

Maureen and Mike

Mansfield Library

UNIVERSITY OF MONTANA

Archives and Special Collections

Mansfield Library, University of Montana

Missoula MT 59812-9936

Email: library.archives@umontana.edu

Telephone: (406) 243-2053

This transcript represents the nearly verbatim record of an unrehearsed interview. Please bear in mind that you are reading the spoken word rather than the written word.

Oral History Number: 396-065
Interviewee: John A. Mercer
Interviewer: Bob Brown
Date of Interview: April 2, 2010
Project: Bob Brown Oral History Collection

Bob Brown: This is Bob Brown and I'm interviewing John Mercer, former Speaker of the Montana House of Representatives, in his office in Polson Montana, on April 2, 2010. John, when and where were you born?

John Mercer: I was born in Missoula, Montana, on Jan. 21, 1957.

BB: And did you live there during your early childhood? When did you move to Polson?

JM: Well, pretty much came to Polson every summer because my folks had a place on the lake here. But I was in Missoula up through the sixth grade and then from then on in Polson.

BB: Was there anything in those early years, or maybe your early years in Polson, that you think may have motivated you toward public service?

JM: I don't really think so. I think that I was the sort of person at school who was interested in disrupting classes and having that kind of fun. I can remember running for all kinds of things: student body president, student body representative. And I'm not very proud of the fact that I never got elected to a single office.

BB: (Laughs) Well, did that motivate you then to think, "Well, after school is over, I might be able to win a seat in the legislature." Or—

JM: I don't think so. I think it fits in with, unfortunately, other things I've done in my life, which have been kind of on a whim. And the way I became interested in politics was that I was studying to become a lawyer and I was looking for a summer job. And my dad went around town and talked to all the lawyers. And quite frankly, he told Jean Turnage that if he'd just give me a job in the summer, he'd pay my salary, which I think shamed Jean Turnage into giving me a summer job. And after I'd worked for Jean that first summer when I was in law school, when I was home for the break, Jean was president of the State Senate and he invited me to come over. And that's the first time that I ever set foot in the state capitol.

And the fun part about it was Jean connected me up with Representative [Arthur] Lund, who was the chairman of the appropriations committee at that time. And in those days, and I don't whether it's true now, the chairman would go around to the various subcommittees because they were going over these bills for supplementals of spending and what not. And anyway, here I am in this suit, 20-some years old—probably looked about 15—going from meeting to meeting with chairman Lund, coming in, and everyone was looking at me wondering why I was

there. And I noticed people that I had gone to college with were giving me the eye, like, "Wow, you really jumped to the top of the heap there." And it was kind of at that point that I put someplace in the back of my mind that, yes, political service could be something of interest.

BB: And you were still a law student then?

JM: That's correct. So it really wasn't until that point. And then after I graduated from law school in 1982, I worked a year. Mr. Turnage was in the legislature in '83. I never paid any attention to it, never went over there, never caught my interest in the slightest amount. And then all of a sudden, towards the end of 1983 I think it was, Judge [Frank] Haswell called Jean Turnage, "Hey, I'm giving up the [supreme] court. You need to run for it." And next thing I knew, Carl Seifert was in Jean's office, and he was the state representative, and he was going to run for the Senate.

And it just occurred to me—no one else said one word to me—that hey, if Carl Seifert's not going to be the senator, somebody needs to be the representative. And they'd probably get appointed, so I should just put my name in for that. And I came to find out that no, you don't get appointed. You have to run for it. And oh, by the way, long-time clerk and recorder Ethel Harding is on her way to Helena now to file for that position. Which, of course, she would have destroyed me in an election. And I went and talked to Jean and Jean thought, "Oh yes, that's fine if you want to run, whatever. But you'd better talk to Ethel."

So I called up Ethel and I tested out my methods of persuasion and suggested to her that I thought it'd make a lot more sense for someone like her to be a state senator: the chairs are bigger and what not. And she said she'd think it over. And she called me back, I think a day later, and said, "Hello, Representative, I've decided to run for the Senate."

BB: Gosh, I never knew that story. Just to clarify for anybody listening to this tape: Frank Haswell was the chief justice of the State Supreme Court, the time John's talking about here. And he decided not to run for reelection. So he contacted state Senator Jean Turnage, who'd been president of the State Senate here from Lake County and interested Jean in filing for chief justice. Well, Jean decided to do that. So that meant the Jean would no longer be in the State Senate and that's what triggered the chain of events that John is just mentioning that resulted in then-Representative Carl Seifert for running for Turnage's Senate seat. He was contested in the Republican primary by the late county clerk and recorder Ethel Harding. And she prevailed over Seifert, incidentally, but that left the House seat open for John to get the Republican nomination. Now what happened after that?

JM: Well, of course, that didn't go so good, because there were two other men that filed for the Republican nomination. And I managed to get through that. It was reasonably close, but I made it.

BB: You were what, 25 years old?

JM: Twenty-five years old. And, like I said, I wish I still did, but I looked about 15 at the time. And anyway, the Democrat was Bill Bishop, long-time insurance agent from Polson: well-known, everyone liked him, but he did have a reputation for being, I would say, more liberal than this area had historically been.

So we slugged it out in a long-fought campaign. And when all the votes were done being counted, I was ahead by 11 votes and that mandated a recount. And a recount, of course it doesn't happen right away, it takes a while for that to happen. And they recounted it, and of course the recount chairman was clerk and recorder Ethel Harding, and I sat in on the entire recount. Mr. Bishop wasn't there and these were in the days of paper ballots. And they separated them into groups of 10, and they counted. There was 13 precincts, and after the first three precincts were counted, my lead went from 11 to 5. Just like that, after three precincts, because he gets one more vote, they take one vote away from you. That's just the way it worked, and I could see the way it was trending. And of course at that time, I'd already been to the caucuses and the House was tied 50-50 and on and on and on goes the drama. But anyway, the five votes was holding and then we were about down to the second-to-last precinct and all of a sudden I was down—I lost 10 votes—so I was down four, four, five, and I had lost the seat.

And Ethel Harding said, "Now, wait a minute. It's 10 votes, and they separate these into packets of 10." And of course there were observers there for Mr. Bishop and [there] wasn't anything going on there like in the days of Anaconda. But they went through and sure enough, there was two 10s of votes had been packed together, and that separated out, and so when it was all said and done my margin of victory was five. And of course they all called me "Landslide," I think, when I first went over. And that's how close it was for your life to be changed. And any time you win by four or five votes, I mean really, that's three people that voted you, had they voted for the other guy, or you. Think of all the people you run into on the street that didn't vote.

BB: Or voted for the other guy.

JM: Exactly.

BB: Anything you'd want to mention about that campaign you've just mentioned? That was a tough one, and I presume there were a lot of public speaking opportunities. You and Bill Bishop were at the same things at the same times and so on. And do you remember anything about that?

JM: I think it was fun in a way that he was taking the position, as being someone probably in his late-50s or 60s, that he was experienced. And so the local newspaper editor was helping me on my campaign, and he said, "Well, if they want to call you young and inexperienced, then you got to find a way to capitalize on that." So he came up with the slogan of something like, "John Mercer, a leader for the '80s and beyond." Kind of had a *Star Trek* sound to it. And so that's sort

of the campaign we ran. And sort of the big cataclysmic event that happened was, just like the reappraisal that they went through now, there was a reappraisal that had happened then.

BB: Of property values.

JM: Of real-estate properties. And since the values had gone way up, there was this thread of gigantic tax increases. And at a forum, one of these little political forums in one of these little places out in Rollins, Bill Bishop said, "Oh, that reappraisal's not a problem." Well okay, we all know what he meant. But I just took his words, and we ran an ad in the paper—like this is two weeks before the election—we ran an ad that said, "Here's what Bill Bishop said. Here's what John Mercer said." We took some things like, "Oh, real property increases are not a problem." And then I'd put on my side, "That's a horrible problem." And then the following week, because we're all on a weekly paper, there was a huge backlash: "John Mercer's a dirty politician," and all of that. And then when the smoke all cleared, I really feel like I probably would not have won if I had not really focused people's attention on, there are some philosophical differences in this race. It's not just the nice old guy from town running against some young wisecracker.

BB: Was there any fallout? Was there any estrangement between you and Bill Bishop?

JM: I think there was a little bit at first, and it was odd because I had gone to high school with his sons. But it was hardly a few years after that that he took me aside and said, "John, I'm so glad that you won because that was really the best thing for my own life and it was best for the state and best for our area." And I always admired him for that.

