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Transcript for Episode 30: Change & Challenge: Governor Tom Judge's First Term

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[Begin Change and Challenge-Governor Tom Judge's First Term]

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[Music]

00:00:03

Narrator: From the beginning of Montana's distinctive yet troubled history, the Treasure State was dominated both economically and politically by powerful outside interests who shipped in capital and bought control of the State.

00:00:14

Historians tell us that as the Anaconda Company and its friends ran Montana, economic and political power flowed out into the hands of distant capitalists and corporations.

00:00:26

Policy was determined in far off New York City and control of the press was rigid. Anaconda's corporate dominance in Montana's political affairs was unique in American history. For its first 75 years, Montana was a one-company State. But then big winds of change roared across the Treasure State; between 1965 and 1980 Montanans ripped off their copper collar, transforming Montana from a corporate colony into a free modern State.

00:00:55

The people finally controlled their own destiny. The pitched battle between the people and the established power structure was not easily won but fired In a Crucible of Change a new Montana was born. Join Evan Barrett and real history makers of the time as they shine the light on this remarkable era.

00:01:20

Evan Barrett: Welcome back to *In the Crucible for Change*. You know it's a very exciting program we're going to have tonight. We call it Change and Challenge and this program is about the first Administration, the first term of Governor Thomas Judge. Tom Judge was the youngest Governor elected in the history of the State of Montana. He came in at a critically important time with the opportunity to make all kinds of progressive changes following the single term Administration of Forrest Anderson. It was a marvelous experience being part of that and in the sense of

full disclosure, I was part of this Administration starting in 1974 but had long been a friend of Governor Judge prior to that. And all of our three participants on our marvelous panel tonight are long-time friends. So we're having basically a nice conversation about some things in our past that we're very fond of because of what it meant to us and what it meant to the State of Montana.

00:02:25

So we have three practitioners of the trade of government and politics here who are--make a superb panel. First I want to mention Kent Kleinkopf; Kent you know originally started with Governor Schwinden when he was in the Lands Department. You were in the Lands Department helping to implement the early stages of Executive Reorganization and then you went as we disclosed in a previous program with Governor Judge for his--in his campaign and were extensively involved as a campaign volunteer. But then you entered the Administration at which time you became the first citizen advocate of the State of Montana. And later--and that was a unique position we're going to talk about and what happened with that. Later you headed up the Department of Business Regulation and the last 30 years or so you've been in the private sector in a firm involved with vocation rehabilitation and vocation rehabilitation consulting.

00:03:28

Kent Kleinkopf: Correct.

00:03:29

Evan Barrett: And I do think these folks bring a lot to the table.

00:03:34

Sid Armstrong; Sid was on a previous program. Sid is from Helena, long-time friend since high school of Governor Judge, Secretary of all of his campaigns, but also became an Aide to the First Lady of Montana, Carol Judge and ultimately ended up in the Administration of Tom Judge, later with the Montana AFL-CIO, the Democratic Party, the Montana Community Foundation and now you're involved in philanthropic consulting. And--

00:04:04

Sidney Armstrong: And the Greater Montana Foundation.

00:04:05

Evan Barrett: Oh and the Greater Montana Foundation, by the way which is a sponsor of this program. And she brings a wonderful experience to the table as well and we're happy to have you here.

00:04:16

Sidney Armstrong: Thank you.

00:04:16

Evan Barrett: And Norm Grosfield; Norm is from Lincoln, Montana originally although he's been in Helena an awful long time now, graduated from MSU, the University of Montana Law School, came to Helena to be part of the Executive Reorganization Implementation. After the passage of the Bill in 1971, Norm was in the first stages of the implementation of Executive Reorganization, later became a direct participant in the Judge Administration as the First Assistant Administrator and then ultimately heading up the Workers' Compensation Division, 1973 as an Assistant, as the Head of that in 1975 until '79 and for the last 35 years you've been practicing law in Helena, but you are one of the more active and keen observers of politics and government in Montana. And so we're happy to have you onboard as well.

00:05:08

It's a great, great panel. These folks have such terrific experience and--and I mentioned when we were talking about the challenge and change issue, when we left our last program about Tom Judge, we were wrapping it up and Sid, you mentioned as you were at the mansion, the first night Governor Judge and Carol Judge and all the friends who helped them move were at the mansion, something that he said about his aspirations as Governor. Could you go--repeat that again for us as a starting point?

00:05:40

Sidney Armstrong: I would--I would be delighted to Evan. We had spent the whole day moving. A friend who worked for one of the moving companies got a truck. There was no paid moving. There was no money. Tom had--had a sole business and when he wasn't working there wasn't much money coming in. That night we were down in

the lower level of the Governor's Mansion. Carol's family had brought in fried chicken and some beer and so forth. And as we were relaxing and talking and so on, Tom said to me, you know I want to be the kind of Governor that Lee Metcalf is as a Senator. I want to do the right thing because it's the right thing, not because it's going to get me votes. And I think that set the tone of what he wanted to do with his Administration.

00:06:22

Evan Barrett: Well I think it did and I really appreciate you repeating that. Now I'm going to read a couple direct quotes from--from Tom that are very salient to us approaching this--this job today to try to describe such a diverse and active term that he had. When he announced for Governor in October of 1971 this is what Governor Judge said, Candidate Judge at that time, Lieutenant Governor Judge. He said:

00:06:47

My candidacy is founded on the belief that government can do a better job. We can improve the organization and management of government. We can protect the environment, serve the needs of the people; we can inspire the confidence of Montanans. We can initiate progressive new policies to assure people receive a fair return for their tax investment.

