

Maureen and Mike

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**Oral History Number: 396-040**  
**Interviewee: Thomas E. Towe**  
**Interviewer: Bob Brown**  
**Date of Interview: February 10, 2006**  
**Project: Bob Brown Oral History Collection**

Unidentified Speaker: You'll have to tell me afterwards whether it corresponds with (unintelligible) that's what I'm really interested in.

Bob Brown: The tape recorder is running. We're talking to state Senator Tom Towe, former state senator and representative Tom Towe, who served in the legislature for most of the period between about 1970 and early 1990s. Senator Towe was, I think, probably the guiding spirit behind the coal tax that was passed by the Montana State Senate in 1975- or by the Montana legislature in 1975. So, Tom, it's good to have this interview with you and let me ask you to begin with: what motivated you to run for public office? You were a young fellow. You were just out of law school, I think.

Thomas Towe: I finished law school in 1962 and went into the service and worked with the Judge Advocate General Corps for three years. I always thought I wanted to come to Montana and I always thought I wanted to get into political activity of some sort.

BB: Why?

TT: I don't know. Now thinking back, that's a good question. It was just obvious that's what I was going to do.

BB: Were you fascinated by John F. Kennedy?

TT: Some, there's no question about that. Probably not as much as the fact that I majored in political science in college. I suspect I grew interested in the combined political history and history of Montana and really wanted to get into my chosen state in terms of what was going on. Doing so, I learned that, you know, if you're really going to be a part of anything, you've got to be involved in politics.

BB: Well was there something in your life that influenced you to major in political science and to kind of set your life in the direction of an interest in government?

TT: Looking back at that now, it's harder to answer than it would have been 20 years ago. I think the answer to that, the answer to that needs to be one thing that I can recall very vividly in my mind is being with my father, who was a successful banker at the time, and thinking that's probably what I would do is go into banking. Talking to a fellow banker in Glendive, a neighboring town, who was asking me what I was going to major in, I said, "I don't know yet."

He said, "Well you really ought to get into law." So I quizzed him a little bit about that. He said, "No matter what you do, if you've got a law degree, you can do so much better in banking or whatever else. It gives you more opportunities."

So I started into college with that in mind and then the question is: Well if I'm going into law, what do I need to study in undergraduate school in order to get a good background for my law? Everybody was saying, "Most lawyers go into political science." That seemed to be a natural, and I kind of enjoyed that anyway, politics and history worked out pretty well. So that's how it happened. The way that I got into Democratic politics—

BB: I was thinking that you're a banker's son from Billings, Montana. That sounds like an illogical possibility—

TT: Circle, Montana.

BB: I don't know whether that was. When you were a kid, there were some farmers' influences there, I think.

TT: See, my folks moved to Circle when I was in high school. My wife has the background in Circle and that area. I did for four or five years, but not the big background. We lived in South Dakota before that. Before that, primarily in Iowa, my folks' grandparents all came from Iowa, in that area. All of them were Norwegian and American Quakers. The story about Democrats is this: When I started into law school freshman year, another law student by the name of Tom Kennedy came by one day and said, "We're organizing a Democratic Club for the campus at the University of Montana and we're having a meeting tonight. I want you to come because I want you to be treasurer."

I said, "Hey, I've always considered myself a Republican. What's this Democratic thing?" Ruth [his wife] was a very strong Democrat and so her family was largely Democratic. It wasn't inconsistent. My dad was more Democratic. My mother was more Republican. I said, "Okay, fine, I'll see what's going on." I did. As soon as I got there, they elected me treasurer of the Democratic Club for the University of Montana. From that point forward, I've been a very staunch Democrat.

BB: Just think about how things might have changed in your life in the state if that fellow had come by and said, "You know Tom, I'm not sure what you're thinking about this stuff, but we'd sure like to have you be the treasurer of the Republicans' Club." You might have just gotten bumped.

TT: It would have been easier for me to do that. That's right. I always used to think that had I been able to vote when Roosevelt and Willkie were running, I would have voted for Willkie. I'm not sure why. Now looking back at it, that seems strange. My grandfather was a strong Republican farmer from Iowa. That's probably what it was.

BB: My family is from Iowa as well and they're Republican also. You obviously are now a Democrat and I don't want to put words in your mouth, but I believe you wouldn't disagree with this, a philosophical liberal by conviction.

TT: Progressive.

BB: Progressive, yes.

TT: I always have. I really, yes, more to the progressive spirit that I think picked up through Montana and some of the western states in the early part of the 20th century.

BB: I guess the person we associate really with that tradition in Montana, more than anybody at least who is contemporary of ours in politics, Senator Metcalf?

TT: Probably. I think more so with Burton K. Wheeler, with Joseph Dixon, even earlier on and others, yes. That's true, the progressive movement that resulted in the election of some strange socialists in Plentywood and Sheridan County, and in Butte.

BB: I had a wonderful interview with Ed Smith and also with Magnus Aasheim.

TT: Mags would be great, yes.

BB: Well, Tom, when you and I began in the legislature after the election of 1970 in the House of Representatives, maybe I could just ask you, because you were the principal person as I've already mentioned, who got the Montana coal tax passed. That was in 1975, but there were some things that happened that started the wheels in motion for that particular tax further on in the House of Representatives, perhaps not in the '71 session. But I do remember, as I know you do, in the '71 session, we had a big disagreement over the sales tax. That's what caused that session to last something like 106 days. So maybe you'd have some thoughts on legislators, lobbyists, the sales tax, and other things in that 1971 session you'd like to share.

TT: Perhaps the best thing would be for me to go back even earlier. I have been invited to speak all over the country, from Alaska by the governor of Alaska, to Washington, D.C., and California, all sorts of places on the coal tax. I visited with the legislature in Kentucky about it once, and a whole bunch of different things. Frequently, I try to set the stage a little bit by what is going on in the state and what has gone on in the state.

Where I start, is something that's not news to you because you know it better than I, I'm sure. I did have the opportunity to visit quite a bit with K. Ross Toole and he has affected and influenced me a great deal on some of this, mostly because he wrote about it. He devoted his life to it. I think that the real key needs to start with kind of an interesting historical thing in 1903. This was just after Marcus Daly died. The copper king war was very much alive. [Augustus] Heinze had the—

BB: (unintelligible).

TT: Yes, Apex Theory and he was...The Apex Theory was that if a strand of ore comes out of the surface on your claim where you have control or own the claim, you can follow that as far as it goes no matter whose other property it goes under. He was using that for all it was worth and just raising havoc with it. His veins were going into other peoples' mines and he was just causing enormous problems for the Anaconda Company. I guess it was just before it was acquired by Standard Oil. It was in that period of time. The lawyers were trying to do something about it and had filed a lawsuit to enjoin him from doing that. Heinze had the judges, [William] Clancy, in particular.

BB: Clancy and [Edward] Harney were both compromised by him.

TT: Harney also. Compromised is an interesting way of putting it. In any event, in all of the stories you know about how Clancy was probably not too alert and sometimes maybe even dozing off. He'd jump up every once in awhile when some loud noise came up. Heinze wins! Anyway, the Anaconda Company thought that they had to do something about this Apex Theory that was just taking all of their ore, their best ore and Heinze, who was giving them fits because they couldn't get an injunction to stop him.

So they went to Governor [Joseph] Toole and asked Toole to call a special session of the legislature. Well, Toole refused. Toole said, "That's a private matter. We can't do that. This is a public body. We don't do things like that."

The Anaconda Company said, "All right." They locked out all of the non-farm employees that they had control over, which was very substantial.

BB: Because not only did they own mines, but they owned sawmills and commercial stores.

TT: Correct. All sorts of things, particularly in the timber area, also a lot of other things as well. Maybe something like 40 percent of the non-farm employment of the state; it was enormous. It was big. After a few days, maybe it was 30 or 60 days—

BB: It was in the fall and it was getting cold out.

TT: Toole couldn't hold out. He called a special session of the legislature, for private purpose. They passed a bill by the way, which is one of the best bills ever passed through the legislature, allowing any person to disqualify a judge without having to give any reason three times.

BB: I see, so they didn't meddle with the theory.

TT: No, they didn't.

BB: What they did, was they made it possible for them to get the case away from Judge Clancy.

TT: Exactly. That's what they passed. It is, it has been a landmark in legislation for the judiciary ever since. Something that we have, which I think is better than most every other state, although it's been refined now. You can't do it after you get into a case. At the beginning, it is now refined down to the point where I think you have only two, instead of three, preempts. You have an effective preempt. You pay 100 dollars and you can get rid of any judge without any questions asked. That's a very good law.

That's what the Anaconda Company got passed. Its historical genesis. It was fascinating, but from that point forward, the Anaconda Company virtually controlled the legislature for all of those years up until the time...almost to the time when I came into the legislature in the late '60s as they finally probably lost some of that control. As J. Kinsey Howard says, that the Montana twins, the Montana Power Company and the Anaconda Company, together controlled it then for the second half of the 20th century. So what happened and then the story about Ryan, the Anaconda Company needed—

BB: John D. Ryan.

TT: John D. Ryan. I was trying to think of his first name. I went to law school with his grandson, Mel Ryan. I can never remember, but John D. Ryan was the head of the...I guess this was after the trust busting and Standard Oil had to divest the Anaconda Company. John D. Ryan knew that you had to have power in order to run the mines. So he bought this little power company over in Missoula for 500,000 or 600,000 dollars. It was a fair amount.

Then he turned around the next day and sold it to the company, or started the Montana Power Company and put it on the books. I think it was something like three million dollars. He pocked about 2.5 million dollars. I may have my numbers off a little bit, but it was something like that. He put it on the rate base at three million dollars, which is five times inflated what it was really worth and charged rates on the basis of that inflated rates. That was the history of the Montana Power Company. It continued all the way on through.

BB: The primary customer was the Anaconda Company.

TT: It was. I don't know if they had a special deal for industrial customers of a certain size, I'm sure. The fact is yes, not only did John Ryan make this huge profit personally, but he also put it in the rate base of the Montana Power Company and made huge profits every year from then on. To follow up on that story, when you and I came to the legislature in 1971, one of the first things that I noticed was...I was kind of curious about this powerful twins, the Anaconda Company and the Montana Power Company anyway. I was curious about it. One of the first things that I noticed was the utility rates, which had been a big issue in previous years.

I got to looking into it and I found this strange situation where the Public Service Commission, which was generally controlled by the power company at that time, the Montana Power Company. They financed most of the elections for the people who had to run statewide. They therefore had to have a lot of money. It was a low-key race. The Anaconda Company pretty well ran that outfit without too much opposition. They had a rule for fixing rates, which we sometimes referred to as the fair value rule. The fair value rule is that in order to get a rate of return on your investment, you have to know what the value of your investment is.

So they would go around in...Most of their investments in those days was power generating—the hydroelectric power generating plants. So they'd go look at a dam and they'd say, "Oh that dam looks like it's about 15 million dollars." So they'd put it on the rate base at that time. What did it cost them? Oh maybe 500,000 dollars, maybe one million dollars at best. They'd have this huge discrepancy between the rates.

BB: There was no defining method for how to set that?

TT: No, it was just a fair value. They said fair value. They would just...Observed value they sometimes referred to it. At any rate, I thought that was really wrong. In fact, at some point, and I can't place the exact timing, but I had some fun with that at one night here in Billings. This didn't happen very often, but the Public Service Commission was having a night hearing and they had the experts from the Montana Power Company come in and testify, the officers to come in and testify.

They opened it up to the public and asked if any of the members of the public had any questions. I raised my hand and it was in the courtroom in the sixth floor of the courthouse. I raised my hand and asked about three questions. I said, "First of all, do you use a fair value method for purposes of determining rates?"

"Yes."

"Well, do you use the same value for paying taxes?"

"Oh, no, that's entirely different."

"Oh, well, are you telling me you have two sets of books? One that charges rates and one to pay taxes on?"

"Yes, that's right."

"In fact, isn't it true that you really have a third set of books? That's the books that you show to your stockholders. Is that correct?"

"Yes, I guess that's right."

It made huge headlines the next day in the *Billings Gazette* about how the Power Company admits three separate sets of books.

BB: Was this prior to you entering the legislature?

TT: I'm trying to think when it was. I think it was after I first got elected, but before we got the fair value bill through. So one of the things that I did early on was introduce the fair value bill. By that I mean the bill to eliminate fair value and the purpose of the legislation was to go back to original cost. That's what should be used for paying taxes and setting rates. They shouldn't have this inflated value in the meantime in the middle. So I introduced the fair value bill. That had been introduced a number of times before. It never got very far. In my second session; it was in 1973 then. I think this was probably after that session I had here in Billings. I got enough support to where it became a real threat. I remember very distinctly that Robert Corette, who was the—

BB: Lobbyist for Montana Power Company.

TT: Lobbyist for the Montana Power Company, the attorney Robert Corette, Smith, Dean or whatever their firm is. I'd always heard that Robert Corette and Lloyd Crippen was part of the Anaconda Company. I'd always heard that he was the prominent person. He came around to see me one day. He said, "I want to talk to you."