BB: It sounds like he was a quality gentleman. And of course, probably after you started moving up the rungs of leadership in the legislature too, so he could see that. So, there you are, you've had that limited experience in the legislature with Jean Turnage, who introduced you to Representative Art Lund, who incidentally passed away about a year ago. He was from up in the northeastern corner of Montana, a fine gentleman. So you had the experience with Art Lund there in the legislature, but now you're a legislator in your own right. What were your first impressions when you were there as a legislator?

JM: Well, my very first impression was when we went to the caucuses. And that's when, of course, it was 50-50 and they didn't really know what to do, how to divide up the power and all of those kinds of things. And I remember when I walked into that room, of the caucus room, I really felt like, hey, I was doing something important, that this was kind of like being in the big leagues.

And I really didn't know what to expect of the Legislature. And what I came to find out about it is that in the beginning you really feel like you're going to be able to read the bills and understand everything that's going on. And in those days, they were putting first reading of bills, white copy, on everyone's desk. And we had these big notebooks. I remember Representative Fred Thomas from Stevensville and I would put these bills in notebooks. And we

could tell the guys that had been around there for a while would just shake their heads and wait for you to kind of learn the hard way that there becomes such a flurry of paper that you start to realize that what you can do is keep track of what goes on in your committee and learn who you can trust on the floor.

And so I started doing committee work. And I was on the judiciary committee and probably the first big event that happened was Dave Brown, the gangster from Butte, had stopped us in the committee. Paul Rapp-Svrcek, who was a Democrat from the Thompson Falls area, he wanted to include rape, the crime of rape, committed by someone between the ages of 12 and 18 as being something that a judge could determine that you should be tried as an adult because there was a bill going through that said if you murdered somebody that you could be tried as an adult, if you robbed somebody. But Dave Brown didn't think that was right, and he wanted [it to stay] in the committee. So anyway, Rapp-Svrcek, he wanted to try that on a floor amendment in the great big House chamber, where I'd never stood up or anything. So Rapp-Svrcek, Paul, he made the motion and he gave his little talk. And he'd talked to me before. And I don't know, and then he just glared at me from way on the other side of the room like, "You need to get up." And so I stood up for the first time and I gave a very short, simple argument as to why that made sense. And of course with Paul on the other side—Democrat—myself on our side, the amendment passed.

And I'd have to say, probably, that was the cocaine of the day, where I realized that people will listen to you and you can have a huge impact. And quite frankly, as I look back on it, I think some of my skills in legal training, probably my gift for gab, those were some of the things that help you be a better legislator.

BB: You mentioned Dave Brown, who was a—been characterized by other people in the same way you just did him. And he obviously is a legislator that stands out in your memory. Do you have any other recollections of him that might define who he was and the kind of legislator he was?

JM: Well, to me Dave Brown was a guy who cared about his own agenda, there's no doubt about that. And he was an enjoyable person to be around. But he was always seemed to be working sort of in the back halls to get deals. Not just for Butte, but deals for whatever he might be interested in. I don't know if at some point we'll talk about kind of what I see is wrong with politics, which is it's a little too much about power. And I'd have to say he's one of those guys that he liked being a power broker. He didn't like doing things necessarily up front. I think he liked doing them behind the scenes and underhanded. Not illegal, but just sneaky.

BB: He was strictly a subterranean operator.

JM: He was. And I think he was proud of it. Took pride in that.

BB: Representative Francis Bardanoue.

JM: Yes. Well, he's a guy who I think has almost achieved sainthood in Montana, which if I'm required under oath to give the truth about Representative Bardanouve, he really wasn't a saint. He certainly was the most devoted possible person towards serving the Montana Legislature. I mean, he gave his life to it. He was a goodhearted person. But he was a conniver too.

I remember him in my first session. He was—on the very last day—he had come up with this idea to buy some postcards or something that C. M. Russell had either colored with a color crayon or signed or something. And he gave big, emotional plea that we should suspend all the rules and spend the money to buy all that on the last day. And of course it all went through because he was very dramatic and he saw himself as the protector of the coal tax trust fund and all kinds of things. So I guess I would just characterize him as a person who deeply cared about Montana. He was good for the institutions that were around Montana. He went around and tried to do the best for them. But he was a politician too, and don't anybody think that he wasn't.

BB: I remember when I served in the House, John, when he was there also—he was there for 30-some years, I think—that he lost some vote on the budget. And of course you mentioned he had a flair for the dramatic. And his seat was in the front row, you remember that. And the rostrum was on a couple of risers. It was a couple of steps up. And so Francis took those steps up and prostrated himself on the floor up there with his forehead on his forearm and just kind of laid there like they slayed him. And he kind of laid there for, I don't know, a couple of minutes I guess before he returned to his seat. So anyway he was—

JM: He was an amazing guy, and I probably would have to say that I think maybe the greatest compliment that I can think that I ever received was, he took me aside one day and he said, "Speaker Mercer, you're the most powerful speaker that has ever served in this House." And to me, that was a great compliment.

BB: Well, he saw a lot of them. He saw a lot of them and I would incidentally agree with that. Jack Ramirez.

JM: Jack Ramirez was very driven. And his style was much different than mine because he was a person—because of his very keen intellect and understanding of issues and experience on the tax committee. He had ideas that he always wanted to push. Like, he knew what he wanted to get done, and he led, in a way, by—I guess you'd say the difference between him and me is that he would get out the map and say, "Here's the road we're going to take and here's where we're going to end up. We're going to end up at this particular place at the end of our travels and here's how we're going to get there." Where my style of leadership was more, "It doesn't matter to me exactly what route you take, and I only want you to agree on the attributes of where we want to end up, so that we'll describe where we want to end up." And of course

there were a lot of times, maybe to my discredit, I would try to get the description of where it is we wanted to end up as being someplace where we pretty much had to go anyway.

So with Ramirez, I think, he rubbed a lot of people the wrong way because he was such a micro-manager and so intelligent on where we ought to go. But he was a very committed guy, a wonderful guy, and wanted the best for Montana. But I think he was kind of misunderstood, and I think a lot of people felt kind of bullied by him or pushed around by him. And I mean people probably felt that about all legislative leaders.

BB: Jack was the Republican leader, I think, in a couple of sessions during the 1980s. Also was the Republican candidate for governor in 1980. He'd served briefly in the Legislature before then, impressed a lot of folks, ran against Governor Ted Schwinden in 1980, and then came back in the Legislature again. And that's when you connected with him because I think your first session was '85. And that was when Ramirez was the Republican leader, when we were tied in '85 it sounds like, yes.

JM: Well actually, he was the Republican floor leader and Bob Marks was the Republican leader.

BB: I gotcha.

JM: And then when we took the, when he was minority leader, that's when I was first in the leadership. I was minority whip, and he was minority leader. And I think the session before that, he had dropped completely out of the leadership and headed up the tax committee, I think when Bob Marks was speaker. But then he left the Legislature and that's what opened the door. I was sort of the last man standing.

BB: So when you had been his whip, which would be the assistant floor leader, and when he dropped out of the picture, then you moved up to minority leader yourself. And that would have been in what session?

JM: I'm guessing that that was in the...

BB: '89?

JM: I'm thinking that's '89. 'Cause '91, no '93 was the first time I was speaker. So that was '89 I was minority whip. And then in '91 I was minority leader because I was just minority leader one time.

BB: During that period of time, John—and I might have these things confused a little bit—but I think John Vincent was the Democratic Speaker of the House sometime during that period.

JM: Yes.

BB: What are your recollections?

JM: Well, John Vincent was speaker when I first came in, when it was tied, and then he also served another term as speaker some time in that next two-to-four-year period in there. He was, I guess, a person that was not a big political force in the sense of having a big agenda that he wanted to push through. He was kind of a manager of the House. He was a gentleman; he conducted himself in the House, I think, in a very gentlemanly-like way, business-like way, respectful way. He was kind of in that same gang that was trying to either help the governor or kill the governor. Because what I found was, there was sort of a legislative mentality at the time I got there, that if the governor was in your party, you would do anything you could to help him. And if the governor was not in your party, you wanted to do anything you could to see that the governor had a tough time and would be defeated. And John Vincent was very much a party to that.

BB: So he was a loyalist to Governor Schwinden?

JM: Yes, he was a loyalist, and I think he was an opportunist hoping for something further down the road for himself. Because I remember he had pushed a bill that wanted to put out a referendum on a Montana Jobs Act. And in the section for the for and against— you'll love this as a former Secretary of State— it said: "For Jobs" or "Against Jobs." That's what you'd vote for.