00:07:12

And then a little over a year later when the campaign was over and he had won, on his Inauguration he said the following:

00:07:18

They (meaning Montanans) want a voice in the decisions that affect their lives. They want to preserve the wholesome quality of life we enjoy in Montana. They want opportunities for their children. They want honest, efficient government, and they want a government that cares about people.

00:07:38

And then he quoted John F. Kennedy and said John F. Kennedy said this:

00:07:42

I do not shrink from that responsibility; I welcome it.

00:07:46

And he said that's the way he wanted to approach his Administration.

00:07:49

So I think we can see by his words that Tom Judge wanted to make a big difference and he came on the heels of the single term of Forrest Anderson. And Forrest really set the stage for this progressive period by what he did on a lot of fronts, one of which was the Executive Reorganization. And I want to ask you about that in a second, but I want to ask you to make a point that you made to me the other day about the nature of the--maybe a little contrast between Forrest Anderson's four years and what was starting--would happen once Tom Judge got rocking and rolling as Governor.

00:08:32

Kent Kleinkopf: Evan, Forrest had been involved in every aspect of State government. He had been a Legislator. He had been a Supreme Court Justice. He had been Attorney General. And now he's Governor. So he had an absolute wealth of experience. He knew State government inside and out. And starting--starting with that his primary focus was inward in making State government work better for the people. I think that--

00:09:11

Evan Barrett: And I think it's worth noting that the import of that is that when you have a government, an Executive Branch that doesn't function well--that it simply empowers the powerful who already know how to get their way, the people that ran this State for the first 75 years that before we had to have this *crucible of change*--

00:09:31

Kent Kleinkopf: Well you had 170-odd boards, commissions, bureaus, departments, you name it, scattered all over the State with--with little or no accountability to a single Executive.

00:09:45

Evan Barrett: So in a way you're saying he was pointed inward to make government really work for people.

00:09:49

Evan Barrett: Right.

00:09:49

Evan Barrett: How did that contrast with Governor Judge?

00:09:53

Kent Kleinkopf: Well Governor Judge had the--the responsibility of continuing to implement this sweeping change in State government, this Executive Reorganization, bringing departments together, because they were only allowed 20 departments you've got to remember. So the--the scope of the change was monumental. For the first time, department directors were answerable to the Governor and had to serve at the pleasure of the Governor. So they could be fired for any time, any reason.

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The--

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Evan Barrett: Was he then focused on the internals of the government completely or was it--?

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Kent Kleinkopf: Well I wouldn't say completely but the--the difference that--that I noticed was that Judges of two Administrations were much more focused on outreach, bringing back to Montana anything that sounded like a good idea, wheat to Taiwan, beef to Japan, you name it, so the--the--

00:11:18

Evan Barrett: And the implementation of the Constitution which meant empowering--reaching out to the people of Montana as well.

00:11:25

Kent Kleinkopf: Well that was one of the biggest changes of all of course, the focus from the corporations virtually running the State of Montana which they had since its inception to the people now becoming empowered.

00:11:46

Evan Barrett: And I think that's an interesting observation. When you first told me that I thought that's--that's really interesting, kind of an inward focus, not totally by Forrest but really an inward focus as opposed to beyond the implementation of that this outward focus for--for Tom Judge which seemed to fit him as a person by the way.

00:12:02

Sidney Armstrong: Absolutely.

00:12:04

Evan Barrett: His nature was to be reaching out there with--

00:12:09

Kent Kleinkopf: Very outgoing.

00:12:09

Evan Barrett: Now Norm I want to ask you while we're on this subject, the initial subject of the transfer, the change from the two Administrations and the reorganization that that's where you came to work. Your job was to help implement this massive change that was statutorily adopted in the early '71. You came in on the fall of '71 with the idea that now somebody is going to have to make this work. Tell us a little bit about that and then how the Governor interfaced with that.

00:12:40

Norm Grosfield: Yes Evan; thank you. Well I graduated from Law School in 1971 and of course everybody that graduates from Law School is looking for a job. And Duke Crowley was a Professor, well-known Professor of Law in Montana and well-known throughout the State of Montana. And he and a friend of mine named Ted [Doney] who had a lot to do with Executive Reorganization, asked me if I would consider coming to Helena as the first job.

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So I looked at it and after looking at it and after talking to Professor Crowley and then George Bozelman who was another well-known figure in State government at that time, I agreed to do that. And it was a massive job. We had about six people in the office at that time. But we had to proceed to implement each of the 20 departments, one-by-one. We had to find the Director. We had to find the Administrators. And then we had--and--and they came in sequence; they all didn't start at one time. It took a period of time. So we worked with each department as it was developed and it was--and as it was brought on. We worked with the Director and finally we got all the departments implemented.

00:14:19

Evan Barrett: And initially you're working with Governor Anderson to get this done?

00:14:23

Norm Grosfield: Working with Governor Anderson.

00:14:24

Evan Barrett: For about a year, little over a year?

00:14:26

Norm Grosfield: Yes. But Tom was also involved in that--in the process even before he was elected. And of course when he was elected that's when the implementation really started and--and so we proceeded to do that. And--and it was not only a job to try to implement each department and get it going and bring in all these diverse interest groups that became one department to try to coordinate them to get their confidence. We also had to go through hundreds of pages of law to coordinate the law so it fit within the State code structure.

00:15:18

And that was also a massive job and we had to do it and we had to be very careful that we didn't add or subtract from the law but that we implemented it and we had to go through a number of Bills in the Legislature. We had these Bills that were literally hundreds of pages long to--

00:15:39

Evan Barrett: You ended up bringing a whole bunch of Bills forward to the '73 Session to implement what the '71 Session had passed.

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Norm Grosfield: Exactly.