I said, "Let's meet at such and such a time in the stacks of the law library." I thought, "What's this all about? What's he going to do? What does he want to talk to me about that he doesn't want anybody else to know about?" I said, "Okay, fine."

So I remember going back into the stacks of the law library, which is now all committee rooms. It wasn't at that time. The law library was in the capitol building. Bob Corette offered me, I don't remember who else he had with him, and I was still by myself, he said, "I'll tell you what we'll do, we'll offer you a compromise." I think the compromise he offered me was that he would agree to language that would not require the elimination of fair value, but would not require the use of the other value, original cost, either, but that the Public Service Commission could make its own determination of what value to use.

That was pretty tempting at that point. At that point, the Public Service Commission, that's probably why he made the offer, could not be trusted because they would have gone through the same thing and we wouldn't have gotten a thing accomplished. So I probably told him that I'd get back to him on it. I may have talked to some other people, but the bottom line was that I told him no. They beat me. That was in the '73 or '74 session.

BB: That was the one time that we had the annual sessions.



TT: The one time we had the annual sessions and my guess is the bill went down in the '74 session, which was why you and I, and a whole bunch of other people—Mike Greely, Larry Fasbender, that whole bunch—was just terribly frustrated with the Senate. We got all of the bills out of the House and we got them over to the Senate and even though the Senate was controlled 30 to 20. I think we had a ten-vote majority of Democrats, but they all voted conservative and turned down all of our bills.

We were just absolutely furious with the Senate. So we all ran for the Senate. We won. That comes in with another fascinating story, which was absolutely critical to the passage of the coal tax. Larry Fasbender and I were talking one day after the election before the caucuses that we've got of the 30 Democratic senators, we counted 18. Then as it turns out Miles Romney went along with us, so we had in effect 19 of the senators on our side. That was Chet Blaylock, Pat Regan, Mike Greely, Larry Fasbender, myself and I can't name all of them, but quite a few.

BB: Part of the folklore of Montana is that the Democratic Party has been the party of the progressives...and the Republicans are the copper collar people, the corporate stooges and that sort of thing. Montana history doesn't bear that out.

TT: That's a good point.

BB: There are enough copper collars to go around.

TT: No question about it except for when it came to labor issues.

BB: I'm talking the issue of the Montana Power Company and the Anaconda Company. I guess there could have been a few laborers.

TT: The Democrats carried the load for the Anaconda Company, Montana Power Company most of the time. So it was not until a bunch of us young Turks came along in the '70s that really changed. It was started in the late '60s. We can't take credit for it. The momentum was already there before you and I got to the legislature.

I don't think we hurt it any. In any event, there's a really interesting story that not too many people know. That's that Larry Fasbender and I decided we'd better get together so we know what we want. So we can make sure we can get what we want. We started talking about some chairmanships and who were going to be chairmen. That has such an impact, Committee on Committees and some of those things.

So I had a key to one of the little rooms. Do you remember those little rooms right up on the fourth floor in the House? I had a key to one of those rooms. I don't remember where it was. I think it was the taxation room. At any rate, I had the key, I said, "Well I'm going to come over a day or two earlier before the caucus."

BB: This was after the election? The big Democratic Party win and a whole bunch of the young Turks came over from the House and it appeared as though they had a majority in the Democratic caucus. So you and Larry Fasbender, who was a young progressive tax advocate from the House, you and Larry met to kind of figure out how you might most effectively use that and organize the Senate.

TT: Right. So we said, "Well let's get the word out to our people that we're going to meet at seven o'clock on such and such a night in that room." Well I was astounded. Every single Democratic senator showed up. Boy did we have a knock-down, drag-out battles. We said right off the bat, "We want these chairmanships. We want some of the key committees where we've been losing all our bills." In effect, we said, "Gordon McOmber wants to be president, fine. Neil Lynch wants to be majority leader, fine. We don't care. We want chairman of the Taxation Committee. We want chairman of the Judiciary Committee. We want chairman of the Education Committee. We want chairman of the Natural Resources Committee."

We also talked about the Finance and Claims Committee, which we eventually laid off. Those old Democratic senators, many of them were very, very conservative. I was very, very critical because Jean Turnage was calling the shots for most of the Democrats. I was just absolutely furious with that. I said, "No, we want these positions."

They said, "You mean you want freshmen to be chairmen of the committees?"

We said, "Yes."

They said, "Oh, you can't do that."

We said, "Well, we think we've got the votes."

I'll give those old codgers' credit, they can count. Pretty soon they started to think about, "Well, all right. What can we negotiate?"

They agreed that I was to be chairman of the judiciary and Mike Greeley was going to be chairman of state administration. Bob Watt was going to be chairman of the taxation. We got education, Blaylock. Paul Boylan, he was just furious. He said, "I'm going to be chairman of education."

We said, "Paul what about this bill, this bill, this bill, this bill? Are you for them or against them?"

"Oh I'm against them!"

Well, that was the end of that one. State administration, Mike Greeley and natural resources, I can't remember who it was. There was somebody. So we took all of those committees. We did

get Cornie Thiessen a chairmanship of Finance and Claims. We let them keep Gordon McOmber and Neil Lynch. Then Committee on Committees—

BB: Dave Manning got (unintelligible) highways.

TT: Oh, of course, this was instinct, by the way, because Dave Manning was one of the key people that I was just furious with. He voted no on everything. Then later on, after I got to know him a little bit, I sat beside him as a seatmate in the Senate for quite a few years. He was the strongest supporter of the coal tax that we've had. He would go around and—

BB: That was his area.

TT: He used to get up at meetings and say that, "Well I told these folks when that coal tax was going through, they would always say, 'That's too high. You can't do that. It will hurt the industry.'"

I said, "No, I don't think it will. I'll tell you what, if it does and they leave the state, by golly they're going to leave on good roads." That was his thing, but not at the time that I jumped ahead. So going back to that night, the Committee on Committees was critical.

BB: You should explain what the Committee on Committees is.

TT: In the Senate, in those days and still is today, unlike the House where the Speaker of the House selects all the committees, determines all the committee assignments, the Committee on Committees in the Senate determines all the committee assignments.

BB: So the majority party meets in a private meeting called a caucus. They elect, in that case, I believe it was three of their members. Those three members determine the make up of all of the committees. They determine the chairman, the vice chairman, the minority membership, the majority membership.

TT: The majority membership wasn't an issue at that time.

BB: Yes sure, but I mean they still make up all the assignments.

TT: They make up all the assignments. They decide not just the committee make up, but they decide when the committee meets, which rooms they meet in, and the seating assignments of all the senators in the entire Senate. The president of the Senate doesn't do that in the Senate. It's the Committee on Committees. So that was a really critical determination.

BB: Back over from the period when the lieutenant governor presided over the Senate, the lieutenant governor was a Republican and you had a Democratic majority in the Senate, then the lieutenant governor couldn't function as the Speaker of the House did. So the Speaker of

the House, in addition to being the presiding officer in the house, did all of the things you just mentioned. In the Senate, that couldn't work. So the Senate adopted the tradition of having the majority party selecting three of its own to make those decisions.

TT: I don't know the background or the history, but that's what we found. That's what we dealt with. The key thing was who's going to be on the Committee on Committees? The decision was made that I would be one member from the young Turk group. Carroll Graham would be the other member representing the old guard. Miles Romney would be the center person in between, which was magnificent. It worked beautifully because if there were any of the old guard, of the older senators that felt just like we did, it was Miles Romney. For all practical purposes, Miles said, "You do it. Whatever you say, I'll support."

BB: He said [that to] you?

TT: He said that to me. So for all practical purposes, I as a freshman senator, made all the committee assignments, decided when all of the committees would meet, decided all of the seat assignments in the whole Senate. I did all of those things my freshman year, which was a rather incredible thing.

BB: I definitely remember this. You put me on the Taxation Committee. I don't remember that I'd even requested it. So Frank Hazelbaker came over and he was a minority at the time, the Republican minority leader and he said, "Bob, I see where you're on the Taxation Committee. It's kind of a routine that the minority makes recommendations. Allen Kolstad had been on the Taxation Committee in the House of Representatives. He came over here in the Senate in the same election you did. He specifically requested the taxation committee. So we're kind of perplexed why you're on it and he's not."

I said, "I can't help you. I don't know."

TT: I can tell you. Here's what happened. I started counting votes at that point for the coal tax. I got down to Kolstad and I can see there's no way I could get his vote. I was probably going to lose Bill Mathers' vote. It seems like there was somebody else, Gordon McOmber. Turnage was one, that's right. I was going to lose his vote.

BB: Wasn't Jack Healy your concern?

TT: It wasn't at that point. I have to look through my history to see what I thought about Healy. I knew I needed another Republican who would support us. That's one I don't remember. If you remember or not, I called you before I made the decision of who was going to be on the Taxation Committee and I asked you what you thought about the coal tax.

BB: Okay.

TT: Do you remember that?

BB: I guess I don't, Tom. I remember very much. It must have been a long time. I remember the conversation of Hazelbaker.

TT: Yes, that was afterwards.

BB: I remember thinking about it.

TT: That was after I had come out. Before, and it probably didn't ring a bell with you—

BB: I don't know why you asked me that question.

TT: I didn't know about that, didn't realize the significance of the coal tax. It wasn't that big of a deal or an issue for most of the other senators anyway. It was for me. I was really looking for that. I was concerned about the fair value bill. I was concerned about a few others that went through. The coal tax was my number one concern. I knew exactly where every single person on the Taxation Committee stood before they got on the Taxation Committee. That was very, very critical.

BB: You took over for a couple of soft Democrats, is what you're saying?

TT: Exactly. I knew I wanted some more votes. I needed some more just to be sure. That was why you got on the Taxation Committee, absolutely, no question about it. Okay, well that worked by and large. There are a couple of interesting things that have come out, just some legislative trivia. It's kind of fascinating. I can remember Larry Fasbender was telling me when we were starting to make seating arrangements. He says, "You know what you need to do, is you need to make sure you get any of our weakest Democrats and make sure you set them right beside a really strong Democrat. Seat assignments are really helpful that way." So I did. Gordon McOmber at one point, I did a little bit too much and Gordon McOmber got a hold of me and said, "Some of these senators are awfully sensitive about where they sit."

BB: They had probably been in the same seat 10 or 15 years.

TT: So I learned my lesson and left a little bit alone, although I did management a little bit. One kind of humorous story that I've got to tell you about, Max Conover and Pat Regan, you probably know that story. It was one of the all time greats, I think. I did, I put Pat Regan, who we considered pretty strong, right by Max Conover, who we were a little nervous about occasionally. I had them sit side by side. Well, sure enough, one day, Jean Turnage came all the way on the outside of the Senate and came over and was leaning over Pat Regan's desk talking to Max Conover.

That happened on more than one occasion because Jean Turnage was there a lot to catch that vote. One on one; I think it was an education bill; I'm not sure what it was. It was really hotly contested. The vote was taken and I don't know whether it was the second reading or the third reading now. I'll have to go back and look this up sometime. There was dead silence and everybody looked at the scoreboard and it was a tie vote. It was absolutely tied. Everybody was just in a dead silence digesting that whole thing. I heard Pat Regan's loud whisper come booming across the whole Senate. I could hear it, "Change your goddamn vote or I'll break your arm!"

BB: That was to Conover.

TT: Right. Larry Fasbender turned around and said, "Senators don't threaten others." They did.

BB: He did, yes.

TT: He did and Pat tells the story and fills in some of the details, which we didn't know about, was that she was talking to him all along. "You've got to vote this way and this is what we want." Then he voted the wrong way and she just exploded. That's the sideline. To follow up on that, sensitivity of seats, I don't need to remind you of John Manley.

BB: You mentioned that. This happened a few years later.

TT: John Manley was an interesting guy. Chet Blaylock was the minority leader. Democrats were in the minority. John Manley wanted one of the back row seats.

BB: The old conservative Democrats tended to sit in the back row. John Manley was a rancher. He hadn't been there a long time, but he fit in very well with Paul Boylan, Carroll Graham and a group of old Democrat senators who smoked cigarettes. It was easy for them to get from the back row to the lobby where they could have a cigarette, that sort of thing. John enjoyed sitting in the back row with them.

TT: He sure did. He wanted that back row seat. Well, some of the other Democrats wanted the back row seat. Who was the legislator from Great Falls?

BB: Pat Ryan.

TT: No, it was someone else. Who else from Great Falls? I don't think it was Pat. It might have been. There was another legislator from Great Falls, I believe, Chet was making the assignments. I need to say also, as far as John Manley is concerned, John Manley was a thorn in our side. He would constantly—

BB: Very contrary. Substantial rancher who had a mind of his own and was kind of...I don't know if he was philosophically particularly conservative. I think he was somewhat that way. He was more contrary.

TT: He just took out after me. Every time I was on something, he was opposed to it.

BB: He was kind of pissed off generally and so didn't show up at the Democratic Party organizational caucus before that session. The story I remember was that Chet asked everybody for their seat preferences and that sort of thing. John wasn't there to indicate his.

