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Bob Brown: This is Bob Brown. I'm interviewing County Attorney Fred Van Valkenburg, county attorney of Missoula County, in Missoula on June 23, 2009. Fred, when and where were you born?

Fred Van Valkenburg: I was born in Denver, Colorado, in 1948.

BB: And you came to Billings, Montana, if I remember correctly afterwards?

FVV: I came to Billings in 1957. My father was a college professor who was initially working at Regis College in Denver and took a job at Eastern Montana College in the fall of 1957. I was nine years old at the time.

BB: So you more or less consider Billings your hometown?

FVV: I do. It certainly had more to do with my long-term life than Denver did.

BB: And speaking of your long-term life, you've made a career of public service. You've been, I believe, a public defender, a public prosecutor. For the last decade you've been the lead prosecutor here in Missoula County. You've spent, I think, 20 years as a state senator. Was there anything you can think of that might have been motivational in causing you to devote so much of your life to public service?

FVV: Well, I think there's a number of things. I think that my Catholic faith had a fair amount of influence in terms of saying that you needed to be of service and do something for other people. I think that John Kennedy as a president of the United States—the first Catholic to become president, the first sort of modern president, I think—inspired a lot of people in my generation to get involved in government and politics as a way of contributing and providing service. And then I think that the turbulence of the 1960s and the Vietnam War, in particular, was the thing that really kind of tipped the balance in terms of saying I wanted to get involved in trying to work from the inside to make life better for the people who I cared about and lived with.

BB: So you went to law school and went into the practice of law with the idea in mind that you'd probably be involved in the public sector, or was there ever—

FVV: I don't know that I really knew when I went to law school exactly where it would go, but I felt that a law degree would give me more opportunity to affect change in our way of life than

virtually anything else. The longer I was exposed to the law, which was—I was in law school while the Montana Constitutional Convention was held, while there were really kind of sweeping changes taking place in the legislative arena in Montana. I got more and more interested in politics, although I didn't really have any mentors or personal connection to politics, so that was not the first avenue that I followed. I was more looking for some work as an attorney in the governmental arena. I started out as an assistant city attorney for the city of Missoula, stayed with that for about a year and a half. Then I got into private practice but was asked, along with my law partner shortly thereafter, to take on the contract of being public defenders for Missoula County, which we did for about seven years or so. Then about three or four years into that, there was a development in the Missoula legislative arena that caused me to run for the legislature.

BB: Before we get into that, I remember you telling me a story once about how John F. Kennedy visited Billings, and I think you had a football practice or something? Tell us that story (laughs).

FVV: (Laughs). Well, I've been somewhat of an athlete for most of my life, much more in my youth than later. I played quarterback in high school, and I was kind of a leader in high school in lots of ways. John Kennedy visited Billings in, I think, September 1963, about two months before his death. It was an extremely exciting time, and I very much wanted to go and see him, but our football coach said that the presidential appearance conflicted with football practice and anybody who had any idea that they thought they were not going to show up for football practice that day better make up their mind that they weren't going to be playing football for the rest of the year. So I had to choose early on and I chose football over seeing the President of the United States.

BB: Incredibly, that was a Catholic high school, right?

FVV: It was. Billings Central High School.

BB: So, there would have been other kids that would have wanted to see the president too?

FVV: There was no doubt. It's a sort of unfortunate aspect of most football coaches' lives that they think that it's part of the discipline of playing football that you give up other things that you might want to do in order to advance your football prowess.

BB: Did you ever get to see Kennedy in the flesh? I think he campaigned in Montana during 1960 election. Did you ever get a chance to see him?

FVV: I did. It was actually earlier than that. I saw him in Washington, D.C., in a parade in 1961. My father, who I said was a college professor, took a summer teaching job at Loyola University in Baltimore, Maryland, and our entire family moved to the Baltimore and East Coast area for the summer of 1961, which was a tremendous opportunity. And we probably visited Washington, D.C., six, seven times while we were there and got to go meet Mike Mansfield on

the floor of the U.S. Senate and saw the president marching in a parade on Pennsylvania Avenue. So those are probably some of the things that influenced me too.

BB: Well, that's exciting. So then after you grew up in Billings and went to law school here at the University of Montana?

FVV: Yes.

BB: Were you also an undergraduate here?

FVV: No, I went to undergraduate school at Gonzaga University in Spokane. Got a degree in business administration and got a commission as a second lieutenant in the United States Army through the ROTC program. Maybe should have gone directly from college to active duty in the army because the U.S. Army was very much involved in Vietnam at the time, but there were also deferments available for graduates who wanted to go to graduate school of some kind or another. I decided to seek a deferment and go to law school during that particular period of time. Even though I'd gone to Gonzaga, I'd pretty much run out of money and needed to go to U of M to take advantage of the in-state tuition and made that move, and I've been in Missoula ever since.

BB: Now, you kind of answered this, Fred, but not maybe completely. You mentioned that John Kennedy in his election was a real inspiration in your life and it motivated you toward becoming involved in the public sector in some way or other, at least making a positive impact on the world. But when you chose to run for the state Senate—and we'll talk about that in a minute here in Missoula—you filed as a Democrat. Was there any person or any experience or anything in your background that led you in that direction? Kennedy was a Catholic so you were inspired by that, by your Catholic faith, but there may have been some philosophical connections too or maybe it came afterwards.

FVV: Yes, well, Kennedy was a Democrat in addition to being a Catholic. I think that my parents were basically Democrats. They were strong believers in Franklin Roosevelt in particular, getting the country through the Depression and that. There was a mayor of Billings, Willard Fraser, who I think was a Democrat, and he was a very colorful figure. Again, somebody who you could kind of look and say, "Well, wouldn't be too bad to follow in those footsteps." And then, just as you got more and more into the Vietnam War, people like Bobby Kennedy, George McGovern, people like that just seemed—Mike Mansfield—they seemed to be people that I was more in agreement with their public positions on issues and the like. And it just seemed natural that I was a Democrat.

BB: So was it 1978?

FVV: 1978.

BB: You appear as a young public defender.

FVV: Young public defender. I'd tried the year before, 1977, to get a state-wide public defender bill passed through the legislature. And I had convinced a Missoula representative, Earl Lory, a Republican, to introduce the bill, and Earl put the bill in. It obviously had a big price tag to it, and it was the sort of thing that probably had no chance from the get-go. But I was very young and idealistic, I thought it did. I waited my turn, which was probably early April or so, in the 1977 session, got a call telling me that the bill was up for hearing, dashed over to Helena and sat around in the halls for two or three hours. Finally—it seemed like it was nine, 10 o'clock at night when it was heard in the House of Appropriations Committee—got to put on a 10-15 minute presentation regarding this thing, and I think it had been killed before I got out the door. I was upset. I thought this was unfair, and I started to think that the only way that I could ever really make this happen was if I got elected to the legislature and carried the bill myself. So about then is when I started to think about running for the legislature.