00:15:51

Evan Barrett: And in that case you were bridging from Forrest Anderson to Tom Judge?

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Norm Grosfield: That's correct.

00:15:57

Evan Barrett: Who ultimately named the--the Directors of all these departments; by that time they were pretty much all formed by the--by the '73 Session?

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Norm Grosfield: They were.

00:16:10

Evan Barrett: And that was an interesting thing but were there any quirky things about that, things that stood out, Board of Investments? There were some--some things were absolutely gotten rid of; I think that the--the Workers' Comp was changed. The--the Board of Investments was a new thing that made a big--. Tell us a couple of things that jumped to the forefront.

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Norm Grosfield: Well you know before Executive Reorganization the banks of Montana would hold money for various different departments with--and there was no interest that was provided to the State from these deposits and the State didn't even know where all the money was, so Forrest Anderson and then Tom Judge saw to it that they developed one entity called the Board of Investments which is a--a Board that is appointed with--with public involved and they--the Board now since 1972 has had the responsibility to invest all of the funds of the State of Montana in one area. And it's--

00:17:24

Evan Barrett: I think they now have under their control the investment of \$13 billion.

00:17:29

Norm Grosfield: Yeah; and they--and the history since 1972 of the--of the type of investment and the income that has provided--this has provided the State of Montana is phenomenal.

00:17:41

Evan Barrett: It's really made a difference and it's hard to look at that and say that the allocation of all that money out to banks was political favoritism or if it was any--scandalous or anything else but it certainly was the way of the world back then, but it certainly was--wouldn't pass scrutiny today. So having a single place to do this where everyone--was a monumental change--

00:18:05

Norm Grosfield: Monumental change and also it just has provided a very significant amount of money for each budget that it's created since 1972.

00:18:15

Evan Barrett: And I know Tom was--Governor Judge was extraordinarily proud of the people he appointed to that Board that they helped to implement it and because Forrest barely got it started before he was gone. But it was a great, great, wonderful idea. Now in terms of--let me ask you Kent a question here because we talked about the

Governor and his statements about wanting to have the government reach out to the people. You ended up being the single person who epitomized that probably more than anyone in the initial stages of the Administration because of this so-called Citizens Advocate position. Now there was a term called ombudsman that was floating around a lot at that time; that wasn't used but the Advocate position was used. It didn't exist before. Tell us about Tom's commitment to that, how it happened, and what it meant.

00:19:04

Kent Kleinkopf: Evan, Tom had talked a lot about this idea in the '72 campaign. It was one of the things that he hoped to implement. When the Legislature came into Session we found out that Max Baucus who was a Representative at that time had his own idea about how government should be approached, called--he called his office a Legislative Ombudsman. So we had some interesting discussions with Max.

00:19:43

Sidney Armstrong: *[Laughs]*

00:19:43

Kent Kleinkopf: In those days about--

00:19:44

Evan Barrett: Well not a typical of a thing. Legislators tended to think everything ought to center at the Legislative Branch but the truth be told, access to the Executive Branch is kind of an Executive Branch function.

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Kent Kleinkopf: It is and as a matter of fact, because the office was located within the Governor's Office that's what gave you the leverage and the authority to actually address people's concerns about various agencies.

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Evan Barrett: So you went to the Legislature with a budget; it was really a budgetary item more than anything else.

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Kent Kleinkopf: It was; it was.

00:20:17

Evan Barrett: That said we're going to budget for a Citizens Advocate and low and behold when you finally prevailed in the Legislature you were named?

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Kent Kleinkopf: Well for whatever reason, Max decided that it might be a better idea to have it in the Governor's Office. So he relented and it--it did get put into the budget; it did get passed.

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Evan Barrett: Well you know when you're a senior--

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Kent Kleinkopf: It's still in existence to this day by the way. I'd like to point that out.

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Evan Barrett: When you're a Senior US Senator you might have a difference with the Governor and want to argue about it. But when you're a first-term Legislator and the Governor says this is what I want--sometimes the--you know the discretion is a better part of valor here. **[Laughs]**

00:20:55

Kent Kleinkopf: And maybe that--

00:20:58

Evan Barrett: He went with it and you--you became the Citizens Advocate--

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Kent Kleinkopf: The first one.

00:21:01

Evan Barrett: And your Assistant was a long-term Citizens Advocate after you left--?

00:21:06

Kent Kleinkopf: Yeah; [Kathy McAllen].

00:21:08

Evan Barrett: It was [Kathy Shillinger]--

00:21:09

Kent Kleinkopf: [Kathy Shillinger] in those days.

00:21:11

Evan Barrett: And then Kathy [McAllen] and the two of you set up a phone line which the number which is still the same isn't it?

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Kent Kleinkopf: It is.

00:21:19

Evan Barrett: 1-800-332-2272.

00:21:22

Sidney Armstrong: I can almost see it--

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Evan Barrett: And if people had a problem with State government you were there to be their advocate? Was that the idea?

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Kent Kleinkopf: Correct.

00:21:33

Evan Barrett: Did you have a lot of calls?

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Kent Kleinkopf: Initially we had a tremendous number of calls. Once in a while you'd run into a person that had-- had a problem with an agency and the agency had done everything imaginable to help solve the problem and it wasn't solvable. So we did have some of those kinds of calls.

00:21:54

Evan Barrett: But often you shook it loose didn't you?

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Kent Kleinkopf: Often we--we had great cooperation from the agencies. I--I don't remember a time when--when we had a problem that couldn't be solved one way or another.

00:22:09

Evan Barrett: You know and--and so you know rhetorically saying we want people to be able to have access to and make government work for them, but the tools of implementing that was in many cases right through you on a-- on a micro-level, of individual citizens who couldn't seem to negotiate the bureaucracy, could get some help.