TT: Yes, I don't know about whether he wasn't there to indicate it. I think he made it pretty well known to Chet. So Chet was very well aware that he wanted that seat. Chet said, "Hey when it comes to voting records, there's no question about who gets my choice if it's between whoever it was." I should look that up, but I can't remember his name, in Great Falls or John Manley.

BB: What he did was he put John up next to Pat Regan.

TT: Yes, he put John up out of the back row. He gave the back row seat to this other senator from Great Falls. John Manley was just furious, so furious that he decided to change parties. Then he figured he could keep his back row seat.

BB: Because there is a tradition in the Montana Senate that the battleground is the back row. Some legislative chambers it's the aisle seats. In the Montana Senate it's the back row.

TT: Aisle seats are pretty important too.

BB: In the Senate, that's where it happened. So if you got a 50-member senate and the Republicans had a majority of 28 to 22, then the three seats from the aisle over in the back row would be Republican seats. So the Republicans had encroached a little bit over into the Democrat side. We had 27 or 28 seats or something. So John figured if he changed parties and became a Republican, he'd just be the next Republican in the back row.

TT: And that's exactly what happened. The funny part was that after he switched parties, all of a sudden John Manley started voting Democratic.

BB: We joked about that.

TT: I can remember one day John Manley getting up on the floor of the Senate and saying, "That Tom Towe makes some sense." It was so funny.

BB: A group of us were having lunch one day at a place called Tony's. It was a chicken place, you know in Helena? It's no longer there. I think there's still a bar and restaurant there. Blayock was a part of the group and he said, "You guys were all laughing," There were two or three

Republicans and some Democrats at the table. He said, "You guys were all laughing about that Manley deal. You thought you knew. You betted your majority and he really pulled a fast one on you. I chuckled about that but at the time I thought you're going to rue day. You've got that." Maybe that's something to it.

TT: So that's kind of a side venture. We need to get back, I think. Let me go back even further to set the stage a little bit further for this next part of the history of the coal tax. I need to tell you more about the Anaconda Company. I didn't know originally, but I learned after getting to know K. Ross Toole and going to visit him in his home in Hamilton and talking to him. I had him come as a witness in the case. I'll tell you about that in a minute. I learned for the first time that he did his doctoral thesis on the influence of the Anaconda Company in Montana politics.

That is something really significant. So if you really want to know what happened, that's pretty significant. Remember that I told you ever since 1903, when Governor Toole called a special session of the legislature so the Anaconda Company could get their bill to disqualify judges passed, they virtually ran the legislature ever since. To illustrate that and I told this story many, many times. This is a story that K. Ross Toole tells me. In the '40s, in the late '40s, K. Ross Toole was just out of college. He had been named the director of the Montana Historical Society, which was a big plum for butting (?) door in. He said that just to illustrate how the legislature worked when the Anaconda Company was in control, and I'm sure he added a few flourishes, but nevertheless it's a great story.

He said that he needed a big machine to reproduce stuff and I don't know what kind of machine it was. It cost several thousand dollars, maybe 10,000 dollars. In today's terms, it wouldn't be a big thing. He needed that machine and it was really important to the historical society. So he said he put in the request for the budget office and they approved it, and it went through the governor and it was introduced into the legislation. And all the proceedings he did, he knew exactly what to do and how to do it. He did all of that. It was language in the legislature.

One day, the Anaconda Company lobbyist came by and I presume it was Crippen, but I don't know. I don't remember now who it was. He asked him to go out to dinner because they wanted to talk about this thing. He said, "Fine." So whatever the meeting was, whether it was a luncheon meeting or something else, they had their meeting. K. Ross Toole brought all of his stuff and made his pitch, the best pitch he could for how badly they needed this machine and what they needed to do.

After he got through with his pitch to the Anaconda Company lobbyist he said, "Okay we'll support it." He said he went out and ordered the machine, getting it through the legislature in just a matter of time after that. That's how influential they were in the legislature. You know the story about the Placer Hotel. On the top floor the rooms were always open for any legislator who wanted food or drink and more importantly, all of the lawyers were there to help any legislator draft a bill.



You know, when we came, this isn't true now of course, but when you and I first came, you needed probably some professional help to get your bill drafted or you probably weren't going to get very far. I learned that fairly quickly and as a lawyer, I was a little bit better at it. I probably got along a little bit better than most, but you needed some help to really get it drafted well. It would go into committee and there are four or three things wrong with it and "Bingo," down it went. They weren't going to try and fix it.

BB: The wrong person attempting to salvage it could make an amendment pretty bad.

TT: Right, and the best way to do that is to get the Anaconda Company lawyers to make that bill for you. Of course, that gave them a great pull with all these legislators that couldn't get their bill passed without the Anaconda Company lawyers. It was enormous back then. They really did have an enormous influence.

The second thing that I need to mention to you about the history of the coal tax then was who was going to lobby against it. Well, obviously the Montana Power Company, who had its fingers in Colstrip by then, everybody deferred to them. Everybody else just kind of inferred that Montana Power Company would be the main lobbyist.

They were obviously going to take the lead role in lobbying against the coal tax. They always had in the past. The history of that is, of course, you probably remember some of that, but before you and I got to the House in 1971, Miles Romney had introduced in '67 a 50 cents per ton tax on coal. Everybody said, "That's outrageous. That's totally unworkable. You can't possibly do that." They finally ended up with a five cent per ton tax.

That's when we came into the legislature, a five cents per ton. Bill Christiansen was working on it and was working on a... I got to remember, find out what that was. I know it's in my history somewhere. He was working on a bill too, to up it to 13 cents, but I don't remember the exact details. I was not as involved that first year in '71. We were all kind of laying around to see what's going on at that time.

BB: Representative Bill Christiansen was the minority leader in the House of Representatives, a Democrat from Hardin I think. There was some coal mined down there in his county.

TT: Correct. He was very much supportive of increasing it. He was kind of the leader. Miles Romney was the one that really pushed it hard in '67 and then '69 I think Bill introduced a bill. It might have got to five cents in '69. I don't remember. Then he introduced it again at 13 cents.

BB: Of course the major significance of this 1975 period when we entered the state Senate was the so called "Arab oil embargo" where the energy supply to the United States was interfered with by Arab countries. So there was a big rush in our country to become more energy independent. The Fort Union coal deposit in eastern Montana and part of North Dakota was a big supply of recoverable coal. It extended all the way down to Wyoming. So the idea was that

there would probably be a major expansion in the development of this coal, which was what I think caused you and others to think “Well then, maybe it’s important we look at that as an important source of revenue.”

TT: Remember we came into the ’73 session with that very much in mind and with the North Central Power Study. Remember that power study? It was a federal study that had been made, I think I still have the book somewhere in here—

BB: That study either predicted or proposed a real massive development.

TT: Yes, they were going to have some 200 or something power plants in eastern Montana because of the huge amount of coal. I’ll just recite some of the numbers I’ve given. I’ve given them in speeches many, many times. Montana does have coal. Montana has something like 25 percent of the nation’s coal supply, that’s if you include bituminous and lignite coal together. It has something like ten percent of the world’s coal supply. It has 53 percent of the low sulfur coal in the United States. It has an enormous amount of coal.

We have all this coal in eastern Montana. Admittedly, a lot of it is lignite and not high BTU. It’s very significant. It’s a very significant resource. All legislators in ’73 were very much aware of that and very much aware of this North Central Power Study that said we would have this huge influx of people coming in because of all this coal. It was going to have this enormous impact, all the environmental impacts and all the other impacts. Dorothy Bradley introduced—

BB: Dorothy Bradley from Bozeman.

TT: —introduced the moratorium bill.

BB: To stop any further development until we’ve had a chance to take a long hard look into what we’re getting ourselves into.

TT: Exactly. We had the big debates over that. I remember Jim Lucas on one side and John Hall on the other side. We all chimed in. I know I was part of that too. They had big debates and the moratorium died on a tie vote. Then somebody said, “Well, I’ll tell you what, let’s set it on the shelf. We’ll keep it alive. We’ll just set it up there and have it available until the 89th day”—or the 90th day, I don’t remember—“until the last day of the session and we’ll see how much progress we’ve made and all these other things.”

BB: The key was the Plant Siting Act wasn’t it?

TT: Plant Siting Act was one of them. There was also the Reclamation Act. That was maybe even more significant, the Reclamation Act. Francis Bardanouve had the Plant Siting Act. I don’t remember who made the Reclamation Act. The Reclamation Act was passed and that became the pattern for the feds when Congress passed its strip mine Reclamation Act a couple of years

later. They copied virtually almost entirely the Montana Reclamation Act, which we had passed, which was very strong. It was the Eminent Domain Act, because we took away from private industry the right to use Eminent Domain to advance their cause, which the coal company certainly would have used if we hadn't done that.

So a whole bunch of tax bills were introduced. I was fumbling around with the tax idea. I wasn't just too sure. I think I introduced the bill originally for two dollars a ton. Fifty cents a ton was bad; you could imagine what they thought of two dollars. They didn't pay much attention to me anyway because I didn't have any support for that. Nobody thought I had any support for that anyway. I wasn't really very happy with it because it was inflexible. I could see if the price of coal changed I'd have to come back in and change the bill. That didn't make any sense. That's when Kit Mueller from the Northern Plains Resource Council came up to me one day and said, "Why don't you try this idea? Why don't you make it a percentage of the sale price of the coal?" I said, "That's a great idea." I did and so I made the amendment to do that.

BB: That came in at what, 40 percent or 30 percent?

TT: At that time, I think I was at 15 or 20 percent in the '73 session.

BB: Oh, I see, okay.

TT: We had to get the '75 session to get the 30 percent. Then to our credit, Bob Corette came around and said, "All right, if you're going to do it this way, here's what you need to do. You need to say—"

[Telephone rings; brief interruption]

TT" "—you need to make it the FOB mine price."

So I said, "What's that all about?"

He said, "That's the way we sell the coal, FOB mine. So that's the exact price."

BB: What does that mean?

TT: Freight on board at the mine, in other words, of the price of the coal without any freight. Yes, freight on board is what it's supposed to be. So we wrote a notice that, I think it's still there today, it's a percentage of the FOB mine price. So I amended it with his language and that was the bill then that came in at the '74 session. We didn't get it passed, and I think I introduced it in '73.

We had a hearing and nothing much happened. While this moratorium was on the shelf in '74, we did have the hearing and I got it through, I believe at 20 percent. I don't remember and I'll

have to go back in my history and I've got it written down. I think it was at 20 percent. It went over to the Senate and Dave Manning and a whole bunch of others, Jean Turnage and a bunch of others killed it. It was deader than a doornail. That did not go through. They still took the moratorium off the shelf and said they had received sufficient progress that we could now safely let the moratorium go by.

BB: What I remember about that, I mentioned to you about the Plant Siting Act. That may have been the last of the bills to protect the environment from this perceived huge coal development that you mentioned, the Reclamation Act as well and maybe others. What I remember about that was that there was a freshman or sophomore legislator from Bozeman by the name of Wallace Forsgren, who I think might have been a retired school superintendent from that area.

He was a personal friend of Dorothy Bradley's. She knew him perhaps as a student in the school system there. She somehow or other persuaded him to vote for the Plant Siting Act. When the Plant Siting Act passed, then I think there was at least, in my recollection, there was general agreement on the part of Dorothy and her allies that there was enough of a safeguard to allow the moratorium to die. Do you remember that?

TT: That was the general feeling, although—

BB: It was the key vote. Forsgren hadn't been voting that way until that point and she prevailed on him. I remember he stood up on the floor and said, "I've been persuaded to support this legislation." These guys over on the Senate, I don't remember this history nearly as well as you do. These guys over on the Senate side had apparently passed the Reclamation bill and the Plant Siting bill.

TT: I think, Bob, you'll find that the Plant Siting Act didn't get through until my session. I think that was Harry Mitchell from Great Falls who worked on that. He got it through the Senate finally I think the next time. I might be mistaken on it. I don't remember for sure. It was one of those bills, notwithstanding the fact that we didn't get everything through. We did get the really strong reclamation bill through. The eminent domain bill got through. That was the time when we got the Clean Air Act, MFPA, I think went through about that time. So we were successful. Most of the legislators figured that sufficient progress having been shown, let's let it go.

They all recognized that one big item that didn't get taken care of was tax. Everybody recognized that we needed to do something with that. They set up an interim committee. That was an interim committee that only had one year because that was the annual session time and we only had one year. Walter Ulmer was chairman of the committee, Bill Mathers was on the committee, and I was on the committee. Ora Halvorson was on the committee. I don't remember some of the others. What we did in the interim then, was we had several hearings. We got copies of the contracts. We were comparing the language.

We made the determination early on, "Let's leave the ticklish question of what rate the tax should be aside. Let's go through the mechanics and make sure we get everything done so we know what the bill should look like." There was virtually no opposition on that. Everybody agreed, Republicans, Democrats, House, Senate, everyone agreed on how the bill should be structured. In the final meeting, the question came up as to what the amount should be.

BB: The percent.

