

Maureen and Mike

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**Interviewee: John C. Sheehy**  
**Interviewer: Bob Brown**  
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Bob Brown: We're interviewing John "Skeff" Sheehy, who was a member of both the House of Representatives and the state Senate, and then a long time justice on the Montana Supreme Court. This interview is taking place on June 8 at Justice Sheehy's home in Helena. Justice Sheehy, thank you so much for the opportunity to interview you. What caused you—what motivated you, I should say—to become involved in politics? What whetted your interest in politics?

John Sheehy: Well I was raised in Butte and because of that, I was very interested in politics all the way. My father was elected as county coroner in Butte and from that our family had political experience. But I was always interested in politics, even as a kid. I was 14 years old—13 years old, probably—when Franklin Roosevelt came to Butte.

BB: When was that, '36?

JS: 1931. He was elected in '32. Well, he was in the campaign, so it might have been '32. There was a tremendous crowd there. They'd built a big platform out for him to speak at the courthouse. There's been a lot of publicity lately about his crippled condition. It's amazing to me that none of us realized in 1932 the extent of his disability. Somehow he appeared on the stage behind the rostrum. I suspect now he was almost lifted there. But he did have some agents with him and they may have helped him. At any rate, I look back now and he electrified the crowd. He just took over. He had such a sparkling personality. But then to your question, you couldn't live in Butte and not be interested in the courthouse because the courthouse had jobs to offer for people in Butte and those families, if they could elect one of their members, could get jobs in the courthouse. The spoils system was fully rampant. Everybody understood that. It didn't work out too badly. I think that because of that, though, right from the beginning, as a kid, on election days I'd go to the polling places and watch them count those paper ballots and watch the way they tallied the votes and the books and so on. It was interesting. I was just always interested in it.

BB: And your dad, of course, as you mentioned, was involved in politics so he probably knew other people who were too so he probably had legislators and county commissioners and things in your home from time to time.

JS: I was always an admirer of Harry Freebourn. Harry Freebourn was elected county attorney in Butte and later was attorney general and then—

BB: District judge at one time, wasn't he?

JS: No, and then his son his district judge. Harry himself ran against Wheeler for the senatorship in 1940, I would say. After that he was on the Supreme Court. Now Harry Freebourn, was in 1932 in Butte, the same time that Roosevelt was elected...There used to be a hotel in Butte on Broadway Street called the Butte Hotel. It had three or four stories but at the end of the hallway in the front of the building there was a kind of a parapet, a little place where you could step out from a door and look down on the street below. The weekend before the election, Saturday or Sunday, the local politicians would come to that hotel and stand on that parapet on the second floor and speak out to the people gathered below in the street. There'd be thousands of them.

BB: Really? That was just a tradition, people knew that that would happen?

JS: Politics were interesting. You think back on that—there was no TV. Radio was just beginning to boom. It was a kind of form of entertainment. If you had seen Jerry O'Connell or Burton Wheeler or Harry Freebourn, to name some, speak, the way they could capture the crowd, it was great entertainment (unintelligible) interesting too.

BB: Describe Jerry O'Connell.

JS: Jerry O'Connell was one of the most amazing persons that came to Montana politics because he was raised in Butte, mother a widow. His mother, I think, washed floors somewhere to get him into school and through college. He was just a magnificent orator. When he was 20 years old, he was elected to the Public Service Commission in Montana and he had to wait until his birthday to take office because he still wasn't 21. Then he served in that position I think for four years and then he ran for the Congress in the western district. Again, he was elected and he had to wait for a few months.

BB: Before he was 25?

JS: Before he could take office, yes.

BB: Did you ever meet him?

JS: Oh yes, yes. And then as a congressman he got into some trouble with—well, he was associating with people that may have been communists, you know. There was that allegation against him. The biggest thing about Jerry O'Connell was that he divorced his wife and married somebody else.

BB: While he was a young congressman?

JS: While he was in the Congress. You just couldn't get away with that with those Irish Catholics in Butte and so he lost. He didn't lose in the primary, though. In fact, Mike Mansfield ran against him—no, Mike Mansfield may have run against him. I'm not clear on that now, but Jerry got the nomination but he lost to the lady.

BB: Was it Jeannette Rankin?

JS: Jeannette Rankin, yes, she's the one who beat him. So he had a situation where this man of 20 was kind of the golden boy of politics and by the time he was 30 was all through.

BB: Isn't that amazing?

JS: It is amazing. And more than that, afterwards he came to Great Falls and practiced law in Great Falls with Gene Daly. They were related through marriage in some way. My partner, Jack Schiltz of Billings, had come to Helena one time on the Supreme Court and happened to overhear Judge O'Connell make an oration—I shouldn't call it an oration—make an argument to the Supreme Court. He wanted to get off a man who was convicted of murder. He was a hitchhiker. He had killed somebody up in Shelby, this particular man did, and he was sentenced to hang. His speech to the court either got him a new trial...Anyway, the hanging didn't occur. When Jack Schiltz came back to Billings, he'd never heard of anything like that. He said, "He's just the most amazing man I've ever heard."

BB: Effective oratory?

JS: He was just tremendous, yes, he was very effective. In those days, as I described, we didn't have TV and so on, so—

BB: When did he go to law school?

JS: He didn't go to law school. He went to the Carroll College and graduated from Carroll College.

BB: How did he get to be a lawyer?

JS: I don't know. That's a pretty good question.

BB: He must have (unintelligible) back into Congress or something?

JS: No, you see in those days also all you had to do was take the test. You didn't have to have a college degree. In fact, I knew several lawyers when I went to Billings, who had started out as secretaries to lawyers and took those correspondence courses and got

their law degree and took the test. So I can't tell you where he got his law degree but he did go to Carroll College. That's where he graduated from.