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Kent Kleinkopf: That's correct. And my--my good friend John Malia is the current Citizens Advocate. And--and the office has been in existence ever since 1973.

00:22:43

Evan Barrett: So here we are 42 years later; it's still in existence. It was an idea worth not only starting but keeping.

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Sidney Armstrong: Uh-hm.

00:22:51

Evan Barrett: There you go. I mean I think that stands the test of time. That's--and over the years I think that I mean it's hard to tell the untold thousands upon thousands of Montanans, who thanks to that vision of Tom Judge who have had government work better for them which is what he was talking about.

00:23:09

Sidney Armstrong: Exactly.

00:23:10

Evan Barrett: Now we had a--another interesting thing that happened in the transition from Tom Judge, from Forrest Anderson to Tom Judge because the normal thing that happens when the Administration has changed is there's a wholesale removal or--of the existing department directors and personal staff of the Governor and anybody the Governor had appointed. And there are plenty of people lined up who helped with the campaign or friends of the

Governor or just people that knew him and he had--had expertise that were saying hey I'm here and available to help put your stamp on government.

00:23:49

Tom Judge's Administration had almost an unprecedented level of continuity from the previous Administration. Forrest Anderson's Department Directors, he looked at that and said I like a lot of these people. Tell us how--you were part of the selection process as an Aide to the Governor at that time; tell us how that played out and what the thinking was.

00:24:12

Kent Kleinkopf: Well Evan you've got to remember Tom Judge was Lieutenant Governor at that time--had been for four years. He was extremely familiar having been a Legislator in both Houses, having been elected Lieutenant Governor; he was extremely familiar with--with personnel and the workings of government.

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So he--he knew an awful lot of these people already personally and had dealt with them. So it was a fairly easy transition with some of these top notch players, people like Ron Richards as an example, the consummate government official and--and political strategist. Gosh; I could go--I could go down the list but I won't. But Tom's familiarity with all of these people helped a great deal.

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Evan Barrett: I think far and away better than half the Department Directors were retained.

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Kent Kleinkopf: They were.

00:25:14

Evan Barrett: Because Tom knew them and they were doing the job and he said okay; let's keep doing this job. I've got no problem here. So that continuity served him well; often incoming Governors have a slow start, but he had a team that was on the ground and ready to run and run with him didn't he?

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Kent Kleinkopf: Remember we were still in the process of reforming State government. So it was important I believe to keep a lot of those personalities in doing the job that they were doing pretty well.

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Evan Barrett: And then he brought some new folks in, too but Sid, there were a lot of new people that came in at the same time. When you have the youngest Governor in the history of the State of Montana--

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Sidney Armstrong: Evan you keep saying in the State of Montana. He was the youngest Governor in the history of the country.

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Evan Barrett: Oh. Is that right?

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Sidney Armstrong: Oh yeah seriously; absolutely. And so many of the people he brought in it was a wonderful balance; you had the good sort of veterans that had been with Forrest Anderson and whom as Kent points out, Tom knew and trusted and so forth, but he also brought in a whole lot of younger people, people so young in their 20s that outsiders thought it was you know just a bunch of kids playing around--didn't happen to be true. But there was a great dynamic and excitement, energy, inspired by Tom and people who wanted as you have--both you and Kent and Norm have pointed out so well, he wanted to do something good. He wanted to open government. He wanted to make it work for people. These were younger people who were absolutely dedicated to this. And it was a change that was starting to go on in the country. But it was very unusual at the time. Usually it was all male, it was older men, and it was men with experience in law and business and so on. These were very much young energetic people with a lot of brains, a lot of talent, not a whole lot of experience. But when they got together and with that good balance, we were able to make some really wonderful things happen--again, for the people.

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Kent Kleinkopf: A lot of idealism--

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Evan Barrett: Yeah.

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Sidney Armstrong: Very much so.

00:27:22

Kent Kleinkopf: --was involved in those days Evan.

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Sidney Armstrong: Very much so.

00:27:26

Evan Barrett: Well that's interesting because you--sometimes you see so much cynicism today it's hard to think of an idealistic time.

00:27:31

Kent Kleinkopf: Believe it or not government was a whole lot of fun to be in.

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Sidney Armstrong: Oh--

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Kent Kleinkopf: In those years; a whole lot.

00:27:39

Evan Barrett: Well in terms of this--the age thing, I mean it's an interesting observation that I had been with Forrest Anderson and then went down to the Democratic Party. When I came back up to the Governor's Office under Governor Judge in March of 1974 about 15 months into his Administration I was a seasoned veteran of 29--

00:27:58

Sidney Armstrong: Yes; exactly.

00:27:59

Evan Barrett: --at that time.

00:28:00

Sidney Armstrong: Exactly.

00:28:00

Evan Barrett: I was 29. *[Laughs]* I--in fact I wasn't quite 29 and--and so there was a whole cadre of youthful people but we were all intermixing and learning from the more seasoned folks. It was an interesting chemistry, almost like the leavening of bread that was occurring in that process. I found it--I thought it was an exciting time in my life.

00:28:24

Sidney Armstrong: Oh I think it was in all of ours. I think the other thing I would point out is that we became such good and close-knit personal friends as well as professional friends. I mean we celebrated weddings and births and baptisms and funerals and had wonderful times together, many of them connected with events at the mansion.

00:28:44

Evan Barrett: And we still do.

