were probably familiar with the legislature. What were your first impressions when you got into the state Senate and began your service there as a freshman member?

JM: All I remember is that it was really exciting. I struck up a friendship with Jean Turnage. He sat across the aisle from me. He was very good to me.

BB: Was he president your first session?

JM: Yes, he was. Stan came up next.

BB: Did you consider Turnage a mentor figure?

JM: Absolutely, yes. He was very good about that.

BB: But you were excited and enthused about being a member of the state Senate. Any other first impressions of any kind?

JM: Well I tried to—I was really excited because I was a lawyer coming into the Senate. I wanted desperately to get on the Judiciary Committee.

BB: You and I both were on the Judiciary Committee that session.

JM: That's what I've always said, Bob, the one thing I can say that you and I sat together every day. I think there were three committees: Education, Judiciary, and Taxation.

BB: We had the same three committees for 12 years...well, ten years because you were president your last session. That is literally true. I think because we developed a good relationship, we were able to accomplish some things sometimes when the conversation began between you and I. We could have pretty significant influence when you knew it was coming through there, all three of those committees.

JM: Yes, that was good.

BB: Are there any other senators in addition to Turnage that you remember, that kind of stand out in your memory while you were there?

JM: Yes. Matt Himsl always stands out.

BB: Pat Regan?

JM: Pat Regan.

BB: And Pat Regan was a woman senator from Billings. Matt Himsl was a public influence from the Flathead and Pat was up in Billings.

JM: Chet Blaylock, the chicken eater.

BB: Now, what's that story?

JM: Didn't you accompany him down to the Sud's Hut to have chicken occasionally?

BB: No. I think that story was about Van Valkenburg.

JM: Oh, okay.

BB: I think Bruce Crippen tells that story about [Senator] Fred Van Valkenburg. We're not sure that's true. And I'm not sure we ought to repeat it on the tape. I guess I could probably say it. We were eating chicken at the Sud's Hut and Bruce remembers this, and I don't. Anyway, Fred was eating chicken and he was getting kind of animated as he can get, you know. He was intense in the conversation and that type of thing. Bruce remembers that he ground up some chicken bones in his teeth and just swallowed the chicken bones and all. He said it had quite an impression on both he and I. I tried to remember that but I can't. I'm not sure it didn't happen, but anyway. Blaylock was someone, of course, that we served with. You and I both served with him on the Education Committee.

JM: Yes.

BB: So we got to know him well there. How would you describe the influence that the Anaconda Company and the Montana Power Company in the state when you were in the state Senate?

JM: You know, I've looked back and thought about that. I just don't remember what was going on at that point with the Anaconda Company.

BB: It (unintelligible) out of the picture.

JM: Yes it did.

BB: Certainly after you got there.

JM: Yes, exactly.

BB: We know that there's—I've got my mouth full of cinnamon roll here—but you know there's a belief based on a lot of pretty solid fact. The Anaconda Company had an enormous influence over our state and its politics for several decades. It was in the decline when you and I got there. I was there a little bit before you. So I probably remember the Anaconda Company lobbyists and their involvement some more than you do because I think by about the '83 session, it was pretty much gone. I guess the purpose of that question is just this theme in the history of Montana about corporate dominance. Sometimes people associate the Anaconda Company with the Montana Power Company, again, because they were pretty closely associated in a business context earlier in their history. Some people think that the corporate

dominance of Montana politics was exaggerated and some people think that it was pretty real. I'm just curious of your impression. Whether we're talking about the Anaconda Company or the Montana Power Company...The Montana Power Company of course was around for a long time, all the time we were in the state Senate. What are your impressions about the theory of the corporate, the extremely important, corporate influence particularly as you relate that to the Anaconda Company and Montana Power?

JM: Well, it was interesting to me. The law firm I was working with, one of our clients was the Montana Power Company. I actually even did a little lobbying for them later on.

BB: After you had left the Senate.

JM: Yes.

BB: Was your impression that the Montana Power Company was...How would you compare it, say, to the AFL-CIO in terms of its influence in the legislature?

JM: Yes, that would be a stand-up battle between two giants.

BB: Typically I don't think [they] squared off, but they both had influence. How would you compare them?

JM: Boy, I'm trying to recollect.

BB: The lobbyists for Montana Power, John Lahr?

JM: Yes. John Lahr was the principal lobbyist.

BB: Mike Pichette?