BB: (Laughs)

JM: And it was a common practice for people to try to put something on the ballot that they could run on. And so I don't remember who exactly did it, but we proposed an amendment that if this is such a good idea, why put it out to the people? Let's just pass it right now. Because we knew the Senate would kill it anyway. And so we got quite a bit of fun out of scrambling with him on that.

BB: Congenial. Would it be a term that might describe him?

JM: Yes, yes. He was not—

BB: More a manager than a leader.

JM: Yes, and he was not a harsh partisan.

BB: Hal Harper.

JM: Hal Harper, bless his heart, a wonderful guy. I felt that he was, as far as policy issues and things like that, especially environmental issues and stuff like that, he was first class. When it came to managing the House, he was in way over his head because in those days, there were no bill limits, and there were so many bills that the House was overrun with them. And I was minority leader, and I remember we had something like 600 bills to process in a week or two-

week period. And it was impossible to do it, and I went to him and I said, "Why don't we just let the committee chairs go through and decide which of these bills they think ought to come to the House floor and which ones they think could be put on some kind of gigantic consent calendar?" So that we could avoid a huge trainwreck. And so that happened and I felt his management of the House was not good.

And then secondly, I always felt he was an easy target. And maybe that's to my discredit and to his credit, but he never really had a plan as to how all the budget would fit. And he would be promoting on the floor a bill that would cost almost maybe 50 to 100 million dollars with no way of paying for it. And I would take great pleasure in letting the day go on, and then at the end of the day when we were kind of shutting down, I would ask him if he would yield to a few questions. And I would ask him, "Well, gee, you just passed this big pay raise for the state workers. Well how are you going to pay for that?" And he would always indicate that, "Well, let the process work. It will sort itself out later." And I always felt that it was important to know how everything would fit together as opposed to just passing a bunch of bills and at the end of the day hoping they all added up and made sense.

BB: That was before the era, I think too wasn't it, of the budget resolution where we had a target number that we focused on at the beginning of the session. And then every time a bill passed that cost money, we subtracted it from the total, and we got a report every day or two from the Legislative Fiscal Analyst Office. I guess that probably came later.

JM: Well, they still did the reports back then, but there were no budget targets. The budget targets came in in that session when we came in facing the couple hundred million dollar deficit and the workers' comp problem and the school funding. And that was all in '93 when I was first speaker.

BB: That was when the first Budget Estimate Resolution passed? '93?

JM: Yes.

BB: A character that we both knew well, Representative Bob Thoft.

JM: Bob Thoft was a wonderful guy. He was very tight with money unless it was going to go down to Ravalli, and he was happy to see it go down there. I can recall very much where he told me one time, he said, "John, you can vote like a statesman and then the people will send somebody back up here who won't." And I think what he meant by that is you really have to look out for the interests of your district, and you have to cast votes that are made in a political fashion now and then. You can't always just follow some statesman-like viewpoint and expect the people to return you back to office.

And, of course, one time he had promoted a bill having to do with, I don't know, requiring maybe the pledge of allegiance in schools or something like that, and this was when the House

was 51 Republicans and 49 Democrats. And Jim Rice, who's now on the Montana Supreme Court, voted "no," and the bill just failed by a couple of votes. And at that time I was whip, so I went over to Jim Rice and I said, "Boy, Bob Thoft is pretty irate over what you've done here. You better go talk to him." And so Jim Rice did go talk to Bob Thoft, and then he reported back to me that Bob Thoft had really given Jim some language that would not be appropriate for this tape. (Laughs) But it was just sort of the grumpy, cowboy-kind-of-guy that he was.

BB: John Harp.

JM: John Harp was, I would have to say, Dr. Jekyll and Mr. Hyde in my career. Because when I came on the scene, John Harp had pretty much checked out. He was a House member and he was on the outs, so to speak, with Representative Ramirez and Bob Marks. They were in conflict. And so he didn't say anything in the caucuses; he didn't stand up and make any impassioned speeches; he didn't appear to have any following of any kind. And then towards the end of the first session, since it was 50-50, he cut some kind of deal with the Democrats on some sort of tax on the Burlington Northern Railroad. The four Rs, I don't know what the heck it was. Anyway, of course it infuriated Jack Ramirez and the rest of the Republicans and seemed to make John Harp pretty happy. So he was kind of thought of as a traitor, I think, by a lot of people in the House.

And then he went over to the Senate. And then all of a sudden, for reasons unknown to me, he became a leader in the Senate and a very powerful one. And he was really enjoyable to work with because he got things done. And the only thing that I would say in hindsight that bothered me was when the Montana Power legislation went through. Again to my discredit, I pretty much just checked out on that and said, "This just doesn't make sense to me, but I got other things to work on so we'll let this work its way through the process." I think I sent it to about five different subcommittees hoping it might get killed somewhere, but it never did. But John Harp was hell-bent for the legislation to go through and—

BB: Even though he wasn't the principal sponsor, right? He was kind of the force behind it in the background. Is that your impression?

JM: He was the most powerful force, yes. And on that issue, what I was told was that if we didn't pass that legislation, then Montana Power would be taken over by out-of-state interests, and we would lose the jobs and whatnot that we have in Montana. Pretty much what did happen would have happened if we hadn't have passed the bill. That's the way it was explained to me. And so I figured, well, it's just kind of a bad choice.

But in hindsight now, I feel that there were other forces at work there that involved, you know, other people had interests there in things going on, whether they were the executives of Montana Power that were looking for greater salaries. But mostly I'm willing to cast it off as just some people who weren't quite sure what they were supposed to do. They thought they were making the right choice, and as it turns out, they didn't.

BB: The fellow that actually carried the bill was Senator Fred Thomas from Stevensville, and he's of course been interviewed as a part of this project too. And interestingly, John, I asked Fred in a way that he could shed some light on John Harp's involvement, and he didn't. He didn't even mention John Harp. And I know that I have thought, and I guess it's been commonly thought, that John Harp was really the instrumental force behind that electrical deregulation bill.

JM: Well, some of that may have come later because when the bill went through the first time— of course, it had a Democratic floor sponsor in the House and Democratic support in the House, and there seemed to be a bipartisan thing as almost any Montana Power legislation was, because that's just the way they worked it. But, after sort of things started to get questionable as to whether that was the right thing to do, we did have some special sessions.

And I remember stating at leadership meetings that I thought, "Well, maybe we ought to repeal this Montana Power bill because maybe it wasn't the right thing to do." And I think John Harp pretty much made it very clear that if that were to happen, that would pretty much be the end of me personally and politically, that that was something that just was not going to happen. And he definitely stepped up at that point and defended that there were to be no changes to the Montana Power legislation.

BB: That would have been probably in the '97 or even the '99 session, I imagine?

JM: It was one of the special sessions that we had. In fact, I think it might have been the one where the capitol was under construction.

BB: Larry Grinde.

JM: Larry Grinde was the greatest. He was a guy who basically engineered the Republicans taking over control of the House by single-handedly going out in almost every district where we could be competitive and finding a candidate who could win. We went from 39 Republicans to 54 Republicans in one election thanks to Larry Grinde. I mean, he's the person who made me speaker of the House. He handled all the dirty work as far as talking to lobbyists and dealing with people's headaches and problems.

BB: He was majority leader for, I think, all the time you were speaker.

JM: That's correct, he was majority leader and he was a great one.

BB: And he, as a young legislator, as you mentioned, had taken upon himself to go around the state to find electable Republicans and legislative districts and to recruit them and encourage them and advise them on how to conduct a good campaign. And his success, as you mentioned, resulted or contributed partly to the big Republican victory. That would have been in 1994?

JM: It was in the election of, I think it might have been, '92.

BB: '92.

JM: Right, it was the election of '92.

BB: Yes, even before the big national Republican landslide in '94, Grinde had done enough spade work to really importantly help the Republicans (unintelligible) the House of Representatives in Montana in '92.

JM: And in the '94 election, we went from 54 to 67 members in the House. But Grinde was also the one that had come up with the action plan idea where Republicans had something that they were all running on. And I think I told you before, Bob, in our private conversations that we used to say that the Democrats had a philosophy, "If it ain't broke don't fix it; if it is broke don't fix it." So we really tried to tar and feather them with us having things that united us that we could run on.

BB: (Laughs) Ray Peck.