I want to describe to you also what all these politicians did. In the summertime in Butte you'd have picnics, especially the unions would have picnics. June 13 of every year was Labor Union Day, Miners' Union Day, and there was always a big picnic. And then you'd have Labor Day and July the Fourth—there were lots of reasons to have picnics. And like the Butchers' Union would supply the meat and we'd all get free hamburgers or free hotdogs, so we went to those political meetings. The way they worked it, they were just beginning to utilize outdoor broadcasting—what do you call it? Recording? Not recording. Make it possible for you to hear...Public address. Public address systems were just coming in the early '30s and they'd get up on the back of a truck, you know, on the flat based truck, and speak from there.

We'd all gather, all the people would gather around and listen to them. They were just spectacular. They'd start out fully dressed and pretty soon—Jerry O'Connell especially—would peel off his coat and then people would holler (unintelligible) and Harry Truman, "Go get 'em," or something like that, and he'd go on. And of course they were all against the ACM, [Anaconda Copper Mining Co.] so that was a big...Everyone was agreeing with him because we were in the middle of the Depression. Why, it was pretty tough living over in Butte. And they could mesmerize people. They'd take off their coat, take off their ties and roll up their sleeves and talk for an hour, an hour and a half, and Wheeler could do it too, Wheeler did it.

BB: Wheeler was also very effective in that kind of a (unintelligible)? Do you remember Senator James Murray?

JS: I do. He wasn't that type. He talked too long. As Democrats, someone always used to...We were sitting next to him at the table and pull him by the coattail and pull him down. He just couldn't stop talking once he started. (laughs) But he didn't seem to mind. He just went ahead and spoke.

BB: Now you mentioned that they were all against the Anaconda Company during that period of time. When you were a young person, you were obviously influenced by that very political climate. It seems like from the sound of things your family was kind of political, but politics and speechmaking was a sort of a form of entertainment and that sort of thing. How would you characterize the development of your political philosophy growing up where you did?

JS: Well, pretty easy. First of all, my father didn't become coroner until about 1938, I think it was, and by that time I'm 20 years old. In those early days, he was a hard rock miner. He worked six days a week, they didn't have the 40-hour week. Pay was on Saturday and you lived from Saturday to Saturday. I can tell you that in 1934, I would

say, the miners had a strike. There was a strike about every three or four years, on top of the other problems they had. The miners in the 1934 strike, their wage for that day was 3.25 dollars for an eight hour day. Then they had their strike and they won that strike in '34 and their pay was increased to 5.25 dollars a day, with an agreement that whenever the price of copper raised, a penny a pound, they'd get an additional 25 cents a day. They tied it to the price of copper. That was that particular strike.

But in my early youth we lived on North Montana Street, 621 North Montana Street, and right next to us was the BAM—Butte, Anaconda & Pacific Railroad. That was the railroad that carried ore from the mines out to Anaconda and brought back lumber, coal, for the use in the mines for their timbering and so on, their supplies. And the train would run by our house about every three or four hours all day long. It was a kind of an exciting place to be. There was just so much activity, that industrial activity, but in those hard times when there was no money around, very early in my life I used to steal wood from the Anaconda Company. I'd go over to the mine yard. Every mine was enclosed by a fence about eight to ten feet high, about the height of basketball ring, and painted red. I would climb that fence, get inside, and find the, we used to call them laggings (?) (unintelligible). They'd be about eight inches wide and twelve feet long and two and a half inches in depth, rough-hewn. So you'd get those and heave them over the fence and then go back and get them and take them home and in ten minutes I'd have those split in stack so that we could burn the... We didn't have natural gas, by the way. Gas came to Butte in 1931.

So early on, I learned to supplement our living. That was one of the things I did and I was among several others of our neighborhood to do it. I look back on that now and realize that the company knew what was going on because they had watchmen in the mines but nobody ever... They'd chase us if they saw us, but there was never any prosecutions that way, so I kind of think that those men who sat in the sixth floor of the Hennessy Building over there—and they could look out and see us up at the Stewart Mine—so I'm sure that they knew the conditions and the reason we were there and let it happen. There was that and then there was a kind of divided, much more than people are now, by wealth. People who had good jobs with the company lived like barons. They had automobiles with chauffeurs. Their houses were supplied (unintelligible). Their grass was cut in the summertime and painted in the winter. It's hard to understand that now, but—

BB: So it was a very classified system.

JS: Oh absolutely. Their kids would come to school dropped off by the chauffeurs. It was just that kind of a situation.

BB: Did you know those kids too?

JS: Oh yes, sure.

BB: How were they treated by the other kids?

JS: Just like students. You never did get to mix with them much. There was no doubt that there was one side and another side.

BB: And I understand, I think, where you're coming from, but in terms of your political philosophy, life was a struggle for working-class, blue collar people in the mining city of Butte when you were a kid. That must have influenced your political philosophy, but how would you then describe your political philosophy as a result of those experiences?

JS: Because of that I was largely against the company. I guess I didn't think about this when I was 13 or 14 years old, but when Roosevelt got going with his programs, boy, I supported those, especially the relief things that came along in '34 and '35, because there was a strike around that time and people in Butte had to have relief. They would have starved to death.

I was telling you about Harry Freebourn. He was county attorney in Butte then and—by the way, I want to tell you, when he ran for office in 1932, as he was speaking up there on that Butte Hotel banister place, his platform running for county attorney was—well, first I've got to explain the Anaconda Company had shut down its mines so that they were working two weeks on and two weeks off. My father would work two weeks on and two weeks off for 3.25 dollars a day, six days a week. He would make 20 dollars for two weeks and then he was off for two weeks. All those miners had that.

In 1939 there were 13,000 members of the Miners' Union in Butte, so you're talking about a big economic problem in Butte in those days. The company said they couldn't work the mines any more than that because there was a surplus of copper in the United States and in fact there were 50,000 tons of it, and that they just couldn't produce any more copper than they were producing. So Harry Freebourn running for county attorney in Butte, speaking to the crowd down below, came out with his platform. He said that the Anaconda Company should throw those 50,000 tons of copper in the sea and start over. (laughs) Down below the people, "Yes, you're right Harry!" He won big, I mean, and he stayed in office. The other thing about him was that he was generous to the...He gave a lot of money away. I know of families that got tons of coal from him and stuff like that.