JM: Was he doing it then?

BB: Maybe he wasn't doing it then.

JM: Yes. I think he wasn't doing it then.

BB: Maybe he came in later. How would you describe Lahr?

JM: He was the consummate lobbyist. He was a stand-up guy and he was good to work with.

BB: Effective?

JM: Very effective.

BB: Why? How? What distinguished him from other lobbyists?

JM: He did his homework. I mean, he really did.

BB: What would he do?

JM: He was well informed. He did a good job for his company.

BB: Wasn't he the lobbyist at the Montana Power Company that had been assigned to the Democrats, and a Republican lobbyist? He was the Democrat lobbyist. Given that the Democrats are somewhat suspicious of the business interests, how did Lahr get beyond that? How was he able to be effective with Democratic legislators?

JM: I think that he just outworked them. He was also a fun guy.

BB: What do you remember about him? Is there a story or something that you can remember about a dinner with John Lahr?

JM: I never got into the gin deal they had.

BB: Beefeaters?

JM: Some kind of gin.

BB: It was Sapphire, Bombay gin.

JM: Yes.

BB: John Lahr had a group of guys that would—

JM: George Ochenski and some others.

BB: George Ochenski was a lobbyist for the environmental organizations. He was probably not typically on the same wavelength with John Lahr, but John had apparently a wide circle of friends. They were all over the political spectrum and he managed to have credibility with all of them. In some cases, it was the gin, and other cases it was the logic.

JM: Who knows? Okay.

BB: But you had a good working relationship with him?

JM: With John? Oh yes, very much so.

BB: Let's see here. Just a few more names, Joe, that I want to bounce off of you so I can get your impressions of them. Did you ever know Jim Murry, the great leader of the AFL-CIO?

JM: Oh, yes.

BB: What do you remember about him, a story or anything?

JM: Well, I have a story that's between him and I. We laugh every time we talk. I still do it. It was Christmas time. His wife, I think it's Arlene—

BB: Yes, I believe so.

JM: Anyway, I was shopping for a Cuisinart for Patty. So I went up there and got my Cuisinart from Arlene and, how'd she say this? I bought Patty a Cuisinart, and somehow he got bamboozled into the highest level of Cuisinart, the best one to shop. I was being a cheapskate because I was a young lawyer with not much money. So every time I see him, we talk about this.

BB: So she sold this to you and she sold you a more expensive—

JM: No I bought from her and then I don't know how, somewhere in all of this somebody called...I guess it's just an inside joke. We just laugh about it because—

BB: What is a Cuisinart?

JM: A Cuisinart. Ask your wife. It's a machine that makes dough and that sort of stuff, yes, those sorts of things. They're expensive.

BB: And Arlene was selling these?

JM: Yes. She worked at the store. So apparently one of the Murry boys called and said, "Get that Cuisinart for me."

BB: Great. How about Don Judge?

JM: Yes. Don actually was someone who kind of helped me get into the Senate at the time.

BB: He came by and visited with you about the possibility of—

JM: Yes and Tony Jewett was part of it.

BB: He was an environmentalist at the time and later became an official in the Democratic Party I think. Was Tony Jewett the executive secretary for the Democratic Party?

JM: Could have been, but I don't know. He does the Yellowstone Coalition or something like that. I don't know what it is.

BB: Don Judge of course was the leader of the AFL-CIO. Then he left the state to take another position with the AFL-CIO in another part of the country. Don Judge, then, became his successor. Don Judge was one of the fellows that recruited you to run for the state Senate to begin with. Then Tom Schneider came, who was the leader of the Montana Public Employees Association when you were a state senator and of course, many public employees.

JM: Oh yes. I always was with him.

BB: Was he an effective lobbyist?

JM: Very much so, yes.

BB: Of course probably because you had so many of his members as your constituents you probably were naturally an ally of his.

JM: Yes.

BB: And he was easy to work with, though?

JM: Yes, very much so.

BB: We both served on the Education Committee. So we had a fair amount of contact with the Montana Education Association. What are your recollections of Eric Feaver, the leader of that organization?

JM: I think Eric did and still is doing a very good job at MEA and I think he's still got the fire. We're all about the same age, but yes, so—

BB: Was he an effective lobbyist? How would you describe his approach to lobbying?

JM: He could be fiery and not afraid to express a position that he'll defend.

BB: How would you compare him, say, to John Lahr as a lobbyist?