JM: Ray Peck was a guy who served as a minority leader when I was speaker, and we had a great relationship. We met everyday, talked about the flow of things in the House, got along great. He was active in the appropriations committee. I took him off of the House Appropriations Committee on Higher Education and put him on a different one, which he did not like that. The people on Higher Education loved it, but he didn't like it. And he became more political, I thought, in later years than he was when he was in the Legislature. He was a hard-working member of the appropriations committee.

BB: I know from the personal comment he made to me one time, John, he has a very high regard for you. And when he was a legislator and minority leader, I think he was more of a collaborative kind of a guy. Now he's known here in Montana for writing these incendiary letters to the editor that are very partisan.

JM: But I'd have to report that all of the minority leaders that I had, other than the first one, which was Ted Schye, I had a wonderful relationship with. And the reason I think that Ted Schye's and mine wasn't very good was Republicans just had never had that kind of power. And the Democrats were very flabbergasted when Republicans took control of the House of Representatives and they fought back pretty hard. But after that first session, then with Ray Peck and Vicky Cocchiarella, I got along great with Emily Swanson. These were people that I had a great working relationship with.

BB: And I think that they had that reputation too, perhaps as a result of working with you. Lobbyists. Jerome Anderson.

JM: Again, with regard to lobbyists, I did not interact with lobbyists very much. It was something that Larry Grinde would talk to the lobbyists. And I can remember Larry reporting to me one time that Jerome had said to him, "Gee, I went in and told John Mercer something that I thought was important, and he dismissed me like I was a seventh grader," Because I guess I didn't really realize the importance or the respect that some of the longtime lobbyists had earned. And I guess that that's pretty much my relationship with Jerome. He was a fine fella.

BB: I guess considered somewhat the dean, I think, of the lobbyists. He was, I think for a number of years, I think he had that reputation. And he had been a majority leader in the House of Representatives himself at one time. So I think he thought when he approached a legislative leader, it was more or less a peer relationship.

JM: Yes, and it probably should have been, and I was naïve for that. But the gentleman who was a lobbyist for Washington Construction...?

BB: Russ Ritter?

JM: Russ Ritter, thank you. I would have a great deal of fun with Russ Ritter because he is Dennis Washington's lobbyist. And of course all the lobbyists would be sitting out in the hallway there, and Russ Ritter would be sitting in amongst them. And I'd come sauntering down the hall, and I'd come up to Russ Ritter and I'd say, "Russ, you tell Dennis Washington, by God, the next time you see him, you tell him that I said, that I said hello. (Laughs) And then I'd move along.

BB: Just a couple more. Jim Mochler.

JM: Jim Mochler, again he was a guy who I thought was doing everything he could to try to bring jobs to Montana.

BB: Represented the coal interests.

JM: He was a coal man, and of course he probably just fit the classic—I mean if you were going to cast the part of the, sort of the lurking evil coal lobbyist, he would be it. Because he smoked, I think, I'm not sure he ever finished a cigarette before he started another one. And he was a big burly character. But I always found him to be a man of his word and a guy who really wanted to make things happen.

And, of course, the problem in Montana with natural resource development is that there were really two cults. There was one cult that thought, "Gee, just go out and get it and it'll be a wonderful thing." And there was another cult that thought, "Gee, you shouldn't mine a single, don't cut a single dandelion for fear it might hurt something." There wasn't enough serious debate and analysis. And I'm sure that probably frustrated a guy like Jim Mockler because he

had a lot of data and a lot of facts on what was going on in Wyoming and how we could have the kind of successes in Montana that they had.

BB: Eric Feaver.

JM: Oh, gosh. Eric Feaver was a guy that I can't really say that I admired. I'd have to say that I did like him because he was very friendly towards me, but I felt that Eric Feaver had made a colossal mistake within education by allowing them to become sort of a wing of the Democratic Party. And so they took positions often times that weren't even related to education, that were trying to help their Democratic friends and so—

BB: Eric Feaver was the lobbyist for the Montana Education Association? The teachers, right?

JM: That's correct. And I guess, unfortunately, that education should have been something where someone was more friendly, I think, to both sides of the aisle. I'm sure I've said many times that if education would have lobbied the Legislature the same way Montana Power did—which for people that don't know, Montana Power had like four lobbyists, and they had one guy that would spend all his time with House Democrats and one guy that would spend all his time with House Republicans making and building relationships. And so you never felt that Montana Power was Republican or Democrat. And I always thought that the Montana Education Association could have done the same thing, but they didn't. They were just an arm of the Democratic Party, in my view.

BB: And that occurred significantly under Feaver's leadership?

JM: Yes, I believe so. I think he felt a certain amount of power from being a key player in the Democratic Party. And of course when the tide turned, I mean I always loved once Republicans took control because almost everyone who was against us would say the same thing. They would go, "Well, this will be interesting. It's going to be interesting." So I guess anytime somebody says it's going to be interesting, I take that to mean, "Well, I'm not too happy about what's going to happen here."

BB: For some of the time, John, that you were speaker, the Republican leader in the Senate was Bruce Crippen. Bruce, in fact, held a number of leadership positions. Any thoughts or comments about Bruce?

JM: Bruce was a very good friend of mine. And I think that, quite frankly, the very first time I was Speaker—I'm trying to remember who the Senate Minority Leader was at that time because I think it might have been Bruce Crippen. But whoever it was, Bruce was instrumental in tearing down the walls that, frankly, existed between the House and the Senate. Oftentimes people would say, "Oh yes, Democrats and Republicans don't get along." But if you want to see a real battle, watch the House and the Senate go at it. And Bruce Crippen and yourself and Gary

Aklestad and others, Chuck Swysgood, these are all people, I think, that went out of their way to build a strong relationship between the House Republicans and the Senate Republicans.

And I guess if I try to think of things that I felt that I did that were important accomplishments, I felt like I would spend two or three trips a day going over to the Senate, letting them know what was going on. And I think that eventually what happened through the help of all those people that I mentioned is that there became an understanding that we had much more clout as a group than we did acting independently. And I think that that turned out to be the case. And I built some wonderful relationships, and of course Bruce Crippen was one of them. And he was a visionary. He was one of the guys that could see that Montana's tax system was a mess. I mean, he tried everything he knew how to fix it. But the people wouldn't go for it, or the Legislature or governor wouldn't go for it.

BB: John, this name just popped into my mind, but I think we ought to mention this legislator because he was involved prominently with you for most of the time that you were in the speaker of the House of Representatives. And that's Senator Fred Van Valkenburg.

JM: Yes, Fred was—I suppose as you look back on it now—if you think of the cartoon where the wolf punches in and the sheep punches in and then they slug it out and then they punch back out, Fred Van Valkenburg and I were very much that. We were arch nemesis rivals. He was more than a match for anyone. And we fought very hard through the years and I think came to have a great mutual respect for each other.

And, quite frankly, if it wasn't for Fred Van Valkenburg, some of the biggest problems that Montana faced when I was first speaker never would have happened. He was president of the Senate; I was speaker of the House first time. I was very green. And Montana had these huge deficits in the general fund and in the workers' comp fund. And the education system had been ruled unconstitutional, and Fred Van Valkenburg stepped forward and met us halfway in solving all of these problems.

To his credit he didn't need to do that. He could have held tough and tried to do it in a partisan way, and he didn't, including he even supported a small tax on employees, which of course would be unheard of for a Democrat to do something like that to solve the workers' comp problem.

So I had the highest respect for him. And I can remember one of the things I really enjoyed was when that very first session was over, I felt like we had walked the highest tightrope. And it's almost like two Navy ships in a stormy sea that somehow somebody has to hook a cable between the two of them, and we'd done that.

And that session ended, and I went over to the Senate and the Senate Republican leaders were in there with Van Valkenburg toasting each other, and they included me. And I felt really a part of something important. And that was probably one o'clock in the morning at night. And I left

that room and I walked all the way around the State Capitol all by myself in the dark thinking, "Wow." We had really accomplished something important. And I think about three-quarters of the way it dawned on me. I go, "Gosh, I hope we didn't forget to pass something," because that's always an important thing. And of course I had a great clerk, Marilyn Miller, and nothing was ever missed.

BB: You know, that brings back such a memory to me too. I don't know if they're still doing it, but for most of the time I was there at the end of the session, which was frequently at one or two in the morning, there'd be a few bottles of champagne in the Senate president's office, whoever the Senate president happened to be. And the key leaders, regardless of party, and some of the president of the Senate's best, personal friends, and so on, would be there for an hour or so. And it was a sort of a let-by-gones-be-by-gones session.