BB: Was Freebourn a man of some wealth?

JS: No, that's the strange thing. He'd come out from somewhere back in the Midwest. He came to Montana as a miner and was one of those guys that studied and got to be a lawyer.

BB: Where did he get the money to buy the coal for the poor people?

JS: I wrote this thing about him once. Gambling was permitted there, you know. I don't know. All I can tell you is that if he collected anything he gave it away because he just was that kind of a guy.

BB: He might have collected money from gamblers and given it away, is that what you're saying?

JS: Yes. Gambling was illegal then. I'm just guessing. I don't want to say that as a (unintelligible) because I have no direct proof of that. I can tell you, though, that when he became attorney general and was very popular and the Wheeler people began to fear that he was going to run against them and so they brought an action against him for...Well, Wheeler was in the Senate then and the United States district attorney brought a criminal case against Freebourn saying that he had taken 11,000 dollars from the slot machine people so they'd have an exclusive kind of a slot machines around the state of Montana. That was the allegation. I've got to say for Wellington Rankin, who was the other party, he had run for various offices himself in the Republican Party. Harry Freebourn told me this when he was on the court one night when I met him in the Montana Club, he told me that Wellington Rankin called him up and he said, "I'll defend you and it won't cost you a dime." So he did defend him and Freebourn was acquitted of that charge.

Later then, Freebourn was on the Montana Supreme Court and here is Mr. Wellington Rankin coming up once in a while with a case to argue and Freebourn said to me, "You know, it always seems to me like Mr. Wellington is right." (laughs) I've written that down. It's in the Historical Society.

BB: Did you ever meet Wellington Rankin?

JS: Yes.

BB: Any impressions of him?

JS: Oh let me tell you, an extraordinary man. Where I really met him was I tried a case against him in Glasgow. It was a three corner case. He was suing my client. Let's see now, he was suing two different people, two defendants. I represented one of the defendants and a guy that later became judge also in Glasgow, I think he was named...The plaintiff was Wellington Rankin. The thing about him was, that would have been the weekend that Kennedy got killed.

BB: So Rankin only lived a year or two after that.



JS: I don't think he lived long after that because I think he was 80 years old at least when we tried that case. The thing I want to tell you about him, though, was his voice. He could rattle the windows of that courthouse.

BB: Even when he was 80 years old.

JS: He had such a stentorian voice that he could really...And the upshot of that trial was that I won but the other guy lost, so Rankin got a verdict of some kind there. But the thing about that case was that following after the trial, we were going to meet in the judge's office, the district judge. His name was Deegan. Deegan had been a judge only for a few years when we got there. He followed Judge Shea. He was very proud of the courthouse they had then.

One of the things he told us about was—this is Deegan speaking and telling Wellington Rankin—he said that in 1906 or so there had been a man in jail. Someone got the gun away from the deputy and killed the deputy and got out of jail. They caught him when he went down to the railroad station, where he was hoping to catch a train and get out of town. So they brought him back to the courthouse, the local posse did, and took him up to that judge's chambers, and they tied a rope around his neck and the other end around the radiators at the bottom of the window and threw him out the window. Judge Deegan was saying, "There's the radiator." (laughs)

I've got to tell you one more story about that, because Rankin told one of his own. He said that he defended the farmers around the Deer Lodge area who had lost cattle by reason of the emissions from the Anaconda smelter. He somehow or other, they tried that case in Fort Benton. How it got up there, I don't know, but I would think that the company didn't want to try it either in Anaconda or Butte, so they probably could send it to Fort Benton. But through the case the company took the position that these cattle had died of pneumonia and that it wasn't the sulfur emissions from the smelter. And in the course of their proof, they had some experts, so called, who came out and testified that these cattle had died of pneumonia. Rankin would ask them if they had ever, at this time, isolated the pneumonia virus and, no, that hadn't been done yet, but no doubt they had died of pneumonia. But as long as you had about six or seven of those and finally brought one up to the stand who was testifying along the same line, except that Rankin asked him, had they isolated the pneumonia virus. The guy said yes. Rankin said to him, "Could you go to the blackboard and draw a representation?" He hopped right up. The Butte lawyers were shouting and trying to stop...The judge was kind of deaf I guess, because he let him go on. So the guy got up there and he drew on the blackboard and Rankin said it looked like a grasshopper. (laughs) The way he finished the story was he said, "You know, my parents came up to Fort Benton on a barge. That's how they came to Montana, and it's an important historical town for that reason, but to me the most important historical thing about it was that's the first time they ever isolated the

pneumonia virus and if anybody asks, it looked like a grasshopper.” (laughs) That was Rankin’s story.

But the other part of it was he said that night he was kidding with the Anaconda...They all were in the Grand Union Hotel up there at Fort Benton and I think one of them’s name was Dwyer, one of the lawyers for the company. Anyway, they were talking about it and the lawyer said to Rankin, “Wellington, every lawyer ought to come into the court with a revolver and when a witness like that blows up on you, shoot the son of a bitch and call the next witness.” (laughs) That was Rankin’s story. I really enjoyed him and I think he had a kind of respect for me too. I appreciated that.

Well, coming back, my philosophy, it was just that way. Everybody in Butte was a Democrat.

BB: And because it was basically the working class people against the—

JS: Yes, and then we did have on the national scene commanding characters, like Roosevelt.

BB: Back in that period of time—I know this was before you were actively involved in politics yourself—but you mentioned your impressions of Harry Freebourn and of Jerry O’Connell. Are there any other people, like I’m thinking perhaps of Governor Bonner or Governor Ford, Mike Mansfield, anybody like that?