JM: I think Eric does a very good job, but he sometimes gets a little too fiery. He does a good job for his organization.

BB: Lahr would never be fiery.

JM: No, no.

BB: In my recollection, Fever was more inclined to present testimony before committees and he could be articulate. He could be pointed. He could be funny—

JM: Exactly, all of that.

BB: Whereas Lahr was someone whose approach to lobbying was more the lobbying of individual people and having—

JM: Yes, as opposed to just committees.

BB: He may have presented some testimony before committees, but his forte was more the individual approach.

JM: Yes.

BB: Are there two or three pieces of legislation that stand out in your memory in the years that you served in the state Senate?

JM: Yes. First one, and I'm not sure when the date was, but it was the Veteran's Preference. Oh, shit. It was the greatest (unintelligible) tried to figure out how to get around that. Jesus, God, it was just horrible.

BB: I think you and I had the same problem on the same bill. Describe how you remember it, Veteran's Preference.

JM: Well, yes. I'm trying to remember the name of the lady...there was a woman who...God, what was her name?

BB: Was (unintelligible) for a women's organization?

JM: I don't know. She might have been, but I don't know that. It got real big. It wasn't just this one person. We had a horrible problem in front of us because the Supreme Court had just approved that she could get all the benefits otherwise. Anyway, what they were trying to do was say that the Veteran's Preference that was approved by the court included every time you go to a different position because it would follow you your whole career. That was what the problem was.

BB: I remember it after World War II was over. It was an effort to try and get the veterans integrated back into the jobforce. So if you were a veteran, you got some preference in getting

a public job, like working for state government. Somehow or other, that got interpreted, apparently, by the courts to mean that preference was ongoing. So if you got a state job and you wanted a promotion, you got an advantage in the promotion. If you got another state job, even ten years after you had gotten back into the job force again, you've continued to have this preference. Some of us, like you and I, thought, "Hey, we're both veterans too, but that's nuts." You ought to be able to make it on your own after you got that advantage in getting the job. Anyway, there was legislation in the early '80s, I think, on that.

JM: There was. I don't remember exactly what we did, but we fixed it.

BB: Yes. I remember Stan Stephens, Joe, was a combat veteran of the Korean War. He saw it the same way we did. You and I were both veterans. So the veteran's organizations were just hammering at us. They were just unrelenting.

JM: Bob Durkee. He was the lobbyist for American Legion. He was a good man—

BB: But he had blinders on when it came to that.

JM: Yes, he did. He and Dennis Taylor fought a lot. Dennis was a wounded Vietnam vet and he was in charge of the personnel in the Department of Administration. So he was getting hit by everybody.

BB: Which side of it was he on? I don't remember that.

JM: He was on our side. He was doing it as his position was. Go ahead, yes.

BB: The women's groups, or at least some of them, felt that since most of them weren't veterans at that time that this gave an inherent advantage, generally, to men over other men but almost all women. So they felt it was unfair too. Anyway, so that was a hot issue when we were first in the Senate.

JM: The other one I remember, and it almost...It was stream access. The first time we read that, I flipped. Yellowtail. That would be four years later, wouldn't it?

BB: Probably. I don't remember exactly when it occurred, but Yellowtail, Senator Bill Yellowtail from down in the Hardin country, was carrying this bill that would allow the general public access to the navigable streams in the state. The ranchers—the large private property owners—didn't like this because many of them had streams that were at least technically navigable through their ranches and they didn't want the general public parading through there with their fishing poles and hunting rifles, and that sort of thing. They could possibly cause fires and leaving litter, and that sort of thing. So they considered it a trespass. Bill Yellowtail and his backers considered that the general public owned the water, basically.

JM: Up to the high water mark.

BB: The right to have access to any of this public property up to the mean annual high water mark, as I remember it. So the problem we had was that Jack Galt, who was a prominent senator and a big rancher with a lot of land, hated that bill because it created enormous problems for him. Bill Yellowtail, who we were also friendly with and was an intelligent guy and also had a defensible point of view, was carrying the bill. What happened? How did you end up voting?

JM: For Yellowtail. We put him in a bad spot, really, because he was a rookie.

BB: He was a brand new member and had to carry that huge bill that was intensely controversial. When you say, "We put him in this spot..." You were chairman of the Judiciary Committee then?

JM: Yes. That would have been the—

BB: That would have been in '83 or '85? Probably was '85 because the Democrats had a majority in '85.