TT: The percent. I was Vice Chairman. Walter Ulmer was the Chairman. I moved that it be put at 30 percent. I didn't get enough votes for 30 percent. I think Bill Mathers moved that it be 15 percent or 20. I don't remember which. He didn't get enough votes either.

BB: Deadlock.

TT: We were deadlocked. Walter Ulmer didn't file for re-election. So he was not in the legislature. As Vice Chairman, it fell to me then to introduce the bill. So I took the bill that everybody agreed to and put my number on it and introduced it. That's how we got the 30 percent bill.

BB: Why do I think it came in at 40 percent?

TT: Let me go back and explain that. I'm partly in error. I really put in the number 25 and that was the number I had moved in the committee and that was the number I introduced when it was introduced in the Senate after I had won the election in the Senate. The 30 came in because people were worried about the pyramid. Do you remember the pyramiding? The question was since the contracts all were based on virtually all the same, based on FOB mine price, plus any taxation or other government expenses that were incurred were added to the FOB mine price.

So they came in and said, "All right, if you've got four dollars a ton coal and you put 25 percent tax on that, that's an extra dollar. So now it's five dollars. We have to pay the extra. We have to pay 25 percent on that extra dollar. We get to add that to our price." The sale price of the coal then was five dollars. So that's going to add another 25 cents to the coal tax. In that 25 cents makes it 5.25 dollars. So we got another quarter, another six and a quarter percent on top of that. So that makes it 31. You keep on going. Pyramiding never ends. I remember Dennis Burr was with the Department of Revenue. He wasn't the director, but he was a key person there.

BB: The descendent of Aaron Burr.

TT: Anyway, he came in and said, "That's not a problem. We've got a formula. All you've got to do is work that formula out and it gives it right to the penny. There's no issues or problems there at all. Don't let contracts dictate state law. You shouldn't make law to fit contracts. You

should make the contracts to fit the law. So you make it this way and they'll eventually conform their contracts anyway. It's not a problem mathematically because we just use this formula."

It was a big cry because everybody could understand the pyramiding and it never stops, and they couldn't understand the formula. So we had a big blowout on that. That was in the committee. I think it was after several bills had gone through the Senate before we finally came into, I think in a conference committee. I finally turned around to the key lobbyist on that and said, "All right, if we determine the amount, and it's going to be the same whether you have pyramiding or not, do you want the pyramiding or don't you?"

They said, "No, we don't want it."

So I said, "Okay, my motion is to amend this to 30 percent instead of 25 percent without the pyramiding." That's the bill that went through.

BB: I see.

TT: I think I lost on that because pyramiding at 25 percent with pyramiding was 31 and a quarter percent. So it was a little higher. At any rate, it was good news.

BB: Where was Ora Halvorson in this? Didn't she have a bill?

TT: She did and there's a quite a history about that. There was quite a history of that. There's a whole bunch of pieces that I still have to put together. I'll have to go to Ora Halvorson at this point.

BB: A representative from Kalispell.

TT: Ora Halvorson was very interested in the coal tax as well. She introduced a bill, which I later found out was largely the result of her working with Bill Christiansen, who at this point was Lieutenant Governor. He felt that my 30 percent bill just had no chance of passing and that we better have a back up to make sure we had something available in case something happened so that we wouldn't be totally out if my bill failed.

That was Bill Christiansen's theory. He knew that 30 percent was just outrageous, that we'd never possibly get that through. Ora Halvorson introduced the bill at 20 percent. As often happens with the legislators, they get attached to their bills. When it became apparent that 30 percent was going to go through, she wouldn't give up. She wanted her bill with her name on it regardless of the percent.

BB: Apparently her bill had been heard in the House.

TT: Let's go back and forth on that a little bit. First bill out was my bill in the Senate. It went through because I greased it. Let's face it. I had it all figured out. I should tell you a little bit about the floor fight, too. That's kind of an interesting part there. Someone came around. I think it was Max Conover. Notwithstanding, what I said about him earlier, but Max Conover was a real strong supporter. I think he came around and he said, "I want to help you on this tax bill. What can I do?"

I said, "I'll tell you what you can do, you can introduce an amendment for 40 percent."

BB: I knew there was a 40 percent recommendation in there somewhere.

TT: Right and Senator Mathers was just furious because I moved the bill and gave my pitch and then he immediately got up. Max got up and made the motion to amend to 40 percent. Then Bill Mathers had to give his major presentation against Max's amendment and against my bill. Of course it worked perfect for me. That was just exactly what we wanted. So the big debate was over whether it should be 40 percent. I just kind of slid back and said, "Oh, that's great, that's a good argument." I didn't have to do anything. I just sat there. Max lost, but he got a lot of votes. He got quite a few votes on it. Then by that time, it was pretty ordained. Of course Bill Mathers got up again to speak against the bill itself. There was nothing left. It was virtually all over by that time. So we got it through the Senate at 30 percent.

At that point I think we were still at 25 with the pyramiding. I think it was still that. Ora Halvorson had 20 percent without pyramiding. So it was substantially less. It was quite a bit of difference. She got her bill out of the House and it came into the Senate. We had our hearing in the Senate on her bill. The House had their hearing on my bill. I need to go back and refresh my recollection. I do remember some of the people who were very key on that, Dan Kemmis was one. Duane Johnson was another—

BB: These are members of the House of Representatives.

TT: I think they moved also to move the 25 up to 35 percent or something. I think there were two different steps. One was, they tried it at 35 and that failed. They tried to vote it at 33 and a third percent or something like that. I think it was very close. I think it was within one vote or something like that. I think that was Dan Kemmis. I need to review my notes, but it was something like that. In any event, the bill went through. It went through 25 percent without the pyramiding. I mean with the pyramiding and so it was the higher number.

It came back to a conference committee and that's when this thing about the pyramiding came out. It went to 30 percent. So that's kind of the history on that. Then the conference committee worked on it. Remember the pies and the cakes? It wasn't just the coal tax bill, which was Senate Bill 13, but it was also Senate Bill 87, which I think was a renewable resource bill. There was a Bill 14 or 15, I can't remember for sure. At any rate, that was the allocation of the funds. The allocation of the funds, we had it all allocated so how the money would be divided and how

much would go to the general fund and how much would go to the impact fund and how much would go to education and all these other things. That was what we called the pie.

BB: I do remember that.

TT: We set up the pie. In fact on the final day when the conference committee was all done and Tippy, Roger Tippy was the staff to the committee. He had it all drafted and everything was all done and we were all completed. The only question was: whose name goes on top? That was the day they brought a pie and we all had a piece of pie. We'd talked about the pie and we started putting layers for each year. That's what made the cake. That's the cake. So the issue was: whose bill?

Ora Halvorson had just totally committed to that. Even though I had done all this work and it was all my baby, all the way through and I was working on the whole thing for many, many years. I was Vice Chairman of the Interim Committee and the whole bit. I said, "I'm not going to let this thing go because of that."

Harrison Fagg said, "Let's flip a coin."

I said, "All right." I wasn't very happy about that. I thought, "Oh well, why not?" I won the toss.

BB: Okay.

TT: Ora Halvorson was devastated. I don't think she's spoken to me again ever.

BB: So Senate Bill 13 passed. Now Tom, we've got just a few minutes left on this tape, we don't necessarily have to finish on this tape, but there are those who I think would argue that the coal development of course took place in a major way during this period of time in the 1970s. The coal was developed more rapidly in Wyoming than it was in Montana.

They would argue that some of the people who favored the coal moratorium, who had favored Dorothy Bradley's bill initially, simply didn't want to run the risk of having this huge coal development take place in Montana even with the Reclamation Act and even with the Plant Siting Act. So some of those who voted for a high coal tax were hopeful that the tax itself might prevent the coal from being developed on a large scale in Montana. If you look back, you see that the coal was developed more rapidly in Wyoming than it was in Montana.

TT: Not because of the tax.

BB: Give your thoughts on that.

TT: Okay and I've debated this and talked about this a number of times. In fact, I think I've got the best argument for that ever, that just happened to happen. The reason it was developed



more rapidly in Wyoming is because the federal law on mining coal, they got started in Wyoming before because there is a little bit...The coal seams are a little closer to the ground. They are a little thicker in Wyoming.

So it was a little bit of an advantage, although we still have pretty good coal, especially around Decker. It wasn't too bad in and around Colstrip either. They were a little bit more attractive. They got started there and they got in before the federal law changed on federal land. There was virtually a moratorium on coal mining on federal lands for a long time. Then it was very tight. They got in Wyoming before all that happened.

They were grandfathered in and they had this huge development on federal land of coal before Montana really got started. That's how they had that start. It had nothing to do with the tax. I maintain it had nothing to do with the tax. There was also an advantage on the rail shipment. It's a little bit shorter from the railroad that goes through—the Union Pacific. Was it Union Pacific?

BB: It had a direct line to—

TT: A little bit more direct line to the Midwest. We had a pretty direct line to Minneapolis from Colstrip, but by and large, it was a little cheaper to ship there. There was more competition down there, too. There's another railroad and I can't remember—

BB: I'm familiar with that. Wyoming was closer to the markets and they had thicker coal seams nearer the surface for the most part.

TT: Not a lot, but some.

BB: The cost maybe was, you didn't have to dig through as much dirt to get at more coal. To some extent that was beneficial then. Make sure, because I guess I'm not clear on how this federal business was important.

TT: That was far more important than any of those other things was the federal.

BB: Explain the federal thing again to make that clear, because I'm not sure why it wouldn't apply equally in both states. I guess that's what I don't understand.

TT: You see, they went in and leased—

BB: Whose they?

TT: The coal companies went in and leased most all of the federal land in Wyoming before the law changed, before the federal tightened up. Then there was a moratorium for several years. Then they opened it up. The federal allowed—

BB: Did they lease the coal in Wyoming because the tax was lower there?

TT: No initially they went in...Also a governor from Wyoming. It starts with an "H." What's his name?

BB: [Edward] Herschler I think it was.

TT: He really promoted coal development. He got all these people and he personally really went around to the coal companies and promoted it. He got them to come in. They came in and they leased up all the federal lands.

BB: So your theory is that for whatever reason they didn't come into Montana and leased the federal lands in Montana, then there might have been more coal development in Montana?

TT: Right.

BB: Perhaps because of Herschler's involvement or whatever reason, they just got more engaged in Wyoming.

TT: And because it was a little cheaper and the rail was a little better. A few of these little things all came together with principally Herschler. He got them going and got all this leased. Then the feds came in and said, "Hey this is going to have a huge impact." They locked it up for several years. There was no coal development. There were no new leases on federal land at all. Then after they did, it was on a very different tight schedule. They had to go do the environmental review.

BB: That really inhibited the development in coal in Montana Wasn't there a significant difference in the tax rate? Wyoming didn't tax it as high either, did they?

TT: Wyoming had about half the tax that Montana did.

BB: That's got to have some affect naturally.

TT: It probably had some, but not that much. Here's why I'll tell you that it didn't. You may recall, and this is jumping ahead again, you may recall that when Governor Schwinden proposed the "window of opportunity" and he was going to try and encourage more development by saying any new development would only be—

BB: That lower rate of tax.

TT: —twenty percent instead of 30 percent. A whole bunch of us came and just jumped on him and said, "That's opening the door. You're not going to be able to hold it. The flood gates will

be open. That's it. You'll lose the whole thing." He did. That was the time when I got un-elected. I was defeated.

BB: That bill did pass. The "window of opportunity" bill did pass.

TT: "Window of opportunity" bill finally did pass. It wasn't used a lot. There was some. The next session of the legislature after I was defeated, they brought in the bill to put all the tax down to 20 percent, or to 15 percent, to just halve it. After that bill did pass, when I was no longer in the legislature, and the coal tax was reduced to 15 percent, then Montana Power Company made an announcement not too long after that happened.

They said that they were going to build the largest coal mine in the world in Wyoming. I publicly wrote a letter to J.E. Corette or somebody and I said, "After you got everything you wanted in the legislature, so the taxes are approximately the same, now you're going to build this huge mine in Wyoming. Why aren't you building it in Montana after you got the tax reduced?"

The answer I got back from the company they set up to do this, which fell through, by the way, but it's a different story. The president of that company, which was a Montana Power Company subsidiary, came back in the media. I have an article in which he said it. "Coal taxes don't have anything to do with where we locate our mines."

BB: Was he alleging then that the problem was the reclamation law and the Plant Siting Act, those kinds of things?

TT: No Wyoming was better suited for transportation and for costs. The taxes don't have a thing to do with it.

BB: We're just about at the end of our tape here, Tom.

TT: Okay well there's a major thing, so we need to start that on the next tape.

[TAPE B]

BB: Say 'Mary had a little lamb' or something.

TT: Okay testing one, two, three. I'm going to test to see what the voice sounds like. Testing, one, two, three. I'll give you a test of my voice to see if it comes across all right.

BB: Okay this is tape number two with Senator Tom Towe and we're talking about the coal tax in the 1975 legislative session.