Initially, I focused on going for the House of Representatives and began to put the bare bones of a campaign together. But, in between—this goes back a little bit—in between the 1976 election and the '77 legislature, a Missoula senator by the name of Don Weston, who had been elected, passed away, and another fellow by the name of Bill Murray was appointed to replace Don Weston. Somewhere in early 1978 the attorney general ruled that Murray couldn't serve a full four-year term, but he would have to run for election in 1978 for the balance of the term that Weston had originally been elected to. And so that created a real opportunity for a chance to run against somebody who was not an incumbent, who was a Republican. Murray had managed to alienate lots of people on a vote that he had cast three different ways on the ratification of the Equal Rights Amendment, so I had a whole squadron of women who wanted to take out Murray who got behind my candidacy.

The problem for me was, though, that [there] were lots of other Democrats who saw the same opportunity; and in particular, one of them was kind of a favorite son of the Democratic Party, a guy by the name of Phil Campbell, who had been a local representative for the Montana Education Association. Then there was a third guy by the name of Jim Meinert, who was more kind of free spirit type, but a lot of what people think of traditionally as a traditional Missoulian. But this particular district was the most Republican area of Missoula. I mean it was where Don Weston had been elected.

BB: South Hills area?

FVV: South Hills. And where [Republicans] Earl Lory and Ralph Eudaily served as House reps. So it wasn't gonna be a slam dunk for any Democrat to win in that area. We had a three-way primary, and I won the primary by 40 [30 more than Campbell] votes. It wasn't really figured out until 5:30 a.m. on the morning after the election night. So that was my initiation, really, into elected office, but it was pretty exciting.

BB: Do you attribute your primary victory to your ability to connect with these women who were mad at him maybe more than Meinert and Campbell were? Or did you work harder than they did or were there any other issues?

FVV: I think there were a lot of things that added up to my victory. One was, obviously, I had a squadron of women who really wanted to take out Murray and they kind of liked me for one reason or another and so they were supporting me. Meinert was a wild card who sort of drew some of the most liberal votes in the party towards himself and away from Campbell, who would have probably otherwise gotten them. I was, actually, probably the most conservative Democrat in the race, and I think that there may have been a number of Republicans who crossed over into the Democratic primary to vote for me because they saw me as a lawyer as being someone who would be much more reasonable in terms of representing them and they could see maybe that Murray was in trouble or maybe they didn't even like Murray because of his vote switching on the Equal Rights Amendment issue. So those were all factors that kind of added together. And I had a little bit of name recognition. My wife was a reporter for the *Missoulian*; her name was out there all the time. I was somewhat in the news because of my work as a public defender and that. All those things contributed to not only winning the primary, but later, I beat Murray pretty handily in the general election in the fall.

BB: Now my recollection was that he might have been a retired military officer, and he was an airline pilot, I think. He had retired recently, perhaps hadn't lived in Missoula very long.

FVV: I think he grew up in Missoula and spent most of his life in the military and then as an airline pilot for, I think, Japan Airlines. But he also was a lawyer. He had gotten a law degree somewhere along the way. So he was a pretty intelligent, smart guy in many ways, but he got all dumbed up on the social issues.

BB: Yes. And I remember him—I served in the state Senate with him—as somewhat outspoken. He might have been that on the campaign trail as well. I don't know.

FVV: Yes, I don't think so. On the campaign trail, he was, I thought, as most Missoula politicians were, real kind of gentle and gentlemanly about how things went. In the early days there were never really any kind of negative politics at all.

BB: You won handily against an appointed incumbent in 1978 in a Republican-leaning district, but you had to run again in 1980.

FVV: I did.

BB: That's a Republican year, and you're still in that same Republican district.

FVV: Right, and as I recall, in 1980 a fellow by the name of John Hamp, who was a very successful businessman from Missoula—been in the lumberyard business—ran against me and

he was again extremely gentlemanly. I thought I was, with respect to him. It wasn't at all the sort of nasty politics that I think sort of crept into Montana and other places in the next 10 to 15 years or so. Again, I think I won by about the same margin that I'd beaten Murray by in '78.

BB: So you're a newly elected legislator. Seventy-nine's your first session, but you've been there before. You were over, testifying on the legislation, you had an interest in 1977 and certainly by virtue of being involved as a lawyer here in Missoula, you've got some knowledge of the legislature and the legislative process. What do you remember your thoughts were when you began service there? What are your impressions from the beginning?

FVV: Well, actually I have a very negative impression from almost the first or second day of being in the legislature. I look back at it and I wonder how typical it was, but essentially what happened was that the Republican Party decided that the 26 to 24 margin that they had in the Senate wasn't really enough to guarantee to them that they were going to be able to advance particularly some tax legislation that they had in mind. They set up the committee structure so that they got really an extra vote on the Senate Taxation Committee. And basically kicked off a guy by the name of Jack Healy, a guy from Butte, who had been on the taxation committee for quite a few years, and really tried to blame it on the Democrats for the fact that Healy got kicked off the Taxation Committee by saying that the Democrats really didn't put Healy forward as their top priority to be on the Taxation Committee. So there was this very partisan fight on the first or second day of the legislature where the Senate Minority Leader objected to the adoption of the Committee on Committee Reports to appoint members to the committees, and a very contentious argument on the floor of the Senate, and then to my surprise a party-line vote on how this went. There it was, 26 to 24, that the Committee on Committee Reports should be adopted and the 26 were all Republicans and the 24 were all Democrats, and it was just done and over with. And I was in shock (laughs). I mean, I look back and I think, "How naïve I was" (laughs).

BB: Yes, because there couldn't be a better example. Organization is the key, and in the beginning the majority's got to show who's in charge.

FVV: Right.

BB: And so it was a classic example—

FVV: It was. It was a classic example.

BB:—of fairness wasn't served by that decision, and there should have been a few Republicans that saw the—yes.

FVV: If the shoe had been on the other foot, I'm sure I would have seen the light (laughs). But I was just this kid, who [at] 29 years old was at the legislature, and really that was the exposure, the first vote I ever cast and all that sort of thing, and it just surprised. So that was the start. But

then I began to see that most things in the legislature didn't have much to do with partisanship at all. In fact, you could go a long time, you could go a month, six weeks and not have anything that was again a 26 to 24 vote along party lines. And I was actually pretty impressed with a number of Republican legislators, Bill Mathers and Jean Turnage and Matt Himsl were all people that I looked at and thought, "These are wise people. They may be Republicans, but they have some sense about them."

BB: Do you remember in that first vote that you were talking about over whether to keep Jack Healy on the Taxation Committee, I think it might have been you, Fred, who asked the question, because Galt was the chairman of the Committee on Committees at that time? And it runs vaguely in my mind that this new senator, Fred Van Valkenburg, stood up and asked Galt for an explanation of why we were taking this wise, old experienced legislator from Butte off the Taxation Committee. And you know that he wasn't all those things, but you didn't know that. And it seemed unfair to you, so anyway, Jack just look right at you and said, "We've got the votes," and sat down. And I can remember that was the literal truth, we'd been in the minority for a long time, we'd finally gotten the majority in the state Senate, we wanted the Taxation Committee the way we wanted it, and we had the votes to do it. But he didn't think you were entitled to anymore explanation than that. Do you remember that?