JM: Yes, '85 okay. I was chairman of the Judiciary Committee. I gave that responsibility of carrying that bill to him. I asked—

BB: Was it a Senate bill or a House bill? I think it was a Senate bill.

JM: It was a Senate bill.

BB: Was it that we knew this had to be worked out because of some kind of a legal problem?

JM: I don't think there—

BB: How did you end up having the responsibility, the signing that legislation to him?

JM: I was the chairman.

BB: Had you requested the bill to begin with?

JM: No, I had not at all. It was coming, so—

BB: Anything else?

JM: Not really. I was trying to think of one other one, but I was looking at public school funding and what we were doing on that.

BB: We had a special session once on that, I remember.

JM: Yes.

BB: That was complicated.

JM: Was that the Stephens regime?

BB: That's what I remember.

JM: That's what I do too.

BB: (Unintelligible) a hot summer day when Swede Hammond was chairman of the Education Committee and you and I were both still members of it. Swede was so perplexed. I mean it was technical and difficult and we were having such a difficult time with it. That was the beginning interim...Remember the spreadsheets? Do you remember that?

JM: Oh, god.

BB: So everybody was an expert. We're just driving the poor guys to distraction, who could settle the numbers. Every tweaking of any bill would change to some extent its impact on the different school districts around the state, which would trigger another ablation of these damn spreadsheets. We were up to our bejeezer in spreadsheets, I remember. In that committee, all of us tried to figure out what it did for the whole state, what it did for our own districts, what it did for our own counties. All of it, of course, had huge property tax implications. I remember too, Joe, that you and I agreed one day that we were so overwhelmed by this and so tired of it. I mean it was an issue that ceased to be interesting and it was just an unsolvable, perplexing puzzle—

JM: To this day.

BB: Yes, to this day. The one person who could kind of help you and I—both of us agreed on this—to kind of figure out what the heck we thought on it was Madalyn Quinlan. Do you remember her?

JM: Oh yes. And she's still there. She still does all of that.

BB: She works at the Office of Public Instruction, but she was—some considered that people who were experts can explain something to you in great detail so that when they're finished with their explanation, you feel you know even less than you did in the beginning. Madalyn was one of those kinds of people that can make you feel like you know a little more at the end of

the conversation than to begin with. She seemed to be able to be helpful in clarifying things. Anyway, I remember that.

JM: Want to take a break and get a cup of coffee? More or not?

BB: If you're okay, let's just go.

JM: Okay that's fine. We're now looking to Schwinden.

BB: Just your recollections on Governor Schwinden.

JM: I thought Ted Schwinden was a great governor. The only quarrel I had with him was he's a farmer and he doesn't like to spend money as a Democrat.

BB: But you were fairly conservative, as I remember, in terms of spending money and some other things. We Republicans used to think of Ted Schwinden as really quite partisan. He was a solid, loyal Democrat, but he wasn't a particularly liberal Democrat.

JM: No, that's right. He was a Ph.D. historian.

BB: I think he was all but dissertation in the PhD. How would you describe him? Was he a smart guy?

JM: I think he was brilliant. I mean, really. In fact, I know a couple of things that I worked with him and when he left the governor's office, the Stillwater Mining Company brought him in to—

BB: As a member of the Board of Directors.

JM: Yes. When was this? Well, 1999, he was getting older and his wife was having health problems. So he called me down to Phoenix where the Stillwater Mining Company was having a board meeting. He was going to resign on that one and they were offering me up in some of the...he was very helpful to me.

BB: So then you replaced him on the board?

JM: Yes.

BB: I'll bet that was an interesting new insight.

JM: Yes. It's amazing.

BB: How would you describe Ted Schwinden, though, if you could describe him in a couple of sentences?

JM: He's smart and he gets along with people very easily. He's just a great public person.

BB: Did you ever have an experience with him that's kind of memorable, that kind of typifies who he is? You met with him, I'm sure, numerous times.

JM: Oh yes, lots.

BB: Did you go to Japan with him?

JM: Yes. We went there. That was good. We had a good time there. That was fun. It wasn't as much fun as you guys had the first time.

BB: How about Stan Stephens, Governor Stan Stephens?

JM: High blood pressure. I mean, really.

BB: He was frequently red in the face. I know we wondered what the cause of that was and it certainly could have been high blood pressure. So when you said, "High blood pressure," did you mean that in a descriptive way?