TT: Okay let me tell you a little bit about the lobby. We talked earlier about the Montana Power Company and we talked about the Anaconda Company and the stranglehold that they had on

the legislature and on the governor's office, and on the judiciary. By the way, let me side track once and tell you one story about the judiciary, which I think is kind of fun. This was that early time about between '71 and '76 or '77. I can't remember for sure when. I was with Larry Stimatz at that time, not when the legislature was in session. I don't remember why we both happened to be in Helena. We were probably for a Supreme Court Case and we just happened to be there at the same time or something. At any rate, it was after hours. It was in the evening. I was in the library researching—

BB: Larry Stimatz was a senator from Butte. He was a Democrat senator from Butte.

TT: And he was county attorney for years and years. So we were visiting with one of the law clerks. It's a little different now because it's pretty common for students to go work for one of the Supreme Court justices. It wasn't quite as common at that time. They were starting out. We were asking the law clerks just as a matter of getting acquainted I guess, how much influence do you really have on what goes on?

How much leeway do you get to do your research and what do you do for the justices or the judges that you work for? This one person said, "You know, we really have a lot of leeway. They assign us a case and I don't even...Sometimes they don't even tell us which way we're supposed to go. They don't tell us which way they want us to come out. They just tell us to go do the research and come up with a draft. They'll take a look at it. Except for when the Montana Power Company is involved, then we never see those. Somebody else brings them in from the outside. We never see those cases."

BB: Isn't that interesting. They don't give those to their law clerks.

TT: Right.

BB: I'll be darned.

TT: We can speculate about the judges who write those. I won't at this point. It's hard for people looking at today's world to realize how much influence the Montana Power Company and the Anaconda Company had on the politics of the state. That's why lobbying on the coal tax was extremely important. As I said before, it was pretty clear that everybody who was opposed to it, all the power companies had pretty much deferred to the Montana Power Company. This was before the Coal Council got started. They were starting, but they had no lobbying activity.

BB: What you're saying is that the Montana Dakota Utilities Company, Pacific Power and Light Company, and probably to some extent the Rural Electric Cooperatives, but for sure the investor-owned utility companies pretty much deferred to the Montana Power Company in terms of the lobbying and political activities?

TT: For the coal tax. MDU, I think it was Jerry Anderson. I'm not sure.

BB: Perry Weidler was a lobbyist for Montana Dakota Utilities for a while. Lester Loble was for a while.

TT: It might have been Lester Loble. I think it was Lester Loble, not senior but junior. Not the third, but the middle one. Lester Loble Junior, I think it was.

BB: They both served in the legislature as Democrats.

TT: Right. I think Lester Loble Jr. was a lobbyist. I think he was. He was not a major player. Pat Hooks was involved

BB: He's also a former Democrat legislator from Townsend.

TT: Correct. He was representing the company up in northwestern Montana, Pacific Power and Light. There were a few others. The Coal Council, if it was organized, it wasn't organized well enough to fund a lobbyist that had any credibility at all at that point. So they were not a factor. It was obviously left to Montana Power Company. Well who in the Montana Power Company lobby would take the lead role? Obviously, John Lahr. Okay so let's talk about John Lahr. I'm going to be interested to hear what you heard from John Lahr because he's a great old guy. I'm sure he had an awful lot of interesting stories. He's thoroughly Democratic. He was Democrat all the way through.

BB: John's father-in-law was General Leroy Anderson, who was a member of the legislature as a Democrat and also a U.S Congressman as a Democrat.

TT: That's right.

BB: I think John even attended as a delegate and was a voting delegate, I'm not sure about that, but he attended Democratic national conventions more than once.

TT: I was with him at the national conventions, with John Lahr.

BB: He was also an important lobbyist for the Montana Power Company.

TT: He was the chief active lobbyist on the ground. Bob Corette made some of the decisions, but John Lahr is the one that implemented them. He was the key person as far as Democrats were concerned; they probably had somebody else that they used [for Republicans].

BB: Everett Shuey.

TT: Everett Shuey, that's right. He's on the Republican side. The activity was primarily in the '75 session since the Democrats were in control in both houses. Primarily the activity was on the Democratic side. Now we have to talk about Bob Harper.

BB: Bob Harper was a Democratic representative from Butte.

TT: That's right, Bob Harper. I mentioned this a little bit before, that unless it was a labor issue, by and large, Democrats from Butte took the power company's side. You could count on that.

BB: It was because the headquarters were in Butte. I don't know why, but they protected the power company.

TT: It was more than that. They worked the system. If you really wanted to advance, you generally were connected with the power companies in some way or another. Bob Harper tells the story, and this is his testimony, sworn testimony. That first session, he came up to Helena and also in '71, and he was kind of fumbling around like everybody else was, like all of the freshman like us were that year. Then he ended up supporting the power company on a few things and a few things he didn't. They lobbied him quite a bit and agreed to help him. He was very concerned on consumer protection.

BB: That issue of his was consumer protection.

TT: Right, and they helped him draft a bill, which is one of the all time great bills that ever passed the legislature. Montana Power Company wrote it. Bob Harper introduced it and we made a few amendments to it, but nevertheless, it was a fairly significant consumer protection bill. They helped him with that. It was pretty obvious that he was successful because the power company helped him along. They were cultivating his support just like they did everybody else from Butte. He claims that the day the session ended, everybody was saying goodbye. I don't think it was John Lahr. Why do I not think it was John Lahr? It was somebody else. At any rate, not Lahr, but somebody from the power company lobbying staff was shaking hands with him and saying goodbye, et cetera. He pulled back and there was a 100-dollar bill in his hand.

BB: A 100-dollar bill in the handshake?

TT: Yes, in the handshake. He said, "What is this? Are they trying to buy my vote?" He just was repulsed by it. From that point forward, he was not a Montana Power Company person. He was very much opposed and started in the next session, in the '73 session, to come out and speak out against Montana Power Company. For somebody from Butte to do that, was really bad.

The power company didn't like it when they couldn't control their people from Butte. Dan Harrington was a little bit more that way too, maybe not quite as much as Bob and Dan, who have survived all these years. He's had an interesting relationship quite different from Joe

Quilici and from all the other people that were from Butte. In any event, Jack Healy and the Lynchs and all down the line—

BB: They were regarded as closer to the Montana Power Company than Harper and Harrington.

TT: They could generally count on those folks voting for the Montana Power Company on any issue except labor. They could not count on labor because they had this understanding when it comes to a labor issue, the Butte legislators are not with the power company. They had that understanding. That was it. At any rate, he started to become quite independent.

When the '73 session ended and the annual '74 session ended, they were very much opposed to Bob Harper. They didn't like it because they couldn't control him at all anymore. The reapportionment just happened to come in the 1975 session, you may recall. That was the first election after the '70 census that we had reapportionment. We had single member districts. That's a whole other issue that you and I both went through. The reapportionment resulted in putting two Butte legislators against each other. One was Jerry Lombardi and one was Bob Harper.

BB: They were put in the same district.

TT: Both incumbents, both running against each other in the primaries of course. Bob Harper had sat right beside me in the legislature in the '73 and '74 session. We did a lot of things together and I helped him on his consumer stuff. He helped me and was generally right there. This time he was totally independent from the power company. They knew it. He was a pretty loyal supporter of mine on a lot of different issues. One issue he was not, however, and he knew this and he knew better. He knew that he separated himself because he comes from largely a Catholic community in Butte, was the contraceptive bill that I introduced to make contraceptives more available. In those days you couldn't get a contraceptive unless you went to a drug store. That was a huge fight on the floor. You may recall that. It was a huge battle. In any event, in the election between Jerry Lombardi and Bob Harper—

BB: In heavily Catholic Butte.

TT: —in heavily Catholic Butte. J.D Lynch, John Lahr, and a whole bunch of others. Joe Quilici, Jack Healy—

BB: He was a Democratic legislator.

TT: They were all Democratic legislators.

TT: All Democratic legislators got together one evening to work out an ad to help support Jerry Lombardi against Bob Harper. I don't really think John Lahr, if he was there, he wasn't an active participant. He was not probably a key person. J.D Lynch was there and Jack Healy I'm sure was

there, Joe Quilici was there and a whole bunch of others. They also saddled Bob Harper with me. So they wrote out this ad and one of the things they put in it was that Bob Harper supported the contraceptive bill in the legislature.

They had two or three other things that were right. On that one, they were dead wrong, dead wrong, totally wrong. They did it because they associated everything about him with me. This ad came out on Sunday, a big ad in the paper. On Monday morning, the day before the election, John Lahr gets on the phone to a talk program—

BB: A radio talk program.

TT: A radio talk program and he read the ad with the error in it that he was supporting the contraceptive bill.

BB: Did he identify himself?

TT: He did not identify himself, but it was pretty clear that it was his voice and everybody recognized his voice right away. That became an issue later on. Bob Harper lost by two votes. Jerry Lombardi won the election. Bob Harper came to me and said, "This is wrong. They lied about me in the newspaper." Jerry Lombardi, of course, was at that meeting and drafting up this ad and so I looked in the statutes and at that point, there was a pretty good statute stating that anyone who misrepresents their opposing candidate's voting record is subject to being challenged.

So I filed a lawsuit on behalf of Bob Harper and claimed that Jerry Lombardi, who approved the ad, should have known better and because of him, whether intentionally done or not, he didn't check into it and the result was that he lost the election. We dug up four or five people who said they read that ad and if they hadn't have been influenced incorrectly, they would have voted for Bob Harper. So we had a hearing before, what was the judge's name from Twin Bridges? I can't remember him now. We won. We had a full trial. We won. They threw Jerry Lombardi out, which created a vacancy.

This was still now before the general elections. This was in the primary that this happened. It created a vacancy in the ticket. Of course the Democratic Central Committee immediately nominated Bob Harper to fill the vacancy. Bob Harper was elected overwhelmingly in highly Democratic Butte. There wasn't even any opposition. So he got back into the legislature. It didn't stop there.

We all had in mind filing a lawsuit against the Montana Power Company because their chief lobbyist, John Lahr had read this ad, which was incorrect over the radio the day before the election. The Montana Power Company's fingers were all over it. So we sued the Montana Power Company for slander of Bob Harper, who was the plaintiff. We sued them for slander. We had a pretty good case. When the case came to trial, and I'm jumping ahead as our story is



concerned, but to give you the context of it, when the case came to trial, we brought in Jim Murry to talk about the impact of the Montana Power Company.

BB: Jim Murry was the executive director of AFL-CIO at that time.

TT: AFL-CIO at that time. We brought K. Ross Toole in as the historian to talk about that background. That's when I learned about his familiarity with the role of the Anaconda Company and the Montana Power Company in Montana politics. That's when I heard all of the stories that he told me about. I had him testify. Larry Stimatz and I brought the lawsuit. I learned a lesson. You never try a case against the Montana Power Company in those days before a jury in Butte. It doesn't matter how good your case is, you're going to lose. They just, Montana Power Company didn't only have the legislators in their hand, but the influence of the power company was enormous among the people as well.

We had the evidence; I thought it was solid. I thought there was no question about it. We did lose in a real tight jury verdict. I'm ahead of myself. The importance for this purpose is John Lahr. We sued Montana Power Company and John Lahr as defendants. Before the suit was filed, they knew it was coming. They knew exactly it was coming. John Lahr was just devastated. In fact, in all my legal career, I never had anybody actually on the other side of a case actually come in and beg me not to file a suit. John Lahr did. This was before the session began.

He begged me, "Please don't file that suit. Please don't do that to me." He was just absolutely devastated. We filed the suit the day before the session began. It just totally took him out of the picture. He was totally ineffective. He couldn't concentrate. He didn't do anything. He was totally ineffective as a lobbyist. I have said, and I will continue to say probably that if that hadn't have happened, I probably wouldn't have gotten a 30 percent coal tax passed in the state of Montana.

Everybody deferred to him as the key lobbyist and he was totally devastated and ineffective. We didn't go to trial of course until that summer after we got positions and trial preparation and the whole bit. The news hit and the impact hit just at the time the session began. Because he was just totally ineffective, it fell to Pat Hooks, and to a lesser extent Lester Loble. He didn't get involved. I don't know why for sure. He's certainly very capable, but they were not. The power company just didn't have the lobbying.

BB: They didn't have their main man engaged. I guess I feel like I should ask you about this because you prevailed, and you succeeded in getting Bob Harper back into the legislature instead of Jerry Lombardi, hadn't you accomplished your purpose? Why did you then pursue the lawsuit against Lahr? Was it because of what you just told me? Was it deliberately to neutralize him with the thought in mind of getting the coal tax passed?

TT: That may have been a part, but it wasn't a significant part. I think a bigger part was we wanted to expose the Montana Power Company. We wanted the people to know once and for

all the impact that the Montana Power Company had on politics. This was a good way to do that, plus it was wrong. Bob had been hurt by it. There's no question about it. We felt that was the right thing to do. I still think it was the right thing to do. We didn't win, but for a number of reasons and a number of things we could have done differently. I think we had the evidence. Yes, John Lahr denied that it was his voice. It was just clear as a bell that it was his voice.

BB: Was there a recording of it?