JS: I never really had any direct contact with Burton Wheeler. I listened to him as a kid, but I never ever...I suppose I met him, but I have no recollection. John Bonner was related to everybody in Butte. (laughs) There were the Bonners and the Lynches and the Hinchins and the Clinches, all first cousins of his, not to mention the Fitzgeralds and the Kellys. (laughs) So then he himself had a very nice way about him. He got into that thing in New Orleans, you know, but later served on the Montana Supreme Court and he was a capable man too. He had a great war record. He left the Attorney General’s office and went to war in WWII and came back, I think, some high office. But he served one term.

Art Lamey I knew well.

BB: Art Lamey was a lawyer from Billings, right? Was he Attorney General?

JS: No, no. Art Lamey was raised in Havre and in his young days he got the polio and was crippled, really crippled, a lot like Roosevelt. He had 25 pounds of things to stand up on. And he was very active in the Democratic Party up in Havre and then ran for governor and lost in the Democratic primary to Roy Ayers. And in fact, the year that Roy Ayers wanted to be reelected, the Democrats wanted to get rid of him for some reason or

another, that is, Democrats like Tom Stout and some fairly responsible people, and they put Art Lamey up and he lost, but then he moved—

BB: And then Ford beat Ayers.

JS: Yes, Ford beat Ayers in 1940. 1940? Yes. Then Lamey moved on to Billings. He joined—the name of the firm was Coleman, Jameson & Lamey. That's the Crowley firm that you hear about now. They formed that firm and prospered. But Art Lamey, his office was above mine in the electric building down there, so I saw him a lot and visited with him a lot. He was an amazingly good looking man. Boy, he was a handsome man. Virile face, you know. And a great story teller too. So he was quite a wonderful guy. He ran against Bonner but couldn't get the nomination and then Bonner lost.

BB: Well he's come up in other interviews, so he's made quite an impression on a fair number of people.

JS: He'd be around and you'd realize, he's a very handsome guy, and not only handsome but smart and polished. Someone appointed him...He was some kind of delegate to the United Nations from Montana. Mike Mansfield may have done that.

Now, Mike Mansfield; you said you're working at his center, is that right?

BB: Yes, I am.

JS: Well I first met him...I went to the University of Montana. How I got there is another story, but I went to the University of Montana in 1936 and took journalism. One of the survey courses we had was social science. The way they worked it on those days—there were about 200 of us in that freshman class—would go to a lecture hall and hear a talk from somebody and then they'd partition off in sections and I happened to wind up in the section that was taught by Mike Mansfield. So maybe that's where some of my political philosophy came from because Mike was a very straight-thinking kind of a guy and really impressed his students. One of the reasons for his popularity was that he knew all those students and he never forgot a name and he never forgot a face. You could surprise him and he'd say hello to you and name you. He'd say, "Hello John," or whatever.

Also then I had that class from him and then I was out of school for a year. I went two years in the School of Mines and then came back. I had to get enough credits to get to law school. I came back to the University and I was president of the Newman Club, which was a Catholic college group, and he was our faculty advisor. So when he decided to run for Congress, he came to Butte and he looked up all his old students and I was one of them. I had a lot of contact with him over the years after that. But he was another one.

BB: How would you describe him, if you could describe him like in a paragraph, how would you describe him? Was he an easy person to sum up in an easy description?

JS: Not really, except to say that there was always a little bit of aloofness about him. You knew that this guy was a man of great intellect and that he was focusing on some big things all the time, that he didn't want to have people too close to him because I think he didn't want to be in a situation where he'd have to say yes or no to something that maybe he wouldn't agree with. So he had that aloofness, which he exercised, as far as the Democrats are concerned, to the point that we used to say he'd come to town and call up Joe Sample in Billings, who ran the television station, and then go out of town again. We never knew he was there. We liked to have him because if Mike Mansfield had a dinner you could immediately sell 100 tickets.

BB: Did it surprise you that he was the Senate Majority Leader, and for as long as he was?

JS: In some ways, yes. No, not as long. Mike Mansfield also had some tricks of fate that helped him. When Kennedy ran in 1960, I was very active in the Kennedy thing. In fact, I'm the first guy in Montana that Ted Kennedy met. He told me he was coming out to Billings and would I go pick him up. I said, "How will I know him?" They said, "When you see him you'll know him."

BB: Because he looked so much like John Kennedy?

JS: No, not at all. He was a very virile kind of a guy. Kennedy was straight, kind of like Mike Mansfield, very austere. That's my impression. But Mike Mansfield, well, Senator Johnson—

BB: L.B.J. [Lyndon Baines Johnson]

JS: L.B.J. was the Majority Leader and Mike was his whip. So when L.B.J. decided to run, Mike was for him. Mike, almost by circumstance, had to be for him. We had the Democratic convention in Helena that summer. Did you know that we had L.B. Johnson and Hubert Humphrey and the guy who was V.I.P, and [Senator Stuart] Symington from Missouri, all here in Helena, Montana, looking for our 17 votes? (laughs) That was how close that race was shaping up before the Los Angeles convention. So when Mike came here, myself and Tom Hanrahan and Pat Williams had cornered all the votes.

BB: For John F. Kennedy.

JS: Yes, for Kennedy. The result was that Mike Mansfield got his own vote and two others. One of them would be Metcalf...The two Democrats—each of them would be

entitled to one vote and a couple of others. We had 14, he had 17—that's what I remember about it—came out of the Montana delegation.

BB: Kennedy had how many votes?

JS: He had 14 out of the 16. Mike got 17.

BB: Mike got four.

JS: Three, excuse me. Out of that the (unintelligible) I never was able to. (laughs) But you had to admire the guy. I remember watching on TV one time when that Everett Dirksen from... [Illinois] stood up and whatever was going on in the Senate, he just said to Mike, "Mike, we love you." I think it was because Mike was so fair to everybody. He gave everybody a chance and I think that they were satisfied that he led the party well and didn't override the other people or cause them any embarrassment, which is the secret of being there that long.