JM: Yes. He sometimes could get hot. I thought he was a good legislator. In fact, I consider him a friend even though we spat over the public school stuff. Because we put a bill out there that was pretty pricey. He just said, "No."

BB: He felt that it was more expensive than he wanted to sign.

JM: That's exactly right.

BB: But I'm curious because I don't remember him as volatile at all, but I do remember him as serious. We all respond to stress in different ways. I can remember sometimes Stan seemed to be red in the face beyond any normal redness in the face. There were some times that we thought, "Gosh, is he about to have some kind of a stroke or something?" That was 20 years ago and he's still with us. He doesn't seem to have that red in the face condition as much as he used to.

JM: No, I think—

BB: So maybe it was stress-related in some way.

JM: Oh, I'm sure.

BB: What kind of a public speaker was he?

JM: I think he was a very good public speaker because he was a radio guy, and TV.

BB: So he was effective in floor debate?

JM: Oh yes, he was real good.

BB: Then when he was governor, did you ever have any business with him when he was governor? You were president of the Senate, weren't you, when he was governor?

JM: Yes, I was. That was when Ted Schye was trying to sell the plane.

BB: The governor's airplane.

JM: That got him off on a bad—

BB: Because he and his wife both felt that the existing governor's airplane was unsafe. There was some reason they had to believe that. So they wanted a new airplane. The legislature got into a big rackafrazz over what new plane there should be and how expensive it should be and whether the old one could be fixed up, all that sort of thing. You got in the middle of that?

JM: Well, just trying to bring him down. Ultimately it worked out. It was a Van Valkenburg deal.

BB: Now Fred Van Valkenburg was the Majority Leader at that time?

JM: Yes.

BB: And how was he involved?

JM: He grabbed a hold of the bill. It was his bill and he was kind of watching it pretty closely. Anyway, you may remember...I remember that's one thing. In fact, Fred and I have talked about this in our little meetings when we come back together.

BB: Yes.

JM: Yes.

BB: In an impish kind of way about how he really got Stephens going on the thing. I never really understood in detail the inside story on that. I'm going to interview Fred too, though, Joe. I have not interviewed him yet, but I will. Anyway, what your recollection is of that is that it kind of made you somewhat uncomfortable trying to figure out how to find a solution to it?

JM: Yes, it was difficult. I'd be curious to see what Fred's recollection was.

BB: That's right. I interviewed Governor Stephens, too. I don't recall that he mentioned it. You know, Stephens I always found to be a very circumspect, somewhat proper, gentleman.

JM: Yes, he is.

BB: He's very careful and inclined to kind of let bygones be bygones and that sort of thing. When I interviewed him, I don't remember that it came up. It might have. How about Governor Racicot?

JM: I think Marc Racicot is the consummate public servant. When he left the governorship, he had 10,000 dollars in the bank. He was in a rented condo, a rented vehicle, and he took all his retirement money and paid off his kid's college loan. That's a guy that—

BB: So he basically was starting all over again in life at the end of his term in office as governor.

JM: Yes. He fell into it.

BB: Yes (unintelligible).

JM: Yes. Well first of all, he got George Bush. He was in Florida.

BB: He was in the post-presidential election of 2000. His fellow governor was down in Florida advocating for Bush and we saw him on television.

JM: Oh all the time, yes.

BB: Then after—

JM: We were really good friends.

BB: You and Marc were good friends?

JM: Yes we were. He was good.

BB: And you followed him as attorney general?

JM: Yes. He was helpful there.

BB: You were able to keep some of his staff people?

JM: Yes, very much so.

BB: Do you see him?

JM: You know, no. I mean he's got this big huge house up there.

BB: Up on Swan Lake, I think.

JM: Yes, by the terrace there.

BB: By the terrace in the Flathead Valley and by Swan Lake. So we think he comes home in the summer sometimes. I haven't seen much of him either.

JM: Theresa's [Racicot] got her name in the phone book so you can call her.

BB: Good. I maybe should. How would you describe, if you were comparing the leadership styles of Schwinden and Stephens and Racicot, how would you do that? Because you defined both Schwinden and Racicot as consummate public servants. And yet I think they were different individuals with a somewhat different approach to all that.

JM: Oh, yes.

BB: How would you compare them?

JM: You know, I think Marc quickly makes decisions. I've felt that in what is the AG with talking to him as the governor. He doesn't labor over issues. He's going to grade it, look at it, and that's it. He won't change his mind.