00:28:44

Sidney Armstrong: And we still do. I was going to say and these are lifelong friends. And if you remember we used to gather quite frequently on a Friday evening at either the pub or at Ichabod's, a downtown watering hole as the saying goes, and we called ourselves the Hacks and the Crats, the political hacks and the bureaucrats. We got together for fun but you know we also came up with some very good and innovative ways to continue to make life and government better. And I think it also smoothed the way for Department Directors and staff to work more easily together. There was a--a trust factor there and a respect. We had a really good time doing all this.

00:29:25

Kent Kleinkopf: Can I point out that Evan and Norm and I were the crats. *[Laughs]* Okay--

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Sidney Armstrong: I was the hack; what do you mean you were the crats?

00:29:35

Evan Barrett: Well I don't know about that. I often--I often--

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Sidney Armstrong: Anyway it was a joking kind of term.

00:29:39

Evan Barrett: --I often introduce myself as an old political hack.

00:29:42

Sidney Armstrong: Bingo.

00:29:43

Evan Barrett: You know which I speak of as an honorable profession.

00:29:46

Sidney Armstrong: Yes; I do, too.

00:29:47

Evan Barrett: An honorable profession. You know this--there's a great internalizing that occurs in government because when you--you all start working together that was--there was a team effort there. And it's--it's hard to express that and how much teamwork and the sense of mission, but again the mission really was not about what was going on in Helena but how--what was going on in Helena affected the citizens of Montana--economically, sociologically, so citizen participation was a--a real hallmark.

00:30:21

Sidney Armstrong: I want to circle back if I may for just a moment Evan to add that Tom and Carol were also friends of all of ours.

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Evan Barrett: Yes.

00:30:29

Sidney Armstrong: And we socialized and enjoyed each other and so forth and so on. And just a little quick anecdote; we were at a Governors' Conference in Washington, DC. Jerry Brown was Governor at the time; he just keeps popping back up. But we were seated at breakfast at a table at the hotel and he and his staff were seated next to us. Later on one of his staff came up to me and--and said I can't believe how much you all enjoy each other and how much your--your Governor enjoys you and you talk back and forth and you joke and you seem to have such a good friendship and a good time. He said you know our Governor isn't a bit like that. **[Laughs]**

00:31:07

Evan Barrett: Well you know what we always say about Montana; it's a small town with really long streets. We all know each other. There is a--kind of a thing about Montanans being real which other. You know as we went forward in time--terms of impacting people, one of the ways and one of the groups of people if you will that had to be--had some positive impacts--needed them were the workers of Montana. The workers, the blue collar, and white collar workers of Montana who had--I don't want to say suffered through but had managed to survive those 75 years when we were a corporate colony, the Anaconda Company, and now we're looking to State government to provide them better access, better services. Norm can you speak to some of the things the Judge Administration did related to workers, the wide range of things that related to workers which was a big constituency?

00:32:03

Norm Grosfield: Yes; in the--in the Workers' Compensation area there had been a Federal study about the problems of Workers' Compensation throughout the United States. And Forrest Anderson and--and Tom Judge looked at that and said we need to do something in Montana. And so actually they brought Labor and Management, Chamber of Commerce people to an Advisory Council and they developed a set of legislation to really update the Workers' Compensation system in the State of Montana.

00:32:43

And the Federal government had 14 essential recommendations and the State of Montana adopted in the '73 Session almost every one of those, way ahead of all the other States and really updated the protection for injured workers in this State. It was--it was progressive legislation and it was really needed. And then I worked on--

00:33:12

Evan Barrett: Wasn't it through that--that the adjudication went to a Judge?

00:33:15

Norm Grosfield: We created the Workers' Compensation Judge. There was--there were--there were problems in the system before that. There were conflicts of interest. There were at that time 28 District Court Judges that had 28 different opinions as to how to apply the Workers' Compensation Act. We wanted one Court with one Judge. And that system has worked very well. It's now supported--

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Evan Barrett: We still have it.

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Norm Grosfield: --and it's supported by both the Labor industry and Management and it's been a--and the whole system is--I mean there have been problems in Workers' Compensation regarding costs but every State faces that. But the system in Montana really is--is quite good. And then there--before 1973, public employees in the State really didn't have the authority to collectively bargain in the State. And so I worked on legislation creating the Public Employees Collective Bargaining Act. And after that was passed, all public employees including Local government employees had the law behind them to properly negotiate contracts. I think that was a progressive effort. There were efforts in improving the minimum wage in the State of Montana and updating the unemployment compensation law as well. So there was quite an effort to really improve the--the laboring folks and--and their work in the State and Tom really pushed that and it got through.

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And I--I must say that back in--in those days, Labor and Management actually would get together even before the Session and work things out. And we would come to the Session and often times these things were already worked out by the various groups and the Legislature thought that was great because they didn't have to deal with you know these--these Hearings with divergent views and things really worked out well. And--and Tom had a great--he was a former Senator in the State of Montana and he developed a lot of friendships in the legislative process on both sides of the aisle. And he would ask us in the Governor's Office and--and he would ask Department Heads too--before the Session--get together and see if we can work out these issues. And of course you can't work everything out, but you can work a lot out. And he just had a great association with both sides of the aisle and--and things got done without a lot of conflict other than of course you'd have the usual conflicts over taxes and things like that. But a lot of these other things that really affect a lot of people in the State, they don't realize it, were worked out beforehand.

00:36:29

Evan Barrett: Well workers I think look at that period as being a period where magnificent gains took place, and some of our previous programs have discussed that. You know one of the things I want to have us touch on is institutions because we had touched on this briefly before Sid about how First Lady Carol Judge had a long term interest in that from the time she was a student nurse and then when Governor Judge became Governor he became fully aware of that and tried to implement a lot of changes but they were rejected by the Legislature in '74 and the day after the Legislature there was a statewide strike of institutional workers. And the Governor had to call out the National Guard to take care of the institutions. A lot of reforms emerged from that but that was kind of the catalyst; do you want to talk a little bit about that for a second and--?