FVV: I don't remember that.

BB: You might not have been the guy to ask the question, but for some reason I thought you did. That was his three word answer to—

FVV: (Laughs). You know, that's probably all that was necessary, but I think to people that have never really been involved in the legislature, to people to who are really idealistic and what not, it was the antithesis of what you think would be a deliberative body.

BB: So you mentioned Galt [Turnage] and Mathers and Himsl, and those men were mentor figures to me too, as people that you earned your respect even though they were Republicans. Were there other legislators from either party in either house that stand out in your memory?

FVV: Well, there's a huge number. The Montana legislature is made up of a tremendous cross-section of Montanans, but all of whom are very earnest in their desire to do the right thing. I never saw anybody at all, not a single person, that I thought was corrupt, dishonest, or anything like that. There were certainly a fair number of people who were somewhat narrow-minded and very partisan, but they still thought that they were really doing the right thing, not only for their constituents but for the state as a whole. And they just had a hard time understanding other peoples' points of view (laughs). But you talk about individuals, there were certainly very important people that I served with: Chet Blaylock, a long-time leader in the Senate for the Democrats; Pat Regan and Tom Towe, all out of the Billings area; Jack Haffey, although he only served one four-year term from the Anaconda area; Judy Jacobsen; Greg Jergeson; some of my colleagues from Missoula.

Even when I looked across the aisle at some of the most conservative members people like: Gary Aklestad, Tom Keating, people like that. I had tremendous respect for them and the longer I served the more I did because I guess I had a greater appreciation for, one: their philosophical base that they were operating from and, two: I knew when, and saw when, they were willing to compromise in order to make things work. And I prided myself on my ability to do that, and so I had great respect for the ability of others to occasionally give up exactly what they would have preferred to have done in order to actually get something done that would work for the people.

BB: When you told me about—and that would apply to some extent I suppose to these people, but they might have had other strengths or memorable characteristics in addition to that—and I’m going to just ask you even though I’ve given you no time to think about this: when I say Jean Turnage, is there a story, is there an incident that pops into your mind?

FVV: The easy thing that pops into your mind are the sort of funny things, or things like that. I remember once we were debating a bill that had to do with gambling in some fashion or another, and Turnage was infamous for his opposition to any form of gambling whatsoever. I think I was actually trying to push this particular thing through so that it would allow bingo to be played by non-profit organizations and I think it had to do with the prizes because they could already play bingo, but this would allow them to give out cash prizes or something like that. And I remember saying to Turnage, I think this was privately, not so much publicly, “You know this gambling was really for good people.” And Turnage’s response was something to the effect of, “When it comes to gambling there are no good people.” (Laughs). And you know, he knew there were good people, but he also, I think, had seen what gambling could do to good people and how it could destroy their lives in one fashion or another. And he was trying his best to sort of hold back the tide, and it was a huge tide that was coming down. I think in some ways we have let more rinky-dink forms of gambling come to be in Montana than should have ever been if we’d have just let one serious form of gambling in. But we’ve got every rinky-dink form of gambling you can dream of now.

BB: Matt Himsl.

FVV: Matt Himsl was the kind of guy who could stop the discussion on the Senate floor anytime he got up and spoke. And he did it in a way that was usually humorous. Every once in a while he could kind of do it in a sort of school-teacher-type fashion where he’d just rap your knuckles if he thought you really weren’t paying attention and listening. But often times, he didn’t have to do that. He had a wisdom about him that caused everybody else to just stop and listen when he spoke. I think it had largely to do with his life experiences as a teacher and a banker and a car dealer, and whatever things he had done.

BB: I think he had a master’s degree in Political Science. That isn’t so uncommon in the legislature now, but it was then. And we kind of looked at him as kind of the James Madison of the Senate I think, to some extent. So he had a lot of respect. I ask you that question for a

reason too, because I remember something that you said to me about him. You know he had a kind of almost a shrill voice, and it was kind of haunting almost. And you said that the worst terror that you could experience on the floor of the Senate was having a bill that you weren't really too sure of yourself on and having Himsl stand up and say, "Will the gentleman yield to a question?" (Laughs).

FVV: (Laughs). It was very haunting, and you know you had to say yes to begin with, and then you knew that you were being set up for the fall.

BB: He probably knew more about it than you did. That was the terror. What do you think of when you remember Bardanoue, Francis Bardanoue, representative Bardanoue?

FVV: Well, Bardanoue was the chairman of this committee that I infamously appeared in front of in 1977 that started my interest in the Montana legislature. And I thought I got treated unfairly in that process, but the more I learned about Francis, the more I came to understand that Francis was somebody who was trying his best to help people out in Montana who really, seriously needed governmental help in some way or other, whether it was because they were institutionalized or because they were lower income and the like. And he realized that in order to do that a Democrat had to have a huge amount of credibility with respect to the spending of public money. So he was very penurious, very tight-fisted when it came to spending money on most things, and if you're from Missoula you see that largely in the context funding of the university system.

It was not generally felt during the '70s and '80s that Francis was a friend of the university system. I think that he probably was more of a friend than he was portrayed, but again I think that he thought, "Well, people going to universities are not nearly as bad off as people that are sitting around in an institution in a mental health or a developmental disability situation or something like that, and government ought to be really looking out for the people who can't help themselves. These people who are going to universities are...They may not have money right now, but they're going to have plenty of money in the long because of the fact that they're going to get a college degree or advanced degree or something like that." So I don't think that Francis saw that as quite as important; whereas, if you've been elected from Missoula, it's very important in terms of representing a particular constituency. And I think even if you're not elected from Missoula, I think that there's such a connection between higher education and the vitality of the economy of a state or region or something like that, that everybody ought to have a very strong interest in advancing higher education because it's in everyone's best interest. Even though they may not see the direct connection.

BB: And I think that Francis didn't have the benefit of a college education though we all felt he was a highly intelligent, deeply wise man. You know you mentioned, when you first came before his committee to try to get a statewide system for paying for public defenders, his thoughts there may have been, "Well, the people accused of—criminal defendants are being defended now, and it may not be in the ideal system. But they're being taken care of and given

that I got to prioritize what I think is important, they're not very important." That could have been what he was thinking.

FVV: As I learned later on, unless something that spends a fair amount of money is included within the governor's budget, it rarely has a real chance to go anywhere because the governor's budget sort of sets the baseline for everything. And if you don't get your proposal within the governor's budget, then you've got to raise money from somewhere else, which is an anathema to lots of legislators, to raising money. Or you've got to take it from somebody, and then that makes people mad if you're going to take their money from them. The governor has a tremendous amount of clout when it comes to setting the fiscal picture for the state.

BB: Do you have any impressions or recollections of Senator Dave Manning?

FVV: I do. I understand early on Manning had been first elected in 1932 and had served continuously until 1985, so when I came in, in '79, I was pretty impressed with that. But Manning was beginning to fade in terms of his ability to participate in floor debate and even in caucus to contribute very much, mostly because of his age. I think the world was starting to pass him by at that point. But he had some great stories about White Gold—

BB: Yep. Water project.