BB: Did you meet Senator Metcalf?

JS: Yes.

BB: What are your impressions?

JS: Well he was another intellect, but he was a difficult man because his problem of alcoholism. He could have been just a tremendous man except for that problem.

BB: He was volatile, wasn't he?

JS: Oh yes, very volatile, yes.

BB: Did you ever see an example of that?

JS: Yes. He was in Billings one time eating at a restaurant, sitting at a booth, you know, and I had a friend in Billings named Bob Zepp, who wanted to meet him. So I took Bob over and I said, "Senator, this is Bob Zepp." Then I said, "I guess we're going to...They changed our meeting date. It's going to be"—one place they changed to another that day, our Democratic meeting—"It's going to be up at the Eastern [Montana College]," I think it was. He got mad and raised heck. I had nothing to do with the changing. I was pretty mad about it myself because I walked away and Zepp said to me, "Babcock's looking better all the time." (laughs)

BB: That must have been in 1966 when they were running against each other for Senate.

JS: Right, exactly. Well that was one example. Then that night at the meeting he apologized publicly to me for having lost his temper, but he never should have lost his temper with me, never. But I think that he also was maybe too focused on...tied up too much on one thing, just these anti-power company and just couldn't get over it and eventually that hurt him, I think.

BB: Do you know what the basis for that was? Had he had some kind of a bad experience with them?

JS: I don't know. As a young man he was in the legislature. He served in the legislature and was I think one of the youngest men ever elected to the Supreme Court. He and Leif Erickson would be vying for that honor. I do remember when his campaign, when the radio campaign...Lucky Strike was advertising at that time "Lucky Strike, Mighty Fine Tobacco," and they'd say, "LSMFT," they'd use that acronym. And he came out with the acronym "LM (Mighty Fine Candidate) MFC." He sounded like Lucky Strike, but it was Lee Metcalf. It was a clever radio ad and I think it helped him get elected because his elections were all close, really close.

BB: You first ran for the state legislature in 1958. What motivated you to run?

JS: I don't know. When I first got to Billings, I was married to a Republican; my partner Jack Schiltz [was] Rita's brother. He served two terms as a Republican from Billings. And I was a Democrat and I was chairman of the Yellowstone Democratic County Committee down there at that time. Somewhere along the line I just decided to throw my hat in the ring. I remember the first time I ran I put in an ad in the paper that said, "This ad is costing me 110 dollars," or whatever it was, "and that's all I'm going to spend. I hope you'll vote for me." And that worked, I guess, because in that race I beat Battin, Jerry Anderson, Babcock, a whole bunch of them.

BB: Ran ahead of all of them.

JS: A Democrat running from Billings.

BB: Unusual, because that was a real Republican stronghold.

JS: Oh, it was the Straight Eight. (laughs) Yes, so I beat them that time. Then we come up here and we had that session. We were talking about PUD's. It wasn't such a big issue with me.

BB: Now Public Utility Districts I think is what they were called?

JS: Yes.

BB: And I know that was a hot issue with the Montana Power Company— was intensively involved with that in 1959. Do you remember anything about it?

JS: Yes, I was up there just a short time when that came up and I didn't know much about public utility districts but Art Lamey, my friend Art Lamey, came up and talked to me one night and I said to him, "I'll vote with you. I won't speak on anything, but I'll vote with you," and that's what I did.

BB: What was Lamey's position?

JS: Well he was working for the Power Company. That firm represented the power company.

BB: I see.

JS: And for him, my supporter. But I didn't have any feeling one way or the other about public utility districts.

BB: Now in that session, two future governors in that 1959 session—Tim Babcock and Ted Schwinden. What about them do you remember as legislators?

JS: Babcock not so much. He wasn't that forceful in the legislature. What was a (unintelligible) he really grew in office. He became kind of a strong candidate, I thought. But in those days, see, Nutter was the big push and to tie down the Billings vote they took Tim Babcock as his lieutenant governor. That of course got Babcock nominated, Nutter got killed, Babcock came on the scene and then took over for that. But Ted Schwinden was a teacher and a very good talker. His seat was way back in the back of the House and he was very forceful when he stood up. Of course, his big thing was the farmers, looking out for them, and he did a good job of it, and also education because he was a teacher.

BB: Would you have predicted that he might someday become governor?

JS: No, not then. I wasn't thinking about it in those days. I think that when he became lieutenant governor under Judge, wasn't it?

BB: Yes.

JS: I was surprised when he decided to run. (unintelligible) Well, he decided to run. But Judge had gone past his time. I could see what he was thinking. In fact, Mrs. Judge, Tom Judge's mother, Blanche, I talked to her before that decision came out and she said to me, "I don't want him to run." She had a feeling.

BB: Now you served with Tom Judge in the Senate. What were your impressions?

JS: A young man, up and going. Big on the environment. He was pushing that Clean Water Act that was so big with him and I think was the basis of his eventual success because he did such a good job with it. He was a young man on the go.

BB: You might more have predicted that he might someday run for governor?

JS: Oh yes, I knew he was going to run for governor.

BB: Now Skeff, the Anaconda Company, of course, had been a powerful part of your boyhood when you were in Butte and your impressions of the Anaconda Company, importantly, affected your political philosophy. They were I think maybe somewhat in decline as your legislative career began, but they were still—

JS: Not in '59. Ten years later they were in decline.

BB: Well then talk about your impressions of them in 1959, early on.

JS: Well they were a very strong presence in the legislature. They had that watering hole.

BB: Were you ever there?

JS: I was there a couple times.

BB: Describe that.

JS: Well what they had was two rooms in the Placer Hotel, fifth or sixth floor, one or the other. And they had a layout of food on the table. You could make sandwiches, and so on, and people would help you make sandwiches. And lots of booze if you wanted that. But they had a rule among themselves—no lobbying. Their idea was that they were not going to lobby anybody in that water hole. They didn't allow the participants to lobby other people at the same time. That was off limits. The effect of that was that they could ingratiate themselves very nicely and really they were very friendly guys, you know, those lobbyists. I think that Billy Ray and his partner—

BB: Lloyd Crippen?