00:37:21

Sidney Armstrong: Well first of all and I think we did mention it the last time, the fact that the National Guard had to go in and take over was the best thing that could have happened because people from throughout the State went to work in the institutions and saw the absolutely horrific conditions and they went home and said, people can't live like this. We can't have institutions like this; something needs to be done.

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So there really was interest and awareness around the State. Meanwhile both Tom and Carol but especially Carol taking the lead in this, as you mentioned, as a student nurse she had spent three months at Warm Springs. So she was pretty intimately knowledgeable about it. Then we went sometimes with the Governor, sometimes just the two of us, we went and visited all the institutions. We heard from the people in them what was going on, we talked to the Administration and so forth and so on, and so that as the Legislature and the Administration began to work on the de-institutionalization and that was happening throughout the country as well--it wasn't simply in Montana--working towards having those residents of various institutions, I speak particularly now of Boulder River School and Hospital for the developmentally disabled, who can have group homes and community services and so on. Carol was wonderful about promoting them and supporting them. And often times when a group home was opening in a community where people were dubious and they didn't know how it might work, the people running the home and the people involved with the community-based services would have some sort of a tea or an open house and they would invite Carol who would come and be her usual warm, wonderful, gracious, welcoming self.

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And it really put a stamp of approval on those community-based services, as well as the sheltered workshops we would visit and so forth and so on, so she played just a tremendous role. And she played a tremendous role in an informal way; I don't think she ever testified at the Legislature, but she would talk to various lobbyists and Legislators about what she had seen. So she made a huge difference.

00:39:29

Evan Barrett: And--and Tom was also--and there was massive change that occurred as a result of that.

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Sidney Armstrong: Oh no question.

00:39:34

Evan Barrett: Without question. And he was also really proud of the fact that--about the new prison--

00:39:40

Sidney Armstrong: Oh absolutely.

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Evan Barrett: --about the fact that--that behind the walls in Deer Lodge for those of us who have spent a night in Old Max which I did just as a visit, it was like a dungeon. And the way the prisoners were and then they--all the sudden they have a new prison. Now that's our old prison now, 40 years later, but that was a big deal to have that--

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Sidney Armstrong: I should say it was. It was wonderful.

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Evan Barrett: In the form of institutions involved that as well. Now we had a lot of environmental things that happened as well and I want to--because he spoke about that. How do we have to maintain this unique quality of life

we have as Montanans? And it found its way through Land Use Planning, Water Laws, and so on like that, things involving Coal Severance, the Environmental Policy Act, and so on, the Coal Trust Fund, so I want to have us all collectively kind of dive into that a little bit. I wonder if you might talk a little bit Norm about the Land Use Planning issues, Subdivision Laws, things like that--that happened that really kind of helped us to have a--have development done in a better fashion.

00:40:48

Norm Grosfield: Yes; up until the--the early '70s there really wasn't much in the way of regulation of--of land use. In Local governments we're having very difficult times because parties would go out and just create a subdivision without any thought as to the roads or the sewers, water, anything like that, and Tom took a great interest in that. And we developed the Platting Act, Subdivision and Platting Act to allow Local governments to regulate and at least see to it that when a subdivision is created that it fits in within either the city or the county area.

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Evan Barrett: Now that again is one of those Reforms that meant a lot because it wasn't there before. It's still with us today.

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Norm Grosfield: Well and it's a very important part of Local government today. You have to--you know to operate a city or even a county you have to have some thought as to where the roads are going, where the water is coming from, where fire departments can go, where law enforcement has access, and there are certain--very detailed rules to--to regulate those things but that's to the benefit of everybody that lives in a city or a county.

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Evan Barrett: And you speak of one of those aspects being where would the water come from? The Water Law advancements under the Judge Administration were phenomenal too weren't they?

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Norm Grosfield: Yes and I'm going to say that I think I kind of created the Water Law in the State of Montana and I'll tell you why. I have a story about that.

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I took Water Law in Law School from a very well-known Professor named Al Stone. And I learned in Water Law--in this Water Law course that the Water Law system in the State of Montana was a real mess. And it just didn't work because it was--it was operated by the Courts and every time somebody came in with a new Water Law they had to re-litigate everything, not just the old established water rights but they had to litigate the whole new thing.

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So I--I went to Ted [Doney] who was the Director of the Department of Natural Resources at that time and I said Ted; I took this Water Law course and I found out that the--the Water Law system in this State is a real mess. I think you should look into that. And he did. And we found out that it--it was a mess and then he took it to the Governor and they ultimately adopted the new Water Law in 1973 which is a permit-system and of course it's kind of interesting because that was one of the big issues in this current Legislature. And I kind of had to chuckle about that. But eventually under a permit-system we will know in Montana what--what everybody's rights are and we will be able to protect Montana law and Montana water against claims from other States. It's a massive project. But eventually it's going to be done and it's going to be of great benefit to--to all of the State. So I take a little bit of pride in--in at least suggesting it being approached.

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Evan Barrett: Well as you know that old saying that in--as they say in Montana or in the West you know that whiskey is for drinking and water is for fighting. And you know to try to eliminate some of that fighting was probably worthwhile. [Laughs] You know when think about on the environmental side of it we had a very interesting thing that when I was having a discussion with Governor Schwinden who prior to being Governor was the Head of the Lands Department. And he said that one of his attorneys had come up with this idea--had come up with this idea about a--which ultimately became the Resource Indemnity Trust. And the *indemnity* word was one that John Henson came up with who was an attorney there. And John came to Ted and they said well this word

works pretty well. It means that we have to pay some money and build up a trust that indemnifies for the loss of this resource.