And so sometimes, as you know, the last days of the legislative session can be pretty contentious. So there could be people in the room who had just been duking it out to the death down on the floor two or three hours before. And at that point in time it's all over and you clink the glasses. And the next morning everyone in our big state drives to the far reaches of it, and we don't see each other, in some cases, until next legislative session or maybe ever again. So you were in on one of the old rituals of the Montana Senate, that's for sure.

JM: Well, I know that it was amazing how people could be friends and disagree. And that was something that was just important, and that was something that I really enjoyed with the people that I served.

And I can remember in particular, we had one special session where Senator Van Valkenburg and I had been down in a committee room, I think, on a conference thing or a leadership meeting or something. And the swords had been out and the dragons were blowing fire. And we said well, we'd go back and think about it. And we went to our caucuses and there just couldn't be an agreement and I remember calling Fred on the phone before we went down, "Hi Fred, it just doesn't look like it's going to work out." "Okay, well it's not going to work out." We were all just as congenial as can be. And then we're back down on the floor and we said, "That's the end of it." And I think that's when we went over and shut the House down and left for the special session.

BB: And just to make sure people listening to this tape would understand that, too: the bodies can adjourn *sine die* at the end of the session whenever they feel their work is done. And sometimes that's a part of the strategy of the legislative session. If one body is to the point where they think, "Well, we can live with this pretty well," and the other body doesn't appear likely to agree with this, they can just adjourn *sine die*. And the other body is stuck with the status quo at that point. And both bodies have done that over the years. More often than not, I think there's a mutual agreement and they both shut down together. But once in a while, it works out as you've just described. We've already talked about some of the pieces of legislation that stand out in your memory, but there probably are others. Anything you want to mention?

JM: I think that the workers' comp reform was the biggest thing and the school funding bills and those kinds of things. Little things that I always loved were that we made it easier for people to get licenses for longer periods, and you could get a permanent plate. And when the government had the speed limit 55 we got it up to 65, and just little things that stick out in my mind were things that were fun to do.

But for me personally, probably the biggest thing was a thing called retrocession, and the district that I represented is on the Flathead Indian Reservation, which, even though it's an Indian reservation, it had tended to be more non-Indians than Indians. And through history, the Indian government had not played a very large role. And as their power started to increase, this issue called retrocession came up. And essentially what it meant was is that years ago the tribe had retro—excuse me—or had ceded to the state of Montana the prosecution of any felony convictions of a Native American or misdemeanors or things like that. Anyway, criminal prosecutions had been turned over to the state. I think it was on misdemeanors maybe.

So anyway, they had decided they wanted to retrocede, which meant they wanted to take that back. And of course the whole idea of some people being charged by Native American cops and, depending on whether you're Native American or not, and going to a different jail and going to a court where only certain people could be on the jury, seemed to run afoul of people's sense of what was right and wrong. And I got really stuck in the middle of that and it was a horrible experience. But as it's turned out, it really has worked reasonably well on the reservation.

BB: Retrocession did pass in the tribal courts and the tribal legal system got more authority on the reservation during that period of time?

JM: Yes.

BB: I guess apart from legislation, as you look back, what were your greatest challenges as speaker? Here you've got 100 people, most of them strong with egos and important enough backgrounds for the people of their districts to elect them to the state legislature. So they, in many cases, have minds of their own, and I would think that in itself would be a challenge. But just the fact that you got to keep track of the people involved, as well as the numbers and the budget and all the things, as you mentioned at the end of that session you walked around the Capitol building and thought, "Oh, gosh, I hope I didn't leave something out." And I know that feeling, too. It's a lot to keep track of. Being speaker of the House of Representatives is, in my opinion, the Legislature's biggest job. And of course you were the Speaker for eight years, longer than anyone in Montana history, and they were eight consecutive years. As you think back, what were your greatest challenges as Speaker of the House?

JM: You hit on the first problem, of course, is that Montana is such a diverse state, both politically and geographically. So anytime you bring 100 people into a room with those kind of

diverse backgrounds, it's going to be difficult to try to get them to agree on things. And true, you're dealing with people who have political egos, but I would say that's not a huge problem. Mostly what I would characterize the average state legislator as being the kind of person that, gee, if you came to a town and you could make a new friend in that town that'd be the best friend you could have because they're a nice person. They care about the community, and they're just good people. And the best friends that I ever acquired in my life were people that I met in the state legislature.

But the trouble was, of course, is that you've got this very diverse group of people from very diverse backgrounds and place, and then the problems at times were almost overwhelming. And what I found was the biggest challenge for me, and I guess part of the solution was, is I always tried to start at the end of the game and work backwards. Like, what was it that had to happen here? Okay, we need to balance a budget. And we knew how much money we had at the start, so that meant we could only spend so much or tax so much or whatever.

Then we had other goals we wanted to achieve. And I did everything I could to try to get people to agree on what it was they wanted to accomplish, then turn them loose to accomplish that, and then keep tabs on them constantly and constantly try to keep the flow of communication going. "This is what we're doing today. What are we doing today?" Because I would meet with the appropriations committees in the morning, the tax committee in the morning, not to tell them what to do, just keeping track of what they're doing and reminding them of the goals that they had set and agreed upon for themselves.

And then I found that carrying this communication over to the Senate helped make things, and to the executive branch, and quite frankly to the Democrats as well, letting them know what was going on. At the time when you got the troops, there's nothing wrong with saying, "Hey, we're marching on Gettysburg tomorrow because we've got all the troops."

And that, I think, was the big challenge, was putting together a plan that would work, and then giving people the latitude to work and find the solution that ultimately we would have to come to. And I know I used to tell former State Senator John Cobb, I would say, "The Legislature to me it's kind of like a big river, and we're on a big ship, say it's the Titanic. It doesn't have to sink, but it's a great big cruise ship, and you give everybody a paddle. And they can paddle all they want and mess around. And it's really hard to get them all to paddle together, but the darn thing's going to go down the river no matter what. And if you can get people to kind of paddle the strokes together, you're going to make a lot smoother trip. And you might keep it off the rocks." And, of course, he always liked cattle analogies and he felt more like every once in a while the big bulls would get out of the pen and you kind of have to rein them in.

BB: John, when you were speaker—I just wanted to mention too—you mentioned that you got some of the legislators, especially those involved in the budget side, together with you in your office in the morning to kind of keep them in line. And I remember when on the Senate side, I was chairman of the taxation committee. I was invited to sit in on those sometimes, and I

remember you used to kind of conduct those meetings with the chalkboard explanation. Do you remember that? And you had figures on the board and you'd erase them and add to them and that sort of thing, kind of depending on where we were. And it was very useful for all of us to kind of see and be guided by the process of making sure we kept a balanced budget.

I was going to mention too, that during your speakership, the Republican Party developed a pretty strong conservative wing. This is really in the aftermath of the presidency of Ronald Reagan when the Republican Party turned somewhat to the right, and some of the folks in the Republican caucus, especially I think on the House side to begin with, would have fit in to the category some people might describe as ultra-conservatives. And I know you had to deal with that and the process of keeping the Republicans in the House of Representatives together as a cohesive majority. Any thoughts or remembrances about that?

JM: We certainly had a diverse caucus. We had some people that, I guess you'd have to say, were very right-wing, and we had some people that were very left-wing. Current lieutenant governor John Bohlinger was a Republican member of our caucus. And he was very interested in the arts all the time. And we would try to use humor and we would also try to use issues to keep everyone together. And I remember on humor, we used to teach John Bohlinger about always wanting to fund Shakespeare in the nude in Billings and things like that. And people would get a good laugh out of that.

But we tried to have a few issues that were very important to the conservatives and lot of times those were social issues. And of course we were always fighting spending together. And we pretty much always had a majority that would fight excessive spending and that held the conservatives together. And I think that the right-wing conservatives came to recognize that there was power in a majority.

And the only difficulties I had, I would have to say, would probably be like Rick Jore—who later became a member of the Constitutional Party—is that he didn't care. He didn't care what passed, what didn't pass. All he cared about is that he was against it. I've always felt that that was a fundamental misunderstanding of the legislative process. The legislative process is to go in there and get the best you can for your philosophy and that requires you to work with others.

And I think that the conservatives that I had, ultra-conservatives that were there when I was there, recognized that. And I, as a leader, I went out of my way to get issues that were important to them, and I would make that clear to other members of the caucus that, "These are important to these folks, and if we want to have a majority then we're going to have to push through some kind of anti-obscenity-type law." Or whatever it would be that was important to them in order to keep them as part of a cohesive group.