FVV: The water projects on the Yellowstone River that he was very much involved in. I do remember one specific story that involved me that slightly involved Dave Manning too. And that was, there was a legislator from Great Falls who was upset at the Great Falls Tribune over editorials that the Great Falls Tribune was writing about legislators and what not. Paul Pistoria, in particular.

BB: Paul was the legislator who was upset?

FVV: Paul was the guy who was upset. And he got a bill through the House of Representatives that required newspapers to have signed editorials, and the bill came to the Senate. And this was in 1979 in my freshman year, I think, and it got out of the Senate committee and got a due pass recommendation, so it was being debated on the floor of the Senate. I was married to a person [Carol] who was writing editorials in the *Missoulian* at that particular time, and I had quite a connection to the journalism school and the Montana press and all that as a result. So, I sort of took it upon myself to oppose this bill, and I wasn't really getting anywhere in terms of just the arguments that free press meant you couldn't require the press to really do anything, including signing their editorials, that the press was entitled to put these out. But I decided that there was a flaw in the bill, and the flaw was essentially the bill had no penalty provision in it whatsoever. Usually bills will have a short jail term or a fine or something like that, but I quickly put together an amendment and got it up to the rostrum for the Senate to debate to add a penalty provision to the bill. And the penalty provision that I chose to add to it was the death penalty.

BB: (Laughs).

FVV: And I remember when that was read across the rostrum, I was looking back and Dave Manning was just kind of wondering “what the heck?” And he just—his jaw just dropped about three feet when he heard that this freshman senator from Missoula was proposing that the failure to sign an editorial would be punishable by death in Montana. Obviously I was trying to make a point as to how ridiculous the whole thing was. I didn’t want the amendment to pass, and it didn’t pass. But, I think that Manning thought I really was not showing the proper respect for the Senate by virtue of offering an amendment of that nature.

BB: But when you were there in your first session it was the last session of Governor Tom Judge. So you would have had some interaction, I suppose. Do you have any impressions of him from that 1979 session?

FVV: I have a few. I was no great fan of Tom Judge. He was certainly the leader of my party, but one that I wasn’t terribly proud of. There’d been something of a scandal earlier on in his administration about the disappearance of 94,000 dollars of campaign money and all that. And he also just struck me as a guy who was sort of a playboy and not somebody who I really admired in many ways. So, I kept my distance from Judge. I didn’t have—certainly didn’t have him campaign for me and the like. And in fact, in 1980 when Ted Schwinden ran against Tom Judge in the primary election, I supported Schwinden and was very public about that. So, if Judge had been elected, I probably would have been cooked meat at that point.

BB: But that must have established a pretty good relationship with Schwinden?

FVV: Well, it helped. It took a lot more to ever really get to the point of a good relationship with Schwinden. And I eventually felt like I had an extremely good relationship with Schwinden by the time we got to 1987 and ’88, the end of his two terms in office. But Schwinden also was very difficult for Missoula legislators in particular to deal with. He seemed to be no fan of the University system whatsoever. And we seemed to be constantly at odds with him over his recommendations for funding in the University system, and he was very much more tight-fisted than Tom Judge when it came to a budget. And then the other thing was that he was, I think, visionary to some degree where I was not—and lots of other people weren’t—about the need to start making some compromises in things such as the coal severance tax and that. And it took a fair amount of time to understand what I later considered to be his wisdom in terms of trying to bring the Democratic Party along to a new position on the severance tax to some degree on environmental issues. But, he actually hung in there pretty staunchly against a lot of opposition on environmental issues, so I don’t think he bent there very much at all. But on taxation issues, he definitely bent, and it was always hard to get him to support spending in state government that lots of Democrats wanted to support.

BB: But he was governor at a time when the cupboard was bare and he had to be a pretty good manager, I think. So he probably didn't have a lot of money to spend, but I know he also didn't want to give the other political party any kind of an opening by being in favor of raising taxes. So we emptied out all the little cookie jars of every kind of money that we had, in order to keep from raising taxes during the period that he was governor. I guess I remember him as a pretty partisan Democrat, but not a very liberal Democrat. He was pretty conservative in many respects, but he was still definitely a partisan Democrat. That's how I remember him.

FVV: Well, you remember him very correctly. And I'm not sure that you were privy to some of the behind-the-scenes conversations that I was. I was—at the beginning of the decade, I was sort of entering the leadership role in the Democratic Party, and by the end of the decade, I was really right in the middle. I mean, I was very much involved in the leadership of the Democratic Party.

BB: You were a leader in the Senate when he was still governor, right?

FVV: I was first elected Majority Leader in 1985...well, for the '85 session. Again in '87. So those were key because the economy was really falling apart in Montana. It started right after Schwinden got elected, and I don't think it had anything to do with him personally. But, essentially that's when the Anaconda Company shut down its Montana operation. So the Anaconda Company had been the core of Montana industry from the mines to the timber lands to electrical generation and the like. The Anaconda Company was the core of industry in Montana, and they basically ran their course in the early '80s, and it was done and over. And I think it took four or five years for the effect of the that to hit home, but I'm sure Schwinden was smart enough to see that it was gonna happen the day it was announced. I mean, he saw it coming and he knew what had to be done, and it meant the government was going to have to pare back. And that's a lot harder for other people who aren't as—didn't have that historical base or didn't have the responsibility of being in the leadership to accept the fact that those change. That was followed by the real change in the railroads in Montana. We used to have three very viable railroads, the Great Northern, the Milwaukee Road, the Northern Pacific. The Milwaukee Road just died completely, just went away. And the Great Northern and Northern Pacific merged into the Burlington Northern, and when they did, they just cut a huge number of jobs. The next you knew they were cutting crews from having four guys running the train to having two guys running the train. Then they were selling off the Northern Pacific line to the Montana Rail Link, and they cut more crews. Mines were closing. The whole thing with the coal tax was causing a real cutback in production in the coal industry in Montana. So governmental revenues were just dying.

BB: Just to make clear for someone in the future listening to this interview, Fred, the severance tax on coal had been 30 percent of the market price of coal at the mouth of the strip mine.

FVV: That's correct. From about 1973 or '75 somewhere in there until we started talking about—Schwinden put together, I think, the window of opportunity, which basically cut the severance tax in half.

BB: And it was to compete with Wyoming. We needed to be somewhere comparable to Wyoming, and by his calculation if we cut the tax we had, even though I think theirs wasn't imposed in quite the same way, if we just kept the tax we had but reduced the rate of it from 30 percent to 15 percent, we'd be in the ballpark of where Wyoming was, and we'd be able to compete with them better. That's how I remember it.

FVV: And I think that was a—there were different issues involved. A lot of it was that Wyoming had less overfill on their coal seam than we did in Montana. We had greater transportation distances involved. Although we had some very high-quality coal, so that by the time it burned up in the coal-fired plants in Detroit or wherever it was goin', it was a very marketable product. And a lot of people thought, "Well, we're just giving this away too easily." But I think in hindsight, it's really worked out about right. I don't think that we've lost really a lot in our coal productions since the mid-'80s when we made those changes. We haven't gained a lot, but Wyoming hasn't gained a lot either. We've been able to stabilize our coal industry in the state of Montana for 25 years now as a result of the, I think, the changes we made. If we'd have stuck with the 30 percent level, I think we could have killed the coal industry in Montana.