TT: Oh yes. I'm sure we played the recording. I don't remember just how that came about, but the judge...It was a constant battle with the judge. I had the best evidence of all that it was John Lahr because when he said, "There are some of us down here that think those people up there are..." and he went on. It was obvious that he was in his office talking about the people up on the hill. It was just clear as a bell. The judge wouldn't let me make that argument. It was bizarre. At any rate, as it relates to the coal tax, I think that was a big significant factor. That's not the only factor. All these other factors also added in to it. That was certainly something. Let me tell you a little bit about the lignite amendment.

BB: Good.

TT: The lignite amendment, as you know, when the coal tax went through, there was an amendment sponsored by Cornie Thiessen of Sidney to reduce lignite coal. That's under 6700 BTUs per pound to 20 percent instead of 30 percent. It was a ten percent reduction. I did a very foolish thing. I was asked by, I believe it was the accountants—the State Accounting Association or CPAs or something—if I would come and give a speech at their banquet in Big Sky Friday night.

It just so happened I agreed to do that. I hadn't checked the calendar and it didn't look like anything was going to happen. Lo and behold, Ora Halvorson's bill hit the floor Saturday morning. I figured, "Well, not much ever happens on Saturday anyway. So I'm going to stay down and ski." I had Ruth and the kids up from Billings and we went skiing Saturday. I missed the session because we went skiing instead. I'll be darned if the Ora Halvorson bill didn't go through and Cornie Thiessen made his amendment and I wasn't there to oppose it.

BB: By then it had been transferred to the Senate.

TT: The Halverson bill had been transmitted to the Senate and it was going through the Senate. Of course, I had protected that Senate—

[Telephone rings; brief interruption]

TT: —so that there wasn't any problem with it and I didn't think that anything could seriously happen while I was gone anyway. I didn't really expect it to get on the floor.

I was really surprised. I remember Bill Mathers that next Monday morning, Bill Mathers came in and said, "You know, I suppose if you'd been here, we wouldn't have got that, would we?" I could never get rid of it. I couldn't get it out of the House. I couldn't out of the Senate conference committee. I could never get rid of it. It went through when I was gone. Almost everybody recognized that would never have happened if I had been there.

BB: It was the logic that the lignite was—

TT: Cheaper coal.

BB: Cheaper coal.

TT: Cheaper coal and there was more of it and Cornie Thiessen thought we ought to promote more lignite coal. That was his area. That's his (unintelligible). That's the only lignite coal in the state that was being mined by the MDUs power plant up there. So he was protecting their interest as well. He just thought that we should have a little tax break for lignite coal. There's some logic to that, but in the final analysis, if you start making compromises early, you're going to lose everywhere. So you just can't do that. They did, that's how the lignite amendment came in. I learned my lesson: don't ever leave a legislative session even if you don't think anything is going to happen.

BB: If that amendment got stuck in Halverson's bill and your bill that was ultimately passed, that had been included in your bill—

TT: Don't forget that when they both passed both houses, they were both put into a conference committee. The conference committee just disregarded bills and started to form their own bill of what everybody wanted. It was a totally free conference committee. The conference committee put the whole bill together. Then they decided who the sponsor was.

BB: That provision on lignite made it in.

TT: I couldn't get it out. I tried to take it out in the conference committee and I wasn't able to.

BB: Cornie and a couple of other Democrats pretty solidly were behind your bill, though, because that stayed in too, though.

TT: That might have been. I don't know. I'm not sure that follows. I should probably say then that after the bill got through the legislature and was passed into law, 30 percent tax, then the next thing that happened was it was challenged in the courts. The coal companies said that they were going to challenge it and take it all the way to the United States Supreme Court on the theory that it was outrageously high and an interference with interstate commerce, and that we shouldn't be able to pass...nobody should pass a 30 percent tax on anything.

Of course, we were clean because we taxed all coal at 30 percent, not just the coal that went out of state, but all coal was taxed at the same. They nevertheless said, "That's an interference with interstate commerce." They were going to challenge it, and they did. Mike Greely by that time was elected, was Attorney General. Mike Greely defended it. They filed it in Helena district court and lost. They appealed it immediately to the United States Supreme Court. The United States Supreme Court granted certiorari and held a big hearing. They went through the whole thing. Mike argued it orally. The Supreme Court came out with a fairly important decision that in effect says that the power to tax involves the right to support an organized society.

You have to have the power to tax in order to preserve and organize society, and that we're not going to interfere, at least at this point when taxation...This was not oppressive so much so that it was an interference with interstate commerce in and of itself. It was a very famous decision. I didn't play a role very much in that. It was the Crow coal case that I did play a little role. I was named as a witness by the state in the defense of the coal tax against the Crow. Judge Battin didn't want to hear me even though they took my deposition.

BB: Federal District Judge [James] Battin. What do I remember? I think I remember that William P. Rogers, who had been the attorney general in the Eisenhower administration and Secretary of State in the Nixon administration came to Montana and argued before the Montana Supreme Court, maybe on the same case. Then ultimately it was appealed up to the Supreme Court.

TT: That's right. I think it was after he was no longer Secretary of State.

BB: He apparently was representing the coal company as a lawyer.

TT: I thought he was a high-powered attorney to argue the case. I think that's right. I didn't remember that, but that's right. Then the next thing that happened, is they started introducing legislation in Congress to limit...No state can tax more than 15 percent or 20 percent. There was a flood of bills introduced in Congress. We became very concerned about it. I ended up going to Congress...going to Washington three or four times—

BB: Lee Metcalf was there at that time.

TT: He might have been.

BB: Lobbying at that time in defense of the tax in Montana was going to be (unintelligible).

TT: It wasn't an organized lobbying effort. I did. I went back and I had—

BB: It would be in conjunction, I think, with Leon Billings.

TT: Leon Billings later on, but that's a second part of that.

BB: (unintelligible).

TT: He might have in that connection, but at any rate, initially we didn't have a lobbyist. I went back and I got (?) policy committee...They got me interviews with the congressmen and senators, mostly congressmen. All of them were over the hill. I spent three days, I think, doing nothing but just running back and forth from one congressional office to another and talking to a whole bunch of people. I was supposed to appear on the...What is it? "The Lehrer Report"? What was it?

BB: MacNeil Leher?

TT: MacNeil Lehrer—

BB: On public television.

TT: I was going to be on that, but they cancelled at the last minute because some other of the news story squeezed us out.

BB: You got preempted by an earthquake.

TT: Something, and later on, they rescheduled it. By that time, they got Senator [Malcolm] Wallop to take my position instead. It was fine.

BB: He's a U.S senator from Wyoming.

TT: Then I do remember once, Dorothy Bradley came. She went around with me on several visits one afternoon. I remember it rained. It just poured down rain. We were running from one office building from the next through the rain. We were not only talking to congressmen, we were also talking to lobbyists. We were very concerned about the lobbyists, wanting to get them on our side too.

That's a pretty important part. We were successful at that point. The bill didn't go anywhere. At that point, we persuaded the legislature to appropriate some funds with, I think, Schwinden's support, who was Governor at the time, to hire a lobbyist. Then I got involved a little bit in the selection of a lobbyist to represent Montana primarily on the issue of the coal tax. We eventually hired Leon Billings.

BB: Who has Montana roots, I think he's deceased now [Leon Billings is still alive], but Gretchen and Harry Billings, who are Montanans, had a newspaper—

TT: *The People's Voice*.

BB: Yes; it was a pretty far leftwing newspaper.

TT: Be careful. It's the only true one written in the state.

BB: I knew them both.

TT: They were great. They were liberal through and through. There is no question about it; progressive liberal tradition was well-maintained by Harry and Gretchen Billings. Their son Leon was a lobbyist in Washington, D.C., and did a lot of work. He had worked with Senator [Edmund] Muskie. He knew the ropes early because he worked in Muskie's office and on Muskie's campaign. Muskie was a very high one in the Democratic senatorial offices at that time. At any rate, he did take it on and yes, he lobbied.

We paid him quite a bit of money over the several years. We were able to defeat it every time it came up. In the meantime, I got calls from people all over the country who were interested, National Conference of State Legislators, for instance, they had a big session in, I believe it was in New York City. They wanted me to debate the then- attorney general of Texas, which I did. He later went on and became the governor of Texas. What was his name now? I can't remember.

He was a pretty well known governor of Texas. The governor of Alaska asked me to come to Alaska to come take part in the seminar. I was invited to Kentucky to talk to the legislators. I was invited to Pennsylvania to talk to the legislators in Pennsylvania and was invited to Kentucky to talk to legislators in Kentucky about coal taxes. So I did a lot of traveling defending the coal tax. Let's see, then we had the Coal Tax Oversight Committee. It had a number of meetings and I quickly got Dave Manning on that. Dave Manning became one of the most vocal proponents of the coal tax that we ever had. It was great. He was very, very supportive right down the line, which is totally different than in 1974 when he wouldn't support much less of a tax that I was trying to get through then. So that's pretty much what I recall.

BB: I remember Dave's concern always was that he didn't want the legislature in anyway interfering with, I think it was, the front-end impact or something like that because his district included a lot of the area where the coal was being developed. I think his feeling was, as you mentioned, if they had money coming in for roads and infrastructure and that sort of thing, that probably broadened his tax base and created jobs. Then he was all for it. I think he could see the benefit directly to him. He was very protective of it.

TT: The Coal Board was very significant part of the whole package. The Coal Board was established to make grants to impacted areas to make sure that the boom and bust cycle that always happened in Montana was taken care of. I've given this speech many times and I guess I should explain what it is. I've given the speech many times to show why Montana passed a coal tax. I point out that Montana is the "Treasure State" and at the turn of the century, we had vast

treasures in this state with the hard rock minerals, gold, silver, and copper. By the time we came along, most of those were gone.

What do we have to show for this fabulous wealth that came in? I've often referred to Montana as a colonial...a colony. We're the recipient of the colonial power of the eastern states because they have the right to pillage and plunder, to use the phrase that K. Ross Toole used. These companies come in and they get in this great big huge development and we have to take care of the schools, the social problems, and all the government activities that comes in. Then pretty soon the ore is gone and we have to take care of all of the winding down of the same mine. So we have the boom-to-bust the economy; it is a problem. The people of Montana were very much aware of that. So when the new treasure came, they had a different attitude. I think this was true.

The people themselves really had a different attitude. I kept saying, "Look at this fabulous wealth, the Copper Kings. What did they leave to the state of Montana?" I looked and looked and I can only find about three or four things. The Copper King's W.A. Clark endowed the Los Angeles symphony orchestra, built the law library at Charlottesville, Virginia, at the University of Virginia. They built the library at Stanford University and Corcoran Art Gallery in Washington, D.C. What did they leave to the state of Montana? The only thing I could find was W.A. Clark gave 25,000 dollars to build a theater inside the walls of the state prison. Now since that time, I learned he gave 20,000 dollars to the University system. That's about all there is.

BB: I had an interesting opportunity to visit his great-grandson. In fact he was here in Montana a few months ago. He spoke at the University of Montana. He basically—

TT: William Clark's?

BB: William Clark's great-grandson, who has the rank of ambassador in the French government. He's a citizen of France. In fact, you may know Clark had a family in—

TT: Oh, Belgium wasn't it? Or French? It was something.

BB: Anyway, he was in the French diplomatic corps and holds the rank of ambassador. He's recently retired. He said the following, he said, "You know if you went to the home state of Andrew Carnegie or if you went to the home state of John D. Rockefeller, you'd find some things perhaps that he did." He said, "They left behind things that benefited the country generally." The Copper Kings in Montana...His great-grandfather is the one that's usually pointed to as the worst example. He said, "That's because he was the most successful. If he hadn't been successful, we probably wouldn't have fingered him as such a bad example. Point to anything Marcus Daly ever left to anybody in or outside of Montana, or F. Augustus Heinze."

He said that his great-grandfather did leave some important things behind for people to enjoy all over the country. He did make some important contributions. Then he went on to say that

you shouldn't also judge people by the standards of today. He was a roughneck corporate pirate. He competed in a tough world. If you looked at the business record of John D. Rockefeller or whoever back in that period, they were all robber barons to a certain extent and so was he. Perhaps if he'd had his right to live over again, maybe he would have left something important to Montana. He said this too, but he said, "But he did leave important things behind. It wasn't as though he just hoarded all of the money for himself. He endowed the Los Angeles Philharmonic Orchestra and the Corcoran Art Gallery—"

TT: Stanford Library.

BB: "—Humankind has benefited." That was just in defense of his great-grandfather.

TT: That's a point well taken, but I use that and used that effectively to say that the people of Montana were determined that they weren't going to let that happen again.

BB: You used that argument, I imagine, to defend the idea of the coal tax trust?

TT: Yes. The coal tax trust in particular, I guess I didn't tell you much about the trust.

BB: That's a constitutional trust. That was approved by the vote of the people.

TT: When the legislature passed the Senate Bill 13, my 30 percent coal tax, the day that went through the Senate, Chet Blaylock and Miles Romney both got up and spoke about the fact that we need to make sure a portion of this is set aside for the future. I had made a big point about it. That's another part of my speech that I've always made in the many times I've defended the coal tax, that the people were determined not to let that happen again.