BB: You served with several governors. And in a leadership position, of course John, you'd actually know them personally more than most rank and file legislators would. You perhaps,

although I shouldn't presume this, but I think you probably knew Governor Schwinden less well because you were a newer legislator when he was governor. But you were an emerging Republican leader when he was governor. What are your recollections about Schwinden?

JM: Of all the governors that I served with, I would say Schwinden was the only one that I felt was a very polished, enjoyable kind of a leader that interacted well with the Legislature. It seemed almost like, hey, legislators liked him, knew him, respected him and that kind of thing.

BB: He was very open.

JM: He was open and people just liked him. But to his discredit, which I would say is a big, black mark from my perspective, is that he was in his second term when I was there, and despite his tremendous popularity and charisma, it seemed like he just didn't really want to do much. He didn't really lead Montana on any great, new paths. And maybe it was because we fell on some hard economic times or other things, but I think if some historian like yourself went back and analyzed, my assertion would be, without knowing too much, I bet he didn't accomplish very much in his second term. And I bet that if you talked to a lot of people about Montana's long-term problems with its tax structure and its school funding and whatnot, that people would go, "Boy, Ted Schwinden, if he'd wanted to, he had the political capital to really move Montana on some issues and he didn't."

BB: I think he might say in his defense that he didn't have any money to do anything. What would you...?

JM: Yes, and that may be the case. That may be the case.

BB: Because he was governor during a period of time when we were really scraping the bottom of the bucket. And I guess I could say that I've interviewed him and that's what he said.

JM: Yes, and I guess I probably don't have the knowledge or credibility to distinguish that. But even in times of no money, sometimes you have to come forward with plans that either shift resources or propose newer, different taxes to make new programs. We certainly did it when we were there.

BB: Governor Stephens.

JM: Governor Stephens was, much to my surprise, acted as a governor that it's almost like he never served in the Legislature. It didn't seem like he had any kind of a relationship at all. It seemed like he expected the Senate Republicans, in particular, and House Republicans just to follow whatever it is he wanted. He didn't have any of that give and take that you find in the legislative process of, "Hey, here's what I'm trying to do. I want you to be in on the plan. Does it make sense to you? What's your input so we can do it?" And that really surprised me because he had been a legislator for a long time.

And he was very much in a bunker mentality. And that wasn't necessarily all his fault because the Democrats came after him with everything they had, viciously, brutally. And I think to this day, they feel guilty about how hard they hit him because they hit him harder than he deserved to be hit.

BB: He was one of the legislators, as you mentioned, for a long time and didn't seem to play his cards wisely, I agree with you, in terms of the Legislature. But I think he was absolutely shocked at these guys that he had known and served with in the Legislature just came at him with a vengeance. And he thought, "Golly, what did I do to deserve that?" I think he was in a state of shock part of the time he was governor.

JM: Well, I'm sure he thought people would treat him the way that he would treat others, and that certainly did not happen. I mean, they took away his airplane. I mean, they did so many horrible things to him.

But to his credit, he also played a huge role in the resurgence of Republican politics in Montana because he decided not to run for a second term. And during either a session or a special session, Representative Jerry Driscoll, a Democrat from Billings, came up with this crazy idea to put a seven percent surtax on every tax on Montana. Oh boy, did we love that because they raised every single tax, and they had the votes to do it. They had the majority. So we all voted against it, and Stan Stephens gave an impassioned speech about what a horrible bill it was and then he never signed it. But then it went into effect on its own. And then we campaigned on that, and that was one of the big things that also helped us go from a 39-member minority to a 54-member majority.

And I have a very fond recollection of Stan Stephens and value him as a good friend. His heart was totally in the right place, but he was definitely under attack. And I think he was not prepared in the sense that he didn't know what he was getting into when he became governor of Montana.

BB: And he essentially, I think in the end, as you mentioned, sacrificed himself in order for the Republicans to gain a big victory.

JM: He did.

BB: Governor Racicot.

JM: Wow, Governor Racicot was a guy that was very surprising to me because I had been on the judiciary committee and he was a prosecutor for the attorney general's office and was so smooth and so interesting and so persuasive. And then he became attorney general and seemed very interesting and very persuasive. But when he became governor, I found that the public seemed to find him very interesting and persuasive, but the legislative branch didn't

seem to notice either one of those traits. And that was because he was totally aloof. It's as if he wanted the Legislature to do something and then get out of town.

And he never came forward with any plans. And we mentioned the '93 session. That was the one where he was governor, and we had these huge problems in workers' compensation and with the budget. And the solutions for those problems did not come from the governor's office. They came from the legislative branch. And when the school funding was found illegal, those solutions came from the legislative branch. There was never a Racicot agenda.

And I remember, and you may remember because you might have been there, but we were at a meeting prior to a session, couple of months before the session, in a big room in the Senate leadership office. And me, I suppose by virtue of my self-importance, asked the governor, "Well what is it that you want see happening this next session?" And he just shrugged his shoulders and said, "Nothing. I don't have anything in particular. I kind of wanted to see what you guys had in mind." And of course that left a huge void.

And so I would say that when you couple a governor who really wasn't pushing anything, even though he was quite popular, with a legislature that only meets 90 days every couple of years and is made up of people who have other jobs and occupations, it led to, I think, a real, again, loss of a chance to exercise all that political power for the good of Montana. And I like Marc Racicot as a guy. I think he's a very capable person; he was a fabulous lawyer. But as a governor he was just not the kind of person that was interacting or connecting in any way, shape or form with the legislative branch. And I think that you could interview any legislator and they would say the same thing.

BB: Yes, no real program, no real plan, just a pretty much the chief executive of the state. And I think that the action plan that you mentioned earlier in our interview, John, that you collaborated with Representative [Larry] Grinde on, those action plans essentially turned out to be the blueprints for wherever Montana was going to go during the period that you were speaker and Marc Racicot was governor.

JM: That's right, and we solved other problems. I mean the legislative Democrats and Republicans solved other problems as they came along. But really, with regard to Racicot, you can't just say that there was no plan or program, which is true. But the other thing you have to say is there was no—if camaraderie is the right word or whatever—the band of brothers.

I mean, Schwinden, I think if you go back to him, you kind of felt like, "Gee, Schwinden is on the same team we're all on. He's sort of like the quarterback, and we might not like the call but he is the quarterback and he's telling us what the play is. And he's interested in what we think." Where Racicot had no interest in what we thought; he was never a guy that you'd ever have a beer with; he'd never be a guy that he'd let his guard down. I can remember going over and talking to Senate leaders. We'd talk about all kinds of fun things and just enjoy each other's

company. With Racicot it was all business. He was never the kind of guy that made you feel like you were a friend of his.

BB: Or that you really, really knew what he was thinking. Whereas, of course Schwinden was, as you mentioned, had been a legislator himself. Well, as had Stephens. Racicot had not been. But Schwinden was more one of the boys. And I think Racicot told me one time that he thought there needed to be a separation between the branches. And that the legislators needed to do their thing, and the executive branch needed to do its thing. And there didn't need to necessarily be any collaboration before the fact, and then he'd decide what he was going to do with the bill when it got on his desk. Well, sometimes I think you can avoid some real problems if you can kind of get to reading the minds beforehand and that was exactly what Schwinden did. I mean, Schwinden tried to avoid problems before they occurred by talking to key legislators personally about them.

JM: But that's an understanding about how the process works which, you see, Racicot did not have.

BB: Because he had never been a legislator. In fact, he'd only been attorney general for just one term.

JM: Yes, I mean he never made any effort to try to figure out how it would work, either. Because there was plenty of people there that could have told him. And I know, like the personal property tax reduction, he didn't like it. We sent it down to him anyway. And I can remember overriding a veto: Marc Racicot, Republican governor, just out of the blue just vetoed some bill, and we took great joy in overriding the veto. And that's the only veto override that I even saw ever come close was when he was governor. And with his popularity that should have never happened.

BB: In fact during that period, John, my recollection too is that the Democrats in a couple of instances voted to essentially to sustain Racicot. I think more than once this happened, and most of the Republicans voted to override him.

JM: I think that's right.

BB: And of course that never would have happened in Stephens' governorship or in Schwinden's governorship.

JM: But in politics there's a thing where—I don't know if loyalty's the right term—but it's sort of explained to me in this way is that a bill is like a child. Someone who's carrying a bill, their bill is like their child, and they really want to look out for that. And when you're a member of a group, you need to try to support your own people if you possibly can because they'll support you later on. And in a way, you build a bond there of where you work together.