BB: Yes, I think we would have too. Even though I didn't vote for it (laughs). Initially. You mentioned Governor Judge, and you used the term *playboy*. And you mentioned, when we mentioned Governor Schwinden, you used the term *visionary*. If you had to describe those two guys, first Judge and then Schwinden, and just say three or four words that come into your mind, what do you think of when you think of Governor Judge? And you don't have to limit it to three words, but I mean, just descriptive terms. I mean, describe the guy.

FVV: I think he was very outgoing, very jovial, very personable in many ways. I think he was either pretty liberal or he knew that at least at the time that he was serving in the mid-'70s there was a real kind of liberal bent to Montana that he was very supportive of, in particular, environmental legislation that was passed that, I think, probably served the state well in the long run and helped us in other areas such as de-institutionalization. Lots of people had been locked up in mental wards and other institutional settings and the like. But I don't think that Tom Judge ever really inspired very many people to do anything that they wouldn't have done on their own anyway, okay. I'm sure there's other people who have different views and maybe legitimately so, and I might not be fair. But I would say that Ted Schwinden was someone who, first of all, was smarter than Tom Judge and smarter than most anybody I saw operating in Montana government, who chose people to work for him who were really not cronies, a lot of them were people who were working in state government as underlings before they got advanced to be department heads, as opposed to people who had been out on the campaign trail with Schwinden. I think Schwinden had a greater breadth of understanding of Montana, having farmed in the very northeastern corner of the state, and yet having lived in Helena for a

good portion of the time before he got to be a governor. He had everything, I think, except his dissertation done to get a doctorate degree. So this was a guy who was very capable, who made the right choices for the right reasons, and I think actually inspired people to do more than they would normally do because they were just impressed with his own personal commitment to the job.

BB: And Tom Judge was governor at an easier time. We had budget surpluses and that sort of thing, and I'm not putting words in your mouth, but my impression of Tom Judge was that he was likable and charming and he kind of rode the crest. He probably didn't lead anybody so much as he just rode the crest of what was going on, whereas, Schwinden in tough times had to be a survivor. And he had to demonstrate some courage to survive.

FVV: I agree those things, and I think they're borne out in the way the electorate voted in 1988. Judge won a three-way primary for governor in 1988 against Mike Greeley and Frank Morrison, which indicated that he still had a pretty strong support within the Democratic Party, but then he lost to Stan Stephens in the general election. I think at that point Montanans were tired of Tom Judge. They just wanted to move on and thought that Stan Stephens would be a better choice for governor; certainly there's a certain factor being tired of a particular party. The Democrats had then held the governorship of Montana from 1968 until 1988—20 years—and maybe no Democrat could have won at that point and that may have been why Ted Schwinden decided not to run for a third term. But Judge couldn't get elected at that point.

BB: Fred, during that period of the '80s, during the Schwinden administration, is there a piece of legislation that stands out, maybe a couple of pieces of legislation that you can remember particularly that were important during that period of time?

FVV: There were lots of them. I think some of the social stuff probably stood out as much as anything, and by social stuff I think of things such as votes on the ratification of the Equal Rights Amendment to the U.S. Constitution. We also, as kind of a spin-off to that, passed what's generally referred to as the Unisex Insurance Law in Montana. And, I remember having some of the most, kind of, contentious debates you could imagine over that issue. And essentially what that said was that insurance companies were not allowed to set rates based on the sex or gender of a person who was applying to buy insurance. Well, the insurance companies thought that was the craziest idea that had ever come along in the history of business because their entire actuarial basis for operating largely revolved around gender-based tables. They were 100 percent sure that you could predict the cost of the insurance business on the basis of a person's gender or sex.

BB: Well, does that have to do with longevity, that women lived slightly longer than men?

FVV: Well, it had to do with lots of different things, certainly with life insurance. Longevity would tend to indicate women live longer than men, but within the area of health insurance they were of the opinion that women would get sicker, would have more claims and the like.

And in the area of auto insurance that women were not as good of drivers and therefore would be in more accidents. It was in all kinds of areas that they just decided you couldn't put men and women together in the same pot and just insure everybody on the basis of that, that you had to discriminate on the basis of sex. And we became the first state in the nation, as I remember, to pass that law and there was all kinds of predictions about how it would be the end of the insurance business in Montana. And even after we passed it, the next session it would come up again and then in the session after that, it would come up again. And it was always this battle that went on and on and on, and yet I don't think it's ever been repealed and I think it by and large has worked.

BB: Well, because we have the equal rights provisions in our state constitution, you have to have a mighty good reason to discriminate on the basis of gender.

FVV: And your friend, Jean Turnage, made that very point on the floor of the Senate when he cast the vote in favor of the unisex insurance laws, that since we had a provision in the Montana Constitution that said you could not discriminate on the basis of sex that therefore we really had to pass that legislation in order to comply with our own constitution.

BB: Yes, I remember those debates too. I don't remember there were a lot of them, but there were probably at least a couple of sessions.

FVV: And so there was that. And then, every single session we would argue about abortion and it just was so contentious and so tough. I don't know if they do that anymore. I don't get the sense that that—I mean, it certainly hasn't gone away, it's still there, but it isn't nearly as contentious now as it was back when we were serving in the '80s. We were arguing about that.

BB: Those aren't the kind of issues that lobbyists would generally want to be greatly involved in, but certainly lobbyists have been important throughout the history of the legislature in Montana. Are there any lobbyists that come into your mind during that period of time? How were they involved?

FVV: There were certainly lobbyists on those issues, but they didn't tend to stay around very long. They were there and they mostly just worked the halls. They didn't really, kind of do anything in social settings like go out to dinner or drinks or that sort of thing. I think when most people think of lobbyists, they think in terms of people that represent big business interests and lobbyists who are socializing with legislators in one fashion or another. I think of lots of people in that regard. John Lahr came to be a very good friend of mine.

BB: Lobbies for the Montana Power Company?

FVV: Right. John, I remember, came and visited me almost the day after I was first elected in November of 1978. He called me up and wanted to take me out to breakfast on the day after the election results had been finalized. And I was just shocked that the Montana Power Company wanted to take me to breakfast the day after election. And I remember I insisted that,

by golly, I was paying for breakfast myself for that particular thing, and John was wise enough to let me buy my own breakfast then. But we began to develop a very good relationship, I think a friendship, and I certainly let him buy me plenty of meals later on down the road. But I don't think that it ever really changed the fact that I felt I was really independent, that I wasn't beholden to the Montana Power Company, but I was willing to listen to their representative.

I remember Jerry Anderson as a lobbyist for business interests that by and large I didn't agree with most of the time. I think I probably opposed whatever position Anderson was taking, but that I always had a very pleasant relationship with him along the way. I remember lobbyists like Jim Murry and Don Judge from the AFL-CIO. They probably had as much influence on me as anybody because I wanted to be supportive of the labor movement. I really felt that the labor movement was important to the interests of Montanans, of Americans; had largely been one of the reasons we had progressed to the point we had progressed in the late 20th century or so from the way things had been in the 19th century in our country. But, it was also hard sometime to be supportive of those guys because they were more demanding of your loyalty and that sort of thing than certainly the Montana Power Company was.