BB: So when you were attorney general, if you had a conversation on the telephone over some kind of an issue or something or other, Marc was usually pretty...he was able to make a decision and stick with it on fairly short notice?

JM: Yes.

BB: That would have something to do with the fact that he had been attorney general one time, too, before he was governor. So that's part of Racicot's leadership style. He could make a decision, do it himself, probably not in collaboration with other people?

JM: Nope. He's his own guy.

BB: Now how would you describe Schwinden in that way? You were a senator when he was governor. You had a little different relationship there.

JM: Like Racicot, he made good decisions as well.

BB: Then how would you describe Stephens' leadership style? We both served in the Senate with him.

JM: I think we went into a meeting in the conference room one day. We were talking about school funding, and I don't know if that was in his office or where.

BB: Yes the governor's conference room.

JM: So yes—

BB: What do you remember about that?

JM: Well I think it was the same thing with me where he didn't want to pay the piper. We talked about that. And he didn't like it, and that was fine. It was probably a good thing that he did.

BB: What motivated you to run for attorney general?

JM: Well what lawyer wouldn't want to be the state's lawyer?

BB: Well Joe, I think it requires a degree of confidence that you obviously felt that you were equal to the job, and that you could do a good job. Were there people encouraging you to do it?

JM: Yes, very much so. That was good. Anybody who's ever been an attorney general will tell you it's the best job they've ever had, really.

BB: Why is that?

JM: Because you have to know what you're doing.

BB: What was most enjoyable about it?

JM: It's a great job because the Department of Justice is the domain of the AG and so we started some initiatives when I was elected and we had some interesting times.

BB: The AG can make decisions about whether to pursue litigation, right? I mean you might decide that it's worth pursuing or whether it's not pursuing. That's a big public responsibility, of course.

JM: It was a very interesting time for me to be there. This is the time from 1993 to 1997. Things that were going on then: the anti-government activity in the Freemen. Do you remember all that stuff?

BB: Oh, yes.

JM: Then in '96 the Unabomber, we worked on that one.

BB: Did you meet him?

JM: No. the Feds were—

BB: It was strictly a federal thing?

JM: Yes. Then we had youth violence meetings. In '94 and '96 Nancy Keenan and I got together and we held a series of town hall meetings.

BB: Nancy Keenan was the Superintendent of Public Instruction.

JM: Yes. So we went all over the state—

BB: Because of concern about gun violence in the schools?

JM: Yes. And as a result of...Jeremy Bullock was killed in Butte on the playground.

BB: By another student?

JM: Yes.

BB: With a gun?

JM: With a gun.

BB: So that triggered a lot of public interest in Montana.

JM: Oh, yes. It did. We went down and walked.

BB: Jeremy Bullock would be the younger brother of the fellow who is now running for attorney general?

JM: Steve, yes.

BB: They're related, anyway.

JM: Yes they are. Steve is his uncle.

BB: I see.

JM: So we marched through Butte every year. Then came the speed limit.

BB: Oh, the speed limit was also an issue you dealt with?

JM: That's in May 1999. "Successfully proposed the legislature authorizing numerical speed limit, which took effect May 28. The limit on the interstate was 75 miles per hour, 70 miles during the day, 65 at night."

BB: That was when you were attorney general?

JM: Yes. I actually tried to defend the reasonable and prudent law.

BB: Tough to defend.

JM: Yes. It wasn't.

BB: It wasn't defensible.

JM: No.

BB: So that's when you...Why did you feel that a numerical speed limit was a good idea?

JM: Because it could give you certainty I guess. We created a child protection unit at the legislature's request to assist county attorneys in child protective cases. That was just something we did. One of the best things we ever did is we created a new crime lab in Missoula in February of 2000. We've really ramped up in terms of the equipment need and everything like that. So anyway that was opened and it's been very successful. Here's another stream access coming up—access to streams from county bridges. I can't get away from that stuff.

BB: There was other legislation. I was out of the picture at that time, but you were attorney general. I don't remember, but new legislation did pass pertaining to when—

JM: There was an AG's opinion, is what it was.

BB: The public had access to a stream from any bridge.

JM: Yes, county bridge, on a right of way. In 2000, we took on with almost every state with the tobacco settlement. We created a permanent trust fund for at least 50 percent of the tobacco settlement funds Montana was to receive.