JS: Well Lloyd was the son-in-law of Billy Ray, but—

BB: Denny Shea?



JS: Denny Shea, I can tell you about him, but...The other guy who went back to Washington. Wilkinson, Al Wilkinson. He was a polished man, that man. I think he was the best lobbyist we ever had around Montana. At any rate—

BB: What was the key to his being such a good lobbyist?

JS: He was knowledgeable. He knew what he was doing, and he knew when to push and when not to push. He never bothered me. They soon realized that I was first for labor and then for business and so they let me alone. They never lobbied me.

Denny Shea, he came along. I guess that might have been his first time in '59. I'm not sure. It might have been '65 when he first arrived. But at any rate, I knew him from he used to live down the street from me. He was raised on Boardman Street in Butte. Matter of fact, his mother came to my mother and the house they lived in had an outhouse, didn't have inside plumbing. I was lying around in Butte. She wondered if I would come down to help them. I dug a trench from that house out to the sewer line and installed a sewer (unintelligible) their house. (laughs)

BB: Well that should have made him do some favors for you in the legislature then.

JS: Are you kidding me? He offered me, right on the first day, he said, "I'm going to put a quart of booze in your locker."

I says, "Denny, don't do it. I don't drink it! I don't need it!" (laughs) But he never ever attempted to talk to me anyway. Eventually, Glenn Carney came to me one time. This was in the Senate. He told me that the corporation was having problems because these corporate raiders were going around and raiding the directors, the board of directors, of these various companies and Anaconda Company was really a possibility in that. They had moved their corporate headquarters to Montana and would I push a bill for them, which I did, that you couldn't oust...For any corporation in Montana that had more than 25,000 stock holders it protected the board of directors. You couldn't get them out (unintelligible) single vote, you know.

BB: Which would have really only described the Anaconda Company—

JS: And the Power Company—

BB: —in Montana.

JS: Yes. So we got that through for them, because that was toward the end of the session. I think that's the only time that the Anaconda ever asked me directly to help them out.

BB: So from what I hear you say is you didn't really see the heavy hand of the Anaconda Company?

JS: No, they let me alone.

BB: Did they seem to be a controlling influence?

JS: Oh, very much so. Well, let me tell you in my own experience. I think that when the people come to the legislature and they begin to...they take their positions. Here they are coming in from outside places, some of them never been in government before, and very early in the session they fix on somebody they're going to follow. I think that whenever I was in the sessions I had ten votes I could count on at any time. They watched the way I voted and followed. And I think that's a part of the legislature; that some people are kind of recognized that maybe they know what it's all about and it's safer to go with them, and that's what they do.

BB: So you had some people who tended to follow your—

JS: (unintelligible)

BB: Say again?

JS: There isn't any doubt.

BB: But relate that back to the Anaconda Company's—

JS: Oh, well they had certain people too that would follow the same way. There are a lot of sheep in the legislature. They fix on somebody and whatever he does, they'll vote. The party line is important, of course.

BB: So what you're saying is—

JS: Within each party you've got people who can count on votes, they know they're going to get them.

BB: Well sure, but what you're saying is the Anaconda Company may have identified some key leaders and kind of worked with them?

JS: Oh I'm sure they did, yes, I'm sure they did.

BB: So that they didn't lobby so many people individually but they tended to lobby (unintelligible).

JS: They all stayed at the Placer Hotel and signed the checks down there. They put it on the tab, but that tab was taken care of eventually. That's my suspicion. I was going to say one other thing about...Oh well.

BB: The Montana Power Company—any impressions of them during that same period?

JS: Well Al, that's where Al Wilkinson (unintelligible). No, he was Anaconda Company. Oh, it was Bob Corette. Hell of a good guy. I'm telling you, they never bothered me. (unintelligible) I would be for labor. That's all there is to it. Business didn't follow from that. Being for labor, you'd be for education, all those things followed from that.

BB: You went on then to serve on the Supreme Court. Were you appointed first, or did you just run?

JS: Appointed.

BB: By Governor Anderson?

JS: No, Governor Judge. Let me think about that for a second. In my career, I was, at 27 years of age, Chief Deputy Insurance Commissioner in the state of Montana for two years, and then another year I was Chief of the Securities Commission. Then in the time of Billings and that I ran for the legislature, I ran for the House and then served in the Senate and then served on the Montana Supreme Court. The only person I can name who has served in every branch of the state government is myself and Jean Turnage. Jean Turnage was the county attorney. Half his salary was paid by the state in those days. And so he has that same—

BB: Well, Forrest Anderson, I think he would be, wouldn't he?

JS: Well, Forrest Anderson. Yes, Forrest Anderson would be and there's one other, that guy who was governor in about 1928, '29 and (unintelligible) on the Supreme Court. I can't think of his name now.

BB: Oh, Sam Stewart.

JS: Yes, that's the man. Not many of us. I mean, every house (?).

BB: Do you have any impressions of Governor Anderson?

JS: Yes, Forrest Anderson; ego man, completely wrapped up in himself. When I ran for Attorney General, he was mad at Rita (unintelligible) no help. Rita had been Chairman of the

Health Committee—what do they call it? Montana Medic—no. The Board of Health, the Montana Board of Health. Rita was chairman of that.

BB: Your wife Rita was.

JS: Yes, Governor Anderson appointed her. Then she was strong on environment and pushed a lot of those things through that they eventually railed to get out of. Forrest didn't like that. There was a time when the kids were going around with signs saying, "Keep Anderson Green," or something like that—"Keep Forrest Green."

BB: "Keep Forrest Green."

JS: Yes, because they felt that he wasn't supportive enough. Those people from Missoula in those days, you know, they were really, and with good reason, worried about their health because of bad air. Then clean water was part of that.