We were going to set aside some money for the future so that future generations can say, "All right, you allowed the coal to be mined. We want to have something to show for it this time." With that in mind, Miles Romney and Chet Blaylock set up a trust. Immediately after the vote was taken, we started writing out the coal trust language to put to a ballot and it went to the ballot issue in 1976. It was approved by an overwhelming majority of the people. I think it was 75 percent of the people supported it.

BB: It was based on the logic that you just mentioned that we don't have much here in Montana to show for the development of the copper.

TT: (phone rings and interruption). So anyway, I used that very effectively by pointing out that the people wanted to set aside something for future generations. Then of course, as you know, every single Republican governor since that was enacted has tried to figure out how to raid the trust fund. I've had to defend that every time as well. We had Governor [Stan] Stephens, who had the Big Sky Dividend. I took out after that and was able finally with a helpful lot of people to defeat that. [Jack] Ramirez started it as a candidate, he wanted to have infrastructure



benefits instead of trust fund benefits. So we came up with the idea of the fund that we finally did set up for infrastructure.

BB: The treasure state—

TT: Treasure State Endowment.

BB: Clarify Ramirez, Jack Ramirez who was a prominent Republican legislator in the 1980s from Billings and also a candidate for governor in 1980.

TT: He was the Majority Leader and Minority Leader, both in the legislature.

BB: In the House.

TT: In this time in the House. And then he ran for governor. [Judy] Martz wanted to...well every one of them, Stephens and [Marc] Racicot had...What was his big program? I can't remember them now. He had a big program for Montana that involved the trust fund and Martz carried off on the same thing. She was going to do the same thing. We've fought every time. So far, I've been successful in holding tight on the trust. It's become a big political issue now.

BB: That's because it's in the constitution and it requires a two-thirds majority.

TT: When we designed that, we did it intentionally. We had just come through the debates of the new constitution on what constitutes a two thirds and three fourths majority of the whole house or each house individually. So we knew exactly how to draft it and we put it three fourths of each house. We made that crystal clear that it had to be three fourths before they could do it. There have been a number of times when it has been used. We did it for water projects.

We've done it for bonding. We've done it for MHD. That never went anywhere. There were a whole bunch of different things when there was generally unanimous support for it. It went through without a problem. When it's only being used because that's a good source of money, it doesn't work. We've opposed that every time. Let me see. There was one other thing I was going to mention, too. Well I don't know. I guess I talked on quite a bit.

BB: This has been excellent on the coal. There are a couple of other things that we might want to talk about. I interviewed Tom Rolfe, who had served in the legislature.

TT: Yes, I remember.

BB: He was very active in the Ronald Reagan movement and attended the Republican National Convention in 1976. He's got a great story to tell that involved an interesting meeting between himself and another small group of people. Ronald Reagan had said; it's a great story. They've got that also on the tape for the historical archives. I know you were important in the George

McGovern movement in Montana. I don't know if that's something that you want to talk about, but it's an opportunity now to talk a bit about that.

TT: Okay; let me postpone it just a minute because there's one more thing I ought to talk about on the coal. I almost forgot. That's the educational trust fund, you are well aware of that and the history of that. There's a very interesting legislative bit on that that I think you also probably know. One of the reasons we have a constitutional coal trust is that it's awfully tempting to use that money. We set up an educational trust fund, but not constitutionally protected, a part of the original pie.

A fairly big part, 20 percent, as I recall went into the education trust fund. For the first time, higher education had a trust fund in the state of Montana. That trust fund built up to over 100 million dollars. It was a fairly significant fund. Again, just like the trust fund, the constitutional trust fund, everybody was after the educational trust fund. At one point, this was my recollection, was that this was in the 1985 session. It might have been 1987 or '83. I think it was '85.

BB: Governor Schwinden didn't want to raise taxes. This is where you're going with this?

TT: Probably, but at any rate, there was a tremendous push to build a new library in Butte. Do you remember that?

BB: Yes, I can remember that the Butte boys finally got their nose in the coal bucket.

TT: The interesting aspect of that story, this legislative story, was that in the Senate, you were there, it was on that 90th day of the session, the last day of the session, late at night, we were going—

BB: That was part of a big deal involving the liquor store and the cable TV and a bunch of that stuff that—

TT: At any rate, the vote came up and it was on third reading, so it was the final vote. The Butte people had gotten the money. They took, I don't know if it was all, but it was near all of the educational trust fund that wasn't protected by the constitution. So it only took them a majority vote. It was about nine o'clock at night after supper, late at night on the 90th day. The third reading vote came up and it won by one vote. One vote and it passed. Pat Regan again shouted out to me, she said, "Healy's not in his chair!" Sure enough, he wasn't.

So I jumped up and said, "Mr. President, I think we need to take that vote over again. It's been called to my attention that somebody hasn't voted, whose light was on that wasn't here to vote."

BB: Oh, Healey's light was on, but he was absent from the chamber so he couldn't vote?

TT: That's right. I had in mind that it was Gordon McOmber, but it couldn't have been. Who would? Oh, it was, help me with the name now. Who was the president of the senate for—

BB: What session?

TT: Probably '85?

BB: 1985, Bill Norman.

TT: No, it wasn't him. It must have been earlier.

BB: Either Turnage or Stan Stephens.

TT: No.

BB: Mathers was in '79.

TT: Now who was the other Democrat?

BB: McOmber was in '75 and '77. Mathers was in '79. Turnage was in '81. Stephens was in '83. Bill Norman was in '85. Bill was again in '87. Then Jack Galt was in '89.

TT: Really? All right, maybe it was Norman or Stephens. I had in mind it was a Democrat and not Norman. I don't know why. At any rate, whoever was in the chair as president said, "Yes I think we better do that over again." It might have been Bill Norman, yes. "I think we better do that over again." We took another vote and it lost by one vote because Healey didn't vote.

BB: Okay, wow, old reliable.

TT: So we knew somebody was protecting the educational trust fund.

BB: (unintelligible) one time that we zeroed out all of those trusts.

TT: Oh, yes.

BB: Schwinden was a fiscal conservative and he didn't want to raise taxes, but there were certain needs that had to be met. So he zeroed out the victims of crimes trust, the library trust. Some things that just break your heart, to zero out. We had to do that to keep general government running. I think the education trust fell victim to that also.

TT: Eventually. That one was at the next one.

BB: There was a big appeal at about that period of time, not to interfere with your story here. That involved some kind of a public television facility at Bozeman, at Montana State University. There was something to do with the liquor monopoly involved in it somewhere or another. I think a building on the campus of Montana Tech in Butte, and the Butte delegation was legendary for their ability to put together coalitions. They had managed to get something done, I think, in the 11<sup>th</sup> hour of the session.

TT: That's the one that I'm talking about.

BB: I thought it failed.

TT: It was a library bill. Well the first time it didn't pass. But then in '87, I think, it did succeed. That was the session I was out. They took the whole thing. I think Schwinden even approved it, taking the whole thing. It was gone. There was nothing there. That just wiped out the whole 100 million dollars.

BB: Yes, I remember that.

TT: They didn't take it the first time. That was the time that Butte was trying to (unintelligible).

BB: (unintelligible) deal with such a (unintelligible).

TT: I think they had the governor's office behind them. That made a difference too. At any rate, that was the story. It was kind of an interesting story that we were able to save it only because—

BB: Because Jack wasn't in his chair.

TT: Jack Healy wasn't in his chair. His button got pushed and it made the difference. They were about ready to record the vote. I jumped up and said, "Let's vote over again." The president agreed with me, we need to do that over again. The vote came out just exactly the opposite. So that was an interesting story.

BB: Jack usually spent the end of the day down at Jorgenson's Bar and he liked Pabst Blue Ribbon in the tall bottles. So that's probably where he was. He probably was there at eight o'clock or so and decided, "To heck with it," and headed downtown assuming maybe nothing important would happen.

TT: Leaving it up to his buddies to take care of it. You asked about McGovern, I should talk about that a little bit. I actually got into the campaign. Let me get it straight now. Before George McGovern, Senator McCarthy, Eugene McCarthy ran for President in 1968. That was the first year I went to the convention in 1968. I did a little bit of organizing for McCarthy. We were only so-so successful, but we did get out a little. We got, I think, three votes. I was one of them. We

may have gotten one or two votes and then a bunch of alternates. I think I was the first alternate or something like that at the convention as a McCarthy person. Yes, I had done some work for McCarthy.

BB: Who did the delegation go for? Hubert Humphrey?

TT: I think so. Was that the Humphrey election or was the next time?

BB: Yes, it was 1968 against Nixon.

TT: Okay.

BB: Then the McGovern one was in '72.

TT: McGovern and then...It wasn't Humphrey then, it was—

BB: Muskie?

TT: No, but who...Wait a minute. Was it? I can't even remember now.

BB: Humphrey and Muskie ran together in '68 and then Muskie ran again in '72. McGovern ran in '72. They were the two that were—

TT: Was it Muskie? No, I don't think it was Muskie. It was somebody else.

BB: Was it Jackson, I think, that was running back during that period, but I think that—

TT: Maybe Muskie was the main one. I can't remember now.

BB: I think he was the most important rival whether to McGovern, but he wasn't the only one that ran.

TT: I've got to go back. I've totally lost that. I can't place that. At any rate, four years later came around in '72 and I early pledged to McGovern and said I would work for him. I did. I went out and put up posters all over the state and went to Democratic functions all over the state. I organized and I got all the friends that I knew and we worked really, really hard. We put together and we made a big effort to try and balance our delegation and get everybody involved in the primary. There were some counterproductive things that we probably can look at from this point. In any event, I did really work very hard and succeeded. We went to the state convention in Helena. We actually ended up taking of the 17 votes, I think we took 15 and a half of Montana's 17 votes, or maybe it was 16 and a half of Montana's 18. I don't remember. We had majority of the votes. Bob Watt, Dorothy Bradley, and a lot of other people were

involved in that. We did. We went head to head and there were some big battles. Jim Murry was on the other side.

That's why I don't think it was Muskie. I think Hubert Humphrey was again the, was the main contender at that point. I'm pretty sure it was. In any event, I've got to go back and check that out, but at any rate, organized labor was on the other side. A whole bunch of other people, Jack Peterson was involved. Bill Groff was involved.

BB: A Democrat senator from Butte is Peterson. Bill Groff was a Democratic senator from Ravalli County.

TT: Right. [John] Skeff Sheehy, he was—

BB: He was on the other side from you?

TT: Yes. Again, I was the head of the young Turks that were opposed...we were for reform. We were active to try and balance that delegation.

BB: Sheehy as a legislator was a pretty solid liberal, but not on this issue.

TT: They were good Hubert Humphrey supporters. That was because he was their idol as I recall. He is. I don't have anything wrong with him. It's just that on the war issue, he wasn't reliable. That was our—

BB: That was the big issue.

TT: That was the big issue, was the war issue. We didn't trust him. McGovern made it very clear. Plus McGovern was a super person in many ways anyway. He was very articulate and did a good job and a whole bunch of other things. After we were elected, the caucus, the Democratic caucus that went to Miami got together and elected me the chairman of the delegation. Bob Watt, I think, was vice chairman and Dorothy Bradley was secretary or something. They were all involved. A whole bunch of other people, a lot of really, really good people were involved. We went to Miami.

That was a real experience. That was one of the most fascinating experiences of my life. I went as the chairman of the Montana delegation. I got to announce all of the Montana votes on the floor of the convention, most of which didn't take place until two or three o'clock in the morning. Democrats at that point were more concerned, and we all were, we all made the same mistake looking back on it. I think we were all more concerned about balancing participation and making sure everybody...we had the perfect balance. We had right down to the percentage, the amount of Indians in our delegations...that there are Indians in the state of Montana. The amount of women and men were exactly the same. We had a beautifully balanced delegation.

We had all these principles. We were really pushing all of those principles. We probably missed the whole thing. They divided the country so that we didn't have a chance of getting elected after the convention. The convention was supposed to be a big "rah rah" for the president. All the important decisions and speeches came after midnight so that it didn't serve the function. Looking back at it now, we see all the mistakes. It was really exciting. The exciting thing was the strategy at that convention. It was just absolutely fascinating because the problem, there were some challenges to the California delegation and I think the Florida delegation, one other big delegation, but the California delegation was the big challenge.

There were enough votes there so whoever won the challenge would win the nomination. That was pretty clear. This was in Miami. I went on behalf of the Montana delegation to the strategy meetings. I was with Stuart Udall, who was my immediate contact above me. Was it Rick Stearns? Is that his name? Gary Hart was head of the McGovern... They were the campaign coordinators at that point. Rick Stearns, as I recall was the main person. For a young guy from Montana, it was a big deal. We had three phones. We had a red phone, a white phone, and a blue phone. The red phone, I think, was the direct line to the podium.