The Montana Power Company thought they were getting a huge bonus if they got a vote from anybody. Whereas if the AFL-CIO didn't get your vote on something that they thought was absolutely crucial—first of all, you knew that they were going to include it in the voting record, and at least at that time I thought voting records were kind of important. And you wanted to have like a 90 percent rating with organizations that you generally agreed with, and about a 20 percent rating with organizations you didn't agree with, and so you didn't want to get on the real wrong side of a voting record. And second is that those kinds of people, it wasn't beyond them at all to run somebody against you in a primary if they really didn't like ya. And I'm sure you probably experienced some of that too. You get on the wrong side of the line there. And in that respect, one of those people was Eric Feaver. Eric Feaver was the head of the Montana Education Association before it ever merged with the Montana Federation of Teachers. And I always thought, personally, that the Montana Education Association was the most powerful lobby there was in the legislature. And Eric Feaver was the most demanding of any lobbyist there was. I mean, you were either with Eric or you were against him and that's just the way it was.

Well, in 1988 I had probably the toughest election I've ever been in in my life, and I was challenged by a University professor by the name of Tom Payne in 1988. And Eric Feaver and Jim McGarvey—who was then the head of the Montana Federation of Teachers—both teamed up against me and decided to support Payne and try to take me out in the process. And it largely had to do with the fact that these things we talked about earlier with the budgetary times being so tough. There really wasn't as much money to go around and these guys were mad that I wasn't really figuring out some way to dump more money into the educational coffers. And so they went out, I think they recruited Payne. Payne was a fairly liberal Republican, somebody who had pretty good credibility, was well-liked in Missoula. And they thought, I think, they thought more than anything that they could just kind of teach me a lesson

and show Democrats that nobody was going to buck them in the process. We had a knock-down, drag-out fight, but the problem was Tom Payne, again, sort of came from the gentlemanly school of politics. And as much as they may have wanted him to really get down and dirty, he wouldn't do it, and in a gentlemanly way of politics I do pretty well (laughs). So I ended up beating Payne, again, I think, by the same margin I'd beaten Murray and beaten Hamp and another opponent in between. But it was a lesson in the whole business of dealing with lobbyists and their demands at the legislature and how they would try to carry those over into the electoral process.

BB: I have a similar experience with Feaver as you know, but I didn't know about your experience until just now. I didn't know the background of that. So you're still in the Senate, you're re-elected in 1988 after this re-election campaign and you're now serving in the state Senate during the administration of Stan Stephens, who you mentioned earlier. And I note too, even though you didn't serve with him for an extended period of time in the state Senate, when I asked you about the senators that stood out in your mind, he wasn't one you listed. You were in a leadership position while he was governor, and so you knew him a state senator and then you knew him as a leader of the opposition party while he was governor. Any thoughts or impressions of Stephens?

FVV: Well, Stan was a very likeable guy when he was in the Senate, but he never was anybody who I thought was terribly substantive. He was a guy who got along well with people, I think, was a pretty good leader of the Republican Party. But he largely avoided the controversial stuff. He would kind of drop back, out of the limelight when a lot of the controversial came to the fore. That's just maybe the reason why I didn't list him among the people who I had some great admiration for, but I had great hopes for Stan as governor. And one of the big reasons that I did was because we had served with him, and I had served with him for almost 10 years in the Senate at the time that he was elected governor. And I thought, "Well, he's certainly going to be the kind of guy you can work with, who you can sit down and discuss things with. And he will exercise his leadership as governor to try and advance compromise." I always thought that the real problem in politics was the Montana House of Representatives, and that particularly if you had someone in the governor's seat who had been a member of the Montana Senate and knew how wise the Montana Senate was and could exercise his great influence over the process, that we could pound the House into submission on everything.

Well, somehow or another between the time he started running for office as governor and the time that he got elected as governor, I thought there had been a tremendous change that came over Stan Stephens. He had somehow or another had been captured by some of the most conservative elements of the Republican Party; he had been captured by some degree by the leadership of the House of Representatives, the Republicans who were in control of the House in 1989. He just became a guy who suddenly seemed to have totally forgotten how the Senate had the wisdom to figure out how to make things work. And I was almost as aghast at that as I was the second day I was in the Senate and there was this partisan-line vote over Jack Healy's membership on the Taxation Committee. I was just in shock that Stan Stephens became a

totally different person once he became governor. And it took me a long time to even accept it, and then I was mad. I was just really mad, and I began to think, “Well, we’ve got to do something to sort of embarrass him or change him,” and all this kind of stuff.

You’ll remember this well. One of the things that I got very much involved with was an appropriation in the state budget for the governor’s airplane. And the reason I got involved with it was because the governor was, Governor Stephens was, just whacking away at all kinds of things in the budget that were, I thought, very reasonable, had been in the budget for years and all this kind of stuff. And I thought, “We’ve got to, somehow or another, get his attention. Get him to understand what it means to have your budget cut.” And so I became sort of the Floor Leader. And I wasn’t the Minority Leader at the time [because] I had had my first election loss ever [for leadership], and Bill Norman had become the Floor Leader for the Democrats in 1989, but I was still kind of the de facto leader of the Senate Democrats even though Norman was the Minority Leader. But I led the charge to essentially—

BB: Privatize the— (laughs)

FVV: Privatize the governor’s airplane. Because he was so big into privatization and everything else (laughs). And I was successful. We were in the minority. We weren’t in the majority. The Democrats were in the minority, but we got enough Republicans to join us so that we stopped the governor from getting the money in the budget for the airplane, and he didn’t get my message at all. It was like it was just way over his head. He just saw it as a personal attack on him and his family, and that somehow or another I didn’t want them to be safe, you know. And he just went nuts over the whole thing (laughs). And that just caused things to deteriorate all the more when that happened.

BB: Okay. And so that, I think, probably pretty much chilled your relationship with Stan Stephens?

FVV: Well, I think everybody’s relationship was pretty chilled, but I thought just because he’d been a member of the Senate that we would have a better relationship. But, I mean, he picked some goof-ball department directors. And he sent up somebody for confirmation, and about the first time in 25 years the Senate rejected one of his nominees. There was just thing after thing that happened that caused this cascade to come down on him. The bad part of it is—and I think Democrats probably blamed me for this for at least the next years if not longer—is that it caused Stan to not seek re-election in 1992, and instead we got Marc Racicot as the Republican nominee. Whereas, if we’d have kept Stan on the ballot, we’d have easily beaten him in 1992 and the Democrats would have retained the governorship then.

BB: Because of the airplane incident you kind of traumatized the poor guy out of office (laughs).