BB: So you went on the Supreme Court, appointed by Governor Judge, and served on the Supreme Court how long?

JS: Twelve years, twelve and a half years.

BB: And that was from when until when?

JS: From April of '78 through the beginning of '99—excuse me—'91.

BB: Okay, a long period of time, late '70s all the way through the '80s. And a fair amount of important things happened then. Are there some court cases or some opinions or things that you feel are especially noteworthy that you were involved in during that period of time?

JS: Well I've got to say this without appearing to be bragging, but in all that period of time, every year I wrote more majority opinions than any other judge on the court. More than that, I wrote more dissents than any other judge on the court. (laughs)

BB: Sounds like you were a pretty hard working justice then.

JS: Well I worked at it and it came easy to me because I had had that 30 years of law practice and trial work all the time. In the '60s I tried more cases in Billings than any lawyer there. I just had a vast experience of trial. Jean Turnage and I, I think I tried his...I was with him on his first civil case.

BB: Really?

JS: He was county attorney and I represented the insurance company for that county. They had some kind of a truck accident or something and together we worked on that case. I think that was his first civil case. We tried it in front of Judge Besancon from Missoula, who was kind of a funny guy. It was coming up Thanksgiving and he didn't want to let the ladies off on the jury to go home and cook the turkey. (laughs) (Unintelligible) the court officials I think, talked the judge into postponing the trial until the following Monday. He wasn't going to do it. Jean was on that case.

BB: He was a great guy. Well are there cases, some that might pop into your mind that might be especially significant during the period of time that you were—

JS: On the court? Well, it's hard to pick them out, except the one case, the case involving the 30 percent coal tax. That case was important to Montana, I thought, because when you take the coal out, unless you've got something coming back to take the place of that to be an asset, we all lose. They originally started out that they would take 30 percent tax at the moment of severance of the coal from the ground. And then put that into a viable trust fund. Well it was just a perfect way to balance off the loss of that great asset, the coal, and provide for a lot of things that we need in the future. So that 30 percent tax was important and that was attacked, of course, by coal companies—Consolidated, Edison, and so on.

The Supreme [District] Court judge—Meloy—held for the tax. M-E-L-O-Y. Then the case came to us and I was assigned the case and I decided that I'd put in a little schmaltz in that opinion because schmaltz sells, you know. And you'll find a paragraph in there that says that Montanans are quite getting used to the fact that what happens when the mines run out, the oil depletes, and the timber saws come still. I put that paragraph in there that had nothing to do with it, but I think it swayed the Supreme Court because the United States Supreme Court upheld that 30 percent tax. It wouldn't happen today. In fact, since then, they have said that that was an aberrant decision.

BB: The U.S. Supreme Court has?

JS: Yes, that that violates the Commerce Clause because of the effect it had on interstate commerce. But I do think that our opinion was going to be very hard for them to say no to and they didn't.

BB: How about the school equalization?

JS: Was it Bartons or Fred Weber wrote that, but I was (unintelligible) thought that was an important case and has repercussions going into today. The idea that every child is entitled to the best kind of an opportunity they can get and that's an important—

BB: But you wrote the one that affirmed Judge Meloy.

JS: Yes, that's the tax (unintelligible).

BB: Give me another example of something that you wrote that you were really involved in directly.

JS: You know, I can't think of a single case.

BB: Any criminal cases or anything like that?

JS: Oh yes, criminal cases, yes. The first case I got was that McKenzie case from Kalispell.

BB: That was a capital case.

JS: A capital case, death penalty. Then I got the Coleman case. In each of those cases, I upheld the death penalty.

BB: You wrote the opinions on both of them?

JS: Yes, and let's see, there was one case in Kalispell—I can't remember the name of it now—where I disagreed and sent it back and there was a lot of county attorney reactions to that. But eventually I came to the idea that I just couldn't stand it anymore. I don't like the death penalty and don't want it to...I can't stand it. As I was reading on these other cases and following up on that, I came to understand the unfairness of it because it's not very well administered. That has come out in the past few years. But the thing that influenced me mostly was Judge Brennan's, Justice Brennan's.

BB: The U.S. Supreme Court.

JS: The U.S. Supreme Court opinion where he had to send (unintelligible) to a death penalty and the reasons all made sense to me so the last several times the cases would come up to me I would say I'm not going to vote any more for the death penalty and so acted.

There was one case involving two Indian boys from Miles City. I don't remember their names now. It's something like Little Light, but that's not quite right. At any rate, they had been convicted and three of them had inveigled a man, a woman, and two boys and had inveigled the man out of the bar.

Brown: Oh?

JS: Yes. But they killed them in Wyoming. That woman was the smartest woman that I ever read a transcript about. She was a finagler from the (unintelligible). Bull was in the

name. I can't remember...At any rate, she testified against her friends and she had actually participated in the killing. One of these boys was not there when the killing occurred down in Wyoming. She participated in it and then was smarter than these fellows by long ways and they both were given the death penalty. So I wrote a long dissent on that case pointing out that she had been a participant and it was so unfair for her to get away with this, and these boys dying. Well what happened was that the case went down to the Ninth Circuit Court of Appeals and while it was pending down there, the discovery was made that while she was in jail she was having sex with the jailer and the county attorney knew about it and didn't reveal it to the defense. Well, the Ninth Circuit Court set aside the death penalty and gave them a life sentence down there. They didn't send them back for a new trial, they gave each one of them life and that was the end of that.

BB: So you were sort of upheld by the Ninth Circuit Court?

JS: I sure was, yes. (laughs)

BB: Now we've got just a few minutes left, Justice Sheehy, and I remember you and I have something in common that was a...When I was Secretary of State, there was a young lady by the name of Janice (unintelligible), who was the lawyer for the Secretary of State's office and she also served as your clerk when you were associate justice and a rather bizarre incident occurred when a man—you were just holding up a newspaper article to me—"Man Misses Judge With Loaded Handgun." Tell us about that story.