The white phone was a direct line to the chairman where the McGovern strategy campaign was all being conducted. The blue phone was for everything else. It was something like that. In those days they were great big phones. It was the old style phones. It was a real eye opener thing. When we went to this strategy session, that was a real eye opener because all these people were sitting there trying to figure out what was going to happen. What they had figured out that they would need to do—

[Telephone rings; brief interruption]

TT: At any rate, the strategy was to get a...how you decide a challenge. Who decides the challenge? All of a sudden it became apparent that it was the chair that was going to take huge decisions in there that's going to affect the whole thing.

People can challenge the chair, but the initial decision and the precedent is going to be made by the chair. I don't remember who the chair was, but the chair had indicated a little bit about how he was going to rule on some of the challenges. So they were trying to sort through that and it became immediately clear that the strategy would be of the McGovern camp, would be to take up one of the small challenges. One of the small states' challenges...that just happened to be North Carolina. Don't ask me why, but there was a big challenge in North Carolina about women, that not enough women had been allowed to be on the delegation.

There was another conflicting delegation of more women that wanted to be recognized instead of the ones that were recognized. The question became, and I have to see if I can remember all of this. I used to not really care for it. The question became: who is going to rule? If somebody would move for seating the regular delegation and then somebody would stand up and move

to challenge the chair on that delegation. We'd have a vote at that time. The McGovern strategy was that we don't want...Because we had the California delegation and if we could keep it from being challenged, we won. So we kind of wanted the North Carolina women to win.

BB: (unintelligible).

TT: Right. So the whole idea was to make sure that the North Carolina challenge was defeated because that would be the precedent that would then carry over to the California and it would be very useful in going through the challenges to the chair and the votes in California. So then all of a sudden and both sides recognized this, so all of a sudden then here's what was happening: the Humphrey people were all sitting there trying to figure out how to get enough votes so that the North Carolina challenge would win.

The McGovern people were all figuring out how to get enough votes so that the North Carolina challenge would lose. It boiled down to Ohio. There was some good old leader from Ohio. He's probably the greatest guy in the world. He was non persona or popular at that point among the McGovern people. At any rate, he was pretty sharp and knew what he was doing. It was left to him that when we got down to the point after the roll call of the states, when we got to Ohio, he would pass. Then it would come back to him again the second time and he would sit there and calculate how many...It was more complicated than this. I missed a very big, big thing.

It was very important for the Humphrey people to get it into what they call "the box" because only if it was in the box the chair had already indicated he was not going to rule unless it made a difference. If the vote didn't make any difference one way or another, he was not going to rule on the issue of whether to challenge the chair, whatever it was. At any rate, in other words, if you counted all the ballots and it was clear that there was no way the North Carolina challenge could have won, no matter who...Let me go back. I forgot a very important part. The question is, in North Carolina challenge, what happens to the California votes? Do the challengers vote or the ones who were seated vote? It makes all the difference in the world.

BB: So that's where the box came from. It wouldn't have made a difference whether the California votes counted or not, then he wasn't going to make a ruling.

TT: So the other side wanted that in box so he'd have to make a ruling. The McGovern people were trying to keep it out of the box. So this guy from Ohio, after he passed the first time and maybe even the second time or third time, he was sitting there trying to make the math to see whether it was in the box or not so we could vote how many for Humphrey or for the North Carolina challenge and how many against the North Carolina challenge. He didn't care about the challenge. He just wanted to get it in the box. They had enough votes in Ohio that they thought they could do that. They thought they could maneuver it. As he was sitting there figuring, Oregon called in on the red phone and called in to the chair and asked if they could be recognized.



BB: Oregon is right near Ohio in the alphabetical roll call.

TT: Oregon said, "Mr. Chair, the Oregon delegation changes its votes from yes to no." One other state did that and then I did it for Montana.

BB: You guys were trying to goof up the old boy from Ohio.

TT: See we wanted to support the North Carolina challenge, but we didn't want it in the box. We were prepared ahead of time and this was a strategy. If enough people did it, it didn't matter if they cast all their votes in Ohio for the challengers. They couldn't keep it in the box because it would be too many outside the box. We wanted to win if we could. If we couldn't, we wanted to get it out of the box. So it was clear we couldn't win. So Oregon changed their vote. One other state that I can't remember, and then I got up and changed it for Montana. As soon as we announced Montana's vote change, all changed from yes to no, they couldn't put it in the box anymore. The whole convention was all over it.

BB: You administered the coup de grace.

TT: There were several others that were recognized and they went ahead with it, but it was our votes that made the difference. Not very many people in the whole country know that strategy. That's really interesting strategy.

BB: Did you ever meet McGovern?

TT: Oh, many times. I shouldn't say many times; yes I've met McGovern. One time many years later I just happened to be visiting Valley Forge in Pennsylvania for the park in the national place where the park is for Valley Forge. I was going from one building to another and along came McGovern. We sat and visited for quite a while. Then since he moved to Montana, he came back and we had him accept the Peace Institute's Jeannette Rankin peace award. I showed him all around Billings during that time.

BB: As you know, he was living in the Bitterroot valley near Stevensville near one of his daughters. I think that's what brought him back.

TT: They had a bookstore.

BB: They had a little bookstore. He's been at least summering in Montana for the last couple of years or so. When I was running for Secretary of State in the election of 2000, I was at the Stevensville creamery picnic, which is a big social event. It's like a county fair and there are booths and things. So I was just kind of circulating through and shaking hands with the people. The Democratic Party had a booth and I looked in. There weren't too many Democrats in the Bitterroot valley and there wasn't much activity going on around it.

I looked in and lo and behold, I was certain that it was Senator George McGovern just sitting down. He was just in the back of the booth and just kind of sitting there on the floor kind of resting where it was shady. So I stuck my nose in there and said, "Senator McGovern?"

He said, "I am."

I said, "Senator McGovern, my name is Bob Brown. I'm the Republican candidate for Secretary of State here in Montana. I just recognized you. I'm glad to meet you."

He said, "Well that's fine Bob, come in and sit down." So I sat down next to him for a few minutes there.

I said, "I suppose it goes without saying, you know this, I'm a Republican."

He said, "Well, Bob, I don't have any problem with Republicans necessarily. In fact, the first time I ran for the U.S Senate from South Dakota, there was a group of Republicans that were organized called Republicans for McGovern. You know, they're the best kind of Republicans." It couldn't have been more plain and friendly. We just had a cordial chat for five minutes or something. I made my rounds after that. He was very congenial.

TT: I did have one. When I was running for Congress, he called me once to encourage me. Part of the problem was because of all the McGovern campaign that I had made apparently. A lot of people thought in the Democratic Party that I had made a bunch of enemies because we weren't supposed to win. Old timers don't take too kindly to that. So I was pointing out that it's probably true that there were some things like that. So they had McGovern call me. I remember visiting with him at some length to talk about what kind of things we could do to overcome those kinds of issues. Gary Hart called me once too when he was in the Senate before his debacle. He was very much involved in the McGovern campaign and I knew and met him there. He was quite impressed. That's before he ran for the Senate. It's this guy from Colorado and Rick Stearns, which—

BB: Who is Rick Stearns?

TT: He dropped out, but he was the brains behind...Gary Hart was kind of the upfront organizer, but the real brains behind the McGovern campaign was Rick Stearns. I'm sure I've got that name right. I've never seen him since. This was 1972 and he dropped out. I don't know where he is. Gary Hart didn't but Rick Stearns did. He was the contact. I was in close contact with Rick Stearns because he was in charge of all the states and the state delegations and everything. So I had some contact with him. Hart called me on the budget amendment. I don't know whether you remember that or not, but I took a contrary position. I took a position that if the state of Montana can balance its budget, so should the federal government. I didn't have any problem with supporting an amendment to require the feds to balance their budget.

BB: I think we might have been on opposite sides then, but not now. I was initially opposed to that. I remember when that came up. In fact, I did something or another, but it was...in the Montana legislature.

TT: Yes, to put on the ballot to adopt an amendment on the national level to require the Congress to balance its budget.

BB: The first time that came up was in the '70s or early '80s. That might have been when Hart called you. I don't know. I voted against it then and when it came up later, the guy that was pushing it then was Governor Mike Leavitt of Utah. The budget was seriously out of balance again in the early 1990s. I supported it the second time. I continue to support it now because of what's going on now.

TT: My recollection is that I supported it all the way through, notwithstanding the fact that I had Gary Hart call me to try to convince me otherwise. It just didn't make any sense to me. If we can live with a balanced budget in Montana, so can Congress. I think that was one of the most important mistakes that liberals, progressives ever made is not supporting that.

BB: That same time around [is] when Paul Simon from Illinois also supported it. He'd been someone who had the same Damascus experience I did. The first time around when I was persuaded by the idea that sometimes deficit spending may be important on the national level if you're in a serious recession or you've got a war. So then the idea was, well we could have some "yeah-buts" in the amendment in the constitution. Those seemed complicated to me.

There was a difference of opinion about how we'd make the determination whether we were in debt or not because there were different ways of calculating that. I thought maybe the best thing to do was to just leave it alone. I'm terrified by what's happening now with the federal government. I think that whatever, the constitution can't be much worse than this.

Tom we've got just a few minutes left, about five minutes. Is there's anything you'd like to say in conclusion? I know you had a race for Congress once. Maybe you'd like to talk briefly about that or if there's some other issue in the legislature or maybe just an overall summary of your experiences in politics and maybe your view of the future as you look into the future of Montana. What do you think you see? Anything you'd like to say with just a few minutes left.

TT: I was really honored when the *Missoulian* selected me as one of their most...26 most-influential of the 20th century. That was pretty nice. I'm sure it was Harry Fritz who had a great deal to do with that. They called me the "idea person." I suspect that was probably true—

BB: When was that?

TT: This was in 2000. I've got a copy out there. I'll show you at home. Yes, I was the only legislator that was named as a legislator because I was in the legislature. They named me the 26<sup>th</sup> most influential of the 100 most influential people in the state. I was impressed the *Missoulian* did that. They referred to me as the "idea person" and I guess there's a lot of truth to that. I look and talk to legislators now and talk to legislators then. People would say, "How many bills did you introduce?" Most would say, "I introduced only one or five. I might have even introduced ten." How many did I introduce? Between 30 and 40 every session.

BB: I remember that.

TT: I had my little cards.

BB: I remember that too. You'd carry them in your pocket.

TT: I'd carry these cards and I have them for every session right here. I kept track and when the bill was killed, I'd put "killed" in red. When it passed I'd put it in green "passed." So I'd have immediate color coding. I did. Pretty soon it got to the point where I couldn't keep them all on one side. I did, I think in fairness, I did have a lot of bills. I think it was a lot of ideas, some of which came from constituents. I know I introduced a lot of things just because my constituents had asked me to. Some of them were things that I was very concerned about, mental commitment.

The only time that I was quoted in the *Wall Street Journal* editorial page was because of my activity in mental commitment and the insanity defense bill. I took the position that it's not fair to mentally ill people to say, "You're beyond the law. You don't have to worry about the law or crimes because you're not responsible." It's not fair to them because we need to know if they've committed a crime.

If they have, then we'll take into consideration during the sentencing whether or not their mental illness has affected their crime. If it has, then obviously we want a totally different result. It may be commitment. If they ever did what they're accused of, why do you send them away to Warm Springs just because you think they're mentally ill? That's wrong from the society's standpoint and is wrong from the person's standpoint.

BB: Warm Springs is a state mental institution.

TT: The *Wall Street Journal* agreed with me and editorialized on it once. That was kind of an interesting thing. Another thing, it wasn't just the coal tax. I also worked on a hard rock minerals tax, but not with as much success. One time I know something kind of unique happened. *Forbes* magazine sent a photographer out and took a picture and made a big story about me as the person who had introduced the hard rock minerals bill in the state of Montana.

I was featured as one of the profiles in *Forbes* magazine, which is kind of interesting and neat. The thing that was more interesting was when I introduced that hard rock minerals bill, I can't remember what company it was, I don't think it was Stillwater Mining because they weren't public at that point. Some company [Stillwater or Palladium Group Metals], their stock went down five points when I introduced it.

BB: I think you're probably best noted for the monumental achievement of the coal tax and the coal trust.

TT: The mental commitment is probably more significant in many ways. I introduced the mental commitment bill, the Developmentally Disabled Commitment bill, and got them through. It took a long time. We got them through. That was, I think, very significant. I had a lot to do with youth court matters. I had a lot to do with a lot of other issues, social issues, throughout.

One of the things that perhaps is a lasting legacy that's had an enormous impact in the state is Eight or Fewer; the bill that says that local communities cannot zone out a facility for either youth or developmentally-disabled treatment if they have eight or fewer in the home. That's had an enormous impact in the state of Montana because people will get all shook up when they hear that there's going to be mentally ill home right next door or a youth home right next door. You can't end up with a family setting with a home that's anywhere near a family setting. You may end up with institutions only. That's wrong. You need to have facilities in the communities. I made it clear that with eight or fewer, you can do that. Little things like that have had lasting impacts. So all the legislation, you read my bio for that.

BB: Tom I've appreciated it very much and appreciate your service to the state of Montana.