And I feel like Racicot was kind of one of these guys where, "Gee, it's obvious that whatever I'm doing should be, everyone should accept my position." And that's just not the way politicians work. A lot of things aren't obvious to them, and sometimes you need to have that loyalty/friendship that, "Gee, this is Senator Brown's bill, so we need to pass this unless there's an awfully good reason not to."

BB: He told me once too, I've not interviewed him incidentally, so I don't have this on—

JM: Well, don't play this for him.

BB: (Laughs) He told me one time that there was great interest in him running for the U. S. Senate because he had enormous popularity as governor and the Republicans wanted to gain a seat in the U. S. Senate. So I think there was an active effort to recruit him to run for the U. S. Senate against Senator Baucus. And he told me one time, he said, "I honestly can tell you I have no interest in that." He said, "I just don't have any interest in being part of the legislative process."

He said to him it was sort of a confusing kind of a system based on personal friendships and not a whole lot of logic and not a whole lot of emphasis on what obviously should be done. And it was kind of a give-and-take thing that he thought just wouldn't fit his personality, and he just plain didn't want to do it. And, you know, I guess I believe him, probably, about that. But I think that was reflected in what was his attitude toward the Legislature while he was governor. I sensed the same thing you did.

JM: Well, I don't know. I have some respect for that because I never served as a committee chairman in a standing committee in the Legislature ever, so interim committees or something like that. But after I was in the leadership, I didn't have to serve on any committees. And I'd have to tell you I think that would be one of the most painful things. I always liked to be at the top of where the big action was, where the real bills were really moving and the big decisions were being made. And I really did not want to go through all that painful listening to all the sides of the issues and working your way through it, so I can kind of understand that.

Because that's what so great about the Montana Legislature is those legislators that are willing to listen to all the testimony and treat people with respect and weigh the issues and make these decisions. I mean we're so darn accessible, even the speaker of the house, anybody could come and see me at anytime. You didn't have to do anything. The doors were open. You could see the governor. You could see any legislator. It's a great state.

BB: And your door, and I think other legislators', typically during that period and probably now, were literally always open.

JM: Yes.

BB: You also, after your eight years as speaker of the House of Representatives, you were prohibited from seeking another term because of term limitations. And I don't remember exactly when it was, but sometime after that you were appointed by Governor Martz to be a member of the Montana Board of Regents. Was that something that you solicited or how did that come to pass?

JM: It was unsolicited. What happened was I can remember when—this would be the first election that I would have sat out after 16 years of being on the ballot every two years. Governor Martz was elected, and I just know that the day after that something to the effect came through my mind like, "What the heck ever happened to me? What am I?" So I—

BB: That was in 2000. She's elected governor, and you're out.

JM: I'm out. So I get on the phone and I think I probably called someone over there. I don't know who it was; it might have been Karl Ohs, lieutenant governor, or something like that and I said, "Hey, I'd like to do something. I could come over and be the governor's chief counsel or something like that. I could do something." And they never ever got back to me, which is a great thing that they didn't because that would have been a horrible mistake for me, had I done that.

BB: That would have been like a permanent job?

JM: Right, I just would have went over and been chief legal counsel to the governor or some other position. But they were not interested in having me over there. And I think to some extent— I mean I'm pretty bossy—and they probably thought, "Gee, we already got one governor. We don't need Mercer over here trying to run it too." So they never took me up on that, which I'm grateful they didn't. That would have been a horrible mistake. I also tried to be a federal judge one time, and I didn't get that. That also would have been a horrible mistake for me personally. But—because I would have had to move to Billings and all these kinds of things.

But anyway, Mike Foster, who had been a state senator and had served in the House of Representatives with me was the chief policy advisor, I think, for Governor Martz. And when a vacancy came up on the Board of Regents, it occurred to him that, "Gee, this would be a good place to stick John Mercer." And so he called me up, and of course I was in that mode at that time like, "Gosh, I'd be assistant dog catcher if I could just be something."

BB: You were a fish out of water. You had been so involved for so many years in an important way, and now just suddenly, bang, it's over. Because I know that feeling too.

JM: It's a bizarre feeling because when you're in the legislature, especially in that 100-room House of Representatives, it's a living, breathing thing. And quite frankly, when you're the speaker it's almost like you're the Wizard of Oz, you know, "The great and powerful Oz has spoken." And then when that legislative gavel drops at the end of the session and that room empties out, I mean, basically for a two- or three-week period after every session, I would go

through a horrible withdrawal of, "Gee there's no one listening to my every word, and I'm not commanding all of these kind of things. I'm just back in Polson in a two- or three-member law office." But eventually you'd get over that.

But pretty much the same feeling came over me after the Martz election, that I wasn't anything, I wasn't anybody. I wasn't doing anything. And so I jumped right at the Board of Regents thing. And in classic John Mercer style, I had no idea, even though I had been in the Legislature all those years, exactly what Board of Regents did, what the politics were.

And of course, when I got in there, it was lots of fireworks because it's a huge good old boy system where it's kind of run by the presidents of the university, and the details are kind of—"Well, we don't really know what the details are." And I was kind of interested in how the budget balanced and all this sort of stuff and they didn't really like my style too much. But they got to like it after a while because I did become chairman of the Board of Regents. And I think made some good changes.

I always felt bad that Chuck Johnson, a reporter for Lee Enterprises, really took out of context some comment that I made one time. I made some comments that when I was in the Legislature, I did everything I could to keep the university budget as small as I could because that allowed funds for other things. And what I tried to explain at the Regents meeting was that the reason I did that is because the university never did the job of making it clear why university funding was important to the state, and important to me, and important to my district. And, of course, Chuck Johnson, I thought, totally missed my point and printed that I had made a horrible mistake when I was in the Legislature by underfunding the universities. But I don't, to this day, I don't agree with that. I feel like the universities never were, never did sell themselves on the funding that they needed and how that would benefit the state.

BB: Now you were appointed by Governor Marts to, I believe, a seven-year term on the Board of Regents, and I guess that was probably maybe around 2002 something like that?

JM: Seems like that's about right, or 2001.

BB: So you served on the Board of Regents during the governorship of Marts as well as of Schweitzer?

JM: Yes.

BB: And you had to have formed some impressions of both of those. Any thoughts or comments on Governor Marts?

JM: Well Governor Marts, to me, was a delightful person, a committed person, a caring person. A person who, in my opinion, was probably in over their head being governor in the sense that gosh, you know, I just feel like there's some more training that people need before they're governor than some of our governors have been getting. I felt like she was also subjected to

this siege sort of, that she was an easy target for Democrats and others, partisans that wanted to come after her.

But in every dealing that I had with her, she was always very sincere, always had the state's best interest. I never saw any self-dealing or political things on her part. She was just really a good person and a nice person to call a friend. When she came to the Board of Regents meetings, she sort of just had some canned remarks. She never seemed to have, you know, she didn't really play any great role there.

But she was paving the way—and especially with the help of Chuck Swysgood, who was her budget director, who had been a former representative that I'd served with and a senator—of really building some strong ties between the university system and state government and the Legislature. And I think we were making some huge inroads.

And then along came Brian Schweitzer, who, I mean, he's a carny. The guy is just as phony as the day is long, in my opinion. And again to my credit, I felt like I tried to give him a clean slate because I had never had a conversation with the guy in my life. I didn't know him from anybody. I'd seen some of his antics in the Capitol when he was running against Burns. And, you know, their dollar bills were floating in the air. And I knew he was kind of an actor, but I just really didn't know what kind of guy he was.

And so I felt, as chairman of the Board of Regents, it was my duty just to go down and talk to him. And so I tried to set up a meeting with him and he didn't want to meet with me, which was odd. And I tried several time to set the meeting up. And then the Legislature was in session and drawing on my knowledge of the Legislature, I go, "Well, at the end of the legislative sessions, sometimes people will congregate down there. I'll just drop down." So I walked in, dropped down there, and, "No, he's not available right now." And I said, "That's fine. I just wanted to let him know I was interested in meeting with him."

And then he came around the corner not knowing I was there. Of course the dog came first, then here come Schweitzer just head to head, face to face. There was no way that he could do anything. I mean he had to acknowledge that I was there, and he just stopped. He froze, and I said, "Oh, hi, Governor Schweitzer. I was just coming by to see if there could be some time when I could meet with you and discuss some of the things about higher education." I was all by myself. And he froze again, froze, and then he said, "Let's do it right now."