BB: That was a big class action lawsuit against the tobacco companies?

JM: Yes.

BB: Montana got a share of that?

JM: Yes.

BB: And at your request, the legislature passed a bill to create a trust fund for that money?

JM: Yes. The other ones were—and these are beyond 2000, but legal highlights—argued the Egelhoff case and the Coal Tax case before the U.S. Supreme Court.

BB: Wow. You argued both those before the U.S. Supreme Court?

JM: No, I did one part of it and Clay Smith did the other on the Coal Tax case. The Egelhoff case was a guy who actually started out here in East Helena and went up to Libby. It was the morel season. He was a guy—

BB: Morel mushrooms?

JM: Yes. So [James Allen] Egelhoff was just a drifter. He got hooked up with some people up in Rexford—

BB: Up in Lincoln County.

JM: Yes. Anyway, he actually was in the back seat of a car where at least two people were in.

BB: He shot them both.

JM: He shot them both at different times in the same car.

BB: And they were all three kind of itinerant mushroom pickers?

JM: Yes. So the deal was it was a due process case. In other words, the Supreme Court denied Egelhoff's case.

BB: He got capital punishment?

JM: No he didn't. He's still in prison.

BB: He got due process in his trial?

JM: The due process part is that—

BB: Wrongfully arrested or something? [He was not allowed to introduce evidence that he was too intoxicated to have been physically capable of shooting the victims.]

JM: Yes. You get due process. We argued that case, which was a good thing. The Coal Tax case was with the Crow tribe. We did two of those then. Then one of the things, the next thing that came was, I had two executions to take care of.

BB: Why was the attorney general responsible for executions?

JM: There has to be a warrant. There's a process you have to go through to make the execution.

BB: So you basically supervised two executions?

JM: Yes. When these people are on death row, the U.S. Supreme Court...Once they've made their decision, we can go forward. That's what we did. Duncan McKenzie, Lana Harding—

BB: Lana Harding who was the daughter of state Senator Ethel Harding, with whom we both served. McKenzie was convicted of her murder, of Lana's murder. So that execution was carried out in the penitentiary. Because you were head of the Department of Justice as the attorney general, you had general responsibility for carrying it out, is that right?

JM: Yes. McKenzie requested...and my good friend Ron Waterman and Ward Shanahan took me over on Saturday morning—

BB: And what?

JM: And we had a hearing about whether Duncan McKenzie should be executed.

BB: And Waterman and—

JM: My two former partners.

BB: Your former law partners and they were opposite you on that case?

JM: That's exactly right.

BB: Waterman is currently running for Chief Justice.

JM: Yes, against [Mike] McGrath, yes.

BB: Did you have anything to do with gambling as attorney general?

JM: Yes. You and I know a lot about that.

BB: Because the attorney general has got some important regulatory responsibilities, monitoring the machines and all that.

JM: Yes we do all that. I don't have a whole lot of stuff about that. One of my former public information officers dug up a bunch of stuff for me. So at least I've got something to help get there.

BB: Anything else that you remember while you were attorney general that you want to talk about?

JM: Let me think here.

BB: You were at the national meetings with other attorney generals around the country. You met Eliot Spitzer, I imagine.

JM: Yes. He came in late.

BB: He's kind of the controversial governor of New York. Dan Lundgren from California, a prominent attorney general.

JM: Oh yes. I got along with him. I didn't like him at first.

BB: Was there an attorney general from anywhere in the country that you particularly admired or particularly stands out in your memory?

JM: The guy that helped me most was a guy named Robert Del Tufo, who was a New Jersey attorney general. He gave me some help on how to do some things in the office.

BB: Just as you were breaking in?

JM: Yes.

BB: What motivated you to run for governor in 2000?

JM: I just had to be the governor.

BB: I remember talking to you about that. I told you, "You know, you'd get a lot of Republican support if you ran for Chief Justice. Most of us like you, but it was difficult for us to stick our neck out for you when you run for a partisan office like governor. We could do a lot of stuff for you." You said, "No, I'm more interested in policy than I'm interested in deciding court cases and I'd just much rather be governor." I think you mentioned that the guy that then was

interested in running for Chief Justice that kind of concerned you was a fellow by the name of [Terry] Trieweiler, who you felt would have a ton of money. You felt that you much rather wanted to be governor much more than Chief Justice and might even have a better chance of winning. So that's how I remember the conversation. What motivated you?