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And he went to Forrest Anderson and said--and Forrest said that looks like a pretty good idea. But you better go talk to Tom about it because he's going to be Governor in a couple months. So of course, Ted must have gone to--to Tom and presented it and Tom always spoke how highly about it--how he really thought that was one of the great terrific things to start out with was to get the Resource Indemnity Trust put into place which itself led to conceptually to the Coal Tax Trust Fund, once a Coal Severance Tax was created. And we had that situation where the Coal Trust evolved and was put on the 1976 ballot. Can we talk a little bit about that? Anybody want to dive in or--? I think Francis Bardanouve was involved with that a bit but it had--but because it was a constitutional issue it had to go on the ballot. And--and it did in '76, so it was something the Governor supported in the '75 Session am I right?

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Norm Grosfield: Yeah and it was--I mean any time you're dealing with any natural resource issue and you're dealing with large corporations you're going to have major issues of course, especially when it comes to taxation. And it could--took quite an effort to proceed to establish that but it ultimately did succeed and look what it's done for the State of Montana now. And it's--it's just been a--

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Evan Barrett: I think Tom was very proud of that Coal Trust Fund.

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Sidney Armstrong: He was and it was Senator Tom Towe, as I recall, who was the real legislative leader at the time and he recently was back at the Capitol testifying in favor of a similar trust fund involved with oil which is pretty amazing.

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Evan Barrett: It is interesting because the depleted resources provided revenue which built up over time and then provided interest earnings forever and right now there's a billion dollars in that fund which is funding local businesses, which is the interest is going to the general fund, some of it is dedicated, almost a quarter of a billion of it is dedicated interest to serve infrastructure development. It is a wonderful legacy that Tom Judge put his thumbprint on big-time and of course the people said yes. And you know one of the things that--about that Trust Fund as it was developed and ran through the Legislature and had to have two-thirds vote with Tom's support to have it happen is that in order to tap into it or take money out of it, it took a three-fourths vote of each house and it's very--hardly ever happened. And but there have been constant efforts to change it including even this Session. And so it stood the test of time and but it--I think it's something he always spoke that he was very proud of what happened and look at that--a billion dollars now and still growing. I think Tom knew how to count money--

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Sidney Armstrong: Absolutely.

00:48:10

Evan Barrett: Being a businessman, Democrat; he knew how to count money.

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Kent Kleinkopf: Well Evan he knew how to count votes, too.

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Sidney Armstrong: Good point.

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Kent Kleinkopf: And--and believe me, the citizens of Montana are in favor of maintaining this Trust and not--not breaking it.

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Evan Barrett: Well when they put the three-fourths vote requirement in it was not to protect the Trust from the people. It was to protect the Trust from the Helena politicians in the Legislature who were looking for some easy money that they could spend on something. So that's been protected and it's sacrosanct and I think that's a very interesting thing that happens--had a lot of foresight.

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The--I want to talk a little bit about taxes because we've talked about the Coal Severance Tax that came in and Tom was very proud of that. That led to the Coal Trust Fund. The--the Homestead Tax Relief, he wanted to put some Home Tax Relief in and he couldn't get the Legislature to agree with him so what did--what did Tom do?

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Kent Kleinkopf: Well he took it to the people.

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Sidney Armstrong: Uh-hm.

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Kent Kleinkopf: And the people agreed with him.

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Evan Barrett: He did it by initiative right?

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Kent Kleinkopf: By initiative, overwhelmingly agreed with him. Tom was very, very proud of the fact that he was able to get property tax relief passed and it was--it was no small feat but he was all--equally proud of the fact that taxes were not raised at all during that--those years in order to facilitate this relief. So I think the figure that he always quoted was it sticks in my mind \$243 million in property tax relief that he was able to gain through this.

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Evan Barrett: Well as you--what happened was it became an initiative. It had to get signatures.

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Sidney Armstrong: Well I remember getting those signatures.

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Evan Barrett: Putting it on the ballot and then when it was voted on by the way, 71-percent of the people supported it, that being said, Tom who knew how to count did not make it permanent relief because you never knew what was going to come around the corner. And so he made it a one-time relief to see what the budget cycle is going to be the next time and the next time because you're obligated to balance a budget if you're the Governor. So he managed to get that done. I wanted to--and we have limited time remaining but I wanted to chat a little bit about the fact that we have during the first Judge Administration we had the one and only cycle where we had Annual Legislative Sessions. And Tom came in--in 1973; the Legislature met and they were going to meet because of the New Constitution in '73 and '74 and then the normal off-year '75, so for three straight years Tom Judge has a Legislature to deal with and he co-chaired Branch of Government. Your thoughts all of you for having dealt--having to deal with the Legislature for three straight years--?

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Kent Kleinkopf: Well I think it's interesting that Sid brought--brought this up earlier; I think she should repeat what Tom ended up saying after--

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Sidney Armstrong: Well a couple of things.

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Kent Kleinkopf: --going through three Legislative Sessions.

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Sidney Armstrong: Well a couple of things.

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Kent Kleinkopf: Back to back to back.

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Sidney Armstrong: First of all I think the reason people said no, no; this isn't working, we're voting this out, we-- was because there was at least the perception that the Bills that had failed in the first part of that particular Legislature in that following year, in the next Session, they just brought them all back up again, fought the same fights, etcetera, etcetera. And so that it was a big waste of time and a big waste of money.