FVV: Well, there were other things too. He had TSI [TIA] incident or something like that which is sort of a minor stroke type of a thing. But he had it right after a press conference where I was

badgering him (laughs). So everybody accused me of giving Stan a stroke. We also, in 1991, when the Democrats had both houses, at the very end of the session we had a very contentious fight about trying to work out the budget in 1991. We weren't ready to—even though the Democrats had control of the House and the Senate—we were not really in a position where we were in agreement within the Democrats. We convinced the governor that the best thing to do at that point in time was to take a recess of the legislature on the 89th day. As it turned out, there, first of all, was a strike of the Highway Patrol going on at the time and there was a horrible snow storm that hit that weekend. So there was just this tremendous clamor all over the state to settle the strike and get the Highway Patrol back out there on the highways protecting the public and all that. And the governor caved and the House caved and we got everything we wanted, everything the Senate Democrats wanted in the budget at that point. That was another time that—

BB: I think I remember, Fred. John Harp was involved in an important way in all that, but I guess I don't remember any of the details. Senator John Harp from up in the Flathead? Do remember him involved in that?

FVV: Well, he was in many ways kind of the bridge between the Senate Republicans and the House Republicans because he had served in the House, and he seemed to sort of understand how to talk to them better than a lot of the other Senate Republicans did. And so he was kind of the shuttle diplomacy guy who'd sort of go back and forth. And do you remember that John Mercer—

BB: Speaker of the House

FVV: —who was Speaker of the House, who was very much opposed to this recess of the legislature because if you're down to the 89th day and the clock is ticking, something is going to have to happen by midnight on that day. But for whatever reason, Stephens agreed to stop the clock (laughs). And to let us kind of go back and do some stuff. Mercer was just extremely upset over this whole thing and Harp was trying to deal with Mercer and deal with Jack Galt, who I think was the Senate president at the time, and I don't remember if Crippen was the Majority Leader. But Harp was sort of the guy in the background who was running from the House to the governor to the Senate and back and forth.

BB: I just remember his involvement greatly in that whole episode. I didn't remember exactly how. Any other thoughts or impressions on Harp? He was an interesting person with whom we both served.

FVV: Yes, Harp was an extremely interesting person. I think, someone who got great credibility with Democrats for his willingness to buck Jack Ramirez and Bob Marks, who were House leaders in the '80s. Then when he came to the Senate, he appeared to be of the Bob Brown version of Republican Party politics, a little more liberal than the rest of the crowd and it probably had more to do with the geographic area that he came from than anything. And he

was kind of a wild, crazy guy. He just did things that were the antithesis of conservatism and that in his personal life.

BB: I once heard him described as the closest thing we came in Montana to LBJ [President Lyndon B. Johnson].

FVV: Harp was a lot of fun, and so you could go out and have a few drinks and enjoy your time with him and that. But the longer he was in the Senate, the more he was involved with the leadership, the more he became a real advocate of Republican Party philosophy. Then he just became someone who you would spar with in a debate fashion. I mean, he was pretty good and a lot of the guys there weren't that good. They had reason for their positions on things, but they weren't real good at articulating their reasons, but Harp was. Harp could engage in a pretty good debate, and I like that.

BB: I remember John, too. He seemed to have a good handle on human nature. And in one-on-one situations he could kind of get somebody to come around to his point of view. He was kind of a shrewd operator who could give a good account of himself on the floor. But I think his greater strength might have been behind the scenes. And that's, I think, what gave rise to that LBJ comment. I don't know if there was a Harp treatment like there was a Johnson treatment—there probably wasn't because John was about half as tall as LBJ. But John had an instinct for human nature and kind of what would motivate somebody to do something and what would frighten somebody into doing what he wanted to do. He was pretty clever at working the game in that way. Well, Fred, there was a big issue in the legislature in the 1993 session, and weren't you president—?

FVV: I was, in 1993.

BB: And it was the sales tax and putting it on the ballot. And then of course it was voted on in a special election in the spring. What are your recollections of that?

FVV: I think first you have to go back to the governor's race in 1992, which was between Marc Racicot for the Republicans and Dorothy Bradley for the Democrats. And Bradley was the primary force in the Democratic Party for advancing the sales tax, and Racicot thought we should have a sales tax and he essentially agreed. So it seemed like no matter how that election came out, we were gonna have a governor that was really going to push the sales tax, and if you were at all in favor of a sales tax that was the best opportunity in certainly 30 years or so to get one in Montana. I was a big supporter of Dorothy Bradley's. I supported her against Mike McGrath in the primary and hoped that if she got elected maybe I would be able to serve in her administration in some capacity or another. I felt like if she had been elected, I would be the person in the legislature that would probably carry the sales tax bill. So I still felt that even though she didn't get elected, that Racicot had gotten elected—because I had known Marc for a long time, we'd been law school classmates together, we'd worked together—that I'd be able to work with him in trying to fashion an acceptable sales tax proposal also during the '93

session. And given the fact that I was the president of the Senate that session, I was certainly in a position to help the process along in that regard, too. But it turned out that Marc's idea of a sales tax and Dorothy's idea of a sales tax were quite a bit different.

I think Marc had sort of been influenced heavily by the more conservative elements of the Republican Party who were really afraid of government spending and using a sales tax to advance government spending in some fashion or another and basically wanted to use a sales tax to replace mostly property tax in the state of Montana, but to some degree income tax. And saw it as something that should not in some way or another increase the role of government by allowing for greater spending in the government. Whereas Bradley and I saw it as a way to not only replace some property taxes and some income taxes, but to expand things like the need for additional spending in the University system and that. So we spent the whole session really kind of arguing about what a sales tax should be and what it should attempt to accomplish. And by and large, Racicot and the Republicans got their way, I think, to the point that Democrats just decided to make it as poor a bill as it could be, one that Democrats couldn't support because they couldn't really get Republicans to ever really come along with the idea of adding some additional spending to government.

So by the time the thing went out on the ballot, it had damn little support. And I think it went down by about a 3 to 1 margin when the people voted on it following the 1993 session. That almost certainly killed the sales tax for the rest of our lifetimes, in my opinion, in Montana.

BB: It went down in a public vote statewide, I think, in about 1971 by about the same margin. [69-31 opposed.] In fact the second time around, it might even have been defeated by a greater margin. So Racicot was governor, the sales tax goes down, you remain in the legislature a session or two after that.

FVV: Yes. One more story that I want to tell was that in the '93 session I think I got involved in an issue that was extremely important, one that built a bond actually between me and John Mercer in particular that I think has lasted for a long time. That was that we had a crisis at the time over the funding of the Worker's Compensation program. And the Worker's Compensation program was in a serious unfunded liability situation, and there was a general agreement that somehow or another we had to rescue this particular program. One of the things that the Republicans proposed and the governor supported was a tax on employees, a payroll tax on employees, along with a number of other things. And Democrats were really pretty much opposed to that. Well, I took it on myself personally to try and get that employee tax through the Senate. And I remember the night we debated it, I was initially in the chair and had to come down out of the chair and argue on the floor of the Senate and essentially picked J. D. Lynch, who was the strongest opponent to the employee tax, to put him in the chair to essentially take him out of the debate. So then when I finished, I would go back up into the chair and then J. D. could come back down and rant and rave and all that sort of thing. But I think it passed by one vote on the floor of the Senate, and we got that through. And it was a bit of a bitter pill for the labor movement and what not, but I don't think it hurt workers and it saved the Worker's Comp

programs, saved us from having to make much greater cuts in the benefits side of the program. And I think it was a huge step in terms of showing that sometimes the most important thing a leader can do is to kind of go against the grain of his own supports in order to try and get something through that is acceptable and will work for the people.