And he hauled me back to his office, which was very familiar surroundings for me because I'd been in there many, many times. And I sat down and he started on about a 10-minute to 15-minute monologue about he doesn't care what anybody writes in the paper, but he sure doesn't like what people are saying about him. And how we're doing this and how Mike Foster, who's now on the Board of Regents, was doing all kinds of horrible things in the gubernatorial campaign and on and on and on and on. And I just kind of listened to him because I had, through some way, I'd developed this technique that I never raised my voice when other

people do and I just go, "Well, I don't know." I just always try to remain really calm and rational, and it drives people crazy. And it drove him crazy that day because I said, "Well, I don't know anything about that, but I was interested in trying to do something for the Montana university system. And I felt like if we could work together, we could make some plans and do some things and what not."

And he kind of listened and listened and listened and finally he said, "Well, yes, maybe I'll get back to you on that," which he never did. And we probably sparred a few times because I noticed that he never came to any of the meetings, not a single meeting. He's the only governor I know that never went to a Board of Regents meeting. And so eventually I just got sick of the whole process. And of course they were taking the board back over, too, with Schweitzer appointees. So I resigned from the Board.

And I wrote a big challenge to Schweitzer like, "Hey, why don't you show up for a meeting." And I pointed out to him how he likes to show the university funding went down so poorly when I was in the Legislature. And I pointed out to him that it was even worse when he became governor and that was the result of the way the funding formula worked. It had kind of a death spiral to it.

But anyway, I'd have to say I have no respect for him as a person. He didn't know how to work with other people, and I could tell that had decided that I was public enemy number one. Someone had told him that and that's the way that he treated me. So another great opportunity. I'd have to say there was a lot of lost opportunities: lost opportunity with Governor Racicot and me to really work together well, lost opportunity with Governor Schweitzer to have worked really well with him. So on and on it goes. But it just amazes me that the voters of Montana are just, think he's the greatest when no one else that knows him does.

BB: You know, John, you mentioned when you had this forced meeting with him that what was uppermost on his mind was politics. And that's what he seemed to want to bring to your attention and have you react to, whereas you were there to discuss policy with him, board policy with him. And the conversation sounds like it just sputtered out when he could see that he couldn't get a reaction from you on the politics part of it.

JM: Well, I really think what he was doing was sort of, "There's a new sheriff in town. His name is Brian Schweitzer. And you better straighten up and listen to what I'm doing. I don't care what anybody says about me, but I don't like all these articles in the paper. But I don't care about them now, okay?"

BB: Now this interview, of course, is taking place in 2010, and the Republican Party has just taken a pounding nationally. And its fortunes are down somewhat in the state of Montana. And I think the prognosticators are mixed about what's going to happen in the midterm election, though typically the power out of power gains. And the Democrats are having some problems right now selling their recently passed health care package. So I think the political situation in

the nation and in Montana is somewhat in a state of flux. What are your thoughts about today's Republican Party?

JM: I think both Democratic party and Republican parties are fractured right now in that I don't know that this is just something that is spinning out of control and will continue to spin out of control, that eventually the political parties are going to come apart, or whether they're going to be able to unify. And of course there's nothing like a common enemy to unify. And right now Barack Obama and the Democrats in Congress, Pelosi and those guys, have really provided a unifying thing for the Republicans. And I think you're going to see the Republicans come back together. But what's happening in Montana is you have the country club Republicans and then you have the—I don't even know what the correct term is—Ron Paul Republicans.

BB: Right now there's this movement called the Tea Party group that maybe is representative of some of these.

JM: And I think that's a real problem for the Republicans. Because again, going back to when you asked me about how you put a coalition together, if you can get a guy that says, "I think everybody needs to drive 15 miles an hour to save gas," and another guy who says, "I think we all need to drive 100 miles an hour." And you kind of go, "Well, gosh, could we just agree that in some areas we go 15, and some we go 100, and then in other areas we drive 75? Is that good for everybody?" "Yes, I can live with that." If we could get that kind of unity in the Republican Party, you'd be good.

But I'm afraid that we've got people in there that it's their way or the highway. And they would rather have their gravestone read—and this is what I used to tell Rick Jore—would you want on your gravestone is for it to say, "I was against everything and accomplished nothing, but at least I stood for what I believed in?" And on my gravestone, Rick, is what I want is that, "Hey, I stood for lots of things, but I was willing to work with others to accomplish things." And if Republicans don't find a way to unify, then I think their success at the expense of Democrats will be short lived. And I used to have this question that I would pass around to Republicans that would be, "When are we going to hit bottom?" Like after Martz lost and then when Conrad Burns was defeated.

BB: Martz didn't lose.

JM: Oh, that's right, when Martz quit and then we lost the race. And just things kept going down and down, and the scandals in Washington, D. C., and I was wondering, "When are we going to hit the bottom?" And so now you can tell that the distance between ourselves and the surface is not as far because of what's happened with Obama. And (unintelligible) but I'm not sure Republicans have moved off the bottom. I just think some of the Democratic water has drained out of the pond. And it's going to take something else for us to uplift it.

And it takes a very—I think we need some charismatic leaders, which we don't have. And we need some way of putting a coalition together where we can find some issues that are important to different groups of people and unify them. And the bizarre thing is that—you're a much better student than I am—but I think in some of these other countries that have parliamentary governments, that's what ultimately has to happen anyway. And so if 15 parties have to get together and form a coalition government, why can't 15 interests within the Republican Party come together and form a party? I mean, it ought to work. But I'm very nervous about the future of politics.

And I'm very concerned for Republican politics as well because there's been a lot of times where, yes, I'm a Republican, but I guess I don't feel like I want to run around town and tell everybody that I am. I'm certainly not a Democrat. They're worse. But I can't say that I'm proud of the achievements of the Republican Party. I think it's all—there's lots of corruption in politics. And there's lots of directions that it's gone in, I think as a result of the media and public's interest in other things and the complexity. Everybody's living out of the government trough, and it's just all gone in a bad direction. And I don't quite know how it's going to be fixed, whether it'll be the revolution or what it will be.

BB: But it is a, I share your—I don't know if it's pessimism or not—but concern right now as I look into the future, too.

Before we leave this subject, more specifically, you had the reputation for being a great Speaker of the House of Representatives for a long time. And certainly, having been speaker for 8 years, you developed a lot of experience in how to handle the job. But you always held the Republican Party together, sometimes with great difficulty, but you managed to always succeed in that. The last two or three legislative sessions, that hasn't been the case.

And the speaker of the house, the last couple of sessions, has been likened to the representative you've mentioned a couple of times in your interview: Representative Rick Jore. He's a fella who's very principled and unwilling to back away from any of the principles that he feels are sacred. And as a result of that, the Republican Party hasn't been held together.

And so when we look at the national Republican Party, we see at least—whether it was for good or ill—cohesive opposition in both the House and Senate, where the Republicans absolutely held together on some important votes. But in the State Legislature, we don't see that at all. Any thoughts or comments on that as we get to near the end of our interview?

JM: Well, it's always easier to hold together when you're against—to be against something. It's harder to hold together to be for something. But I would say that again, what we tried to do is get the whole group together. And prior to getting the group together is find out issues that were important to different parts of the group, and try to get the group to act as a body, knowing that if we all work together we can accomplish these things. Whether that's changed

with the people that are there now, I don't know. But my goodness it's got to be so challenging to be a leader.

When I was a leader, I mean I was already—I had a law degree and the gift of gab to start off with; and before I was speaker, I had four terms in the Montana House of Representatives—you can't serve more than four terms now—before I was ever speaker. And then I was speaker for four straight times. And I've got to tell you, I had a lot experience dealing with the people that come and serve in the Legislature and how to put them together.

And one of the things that went also hand-in-hand with experience was when there wasn't term limits, is they knew you're going to be there the next time, so we might as well learn to work with you. And now it's you're a flash in the pan if you're a leader; you're a flash in the pan if you're a legislator. So what's the incentive to work together? The term limits, although it freed me from the Legislature and made me a happy person, it has been something that I think has been very, very damaging to the institution in almost every way.

BB: John, how would you most like to be remembered as you look back?

JM: I guess I'd like to be remembered as a person who brought great efficiency to the legislative process, someone who solved the problems, and someone who, despite the fact seemed like a very overpowering personality, allowed other people to do their work and make the decisions that made up the legislation that passed the Legislature.

BB: Anything else?

JM: I think that's it. It would fun to listen to some of the other tapes someday.

BB: Well, they're all available. They're on public record at the Mansfield Library Archives. Thanks for your public service.

JM: Thank you, Bob.

[End of Interview]