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And of course Tom trying to deal with the Administration and the implementation of Executive Reorg, the New Constitution, new ideas, having to deal all the time with the Legislature wasn't really very easy. And one day he said you know it's funny; when I was a Legislator I thought Annual Sessions were the best idea anybody could have ever had. I was all for them. Now I think I wish they'd meet maybe once every 50 years. **[Laughs]**

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Evan Barrett: That reminds me of Governor Schweitzer who said instead of 90 days every two years it should be 2 days every 90 years. **[Laughs]** That being said, the Co-Equal Branch of Government is very important in the balance and--

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Sidney Armstrong: Oh totally; of course.

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Evan Barrett: --and we all understand that. Now I want to very quickly touch on public forums, outreach, Governor Judge made a point of going to all 56 counties and bringing the principals of government right out there to

meet in the--in the City Halls and the Town Halls, all across Montana, until he had been to all 56 in the first four years. Isn't that--that's what happened isn't it?

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Kent Kleinkopf: It is.

00:52:52

Sidney Armstrong: Absolutely.

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Kent Kleinkopf: We went--we did end up going to all 56 counties. We would meet with Local governmental officials during the afternoon and then in the evening we'd invite the public in and for several hours the public had every opportunity to ask any question that came to mind. And we would take Department Directors, anybody that--that was involved and could be helpful in facilitating--

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Evan Barrett: For that particular area.

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Kent Kleinkopf: --for that particular area. We--they were invited along. Later on we pared that down and only--

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Evan Barrett: But that was a hallmark of his Administration.

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Sidney Armstrong: It did.

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Kent Kleinkopf: It was.

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Sidney Armstrong: Opening it up.

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Evan Barrett: Talk about outward and looking outward and everything else.

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Kent Kleinkopf: That outreach we talked about earlier.

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Evan Barrett: Yeah, yeah; now I want to quickly touch on women's issues because the ERA, the Equal Rights Amendment had been adopted by the Montana Legislature in terms of us ratifying the Federal Amendment but it was during the Judge Administration when the forces from the right who were against women's equal rights came in and tried every Session to have it rescinded by the Legislature and became a donnybrook. But Tom always stood tall in favor of the ERA as I recall and was a very strong advocate for women's rights across the board.

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Sidney Armstrong: Oh absolutely.

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Kent Kleinkopf: Absolutely.

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Sidney Armstrong: No question about that as was Carol.

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Evan Barrett: Yeah; and so--

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Kent Kleinkopf: As evidenced by the fact of bringing in all kinds of women into his Administration over time.

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Sidney Armstrong: Oh yes clearly.

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Evan Barrett: Yeah; he did name a lot--

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Sidney Armstrong: First women department directors, first women that were something more than secretaries as I recall; maybe Forrest had one or two. But Tom made that a real hallmark. He also and this is in the next four years-- we won't talk about it right now--another big effort though was appointing more women to boards, commissions, and advisory councils. Once again except for let's say the Board of Cosmetologists, those boards were all composed of men. And there was no thought that it might be a good idea to have a woman occasionally.

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Evan Barrett: Now--now we're going to kind of start to wrap up here. There's so much to cover because it was such a monumental Administration following Forrest Anderson and implementing and then reaching out and doing more. Kent you had talked about some salient words from a couple prominent Montana historians that you thought reflected the period.

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Kent Kleinkopf: Well President Mike Malone, the Montana State University--

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Evan Barrett: Who was a prominent historian in Montana.

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Kent Kleinkopf: --who was a preeminent Montana historian, indicated that during the decade of the '70s there were more changes made than at any time in Montana's history. The--another very, very well-known and important historian, Dave Walter, in *Montana Century, Shaping the Future* said that Montana abruptly emerged as a national leader in environmental stewardship, consumer protection, and participating democracy. This political, social, and economic revitalization made an extraordinary transformation for a State historically dependent on extractive industries, transcontinental railroads, a captive press, and the--what were called the Montana Twins, the Anaconda Company and the Montana Power Company.

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Evan Barrett: And what we're talking--we're talking about with Governor Judge is the continued total removal of the copper collar from Montana. That's what this is really, really all about. Sid your personal reflections on helping out with this first Administration--.

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Sidney Armstrong: I think it was one of the most inspiring times not only in the State's life but I would--I would venture to say all of us and the people who worked on it for that positive change and that sense that we really were making a difference, things really were better for working families, for the environment, for education, for schools, for natural resources. All of these things we were making real progress. We knew we hadn't gotten to the epitome of it, but we wanted to keep moving forward. And Governor Judge was so much a leader and an inspiration to all of us as well as a friend, along with Carol.

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Evan Barrett: Uh-hm; you know remember the kind of sub-title of this series is *Moving From a Corporate Colony To a Citizen State*, so your reflections on being part of that Norm?

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Norm Grosfield: Well Sid referred earlier to the group as not necessarily being kids but I think I was a kid and I had a lot to learn. But I share with Sid and Kent about how fun it was to be involved in it, to be involved in these new initiatives, and to develop the friendships that carry on today. But you know the structure of State government in Montana is the envy of an awful lot of States. It is probably about the best structure that any government can have. There are a lot of States that still--where the Governor has very little power and Montana has this great structure to carry on--and it carries on today for the benefit of everybody.

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Evan Barrett: Well you know--

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Kent Kleinkopf: They look to our New Constitution especially.

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Evan Barrett: And we've put so much time of this series into that Constitution because of what it meant. These were exciting and dynamic times. We were all blessed to have the opportunity I think to participate in them and make a difference. And those changes in Montana are--are important to know how they happened and that's one of the reasons we have this series *In the Crucible of Change*. So we look forward to seeing you in the next edition.

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[Music]

00:59:48

[End Change and Challenge-Governor Tom Judge's First Term