JM: I wanted to be governor. I didn't go through this grade school, high school, college. I mean I wanted to be there. I'm going for the brass ring. It was that gosh damn Cooney. To my dying day I will say, "Mike Cooney kept me from being governor." He would not bend.

BB: Now explain. There were three of you running.

JM: There were, yes.

BB: Mike Cooney was the Secretary of State. Mark O'Keefe was the auditor.

JM: He had all the big—

BB: And (unintelligible) was the attorney general. You were about to say that O'Keefe had what?

JM: He had all the money.

BB: He has a big fortune, yes.

JM: Actually, we were talking about Cooney. It was at the Governor's Cup golf tournament up in Kalispell and Bigfork. So we sat down at whatever that...there's a restaurant across from the old hotel that's now not such a great hotel as it once was?

BB: The Outlaw Inn.

JM: Yes. We sat there and talked.

BB: You and who?

JM: Cooney. We sat down together. He's ready to go. He thinks he's going to win.

BB: For governor.

JM: Yes. So he could have stepped back and he'd be the governor now.

BB: What you were proposing to him was that he be your lieutenant governor?

JM: Yes. Run with me.

BB: Because the two of you would have been a formidable—

JM: Yes absolutely.

BB: Defeated O'Keefe. [In the Democratic primary in 2000, O'Keefe was first, Mazurek second and Cooney third.]

JM: Yes. We would have. That's my point.

BB: Then you would have finished up as governor and Mike would have replaced you. That was your thinking?

JM: Yes, or something like that, yes.

BB: Mike was certain he could prevail over you?

JM: No, he just didn't want to bend, is all.

BB: Who was his running mate? [Diana Wyatt.]

JM: I don't know. Didn't he have a woman or something?

BB: Possibly. Your running mate was?

JM: Dorothy Bradley.

BB: Why did you select her?

JM: We were out of the Racicot years. Anyway, she'd run and lost.

BB: For governor in 1992 and lost in a close race. She was a woman. She had important environmentalist credentials. Because there are a fair number of women environmentalists in the Democratic Party, you could see how that could help you. She was very confident. She could have been governor. Those were all important considerations. So you and she then both campaigned hard, worked hard, covered the state?

JM: We did, yes.

BB: Why did it turn out the way it did? What did O'Keefe have going for him?

JM: O'Keefe...I'm trying to remember near the end down in Billings. O'Keefe—the one thing I recall is there was a guy who was doing the polling for Judy Martz. I'd worked with him on a...oh

gosh, something about breaking up the dams or something. Anyway, I wish I could remember the guy's name. He polled for Judy and there wasn't a single time in their polling that I was ahead of Martz.

BB: Really? She was ahead of you all the time?

JM: Wait a minute here. We've got to figure this out.

BB: Judy's pollster showed her consistently beating you in the polls?

JM: No; just the opposite.

BB: That's what I thought.

JM: He was a guy from Oregon.

BB: Bob something.

JM: I'll bet I could find it.

BB: That's okay. So anyway, you felt you'd be a stronger general election candidate against Judy Martz. I believe that also. So what did O'Keefe have going for him in the Democratic primary?

JM: He had Carol Williams.

BB: The wife of the former congressman Pat Williams as his running mate. You felt she was helpful? Was she more helpful to him than Dorothy Bradley was to you?

JM: Yes, probably.

BB: Better connected inside, what to organized labor perhaps?

JM: Yes.

BB: Do you think O'Keefe's money was important?

JM: Oh absolutely. I mean he'd just write a check, so yes.

BB: As you look into the future, what do you see in Montana's future based on your 30 years of experience in state politics?

JM: I guess I've lobbied since then in a lot of it. And I'm not doing it anymore. I'm actually a retired lawyer. Having watched the way things go at the legislature now, it's just not the same

as when we were all there. So many of them are just coming from...they've not been on a school board. It's just not as—

BB: (Unintelligible) together?

JM: Well yes, we just don't seem to do that anymore.

BB: Do you think it's term limitations?

JM: That's part of it probably.

BB: It's more contentious now?

JM: It is. It's always contentious. We had our battles, but we came back together. I hope that we can get back to the days where we all work together.

BB: Work together more willingly, yes, I think that's true too. Anything else before we go?

JM: Not really.

BB: Well I sure appreciate your public service, Joe.

JM: Well thank you, Bob.

[End of Interview]