BB: And you mentioned earlier, too, that in your position as a Democrat and as a Democrat leader, when you challenge the AFL-CIO, they're the kind of guys that expect loyalty, so you probably didn't ingratiate yourself too much with those boys, I imagine (laughs).

FVV: Yes. Although, at least by 1993 I think they had begun to accept the fact that I was Fred and I was gonna just be the way I was and they weren't gonna—they'd tried their best in '88 to take me out and they didn't do it. But they didn't come back again in '96 to try and take me out so I was okay from then on.

BB: Well, I know too, Fred, that you placed the public good as you saw it above the political good and had the courage to do that. And that was a pretty good example, the one you just mentioned. When you were still in the Senate, there was another big issue, that was electrical de-regulation.

FVV: Yes.

BB: And Racicot was governor, and we've got just about enough time in the interview, I think, to finish up with your impressions of Racicot, which could probably tie into the electrical de-regulation thing and just your impressions of that whole business. And perhaps also, your thoughts in terms of the influence in the legislature that the Montana Power Company had while you were there, basically culminating with that issue.

FV: I opposed electrical deregulation. I don't know that I had the vision at the time to understand what it was going to mean in terms of to the economy of the state of Montana, but I really thought that we had some of the cheapest electricity in the United States, maybe even the world. I mean, we were paying three and four cents a kilowatt hour for electricity in the 1990s, and that was unheard of in the rest of the country. So why did it make any sense? It made no sense to me that we should somehow or another deregulate because we couldn't really expect to pay anything less than three or four cents a kilowatt hour for electricity. But somehow or another Bob Gannon and others at the Montana Power Company had convinced Marc Racicot and a lot of people, mostly Republicans, but some Butte Democrats and few others, that there were new sources of power coming online and that the industrial customers were going to find a way to get off the grid—that is the normal distribution system of electricity—and they would therefore not be available to pay substantial amounts of revenue to support the infrastructure that was necessary to get electricity to the common individual's household. And since they had convinced all these people and Racicot that this needed to be done, Racicot, or they or somebody, decided that they would put the whole thing together essentially in secret. And even though we had about a 30-year tradition at that point of open

government in Montana, suddenly a bill was being written behind closed door and it went on for two, three months and nobody who wanted to know, but wasn't in the in-crowd, could find out what the hell was going on. And it was being done at the Colonial Hotel or someplace like that, and the governor had representatives there and the Power Company had representatives there and the Republican Party had representative there. Darn near no Democrats involved at all in the writing of this bill. And then they bring the thing out and just present it as a done deal, and say, "Here it goes."

And they'd already lined up the votes because they had virtually every Republican vote in favor of the thing and then they got enough Democratic votes from the Butte delegation and the Anaconda delegation and people who were totally beholden to the Montana Power Company to just whip the thing through. You get up and you make an argument and nobody would even debate you. I mean, it was like, "We're not gonna give you the respect of a debate here because we don't have to. We have the votes and we're just gonna shove this thing through." That to me was sort of the last straw for my real kind of desire to serve in the legislature. I began to think, "I'm not really making a difference anymore here. I am just sort of talking to the wall and nobody's listening. And why should I do this? I mean, this is a tremendous cost to my family and my personal life and everything else, and I'm just not going to waste my time doing that anymore." And it to some degree coincided with the fact that my then boss, Dusty Deschamps gave up his chance to run for re-election as county attorney and instead run for the U.S. Congress, and so I jumped at the chance then in 1998 to get out of the legislature and run for county attorney. I think it was a good decision. I mean, it was hard because those were 20 great years serving in the legislature, and I had a great time. And I don't have any real regrets, but I also had reached a point where I just felt like I was just not making a difference. What I said, nobody was listening to me or they didn't seem to care, and I just had no interest in serving at that point.

BB: Marc Racicot, as you mentioned, was—it was through his administration that that legislation passed. And you'd mentioned you'd known him from your law school days. Your thoughts on Marc Racicot?

FVV: Oh, largely disappointed with Marc. I thought he had much greater potential than he really showed. He was, I think, a very good attorney general. I think he was a pretty decent governor in the early stages of his career as governor. And then he just became enamored, totally enamored of Republican Party philosophy, and he developed a personal friendship with George Bush, which I think was disastrous for not only him but for the country.

BB: Now George Bush was the governor of Texas when Racicot was the governor of Montana, and they had a personal friendship.

FVV: Yes, and it led to Racicot being very much involved in trying make sure that Bush was declared the victor in the 2000 presidential election, particularly in the context of disputed votes in the state of Florida. Racicot went there and was an advocate for Bush in that process.

And then he became the chairman of the National Republican Party, and now you see him and he doesn't give you the time of day. I mean, it's like you hardly know the guy and here's the guy that I was friends with until 1994 or so. And now, he's just Mr. Republican or something. And I just don't respect that.

BB: (Laughs). Fred, as we look back on our interview here, is there something that we left out? Is there anything that you'd like to say that we haven't included? A person, a piece of legislation, an observation?

FVV: Well, we certainly didn't talk much about the House, and I don't want to open up to big of a can of worms right now. But you heard me say that I thought that most of the wisdom resided in the Montana Senate. I was probably, I think, more known in my career for my contentious relations with House members, probably Republicans in particular, but you may not know how contentious my relations were with House Democrats, too. I just could not ever really understand or appreciate why the House was the way it was, which I thought was mostly show and very little substance to what they did. And it did sort of color my view of the process and probably unfairly because that's the design of the bi-cameral system. That you're going to have a wholly different body than the Senate and one that is more, I guess, responsive to the people or something of that nature. And I apparently was not cut out of that cloth. I doubt that I would have lasted more than one session in the House if that's where I had served.

BB: What are your impressions of John Vincent? What are your impressions of Hal Harper?

FVV: I thought John Vincent was Mr. Milquetoast. He didn't have the courage to stand up to anything. He just was the guy who somehow or another got elected and mouthed the right [things] and all this. Harper wasn't too much different, but to the extent Harper was really a fighter, it was always behind the scenes. He rarely wanted to take on—

BB: Mercer.

FVV: Mercer or Ramirez or Marks, in what I considered to be substantive ways. And these other guys, Mercer, Ramirez, Marks, these guys, they wouldn't know compromise if it bit 'em on the cheek. They were take-no-prisoner types and so they forced nice reasonable guys like me to be take-no-prisoner types (laughs).

BB: (Laughs). Anything else?

FVV: No. I think we've covered...This has been fun and I appreciate the fact that you've given me the chance to put my memories on tape here. And I hope that somewhere along the line, somebody finds them interesting.

BB: Well, I value your friendship greatly, and thank you for your public service.

[End of Interview]