JS: Well this was in June 24, 1983. What happened was that this man was an architect who was employed by a Bozeman firm and he had left the firm and taking with him some of the plans that he had drawn up while he was a member of the firm. The firm sued him to get them back, saying that that was their property and they wanted it. The district court upheld the firm. I wrote the opinion upholding the firm stating that he had to surrender those plans. Their theory was that the creative part of his plans was his property, not the employer's, but that's not the law. So after the decision went down on this particular day in June, I looked up from my desk and there's the guy standing in front of me with a gun.

BB: With a gun pointed right at you?

JS: Yes. [laughter]

BB: How'd he get in?

JS: I did a little squeal. He just walked in. I never locked my doors. The doors were always open. I know I gave a little squeal, but then he said, "I want you to call the television people to get out here because I want to talk about my case." Well my

telephone, as you can see, was behind me there. So I turned around and was going to make the phone call for him and then I turned around back to him and I said, "You know, if I make that telephone call you're going to be in a whole lot of trouble. You ought to stop it now," or something like that. And one thing led to another and we talked and talked and talked about his case and telling me about his family and all that stuff.

BB: He's still got the gun pointed at you.

JS: Well no, he sat down in this chair and he had the gun in his right hand. Do you see the railing on that side? The same thing on the other side...That was sitting there. So Janice's office was down that way. She could see him sitting there and me talking to him and so she just went into her office and closed the door.

BB: She had no idea what was going on?

JS: No, no. So we talked for about 45 minutes and eventually I said to him—I had come to realize that we're going to have to call the police and get it over with—I said, "I want you to put that gun in my drawer and then we'll call the police." So I said, "I'm not going to put it there. You put it there." So he came over and I opened the drawer and he put it in there.

BB: You didn't give him the opportunity to just say, "Look, you walk out of here and we'll forget the whole thing"?

JS: Well at this time I told him to get out. I didn't say forget the whole thing. I said you can get out of here...I wanted him to get out of there. Anyway, I put my foot up against that drawer—I was sitting there—and then I called the police. While I was there—

BB: How did you talk him out of this whole thing?

JS: I don't know. I just kept talking and he wanted to talk.

BB: How long did he stay?

JS: Forty-five minutes, I'd say.

BB: And he seemed satisfied after he'd gotten this off his chest?

JS: No, he wasn't satisfied. What happened later, the rest of the story. He was arrested and taken down to Helena or whatever. A couple days later I got a phone call from a woman in the Midwest somewhere who told me that she was his sister and that they think that he was having a little bit of mental problems and wondered how bad the



situation was. The more I talked to her the more I realized...She said that if she could get him back there she'd be glad to take care of him, she'd come and get him and take care of him. So while she was talking to me she told me that they had an uncle that had the same kind of experience and I think he invented Pyrex and got nothing out of it. (laughs)

BB: His uncle invented Pyrex?

JS: That's my recollection, yes.

BB: (unintelligible)

JS: Well he got probably a good salary and all that stuff, but he didn't get as wealthy as he thought he should. Yes, that was a family sore point. At any rate, when the time came for his sentencing, I wasn't there but Lobel(?) called me up.

BB: Local district judge Henry Loble.

JS: Yes, Judge Henry Loble. I said, "I don't want him to go to jail. I don't want him to go to jail." Whatever my (unintelligible) pretty soon we were just talking. So Loble, I think he put him on probation or something. Anyway, his sister had took him back.

BB: But still, this guy came into the office not necessarily to shoot you but to intimidate you with the gun into giving him a chance to talk before television cameras.

JS: Let me see about that. When that situation comes about, when somebody comes in with a gun, the thing is really kind of out of his control and whatever happens next is going to be very important. Like this case we had about that woman...That man had killed already two or three people and had her cornered—it was a couple of months ago—and she got to talking to him.

BB: Down in Florida.

JS: Down in Florida, yes. What I'm trying to demonstrate is the first few moments are important. It could be a tragedy, you know, if I went after him or something or tried to run he might shoot me. It's just a matter of luck. Not luck exactly. The circumstances are out of his control and you've just got to hope it works out.

BB: And somehow you engaged him in conversation because he didn't get to talk to the television cameras and he ended up having to go to jail, so that's the worst of everything for him and it makes you wonder why he didn't say, "Well, hell no I'm not going to give you this gun. I'm walking out of here now."

JS: I said to Janice afterwards, I said, "What did you think was going on?" See, he's sitting there and she can see this guy talking to me. She said, "I thought you were talking about religion." (laughs) I guess maybe I did say something about that along the way.

BB: But he agreed to allowing to call the police. He agreed to put the gun in your drawer and he agreed to allow you to call the police.

JS: Yes.

BB: Well you're a pretty persuasive guy, I think. (laughs)

JS: It was important.

BB: Yes. (laughs)

JS: I've got to tell you one other thing about that. While we were waiting for the police, into my office comes a friend from Butte named Pooch Fearon and his brother—you might have known Joe Fearon. He was at St. Ignatius. He was the undertaker up there for years. Joe Fearon and Joe Fearon. Joe Fearon and two of their boys came in to see me. We were waiting for the police to come. They barely got into the office when the police did come. They take the gun out of my drawer and so on and it goes on and so they're witness... We visit very shortly, not very long, and they go down to Butte. The next day this thing's in the paper, and Pooch is mad. He said, "They didn't have our names in there at all." (laughs)

BB: What a story. Well Justice Sheehy, we've just got two or three minutes left. Is there anything you'd like to say in conclusion or anything about your wonderful career in public service spanning several decades in the legislature and as Supreme Court justice?

JS: I'm very blessed in my life in all the things that have happened and not happened and we have 11 children and they're all seeming to be getting along pretty well now and I'm just thankful every day that I've been given such a wonderful lot in life.

[End of Interview]